



BOARD OF ZONING ADJUSTMENT

2267 North 1500 West
Clinton City, UT 84015

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AGENDA

April 19, 2016

6:00 pm

Clinton City
Board of Zoning
Adjustment (BZA)

Chairman
Jim Cox

Vice Chairman
Dennis Henry

Members
Colin R. Winchester
Nathan Schow
Chris Martinez

Planning Commission Rep
Bob Buckles

City Staff
Will Wright

There will be a meeting of the Clinton City Board of Zoning Adjustment held on the date mentioned above in the **Council Chambers** of Clinton City; **City Hall located at 2267 North 1500 West.**

Agenda Items	
Pledge	Appointed
Invocation or Thought	Appointed
Election of Chairman and Vice Chairman	Staff
Board Minutes	Chair
Planning Commission Update	Commission Representative
Declaration of Conflicts	Chair
1. PUBLIC HEARINGS: 6:00 p.m. – Request for a Variance: Consider a variance request granting a five (5) foot side yard setback (rather than the required 8 feet in an R-1-9 zone) to allow adequate room to build a garage on the parcel located at 2451 West 2300 North, Clinton, UT by Mr. Ross Gardiner.	
2. Board Issues and Concerns	
3. Adjourn	

CLINTON CITY BOARD OF ZONING ADJUSTMENT AGENDA ITEM

SUBJECT: PUBLIC HEARING 6:00 p.m. – Review of and action to consider granting a variance to the minimum side yard setback requirements of 8’/10’ to 5’/10’ to permit the construction of an attached garage located at 2451 West 2300 North, Clinton, UT.	AGENDA ITEM: 1
PETITIONER: Ross Gardiner, owner of property located at the above address in Clinton.	MEETING DATE: April 19, 2016
	ROLL CALL VOTE: X YES NO

ORDINANCE REFERENCES: Zoning Ordinance References – 1. Section 28-14-3 - This table shows under subsection 3 - Minimum Yard Setbacks under the R-1-9 zone for an interior lot the setbacks are to be 8/10. 2. Section 28-10-8 Variances states, “Any person or entity desiring a waiver or modification of the requirements of the Zoning Ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the Board of Zoning Adjustments for a variance from the terms of the Zoning Ordinance. (a) The Board of Zoning Adjustments may grant a variance only if: (i) Literal enforcement of the Zoning Ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Zoning Ordinance; (ii) There are special circumstances attached to the property that do not generally apply to other properties in the same district; (iii) Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district; (iv) The variance will not substantially affect the general plan and will not be contrary to the public interest; and (v) The spirit of the Zoning Ordinance is observed and substantial justice done. (b) (i) In determining whether or not enforcement of the Zoning Ordinance would cause unreasonable hardship under 28-10-8 (2)(a), the Board of Zoning Adjustments may not find an unreasonable hardship unless the alleged hardship: (A) is located on or associated with the property for which the variance is sought; and (B) Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood. (ii) In determining whether or not enforcement of the Zoning Ordinance would cause unreasonable hardship under 28-10-8 (2)(a), the Board of Zoning Adjustments may not find an unreasonable hardship if the hardship is self-imposed or economic. (iii) In determining whether or not there are special circumstances attached to the property under 28-10-8 (2)(a), the Board of Zoning Adjustments may find that special circumstances exist only if the special circumstances: (A) relate to the hardship complained of; and (B) deprive the property of privileges granted to other properties in the same district. (2) The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met. (3) Variances run with the land.

BACKGROUND:

Ross Gardiner states in his letter of application for this variance request that his house faces north onto 2300 North. Since the house and carport are located in the center of the lot, there is not enough room to build a double garage. He indicates that his wife slipped on the front porch and broke her back and therefore, needs to make accommodations for her to reach the car from a better route. He is asking for a five foot variance on the west side of the house for room to build a garage and storage for their vehicles. This type of variance has been approved for other lots in this subdivision. (See attached)

Staff found only two requests for similar type variances having been received, including: 1) in 1987 at 2446 West 2250 North; and 2) in 2005 at 2579 W 2300 N (apparently withdrawn). A review of the criteria for considering a variance request found the following results for the Gardiner request, namely:

- 1) Not sure if hardship would be considered unreasonable since Gardiner's could still construct a single garage;
- 2) There aren't really any special circumstances peculiar to this lot and structure, except the builder put the house more in the center of the lot due to a faulty survey used in its construction;
- 3) The enjoyment of a substantial property right would be deprived this owner without a variance to allow this double garage;
- 4) This variance would not affect the general plan; and
- 5) The spirit of the Zoning Ordinance would still be observed with substantial justice done with this request.

