

1 **Providence City Appeal Authority**
2 **February 11, 2016 Minutes** 4:00 pm
3 **Providence City Office Building**
4 **15 South Main, Providence UT 84332**
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6 **Attendance:**

7 Appeals Authority: Joe Chambers – Chairman, Mary Hubbard, Ned Miller
8 Providence City: Skarlet Bankhead, Rob Stapley, Max Pierce, Gary Knighton
9 Civil Solutions: Danny Macfarlane
10 Audience: Sharell Eames, Gary Stauffer
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12 The Providence City Appeal Authority will hold a public meeting at the Providence City Office building at 4:00 p.m.
13 to discuss the following item(s). The members of the Appeal Authority plan to visit the site during the meeting.
14 Anyone interested is invited to attend, but only the parties to each appeal or variance will be allowed to speak.
15 This is not a public hearing where members of the public will be invited to speak.
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17 City representatives may present the City's position relative to the Action Items below. Those individuals bringing
18 the appeal or variance request will be allowed, in person or through their attorney, to address each issue raised by
19 their respective request or appeal. Each party will be allowed to respond to evidence and argument presented
20 against their position.
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22 The Appeal Authority may render a decision at this meeting on the merits of each Action Item, may take the
23 matter under advisement and render a decision at some future time, or may continue the matter to a future public
24 meeting.
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26 **DISCUSSION/POTENTIAL ACTION ITEMS:**

27 **Item No. 1.** The Appeal Authority will consider a request by Stan Checketts for a variance of the city design
28 standard for streets requiring that there be an intersection at a minimum every 1,320 feet. The proposed street
29 extends Sherwood Drive north and west, connecting with 500 North.

- 30 • All parties went to the site for a review of site conditions and to see why the variance request was made. J
31 Chambers made a point of saying there will be no discussion of the requested variance while everyone is
32 enroute to the site.
- 33 • D Macfarlane described where the proposed road will go, parallel to the west side of the powerlines and
34 continues to the north. The slopes are too steep, between 15% and 25%. City ordinance requires
35 maximum slope on a road be 8%. The connecting road slope would be 18.87%. S Checketts does not want
36 to angle the road because it cuts into too many of the lots, does not connect in a straight line, requires
37 more road build and feels this would be a good solution for a through road that will have another future
38 road connecting into it at 500 North.
- 39 • M Hubbard asked if there was an option of putting the road further down on the property.
- 40 • G Knighton said placing the road lower on the property there are still issues that prevent the road from
41 meeting the city ordinance of a 1320 foot road.
- 42 • D Macfarlane showed the members of the appeal authority where the road would be built in relationship
43 to the proposed lots and how the road would lay on the land. He answered questions from members of
44 the Appeals Authority regarding different options for locations to build the road. The meeting was
45 continued back at the Providence City Office Building.
- 46 • J Chambers called the meeting to order at the City office building. He invited members of the audience to
47 come forward and look at any site plans that were being presented or discussed. He reviewed state code
48 10.9a.702 on variances stating the standards the Appeals Authority must follow.
- 49 • D Macfarlane explained to audience members why Stan Checketts is asking for the variance. 850 East is
50 flat, and connects 500 North over to Sherwood. He explained the slope on entering / exiting intersections
51 on the road that would be required by the City. This could not physically meet the ordinance. There is no
52 reasonable way to connect at 8% to 12% minimum slope.

