

**WEST VALLEY CITY
BOARD OF ADJUSTMENT
MINUTES**

February 1, 2012

This meeting was called to order at 6:00 p.m. by Chairperson, Necia Christensen, at 3600 Constitution Boulevard, West Valley City, Utah.

WEST VALLEY CITY BOARD OF ADJUSTMENT MEMBERS

Russell Moore, Scott Spendlove, Mark Hales, and Necia Christensen

Those Absent: Sioeli Uluakiola and Sandy Naegle

WEST VALLEY CITY PLANNING DIVISION STAFF

Steve Lehman and Karon Jensen

WEST VALLEY CITY LEGAL DEPARTMENT

Claire Gillmor and Brandon Hill

AUDIENCE:

Approximately two (2) people were in the audience.

B-1-2012
Tubroz LLC Variance
1666 West Whitlock Avenue
C-2 Zone

REQUEST:

Ken Menlove, representing Tubroz LLC, has filed a request with the West Valley City Board of Adjustment seeking a variance from Section 7-6-1003(2)(c) of the West Valley City Code. This section requires that any commercial building with a yard adjacent to the side yard of an existing or proposed residential use shall maintain a 10-foot setback. The applicant has submitted a request to reduce the full setback requirement for a proposed storage unit development.

BACKGROUND:

WEST VALLEY CITY GENERAL PLAN recommends mixed land uses.

- The subject property is known as parcel Number 15-22-401-005. This parcel will be combined with other parcels to the south to create an overall parcel size of approximately 2 acres. The combined parcels will then be used for a new storage unit development.
- The subject property has remained primarily vacant for many years. One likely reason is the lack of frontage on Redwood Road. The majority of the parcels in question are hidden from view along Redwood Road and did not develop residentially as property to the east has. The property is presently zoned C-2 which allows a variety of commercial uses.
- The property owner has approached the City with an application to build a storage unit complex. As site plans were prepared, the applicant realized that a small portion at the northeast corner is adjacent to property zoned RM north of the canal. As such, this would require a 10-foot setback from property line. This would result in a blind spot with limited visibility.
- In order to mitigate questionable activities that are likely to take place in this area, the applicant has decided to pursue a variance to locate the building at property line. The variance request before the Board is to eliminate the 10-foot setback in favor of no setback. A 10-foot setback would be maintained along the east property line adjacent to the single family homes. All other setbacks for the project would meet City Code.
- It is staff's opinion that the reduction in setback would not negatively impact the residential use to the north. An existing canal is located immediately to the north of this property. In addition, the distance from the storage unit building to the nearest residential building is approximately 75 feet.

- The applicant has provided a site plan illustrating the building at property line as well as the building with the 10-foot setback. In addition to the site plan, the applicant has provided answers to the variance criteria as it relates to this application.
- Should the Board of Adjustment find in favor of the variance request, the applicant will need to work with staff regarding this change as it relates to the conditional use process. The Planning Commission has evaluated all other site requirements as they relate to this project.

ORDINANCE SUMMARY:

Section 7-6-1003(2)(c) of the West Valley City Code states that any commercial building with a yard adjacent to the side yard of an existing or proposed residential use shall maintain a 10-foot setback.

Mr. Moore acknowledged that he is familiar with the applicant, Mr. Menlove, and have had business dealings with him in the past, but I have no business dealings currently and would like to make that public knowledge.

Steve Lehman presented the application.

Applicant:
Ken Menlove
4243 W. Nike Dr.

Favored
Steve Hunt
Property owner

Ken Menlove

Mr. Menlove stated that he is representing Tubroz LLC and is requesting a variance request to reduce the 10 foot setback requirement for a proposed storage unit development. We feel that we meet each of the 5 criteria. The property owner, Steven Hunt, is also present at the Board of Adjustment meeting tonight. Mr. Menlove reviewed the variance criteria:

1. 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.

Enforcement of the zoning ordinance would cause a unnecessary hardship because it would create an area that would be hidden from public view. I believe that would attract potential criminal activities and create a hardship. When we presented the site plan to staff, concern was expressed regarding the 10' setback along the whole east side and making sure that was visible from Whitlock Avenue which it is. In order to mitigate questionable activities that might occur on the northeast corner of the property, a variance

would be necessary to locate the storage building at property line.

2. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district.

Mr. Menlove indicated that there are special circumstances associated with the property. The proposed building sits behind other commercial uses on Redwood Road thus limiting its visibility from any public street. There is a canal located on the north side of the property and there is quite a distance from our building to the nearest residential buildings.

3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district.

The substantial property right is that our project be allowed to move forward with the expectation that problems associated with the lack of visibility would be mitigated.

4. The variance will not substantially affect the general plan and will not be contrary to the public interest.

The reduction in setback will not affect the general plan because the property is zoned commercial and is located next to a canal which would create a natural buffer from our building to the residential building to the north. The distance to the residential building is 75 feet which makes our request reasonable. Granting the variance request and constructing a storage unit building would be beneficial and help create a natural barrier.

5. The spirit of the zoning ordinance is observed and substantial justice done.

I believe that granting the variance would benefit the community as a whole because it would reduce an area that would otherwise attract problems. The 10' area would not need to be maintained and would help eliminate problems resulting from the lack of visibility on the northeast corner. Thus the spirit of the zoning ordinance would be observed and substantial justice done.

Mr. Menlove followed up by stating I believe that we have provided responses that meet the necessary criteria to grant a variance.

Discussion:

Chairperson Christensen stated that after visiting the property, I believe the proposed storage building would be an improvement to our City.

There being no further discussion regarding this application, Chairperson Christensen called for a motion.

Motion

Mr. Moore stated, I move that we approve the variance request, B-1-2012, based on the criteria that was provided by the applicant.

Mr. Hales seconded the motion.

A roll call was taken.

Mr. Uluakiola	Absent
Mr. Moore	yes
Mr. Spendlove	yes
Ms. Naegle	Absent
Mr. Hales	yes
Chairperson Christensen	yes

Motion Carries - Unanimous Vote

Approved- B-1-2012 -Unaminous

OTHER

The minutes from **October 5, 2011** were **approved**.

There being no further business the meeting adjourned at 6:20 p.m.

Karon Jensen, Administrative Assistant