

FARMINGTON CITY
BOARD OF ADJUSTMENTS MEETING
February 10, 2016

REGULAR SESSION

***Present:** Chair DJ Williams, Board of Adjustments Members Kent Hinckley, Tyler Judkins, Wendy Rasmussen and Jason Williams, Community Development Director David Petersen, Associate City Planner Eric Anderson and Recording Secretary Lara Johnson.*

Item #1. Elect a Board of Adjustments Chair

DJ Williams explained that during the first meeting of each year the Board of Adjustments elects a chair for the current year.

Motion:

Kent Hinckley made a motion that the Board of Adjustments elect DJ Williams as Chair of the Board of Adjustments. **Jason Williams** seconded the motion, which was unanimously approved.

Item #2. Joe Sadler – Northland Investments (Public Hearing) – Applicant is requesting a variance on height restrictions for property located at 289 W. Bella Vista Court in an LR-F Zone. (BOA-1-16)

The applicant **Joe Sadler** said the lot is up on Bella Vista Court. He explained the topography of the lot climbs rapidly and is very narrow. As a result, the layout of the home has been pushed back into the trees. He said the house will follow the contours of the topography and will be very shallow to avoid climbing too many grades. **Joe Sadler** explained the height of the home is way under the Ordinance requirement, if the home is measured from the higher side of the lot; however, the height of the home is 41' if measured from the lower side of the lot. He said they talked with staff in December about the situation. He said he wanted to avoid applying for a variance if at all possible, but due to the grade of the lot, there is no way to design around it. He said their other option is to "bury the house up" to meet the height requirements, but doing so would result in a large rock retaining wall in the front.

DJ Williams asked for clarification on the phrase "burying the house up." **David Petersen** explained to the Board how the height of homes are determined based on Ordinance requirements. He said property owners can manipulate the finished grade by raising the surrounding ground level to meet the height requirements, which is what the applicant is referencing when he says he can "bury the house up."

Kent Hinckley asked the applicant where the front of the home is located. **Joe Sadler** said the home is turned towards the southwest. There is a main courtyard with a walkup area to the front of the home which faces towards the trees.

Kent Hinckley asked staff for clarification as it was his understanding that the Ordinance requires the home to front the street. **David Petersen** confirmed the home must front the street. He asked for clarification from the applicant on where the front of the home is based on the plans included in the staff report. **Joe Sadler** said the home includes two entrances that guests can use. He showed the entrance of the door on the south side of the home on the included elevations. **DJ Williams**

expressed concern that on a large custom home like this, the door shown looks like a back door and the actual “front door” is not fronting the street. **David Petersen** advised the applicant that the south side door located at the rear of the home must look like the “front.”

Tyler Judkins asked if the Board of Adjustments needs to be concerned on where the “front” of the home is located. **David Petersen** said the Board’s purpose is with regards to a variance on height; however, the Ordinance requires the home to front the street. He said the City has allowed for homes to be twisted on a lot due to topography, as is the case with this circumstance.

Wendy Rasmussen expressed concern that someone passing by the home will see the large 41’ south side of the home. **Kent Hinckley** acknowledged the concern, but feels the house is set far back enough that it may not be a problem. He added that a person would have to look up to see the home, and even then, a person may only see the side of the house from the road with the way the home is turned on the lot. No one will be able to see the real back or the real front of the home. **David Petersen** agreed; the proposed home is set back 150’. The other side of the property drops off to the creek.

Jason Williams asked the distance from the proposed home to the neighbor’s home. **David Petersen** said the homes sit across a ravine from each other. He also added that both homes are set back from the edge so they will not see each other.

DJ Williams opened the public hearing at 7:02 p.m.

No comments were received.

DJ Williams closed the public hearing at 7:02 p.m.

David Petersen said that when the staff report was written, staff’s understanding was that the tall side of the home was the front; however, based on what the applicant explained, it is the back of the home. **DJ Williams** asked if the clarification changes staff’s recommendation for the Board. **David Petersen** said no, it does not change their opinion. **Eric Anderson** said he feels the home will be set so far back that it will not be noticeable to the public.

Tyler Judkins also expressed concern on what will be noticeable by the public from the street and that the area of the house that will be exposed will be the back of the home. **David Petersen** said the applicant will be required to submit landscaping plans as part of the site plan which could include landscaping of brush trees to grow up around the home. **Joe Sadler** also added that they would like to keep as much of the natural landscaping, including the oak trees, around the home to soften the view from the street.

DJ Williams read and reviewed the Board of Adjustments’ standards for variances as set forth in Section 11-5-108 of the Zoning Ordinance. He explained the motions before the Board are to approve, deny, or table the variance request if the Board feels additional information is needed.

Tyler Judkins stated that no public comment was received; he feels that means the neighbors are aware of the variance and do not object to the request for it. **Eric Anderson** agreed; a 300’ mailing went out to the surrounding neighbors, and staff did not receive any comments either.

Tyler Judkins asked staff if they anticipate the approval of this request will set a precedence for other variance requests in the future. **Eric Anderson** said it will not set a precedence as variance requests are situational approvals. Any other requests would be required to follow the same process.

DJ Williams said he struggles with the Zoning Ordinance’s interpretation of “hardship.” He said he feels this is a unique lot, and he doesn’t see any problems it will cause to the public; however, he also feels that the home is very large and could be redesigned to meet the height variance. **David Petersen** said although the home is large, it is not very wide from front to back. The proposed home is very long to ensure it follows the contours of the lot. The applicant also added that the square footage is comparable to other homes in the area. **Kent Hinckley** said he feels the home fits with others in the Bella Vista area. **DJ Williams** said ultimately he feels it is difficult to design a home that will fit this lot. **Jason Williams** suggested that the hardship is the grade of the lot.

Motion:

Tyler Judkins made a motion that the Board of Adjustments approve a variance to increase the building height as outlined in the attached building elevations subject to all Farmington City Codes, Ordinances and Development Standards and with the following condition that the home face the front of the street as required in the Ordinance. **Wendy Rasmussen** seconded the motion. **Kent Hinckley, Wendy Rasmussen, DJ Williams** and **Jason Williams** voted in favor of the motion; **Tyler Judkins** voted to deny it. The motion passed.

Findings for Approval:

1. The severe topography is an unreasonable hardship and in order for the applicant to have the full enjoyment of their property and configure the house in a way that they need, the applicant will need a variance.
2. The height increase is only needed for the front of the home, which faces the Shepard Creek ravine and will not impact other homes or neighbors in the area.
3. The three story home is the standard in the Shepard Heights subdivision, meeting condition “c”.
4. The spirit of the general plan is being met and the requested building height will not negatively affect the feel of the neighborhood or the underlying zone.

Item #3. Miscellaneous:

David Petersen suggested emailing the minutes to the board for electronic approval. He said he will discuss the viability of this suggestion with the attorney and report back to the board.

ADJOURNMENT

Motion:

At 7:23 p.m., **Tyler Judkins** made a motion to adjourn the meeting. **Wendy Rasmussen** seconded it which was unanimously approved.


DJ Williams
Chair, Farmington City Board of Adjustments