

Minutes for a Board of Adjustments hearing held at City Hall, 68 East Main on October 19, 1988 at 8:00 P. M.

Present were Chairman Eldon McMurray, members Ed Westover and Grant Pay and secretary Lynn Smith. Also present were applicant Terry Parra and her neighbors Glen and Madge Thomas and Rex Marshall.

Mr. McMurray introduced the Board to the applicant and then explained the powers of the Board. He explained that the Board is to act as advocate for the citizens of Santaquin and to ensure that the individuals rights of property ownership fit within the spirit of the existing ordinance. He explained that hardships that have occurred because of the adoption of the ordinance are what the Board of Adjustment was formed to alliviate. Mr. Pay explained that quite often people have built their homes under old ordinances with plans for expansion but when the new ordinance was adopted, a hardship was created. He felt this applied in this case since the Parras had planned the garage at the time their home was built BEFORE the ordinance.

The variance requested was 28" on an existing foundation. The foundation is that of a garage that was started in 1983 but was not completed when the City refused to give the Parras a building permit. Therefore the actual variance is seven feet on the west side yard. A one foot variance on the front yard requirement was also requested. It was determined that because no foundation changes were made on the porch, which is where the front variance is, there would have been no need to get a variance as long as there is no increase in the foundation size. The Parras have decided to apply for the garage also and this is where the question lies.

Mr. Westover asked if the neighbors have been contacted. Mrs. Parra had signatures from all her immediate neighbors and those of most of the block all in support of the Parra's proposal.

Mr. McMurray asked how drain fields and the septic tank would be affected if the garage were built. Mrs. Parra said that the septic tank had been drained since the garage foundation was put in. The tank truck could still be brought into the garage and the hose taken through the back door. Mr. Westover pointed out there is also over ten feet on the east side yard that would be sufficient for pump trucks or emergency vehicles. Mr. Thomas also offered the use of his property which backs the Parra property and is in the county. He insisted that there would never be a building on any of that property. The property to the west has also been promised to the Parras when the owner, Ross Holman, is prepared to sell.

Mr. McMurray then asked if there were any more comments or questions. Mrs. Parra asked why their request to build their garage had been denied in 1983 when not long afterward Officer Coombs had been allowed to build under similar conditions. Mr. Westover explained that there may have been a difference in interpretation by the Board of Adjustment of their role. Mr. McMurray explained that what this particular board is doing is trying to make the zoning ordinance, which is like a grid that has been laid over the City, work for everyone. Mr. Pay pointed out that Officer Coombs lives in a different zone than the Parras.

Mr. McMurray then excused Mrs. Parra and her neighbors.

The Board then conferred and it was agreed that this variance should be granted. Mr. McMurray made a motion to that effect and Mr. Westover seconded it. The vote was unanimous. It was agreed that this case was similar to the Broadbents who had made plans for their garage at the time of purchasing their property and then was complicated by the adoption of the Zoning Ordinance in 1978.

The Board went on to discuss the possibility that the front and backyard requirements could be changed from 30' to 25' which is what is now required by the State. Mr. McMurray related that Mrs. Rosenlund had told him that 61% of the lots in town do not conform under the present ordinance. Maybe this change would reduce this number. There is also some confusion about why accessory buildings are allowed to be one foot from property lines but attached garages are not. It was also agreed that Mr. Pay would take these recommendations to the Planning and Zoning Commission.

The meeting adjourned at 8:30 P. M.

For the record the property Ross Holman will sell is a corner lot with multiple access routes.

*James Smith*  
Secretary