

B. General Business:

5. Consider variance request for an awning built in violation of front yard setback, located at 1620 Gubler Drive, Mathew & Dana Mansfield, owners and applicants.

Corey Bundy: This is a variance request for an awning that was built in violation of the front yard setback. The owner wanted to extend the existing shade structure and the contractor did not realize until after the awning was installed and they were contacted by the City that the awning extension violated the front yard setback and was not in compliance with City regulations or had an approved building permit.

The contractor has notified all property owners within 500 feet as per City ordinance requirements.

Staff is recommending the variance not be granted and the awning be removed as not to set a precedence for front yard setback violations.

Bart Skrbec: I am with The Awning Company and we were the contractor for this project. The original awning was about a third of the new size. There is a five foot difference from where the setback was and where the new awning is. The owners want to reduce the house heat, lower bills, create desert landscape for the front yard in order to reduce landscape watering costs. I have signatures from neighbors stating they are in approval of the awning.

The owners have also placed a nice, small block wall in the front yard. I also drove through the neighborhood and noted many other homes that do not meet the front yard setbacks. This really will not set a precedence we think because this is a unique situation.

Corey Bundy: Half of the original setback for the front yard is gone. The setbacks for front yard is 25 feet back from the sidewalk to the house.

Michael Day: This is a really a self-imposed hardship, based on the criteria. We want to be helpful, but we are in a position that we need to comply with the Utah State law in regards to variance approvals. Some of those other properties are corner houses and this is really directed for this house as it was a new addition to the home.

Bart Skrbec: We are asking for the variance for this awning because the owners had hardships with the lack of shade. We would not like to see this family penalized for the awning that was installed. We, as the contractor and new to this area, were not aware there were setback violations or a permit would be needed.

Matt Ence: The State law is pretty clear on this kind of situation.

Marv Wilson: So now the setback is about 15 foot back of the sidewalk?

Corey Bundy: Yes.

Mathew Mansfield: I am the property owner. There was an awning there previously and we just wanted to extend it further for shade from the sun onto the house. We hired the contractor and had the work done, and then the City drives by and said it was not allowed and the awning would need a variance to have the awning stay in place. When the sun hits the house, it is unbearably hot and the red dirt blows and bombards the house when the wind blows. An awning will help subdue both of those things.

Michael Day: We as the Planning Commission are understanding the law and the member responsibility and we have to adhere to those requirements.

Adam Butterfield: We have no choice other than to make the motion to deny variance request for an awning built in violation of front yard setback, located at 1620 Gubler Drive, Mathew & Dana Mansfield, owners and applicants.

Leina Mathis: I will second that motion.

Matt Ence: As the City Attorney and an advising body to the Planning Commission, I will let you know to appeal the Planning Commission decision, you will need to go to City Council and get with Corey Bundy in the Community Development department within ten days and they can assist in getting the appeal set up. With all due respect, we cannot approve this variance because the statute states this is hardship that was self-imposed and the contractor should have known that they needed to apply for a building permit. Had they done that, this would not be an issue because the building permit would not have been allowed because the front yard setback violation.

Motion to deny approval for a variance for an awning built in violation of front yard setback, located at 1620 Gubler Drive, Mathew & Dana Mansfield, owners and applicants.

Made by: Adam Butterfield, Seconded by: Leina Mathis

Voting Aye: All

Voting Nay: None

Motion Carried.

B. General Business:

6. Recommendation to City Council for amending a Final Plat for Paradise Village at Zion, Phase 2. Merrill Properties, Applicant, Jared Bates with Rosenberg & Associates, representing.

Corey Bundy: The staff report for this matter is as follows:

Paradise Village, Phase 6:

The request to amend the Final Plat for this phase is as follows:

Only some small changes to this plat are that lot 51 has been changed from a 4-plex to a single large unit.

Lots 59-62 have changed from a duplex to a 4-plex.

Staff recommends approval as what is noted on the plat.

Michael Day: I will note the motion should include the notes that have been added to the amended plat with what has changed from the previous version.

Marv Wilson: I will make a motion to recommend approval to City Council or amending a Final Plat for Paradise Village at Zion, Phase 2. Merrill Properties, Applicant.