



Farmington City Board of Adjustments

November 17, 2016



# F A R M I N G T O N C I T Y

H. JAMES TALBOT  
MAYOR

BRETT ANDERSON  
DOUG ANDERSON  
JOHN BILTON  
BRIGHAM MELLOR  
CORY RITZ  
CITY COUNCIL

DAVE MILLHEIM  
CITY MANAGER

**AGENDA**  
**BOARD OF ADJUSTMENT MEETING**  
**November 17, 2016**

Public Meeting at City Hall, 160 South Main  
**Regular Session: 6:30 p.m.**

*(Please note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comments will be limited to 3 minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Comments which cannot be made within these limits should be submitted in writing to the Planning Department prior to noon the day before the meeting.)*

1. Minutes

**BOA APPLICATION**

2. Eric Mansell (Public Hearing) – Applicant is requesting a reduction of the parking requirement for a medical office use, as defined in Section 11-32-104 of the Zoning Ordinance, for property located at 719 North Lagoon Drive in a CMU (Commercial Mixed Use) Zone. (BOA-3-16).

**OTHER BUSINESS**

3. Motion to Adjourn

*Please Note: Board of Adjustment applications may be tabled by the Board if: 1. additional information is needed in order to take action on the item; OR 2. if the Board feels there are unresolved issues that may need additional attention before the Board is ready to make a motion. No agenda item will begin after 10:00 p.m. without a unanimous vote of the Board members. The Board may carry over Agenda items, scheduled late in the evening and not heard to the next regularly scheduled meeting.*

Posted November 8, 2016

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Eric Anderson  
City Planner

**FARMINGTON CITY**  
**BOARD OF ADJUSTMENTS MEETING**  
February 10, 2016

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**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 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.

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**DJ Williams**  
**Chair, Farmington City Board of Adjustments**



## Board of Adjustment Staff Report November 17, 2016

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### Item 2: Medical Office Parking Reduction Request

Public Hearing:	Yes
Application No.:	BOA-3-16
Property Address:	719 North Lagoon Drive
General Plan Designation:	CMU (Commercial Mixed Use)
Zoning Designation:	CMU (Commercial Mixed Use)
Area:	1.8 Acres
Number of Lots:	1
Property Owner:	UC Property Holdings, LLC
Agent:	Eric Mansell and Brian Zaitz

Request: *Approval to reduce the required minimum for parking requirements of a medical office use.*

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#### **Background Information**

Section 11-32-104 of the Zoning Ordinance sets the minimum parking requirement for “Dental and Medical Clinics” at 6 parking spaces per 1,000 feet of floor area. The applicant is proposing to build a two story medical office for the Utah Cardiology medical group with approximately 22,664 square feet of clinic area; this would require 136 stalls. The applicants would like to reduce that requirement down to 100 parking stalls, as illustrated on the attached conceptual site plan. Section 11-32-103(9) of the Zoning Ordinance states:

*“The Board of Adjustment may authorize, on appeal, a reduction in the required parking and loading spaces as described in this Chapter upon a finding that in a specific case, the nature of the use or premises, would mitigate the need for the full parking requirement specified in this Chapter.”*

In this case, the nature of the use does not demand the minimum requirement of 6 parking spaces per 1,000 square feet of floor area. The applicant already has an office with a similar use and knows what his specific parking needs will be, based on prior experience. As staff, we prefer to avoid scenarios where a site is over-parked. The less impermeable surface the lower the impact on the urban heat island effect, storm water discharge amounts and related infrastructure, and it creates a more walkable environment. Additionally, Chapter 32 of the Zoning Ordinance is antiquated and parking minimums have proven to be ineffective, arbitrary, and capricious. Staff would like to amend the zoning ordinance to allow for parking reductions through Planning Commission review of a site plan/conditional use; i.e.

on a case by case basis. This would provide more flexibility and would allow for applicants to determine their parking needs based on experience and need rather than an arbitrarily set number per square footage of floor space from the 1960s. This notwithstanding, the ordinance does require Board of Adjustment approval at the present time. Staff is strongly recommending approval of the parking reduction.

**Suggested Motion:**

Move that the Board of Adjustment approve the parking reduction as outlined in the attached site plan subject to all Farmington City Codes, Ordinances and Development Standards.

**Findings for Approval**

1. The minimum parking requirements set forth in Section 11-32-104 are arbitrary and out-dated.
2. The applicant better knows their parking requirements than the City, and they are better able to determine what parking they will require to meet their needs, based on experience.
3. This application is not a variance, so a hardship need not be established.
4. This reduction of parking will create a better designed site plan.
5. The reduction in parking will reduce the amount of storm water infrastructure required to service this building.
6. The requested use is desirable and will provide an invaluable service to the community; the applicants need this reduction to make their project work at this location.
7. Other dental and medical clinics now exist in Farmington in buildings originally constructed for "office uses" which require 3 spaces/1,000 s.f. of floor area, and the lower parking arrangements have proven to be appropriate for clinics as well.

