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3 **PLEASANT GROVE CITY**
4 **APPEAL AUTHORITY HEARING**
5 **MEETING MINUTES**
6 **February 14, 2024**

7
8 **PRESENT:** Craig Call, Esq., Hearing Officer
9 Jacob Hawkins, City Planner
10 Daniel Cardenas, Community Development Director
11 Christina Gregory, Planning & Zoning Assistant
12 Steve & Julie Wright, Property Owners/Applicants
13 Danny Shelton, Neighbor
14

15 **1. Public Meeting: Variance from City Code Section 10-18-2.X.1.f: Driveway Access**
16 **(Big Spring Neighborhood)**

17 Public meeting to consider a request of Steve and Julie Wright for a variance from City
18 Code Section 10-18-2.X.1.f: Driveway Access, which prohibits access for new residential
19 lots onto designated arterial or collector streets. The property is located at 1782 N 320 East
20 in the R1-12 (Single-Family Residential) Zone.
21

22 Hearing Officer, Craig Call, called the meeting to order at 3:00 p.m. He introduced himself as the
23 Land Use Hearing Officer for Pleasant Grove City. There is only one item to be heard; the request
24 for a variance submitted by Steve and Julie Wright regarding property at 1782 N 320 East. Planner
25 Hawkins clarified that he erroneously put 1782 N 320 West on some portions of the Staff Report.
26

27 Director Cardenas asked if the item was correctly noticed. Planner Hawkins said that a ten (10)
28 day postcard notice was provided along with a notice posted on the site as well. It was confirmed
29 after the meeting that the item was properly noticed with the correct address of 1782 N 320 East.
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31 Officer Call stated he knows nothing about the item other than what he receives in the Staff Report
32 prior to the meeting. It is his job to remain objective in a quasi-judicial manner and to not have
33 any conversations outside of all the parties involved. He clarified that there is no need to go into
34 detail as to what is provided in the Staff Report but welcomes relevant information to be discussed.
35

36 Officer Call asked to go around the room and provide introductions on who is in attendance. All
37 attendees introduced themselves.
38

39 Officer Call continued that a request for a variance requires the applicant to bear the burden of
40 proof; that is that the applicant will have to demonstrate that it meets all the criteria. He asked the
41 applicant to highlight what has been written in the application and to describe the situation
42 generally. He then will provide the city with a chance to provide their thoughts. He also invited
43 Mr. Shelton to add any comments at the end.
44

1 Mr. Wright explained that they purchased the property a few years ago and they consider it to be
2 unique. He described the property as a corner lot that is narrow and deep given the setback
3 requirements. He believes it is located on the steepest part of Murdock Drive. From 320 East, the
4 lot rises about eight (8) to ten (10) feet.

5
6 A parcel map was displayed, and Mr. Wright identified the parcel. He further explained that the
7 flat portion of the lot is about ten (10) feet above 320 East. The applicants designed the home to
8 fit the lot. Mrs. Wright stated that there is a lot across the street that has access onto Murdock Drive
9 and so they assumed that they could have a driveway along that road. A Google Map Street View
10 was also displayed, and the applicants pointed out that neighboring lots have driveway access onto
11 Murdock Drive.

12
13 The applicant designed their home to sit on the flat part of the lot with their garage in the back. It
14 seems natural to Mr. Wright that their driveway would be off Murdock Drive. Mrs. Wright said
15 that the lot was graded so that it would be flat with 320 East but then there is an eight (8) foot rise
16 before it flattens out towards the back of the lot. The grade of their basement will be level with
17 320 East but not the main part of the house, as it is designed. The lot was graded this way when
18 they purchased it.

19
20 Mr. Wright then presented the site plan to Officer Call. He detailed that the design of the home is
21 somewhat narrow and long with the garage in the back. The proposed access point off Murdock
22 Drive is straight and level with the home. He mentioned that Murdock Drive is a very quiet street
23 and he even thought about sitting out for a day and counting cars. He thought the city might be
24 able to share a traffic study they may have done. He said he did find in the traffic plan for 2040
25 that the projected traffic would be 1,000 cars which he said is the lowest on any street in the whole
26 city. Mrs. Wright said that even now it is one of the lowest level collector streets. The applicants
27 both agreed that it is quiet now and they did not understand how it would get much busier due to
28 their proximity to the mountains. Mr. Wright said that he believes the proposed driveway would
29 be safe to access and includes a turnout. He also said that they would be concerned if they had a
30 sloped driveway due to the snow in the winter. If the lot had been level, then they wouldn't be
31 proposing a variance but because the lot jumps up ten (10) feet right at the beginning but is
32 relatively flat in the back.

33
34 Planner Hawkins stated that the applicant approached staff with the proposed site plan for a house
35 located at 1782 N 320 East. The site plan presented was taken from the applicant's building permit
36 from an application submitted on February 6th. The site plan included 2 proposed driveways, one
37 from 320 East and 1800 North (also known as Murdock Drive). Pleasant Grove zoning ordinances
38 typically favor having one (1) driveway per frontage on corner lots; as seen in letters b and c of
39 Section 10-18-2-X.1. However, letter f of the same section is the primary concern for this variance
40 request. This section generally states that driveway access for a residential lot shall not be
41 permitted from designated arterial or collector streets, unless there are no other possible points of
42 access onto the lot. Per the 2024 Transportation Master Plan, 1800 North is classified as a collector
43 street. In this case, the applicant has access from 320 East and so staff is unable to approve the site
44 plan as presented and advised the applicant to try to apply for a variance.

