

**WEST VALLEY BOARD OF ADJUSTMENT**

**December 5, 2007**

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

**WEST VALLEY CITY BOARD OF ADJUSTMENT MEMBERS**

Sioeli Uluakiola, Scott Spendlove, Sandy Naegle, Mark Farnsworth and Necia Christensen

**Excused:** Russell Moore

**WEST VALLEY CITY PLANNING DIVISION STAFF**

Steve Lehman and Karon Jensen

**WEST VALLEY CITY LEGAL DEPARTMENT**

Nicole Cottle

**B-16-2007**

**Westridge Property Holdings LLC – Variance Request  
5864 West 5400 South**

**REQUEST:**

Mr. Phil Lewis, representing Westridge Property Holdings LLC, has filed a request with the West Valley City Board of Adjustment seeking a variance from Section 7-6-1104(3) of the West Valley City Land Use Development and Management Act. This section requires that parking in a manufacturing zone be setback 25 feet from the property line and that this area be permanently landscaped. Mr. Lewis is requesting a variance for the full 25 feet in order to develop this site with an office and warehouse use.

**BACKGROUND:**

**WEST VALLEY CITY GENERAL PLAN** recommends light manufacturing, office and general commercial type uses.

- The subject property is located on the northeast corner of Ridge Village Drive and 5400 South. The property is known as Parcel Number 20-11-400-051. The property is also located immediately to the east of the Valley Emergency Communications Center and west of the West Ridge Golf Course.
- The parcel in question was created approximately in the mid 90's at about the same time Ridge Village Drive was constructed. The location of the power corridor to the east, and the City's requirement that Ridge Village Drive align with Copper City Drive to the south, created the uniquely shaped property in question.
- As a result of the constraints mentioned above, the remaining property ended up being approximately 95 feet in depth and 881 feet in length. Although the property could develop without the need for variances, the applicant is proposing an office warehouse mix which will require a variance in regards to parking and landscaping.
- Mr. Lewis has submitted a site plan that illustrates the office warehouse building and its relationship to adjacent property boundaries. The building has been positioned as far to the east as possible. The remaining distance between the building and property line to the west is approximately 44 feet. In order to comply with City Code, a 25 foot building setback is required along Ridge Village Drive. The setback area is to exclude any parking and requires permanent landscaping. The setback area could be reduced to 20 feet if a berm was installed in the landscaped area.
- The manufacturing zone requires that each development site provide a minimum area of 5% landscaping. Based on the site plan submitted by the applicant, the total landscaped area is approximately 12%. If the ordinance was followed, the total area of landscaping for this property would be approximately 25%. The last number represents a pretty substantial requirement given the confines of the property.
- Mr. Lewis has submitted a letter to the Board outlining some specifics about small office warehouse use and statistics about what is needed for them to be successful. Illustrations from various business parks in the valley have been provided to help the Board evaluate Mr. Lewis' request.
- Should the variance be granted, the Board does have ability to impose additional requirements that will serve the same or similar purpose of the standard or requirement that is being waived or modified. In this case, staff would recommend that the Board consider the following:

1. That one parking space at the southwest corner be eliminated to accommodate the full 20-foot landscaping requirement along 5400 South.
2. Landscaping along 5400 South and at the north end of the property shall be substantial to help off-set the waiver of landscaping along Ridge Village Drive. Although proposed uses are permitted, staff will suggest that this recommendation be reviewed and approved by staff during the site plan review process.
3. That the applicant reduce the depth of the parking spaces along Ridge Village Drive from 20 feet to 18 feet. A landscaped hedge or similar feature shall be installed to provide visual relief and to separate parking stalls from the sidewalk.
4. That landscape islands, including trees be installed on each side of project entrances.

**ORDINANCE SUMMARY:**

Section 7-6-1104(3) of the West Valley City Land Use Development and Management Act requires that parking shall not be allowed within the minimum 25 foot setback area and that this area be permanently landscaped.

Mrs. Christensen questioned Mr. Lehman if he had discussed the four recommendations from staff with the applicant.

Mr. Lehman responded that he had input from the architect regarding what could be on the property.

Mr. Spendlove questioned about the ingress and egress on 5400 West or Ridge Village Drive.

Mr. Lehman replied that there is no access off of 5400 West and explained that there are two access points off of Ridge Village Drive.

Mr. Moore indicated that he has had a business relationship with the applicant and after disclosing this and discussing the issue with the City Attorney, Nicole Cottle, he felt that there could be a conflict of interest and excused himself from hearing this application.