- 1 • G Knighton explained how the City came to require the slope minimums and the maximum road length
2 between intersections. The 1320 feet length is approximately the distance of two city blocks. It was felt
3 this distance would provide for safe access to residents in regards to fire trucks and other emergency
4 service vehicles gaining access to homes and for safe and expedient evacuations if need be.
- 5 • S Bankhead said staff can't make a recommendation to Planning Commission or City Council until the
6 Appeal Authority makes a decision.
- 7 • M Hubbard asked how the issue was resolved with code development on Foothill Drive.
- 8 • S Bankhead thought that was done before the grades were changed and steeper grades were allowed.
- 9 • D Macfarlane said that in regards to safety, if the road is shut down in any direction, residents are still
10 going to have to go north or south. There was an option of putting a turn-around mid-block that would
11 meet the requirements of the fire code. It would allow emergency vehicles to turn around mid-block.
- 12 • There was continued discussion of different options that may work.
- 13 • D Macfarlane explained why the different options discussed were either undesirable or not viable. He also
14 commented that he is under the impression that the City does not like roads that wind due to
15 maintenance issues.
- 16 • R Stapley said that steep slopes with curves create luges or slides. This creates major potential for traffic
17 problems.
- 18 • D Macfarlane said they tried to mitigate slopes and create gentle curves.
- 19 • R Stapley said the City benefits when we start looking at other ways to move the traffic off this bench.
20 When we start looking at the ordinance with intersections every 1320 feet, there is a reason the
21 ordinance was written to include safety features. We aren't actually going to be able to turn around at
22 either of these future intersections. With future development 20-30 years down the road, how important
23 is it that we find a way to put in the turn-arounds?
- 24 • G Knighton said if you have 30 homes backing up on the street it makes a difference. Also, intersections
25 slow traffic down.
- 26 • D Macfarlane said the intersections will be built according to the master plan.
- 27 • There was discussion about temporary cul-de-sacs and connectivity to Logan.
- 28 • J Chambers asked if enforcement of the ordinance would present an unreasonable hardship on the
29 developer.
- 30 • D Macfarlane said if they build a 90 degree road that is perpendicular going west, physically, it is not
31 possible. If you angle or wind the road it could be done, but it would definitely impact adjacent lots.
- 32 • G Knighton said he does not feel that would create a hardship. There is tough topography on the site so
33 the developer should expect that some of the lots will be impacted.
- 34 • J Chambers addressed special conditions attached to the property that generally do not apply to other
35 properties in the same zone. He feels satisfied that the topography on this presents a special problem.
36 Whether or not it presents a hardship, he does not know.
- 37 • J Chambers questioned the issue of whether granting the variance was essential to the enjoyment of the
38 substantial property right possessed by other property in the same zone.
- 39 • D Macfarlane said in the future, even if a road curves, there will be substantial cuts, difficult access to lots
40 or steep unusable property it could keep people from enjoying the property moving forward.
- 41 • M Hubbard asked if meandering roads would create issues for the City with steep side cuts, mud, snow,
42 rock slides, etc.
- 43 • R Stapley said meandering road will present challenges, but the City will get the right of way it needs
44 when it comes to slopes. The right of way will meet City ordinance.
- 45 • D Macfarlane felt what he is proposing allows for the best enjoyment of the property; not having cut up
46 lots, steep drop-offs, etc. This layout works with the slope of the land.
- 47 • J Chambers said the fourth factor is the variance will not substantially affect the general plan and will not
48 be contrary to the public interest.
- 49 • G Knighton feels having this road is very much in favor of the public interest. It will meet the intent of the
50 master plan. Just having another access off Fruitland Acres will be a benefit.
- 51 • J Chambers said the fifth factor addresses the spirit of the land.

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- D Macfarlane said sometimes ordinances are written that look good on paper, but in reality it is not always possible to give strict adherence to the ordinance. This is a property where the public is not put at risk; the safety of the citizens is not in question. This ordinance does not make sense in this area. Ordinances should not be disregarded, but sometimes a variance makes sense. This proposed variance tries to meet the intent of the ordinance with the lay of the land.
- G Knighton said he feels differently. Four blocks is a long distance. The ordinance of having something no further apart than 1320 feet was written to prevent issues of connectivity, water line and water zone concerns, etc.
- D Macfarlane said all those issues have been addressed in the proposed plan.
- N Miller referred to Utah State Code regarding hardships being self-imposed. He feels the hardship is self-imposed and it is for economic reasons that there isn't an intersection. There are ways to meet the ordinance, but it may cause economic issues for the land owner. Additional roads, PRE's and cut and fill, etc. could be put in to meet the slope requirement.
- D Macfarlane said he believes anything can be designed and built.
- N Miller said the issue is the proposal does not meet the existing ordinance, which requires a connecting intersection every 1320 feet. It could feasibly be designed into the proposed subdivision, but it would create an economic situation.
- J Chambers said he has noticed that U-DOT favors turning angled roads into 90 degrees for safety. Is that the same code the City follows?
- G Knighton said it is, but what we are talking about is not turning angled roads to 90 degrees.
- There was further discussion of how the proposed road would be built. Moving the road to the other side of the power lines was also discussed.
- J Chambers said the City Council wrote this ordinance and the Appeals Authority has to apply the factors.
- G Knighton said D Macfarlane is very talented; he can make the proposed road work.

Joe Chambers, Appeals Authority Chairman

Caroline Craven, Secretary