1 Director Cardenas explained how staff can only make administrative decisions and not legislative
2 nor quasi-judicial decisions. When staff reviewed the submitted site plan, they did the correct thing
3 in denying the permit based on the code we abide by. Director Cardenas then spoke with the
4 applicant to inform them that they have 2 options: (1) changing the code or classification of the
5 road with a legislative decision or (2) apply for a variance. The applicant chose to apply for the
6 variance. Staff has to follow the rules and Director Cardenas believes we have a very clear code.
7 He advised the applicant that changing the code or the designation of the road would be more
8 complicated, in his opinion.

9
10 During the subdivision process; the developer is typically aware of the road designation, the slope,
11 and the constraints of the lot. The applicant is not a developer and purchased the property in the
12 condition that the developer sold it to him.

13
14 A Google maps image was displayed. Director Cardenas clarified that we are talking about one (1)
15 or two (2) access points to each lot. Most of the adjacent lots only have one (1) access point.
16 Usually when the city receives an application for a building permit, the City Planner takes a look
17 at it first and then it goes to the City Engineer. The applicant stated that 1785 N 320 E was just
18 built last year with two (2) access points. Director Cardenas stated that even if it was approved by
19 staff by mistake, it does not grant staff an automatic waiver to approve a variance from the code.

20
21 Officer Call asked the applicant where they wanted their driveway. The applicant clarified that
22 they want a 2-car garage off Murdock Drive and a 1-car garage off N 320 E. The applicant stated
23 that they would use the 1-car garage as a workshop and the 2-car garage would be used for their
24 personal vehicles. The applicant stated he was advised by the City Planner when they first spoke
25 that he would be allowed two (2) access points with a maximum of forty (40) feet in total width.
26 Planner Hawkins did not recall the specific conversation but cited the code that the applicant had
27 referred to. The applicant reiterated that Murdock Drive is a quiet street with very little traffic. The
28 applicant disagrees with the city's category of the road for the traffic plan as they do not see how
29 traffic will increase significantly with the few vacant parcels left that would be accessed from
30 Murdock Drive.

31
32 Mr. Shelton inquired if the canal is live. The applicant responded that the canal is live but the water
33 is under ground. Mr. Shelton asked if there were any additional setback requirements for the canal.
34 Director Cardenas interjected that there probably is an easement for the canal and it is located
35 underground. The applicant clarified that the setback requirement is the normal ten (10) feet. Mr.
36 Shelton stated that he owns the lot a few doors down and he was concerned about the risk of the
37 water coming out of the canal. Director Cardenas stated that would be a question for Public Works.

38
39 Officer Call asked if the city had a recommendation on this variance request. Director Cardenas
40 stated that we expected the City Engineer to join the meeting but the city does not have the
41 authority of power to waive the requirement from the planning and zoning perspective. Since the
42 city does not have the power to waive the requirement, he encouraged the applicant to find relief
43 through the variance process. If time is permitted, staff could research what happened with 1785
44 N 320 East that completed construction approximately 6 months ago.

1 Mr. Shelton had questions specific to his lot but Director Cardenas stated that would be for a
2 different meeting and he would provide the contacts he needed to address his concerns.

3
4 Officer Call asked if the city opposed the variance. Director Cardenas stated no. He stated that
5 staff does not oppose the variance but they do not have the authority to grant it. Officer Call said
6 that there is one factor that could only be addressed by the City Engineer. He wanted to know if
7 1800 North is fully built out or if there would be additional development that would occur and be
8 serviced by this street. Director Cardenas feels that it is fully developed and there will be no further
9 developments to the north. The applicant shared the different points of access down the canyon
10 from within the community. Director Cardenas stated that he and the Hearing Officer do not have
11 the authority to change the designation of the road.

12
13 Officer Call clarified that the reason he asked about future development in the area was to address
14 the impact or burden on the public created by allowing the second driveway onto 1800 North. It
15 helps him to understand what the public impact would be. After discussion of current and future
16 impact, he does not see how there would be an increase in traffic in that area over the years.
17 Director Cardenas stated that he does not believe there will be an increase in traffic as it appears
18 there are only two (2) lots that will be developed in the future.

19
20 Officer Call stated that he would grant the variance. He will prepare a written summary of the
21 conclusions. He asked to include the Transportation Master Plan, Figure 3: Existing Roadway
22 Functional Classification and Number of Lanes Map dated 2/7/2024 and Site Plan prepared by
23 Legacy Drafting and Design dated 1/11/24 in the records since they were produced and considered.

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25 The Appeals Hearing adjourned at 3:29 p.m.
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27
28 - SEE DECISION -
29 Attorney Craig Call, Hearing Officer

30 Christina Gregory
31 Christina Gregory, Planning & Zoning Assistant
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33
34 2/16/2024
35 Date Approved