An unreasonable hardship is difficult to assess since the Gardiner's have other less favorable options available. It is worth noting, that this request is somewhat caused by the builder centering the house more to one side due to a faulty survey, thereby rendering a double garage impossible to construct on the carport, driveway side of the house. It is also important to point out, staff observed that many of the houses in this neighborhood did have double garages. It would seem, therefore, that substantial justice could be done by granting the Gardiner's a similar enjoyment in the use of their property.

ADDITIONAL DOCUMENTS SENT:

- 1) Ross Gardiner's letter and sketch of the property
- 2) Survey of surrounding properties with double garage

Respectfully submitted,
Will Wright, Director
Community Development

To whom it may concern,

I am applying for a variance to the R-1-9 zoning of my lot located at 2451 West 2300 North in Clinton City Utah.

The reasons are as follows:

The house and the carport are located in the center of the property and which dose not leave enough room to build a double garage.

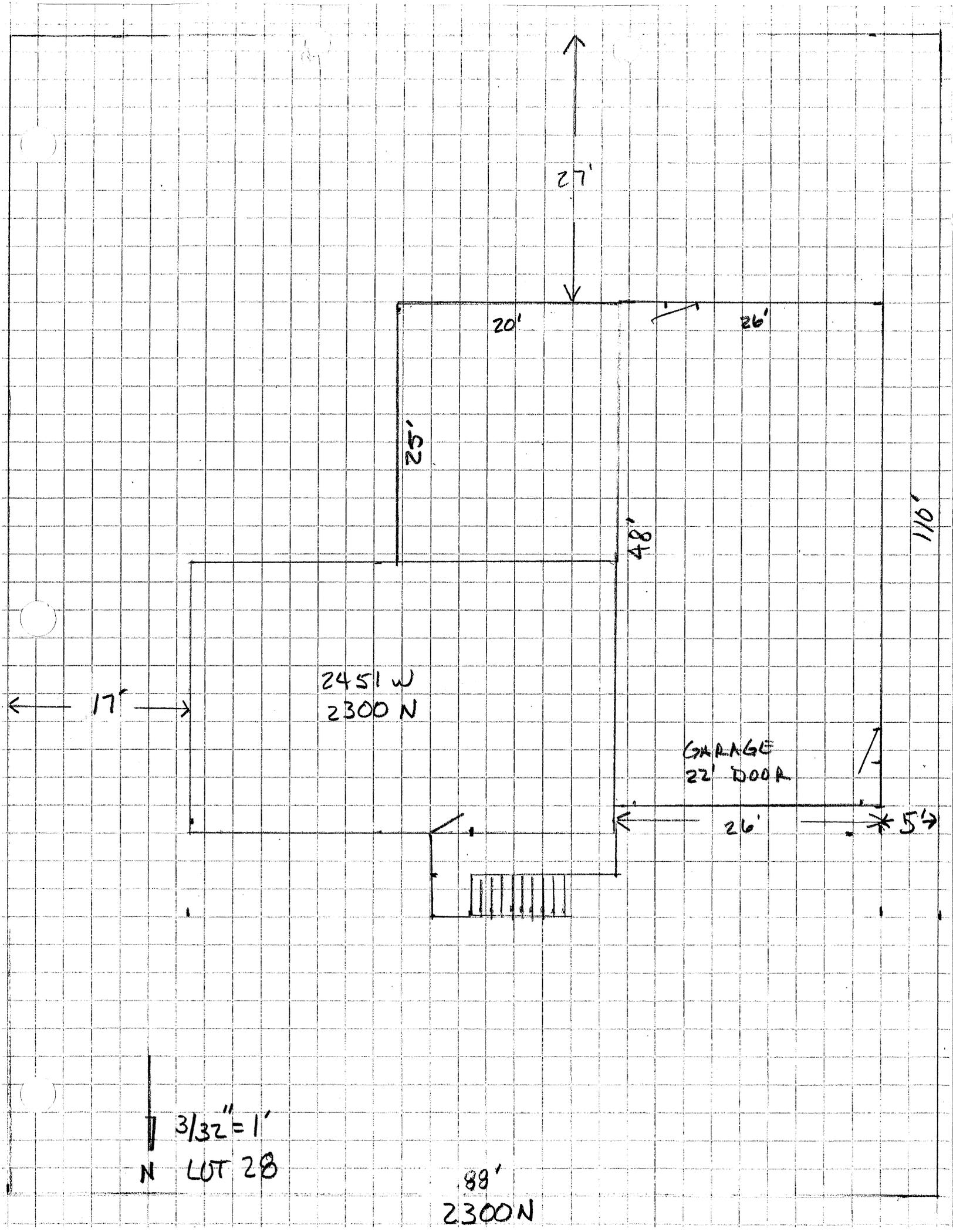
My house faces north and my wife slipped on the front porch and broke her back. I need to make accommodations for her to reach the car from a better route.