**Supplemental Information**

1. Vicinity Map
2. Site Plan
3. Narrative Description of the Request

**Applicable Ordinances**

1. Title 11, Chapter 5 - Board of Adjustment
2. Title 11, Chapter 19 – Commercial Mixed Use
3. Title 11, Chapter 32 – Off-Street Parking, Loading, and Access



**PROJECT INFORMATION**

JURISDICTION	CITY OF FARMINGTON, UTAH
ZONING CODE	CMU (COMMERCIAL MIXED USE)
SITE AREA	1.80 ACRES
PROPOSED BUILDING USE	MEDICAL CLINIC
BUILDING HEIGHT	TWO STORIES
TOTAL GROSS BUILDING AREA	24,354 SF
TOTAL NET CLINICAL AREA	22,664 SF
REQUIRED PARKING	136 STALLS (6 STALLS/1000 NET SF)
PROVIDED PARKING	107 STALLS (4.7 STALL/1000 NET SF)
LANDSCAPING REQUIRED	20% OF SITE AREA (15,682 SF)
LANDSCAPING PROVIDED	23% OF SITE AREA (17,750 SF)

PROJECT NUMBER  
**16147**

ISSUE DATE:  
OCTOBER 13, 2016

REVISIONS:

No.	Date
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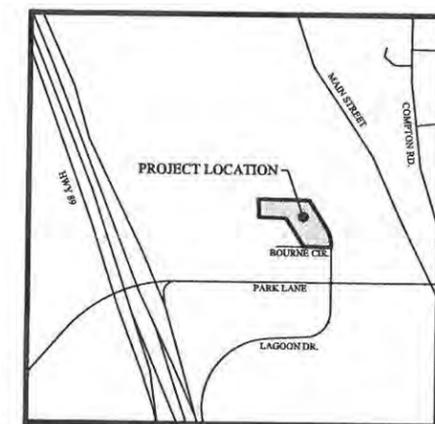
**UTAH CARDIOLOGY  
BUILDING  
FARMINGTON, UTAH**

**SITE PLAN**

**C1.3**

1  
C1.3  **SITE PLAN 03b**  
1" = 20'-0"





# EAST PARK LANE SUBDIVISION

A PORTION OF THE SE1/4 OF SECTION 13, T3N, R1W, SLB&M  
FARMINGTON CITY, DAVIS COUNTY, UTAH



Line Table			Easement Line Table		
LINE	DIRECTION	LENGTH	LINE	DIRECTION	LENGTH
L1	N0°25'37"E	30.21	(L5)	S57°29'10"W	20.00
L2	N0°25'37"E	19.23	(L6)	S32°30'50"E	20.00
L3	N0°25'37"E	22.23	(L7)	S32°30'50"E	18.61
LA	N0°04'31"W	26.05			

Curve Table				
CURVE	RADIUS	DELTA	LENGTH	CHORD LENGTH
C1	257.50	32°56'27"	148.04	146.01
C2	15.00	89°39'49"	23.47	21.15
C3	224.50	32°56'27"	129.07	127.38

**NOTES:**

- #5 REBAR & CAP (FOCUS ENO) TO BE SET AT ALL REAR LOT & BOUNDARY CORNERS. NAIL PLUG TO BE SET IN TOP BACK OF CURB AT EXTENSION OF SIDE LOT LINES.
- A SOIL REPORT HAS BEEN PREPARED AND SUBMITTED TO THE CITY FOR THE PROPOSED SUBDIVISION IN ACCORDANCE WITH THE PROVISIONS OF TITLE 12-6-10.

**LEGEND**

- SECTION MONUMENT (FOUND)
- ⊕ STREET MONUMENT (TO BE SET)
- EXIST. STREET MONUMENT

**VICINITY MAP**  
N.T.S.



**PERSONAL ACKNOWLEDGMENT**

ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 20\_\_\_\_ PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY OF \_\_\_\_\_ IN SAID STATE OF UTAH, \_\_\_\_\_ THE SIGNER OF THE ABOVE INSTRUMENT, WHO DULY ACKNOWLEDGED TO ME THAT HE OR SHE EXECUTED THE SAME.

MY COMMISSION EXPIRES \_\_\_\_\_

NOTARY PUBLIC  
RESIDING IN \_\_\_\_\_

**WRIGHT DEVELOPMENT GROUP**  
1178 W. LEGACY CROSSING BLVD., STE 100  
CENTERVILLE, UTAH 84014  
(801) 773-7339



**BENCHLAND IRRIGATION**  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2015, BY THE BENCHLAND IRRIGATION COMPANY.

REPRESENTATIVE \_\_\_\_\_

**CENTRAL DAVIS SEWER DISTRICT**  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2015 BY THE CENTRAL DAVIS SEWER DISTRICT.

REPRESENTATIVE \_\_\_\_\_

**PLANNING COMMISSION**  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2015, BY THE FARMINGTON CITY PLANNING COMMISSION.