**Phil Lewis**  
**Westridge Property Holdings LLC**  
**378 North Main**

Mr. Lewis, representative for Westridge Property Holdings, indicated that the parcel was created in the mid 1990's which was approximately the time that Ridge Village Drive was constructed. The Valley Emergency Communications Center is located to the east of

the parcel and West Ridge Golf Course is located to the west. West Valley City's requirement that Ridge Village Drive align with Copper City Drive to the south and the location of the power corridor to the east created the unique shape of this property. The property was purchased in 2007, however it has been under contract for several years. The remaining property ended up being 95 feet in depth and 881 feet in length as a result of these limitations.

Mr. Lewis indicated that they are proposing an office warehouse mix which is why a variance is being requested in regards to parking and landscaping. A site plan has been submitted which shows the proposed office warehouse in relationship to the adjacent properties. The proposed building is being located as far to the east as possible and there is about 44 feet between the office warehouse and the property line to the west. A 25 foot building setback is required along Ridge Village Drive and would exclude any parking and requires landscaping.

Mr. Lewis commented that the sheer depth of the property causes a hardship and is very narrow and defeats the possibility of bringing trucks in and out (rear loading trucks). He also noted that they are very concerned with aesthetics and noted that they will exceed the building standards with regards to colors, materials, etc.

Mr. Lehman indicated that if the variance is granted, the Board has the ability to impose additional requirements which would provide the same principle as the requirement that is being waived. Staff also recommends that the Board consider the following provisions which have been included in the Board of Adjustment packets:

1. That one parking space at the southwest corner be eliminated to accommodate the full 20-foot landscaping requirement along 5400 South.
2. Landscaping along 5400 South and at the north end of the property shall be substantial to help off-set the waiver of landscaping along Ridge Village Drive. Although proposed uses are permitted, staff will suggest that this recommendation be reviewed and approved by staff during the site plan review process.
3. That the applicant reduce the depth of the parking spaces along Ridge Village Drive from 20 feet to 18 feet. A landscaped hedge or similar feature shall be installed to provide visual relief and to separate parking stalls from the sidewalk.
4. That landscape islands, including trees be installed on each side of project entrances.

Mrs. Christensen asked the applicant to review the five hardship criteria for a variance.

Mr. Lewis addressed the variance criteria for the meeting record:

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. **The unreasonable hardship is located on land that we own. The property configuration is peculiar and difficult to work with because of its location between the power corridor and City road. The hardship is that the property has limited uses and cannot be reasonably developed with required setbacks, parking and landscaping.**
2. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district. **There are special circumstances regarding this request: The depth of the property off Ridge Village Drive is too shallow to construct a viable building. The required building setback, along with the requirements for parking and landscaping will not allow for a reasonable use of this parcel.**
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district. **A substantial property right is that we are unable to develop this property. Given the shallow depth of this parcel and elongated shape, my property right would be dramatically reduced..**
4. The variance will not substantially affect the general plan and will not be contrary to the public interest. **The granting of this variance will not affect the general plan. It will not be contrary to the public interest because of this parcels relationship to the power corridor and because it is located in a manufacturing zone. In addition, we are willing to improve the site where possible with increased landscaping to help mitigate the affect of the variance.**
5. The spirit of the zoning ordinance is observed and substantial justice done. **The spirit of the zoning ordinance is observed because this project will already exceed the minimum landscaping requirements of the (M) zone. As noted above, we will modify the site to install landscaping to help buffer and off-set the landscaping along Ridge Village Drive.**

## Discussion

Mr. Farnsworth said that he believes that Mr. Lewis has done a very good job meeting the hardship criteria.

Mr. Uluakiola commented that the applicant needs to eliminate the landscaping to have enough parking for the building.

Mrs. Christensen said that Mr. Lewis is proposing 2 feet of green space in front of the parking and noted that should the Board grant the variance, the applicant can make it feasible with the drawings he has presented to the Board.

Mr. Spendlove indicated that he had concerns with the sidewalk and Mr. Farnsworth commented that it looks like the sidewalk is not continuous.

Mr. Lehman responded that sidewalk would be required and if the Board does approve the variance, the 2 feet is important as a safety concern.

### **Motion**

Mrs. Naegle made a motion to grant the 25 foot variance in order to allow the parking to be placed at property line based on the five variance criteria that the applicant has addressed. The Board also recommends that the applicant follow the design plat integrating green space that has been presented during discussion.

Mr. Farnsworth seconded the motion.

A roll call was taken.

Mr. Uluakiola	yes
Mr. Moore	Excused
Mr. Spendlove	yes
Ms. Naegle	yes
Mr. Farnsworth	yes
Mrs. Christensen	yes

**Motion carries – all in favor**

### **OTHER**

The minutes from **October 3, 2007** were approved.

There being no further business the meeting adjourned at 6:55 p.m.

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Karon Jensen, Executive Secretary