I am asking for a five foot variance on the west side of the house and room to build a garage and storage for my vehicles.

This type of variance has already been approved for other lots in the subdivision.

Thank you

Ross Gardiner



27'

20'

26'

25'

48'

110'

17'

2451 W
2300 N

GARAGE
22' DOOR

26'

* 5'

3/32" = 1'
N LOT 28

88'
2300N



245 W-2300 N

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Imagery Date: 6/16/2015 41°08'48.59" N, 112°04'22.56" W elev: 4300

● = Houses w/ Double Garages

1997

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OGDEN PUBLISHING CORP
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ORDER CONFIRMATION (CONTINUED)

Salesperson: LEGALS

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Acct #: 100257

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NOTICE OF PUBLIC HEARING

The Clinton City Board of Zoning Adjustments will hold the following public hearing at the time indicated, on April 19, 2016, in the Clinton City Hall, 2267 North 1500 West, Clinton, UT:

6:00 p.m. - Review of and action upon a petition from Ross Gardiner to consider granting a variance to the minimum side yard setback requirements of 8'/10' to 5'/10' to permit the construction of an attached garage located at 2451 West 2300 North, Clinton.

The Clinton City Planning Commission will hold the following public hearings at the times indicated, on April 19, 2016, in the Clinton City Hall, 2267 North 1500 West, Clinton, UT:

7:10 p.m. - Review and action upon a request from Jason Hamblin, representing Doug Hamblin and Robert and Diane Voigt, for a recommendation to the City Council for approval of the Preliminary Plat of West Fairfield Subdivision Phase 3, located at approximately 1600 West 600 North, Clinton.

7:20 p.m. - Review and action upon a request from Bruce Nilson, representing Nilson Homes and the Hogge's, for a recommendation to the City Council for approval of the Preliminary Plat of Town Point Subdivision, located at approximately 2275 West 1800 North, Clinton.

The Clinton City Council will hold the following public hearings at the times indicated, on April 26, 2016, in the Clinton City Hall at the above address:

7:15 p.m. - Review and action upon a recommendation from the Planning Commission on a request from Jason Hamblin, representing Doug Hamblin and Robert and Diane Voigt, for approval of the Preliminary Plat of West Fairfield Subdivision Phase 3, located at approximately 1600 West 600 North, Clinton.

7:25 p.m. - Review and action upon a recommendation from the Planning Commission on a request from Bruce Nilson, representing Nilson Homes and the Hogge's, for approval of the Preliminary Plat of Town Point Subdivision, located at approximately 2275 West 1800 North, Clinton.

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY MEETINGS

If you need a special accommodation to participate in the meeting, please contact Will Wright at (801) 614-0740, in the Clinton City Community Development Department at least three (3) working days prior to the meeting.

Pub. Apr. 2, 2016

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