CHAIRMAN, PLANNING COMMISSION \_\_\_\_\_

**CITY ENGINEER**  
APPROVED AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2015.

FARMINGTON CITY ENGINEER \_\_\_\_\_

**CITY ATTORNEY**  
APPROVED AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2015.

FARMINGTON CITY ATTORNEY \_\_\_\_\_

**CITY COUNCIL**  
PRESENTED TO THE FARMINGTON CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2015, AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

MAYOR \_\_\_\_\_  
ATTORNEY \_\_\_\_\_  
CITY RECORDER \_\_\_\_\_

**SURVEYOR'S CERTIFICATE**

I, Dennis P. Carlisle, do hereby certify that I am a Professional Land Surveyor, and that I hold Certificate No. 172675 in accordance with Title 58, Chapter 22 of Utah State Code. I further certify by authority of the owner(s) that I have completed a Survey of the property described on this Plat in accordance with Section 17-23-17 of said Code, and have subdivided said tract of land into lots, blocks, streets, and easements, and the same has, or will be correctly surveyed, staked and monumented on the ground as shown on this Plat, and that this Plat is true and correct.

Date \_\_\_\_\_

Dennis P. Carlisle  
Professional Land Surveyor  
Certificate No. 172675



**BOUNDARY DESCRIPTION**

A portion of the SE1/4 of Section 13, Township 3 North, Range 1 West, Salt Lake Base & Meridian, Farmington, Utah, more particularly described as follows:

Beginning at a point on the northerly line of FARMINGTON FIELDS Subdivision, according to the Official Plat thereof on file in the Office of the Davis County Recorder located N0°12'53"W along the Section line 1,744.73 feet and West 1,218.35 feet from the Southeast Corner of Section 13, T3N, R1W, S.L.B.& M.; thence N89°32'58"W along said plat 283.74 feet; thence N32°30'50"W 352.23 feet; thence N89°34'55"W 83.88 feet; thence N88°29'00"W 196.68 feet; thence N0°36'08"W 187.47 feet; thence S89°21'03"E 520.24 feet; thence S32°30'50"E 353.50 feet; thence along the arc of a 290.50 foot radius curve to the right 167.02 feet through a central angle of 32°56'27" (chord: S16°02'37"E 164.73 feet); thence S0°25'37"W 30.23 feet to the point of beginning.

Contains: 210,882 s.f. or 4.84+/- acres

**OWNER'S DEDICATION**

KNOW ALL MEN BY THESE PRESENTS THAT \_\_\_\_\_, THE UNDERSIGNED OWNER(S) OF THE TRACT OF LAND DESCRIBED HEREIN, HAVING CAUSED SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TO BE HEREAFTER KNOWN AS

**EAST PARK LANE  
SUBDIVISION**

AND HEREBY DEDICATE TO FARMINGTON CITY THOSE CERTAIN STRIPS AS EASEMENTS FOR PUBLIC UTILITY PURPOSES OVER AND ACROSS THE PORTIONS OF THE LOTS DESIGNATED AS PUBLIC UTILITY EASEMENTS, AS SHOWN HEREON, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES, AS MAY BE AUTHORIZED BY FARMINGTON CITY.

**LIMITED LIABILITY ACKNOWLEDGMENT**

ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 2015 PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY OF DAVIS, IN SAID STATE OF UTAH, \_\_\_\_\_ WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE/SHE IS THE \_\_\_\_\_ OF \_\_\_\_\_ AND THAT HE/SHE SIGNED THE OWNER'S DEDICATION FOR THE PURPOSES THEREIN MENTIONED AND THAT SAID L.L.C. EXECUTED THE SAME.

NOTARY PUBLIC  
RESIDING IN DAVIS COUNTY

**LIMITED LIABILITY ACKNOWLEDGMENT**

ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 2015 PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY OF DAVIS, IN SAID STATE OF UTAH, \_\_\_\_\_ WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE/SHE IS THE \_\_\_\_\_ OF \_\_\_\_\_ AND THAT HE/SHE SIGNED THE OWNER'S DEDICATION FOR THE PURPOSES THEREIN MENTIONED AND THAT SAID L.L.C. EXECUTED THE SAME.

NOTARY PUBLIC  
RESIDING IN DAVIS COUNTY

**RECORDED #** \_\_\_\_\_

STATE OF UTAH, COUNTY OF DAVIS  
RECORDED AND FILED AT THE REQUEST OF \_\_\_\_\_

DATE \_\_\_\_\_ TIME \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

FEE \$ \_\_\_\_\_ COUNTY RECORDER \_\_\_\_\_



To: Eric Anderson  
From: Brian Zaitz  
Re: Utah Cardiology Building - Board of Adjustments  
Date: 10/21/2016

Mr. Anderson

The Utah Cardiology medical group is requesting a variance to section 11-32-104 - Minimum Parking Spaces Required for Medical Clinics of 6 parking spaces per 1,000 square feet of floor area.

The Utah Cardiology medical group is proposing to build approximately 22,664 sf of clinic area. This would require 136 parking stalls. Based on current demand at their existing facilities, the clinic estimates that this facility will need approximately 100 parking spaces. For this reason we are asking to reduce the parking requirement to 4 parking spaces per 1,000 square feet.

Sincerely

Brian Zaitz

JZW Architecture, Inc.  
p. (801) 936-1343  
f. (801) 936-0180