

**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

February 10, 2016

The meeting was called to order at 4:00 p.m. by Vice Chair Meaders at 3600 Constitution Blvd., West Valley City, Utah.

WEST VALLEY CITY PLANNING COMMISSION MEMBERS

Brent Fuller, Matthew Lovato, David McEwen, Jack Matheson, Clover Meaders, Latai Tupou, and Harold Woodruff

ABSENT

Martell Winters

WEST VALLEY CITY PLANNING DIVISION STAFF

Brock Anderson, Jody Knapp, Steve Pastorik, and Brenda Turnblom

ATTORNEY

Adrienne Bossi

AUDIENCE

No one was present in the audience.

ZONE TEXT CHANGE APPLICATION

ZT-1-2016

West Valley City

Amending Section 7-6-305 to allow patio covers to encroach into the rear yard setback

A concerned resident approached the City Council about his inability to have an attached patio cover in his back yard due to zoning regulations. The Council agreed with some of the resident's points and directed staff to prepare an ordinance revision that would provide an exception in rear yard setbacks for patio covers. Currently, a patio cover attached to the back of a home must adhere to rear yard setback regulations. In a typical single family zone the rear yard setback is 20'. Many of the newer homes in the City are built at or close to the rear setback line. In order to have a patio cover at these homes under the current code it has to be detached at least 3' from the dwelling, and cannot take up more than 25% of the backyard area.

The proposed ordinance change would allow patio covers in the back yard as follows:

- (7) Patio covers that are attached to the home may encroach into the rear yard setback. Covers over decks that are more than 30" from finished grade shall not encroach into setbacks. Patio covers that encroach into the rear yard setback shall meet all of the following standards:
- a. The patio cover shall meet the side yard setbacks required for the appropriate zone.
 - b. The patio cover shall be at least five feet from the rear property line.
 - c. The patio cover shall not encroach on any recorded easements.
 - d. On double frontage lots or corner lots, patio covers shall not be allowed within 20 feet of any dedicated street, unless a sound wall exists separating the street from the patio cover. Where a sound wall exists, the patio cover shall be at least five feet from the rear property line.
 - e. The patio cover, together with any accessory buildings, shall occupy no more than 25 percent of the rear yard.
 - f. The patio cover shall not function as a storage area for vehicles.
 - g. No more than three feet above the finished floor elevation shall be enclosed.
 - h. The patio cover shall not be converted to living space for a dwelling.
 - i. The patio cover shall be subordinate in height and area to the primary building.

Allowing patio covers to be attached to the home and encroach the rear yard setback rather than detached 3' from the home does not create any more of a negative impact on the subject lot or neighboring lots. The overall effect is virtually the same. The 25% maximum backyard coverage parameter keeps the regulations consistent with accessory buildings and requires the majority of the back yard to be open. The 5' minimum setback from the rear property line is a building code regulation and would be required whether the patio cover was detached or attached to the home. The building code also requires that the structures be finished with all-weather materials.

The second part of the ordinance amendment is basically a reformatting of 7-6-305(6)(a), regulations for accessory buildings in the rear yard.

- (6) *Accessory buildings placed in the rear yard shall meet the standards in 6(a). Accessory buildings placed in the side yard shall meet the standards in 6(b).*

- ~~¶~~ *Accessory buildings may be located in the rear yard to within one foot of the side and rear property lines, provided the buildings meet all of the following standards: ~~has at least three feet of separation from the rear of the dwelling, does not encroach on any recorded easements, and occupies no more than 25 percent of the rear yard, and is located no closer than 10 feet to a dwelling on an adjacent lot. On double frontage lots or corner lots, accessory buildings shall not be allowed within 20 feet of any dedicated street, unless a sound wall exists separating the street from the accessory building. Where a sound wall exists, the accessory building shall be at least 1 foot from the side and rear property lines.~~*
- i. Accessory buildings shall have at least three feet of separation from the rear of the dwelling.*
 - ii. Accessory buildings shall not encroach on any recorded easements.*
 - iii. Accessory buildings shall occupy no more than 25% of the rear yard.*
 - iv. On double frontage lots or corner lots, accessory buildings shall not be allowed within 20 feet of any dedicated street, unless a sound wall exists separating the street from the accessory buildings. Where a sound wall exists, accessory buildings shall be at least one foot from the side and rear property lines.*

This section is currently written in paragraph form. The text amendment would organize the same content into a numbered list format, similar with other sections of the code. One item, which is a 10' separation requirement for detached structures from dwellings on adjacent lots, would be eliminated, as it could prohibit a property owner from putting an accessory building in the corner of his property if the adjacent property owner has a patio cover 5' from the rear property line per the proposed ordinance change. Also, the 10' spacing requirement does not correlate with any building code regulations.

Staff Alternatives:

1. Approval of the ordinance amendment as written
2. Approval of the ordinance amendment with revisions as recommended by the Planning Commission.
3. Continuance, for reasons determined during the public hearing

Discussion: Commissioner Matheson asked how this ordinance deals with public utility easements. Brock Anderson answered that the code specifies that the public utility easements may not be encroached upon. Someone seeking to encroach into a public utility easement must first receive written permission from the utility company to do so.

Commissioner Lovato asked Brock Anderson to define what is considered the backyard of a property. Brock Anderson said the back yard begins at the back corners of the house and ends at the rear property line.

Motion: Commissioner Woodruff moved to approve ZT-1-2016.

Commissioner Tupou seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Lovato	Yes
Commissioner Matheson	Yes
Commissioner McEwen	Yes
Commissioner Meaders	Yes
Commissioner Tupou	Yes
Commissioner Woodruff	Yes

Unanimous - ZT-1-2016 - Approved

PLANNING COMMISSION BUSINESS

Approval of Minutes for January 13, 2016 (Regular Meeting) **Approved**

Approval of Minutes for January 6, 2016 (Study Session). **Approved**

Election of Chair/Vice-Chair for the remainder of the 2015-2016 fiscal year.

Discussion: Steve Pastorik reported our City Attorney, Brandon Hill recommended parliamentary procedure be used to elect a new Chair and Vice Chair. Commissioner Woodruff acknowledged Clover Meaders for her intelligence, good sense, and the excellent job she has done serving as Vice Chair.

Motion: Commissioner Woodruff motioned to nominate Clover Meaders as Planning Commission Chair.

Commissioner Fuller seconded the motion.

Unanimous – Chairwoman – Clover Meaders

Motion: Commissioner Matheson motioned to nominate Commissioner Fuller as Vice Chair.

Commissioner Woodruff seconded the motion.

Unanimous – Vice Chairman – Brent Fuller

There being no further business, the meeting adjourned at 4:08 p.m.

Respectfully submitted,

Brenda Turnblom, Administrative Assistant