

1 **Providence City**  
2 **Appeal Authority Meeting Minutes**  
3 **October 8, 2020 — 4:30 PM**  
4 **Providence City Office Building**  
5 **164 N Gateway Drive, Providence, UT 84332**

6 **Member of the Appeal Authority may be attending this meeting electronically. This meeting was live streamed**  
7 **on Providence City's YouTube Channel.**

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9 Member attendance: Ed Banda, Mary Hubbard, Randy Simmons (Chair)

10

11 **Item No. 1:** The Providence City Appeal Authority will finalize a request by Wade and Stephanie Swan, who were  
12 seeking a variance be granted on lot 20 of Providence Hollow Phase 3, 694 E 525 N, to allow driveway access onto  
13 Spring Creek Parkway.

14 **Motion to approve the record of decision [granting the request]:** — M Hubbard, second — E Banda

15 Vote:

16 Yea: E Banda, M Hubbard, R Simmons

17 Nay:

18 Abstained:

19 Excused:

20

21 **Item No. 2:** The Providence City Appeal Authority will finalize a request by Lifestyle Home in behalf of Jason and  
22 Tammy Benson, who were seeking a variance be granted on lot 29 of Orchard Hills Phase 1, 612 E 1000 S., to allow  
23 driveway access onto 1000 South.

24

25 **Motion to approve the record of decision denying the request:** — M Hubbard

26 Vote:

27 Yea: E Banda, M Hubbard, R Simmons

28 Nay:

29 Abstained:

30 Excused:

31

32 **Item No. 3:** The Providence City Appeal Authority will consider a request by Kathleen Alder, who is seeking a  
33 variance to PCC 10-8-3 be granted to allow for a 3' egress window well encroachment into the side setback at the  
34 home located at 270 S. Main St. Providence.

- 35
- 36 • Kathleen Alder explained that most homes can use their basement areas for whatever they would like.  
37 However, with her home she needed to install egress windows in order to use the basement for  
38 bedrooms. The window wells are required to be 3' ft deep in order to meet [fire] code. City code only  
39 allows them to protrude 2 ft into the 10 ft side setback. K Alder explained that she was able to put  
40 correctly sized window wells on the front of the house, but she has a sewer pipe blocking access to the  
41 back of the home so that she cannot put window wells there without paying to move the pipe. The ideal  
42 spot for another window well would be on the north side within the side setback.
  - 43 • S Bankhead explained that the city's code does not prevent new construction from building 3 ft window  
44 wells. However, existing homes that were built before the rule was put into place about window wells  
45 have a problem if they are right on the setback.
  - 46 • R Simmons felt that this might be something for the City Council to consider rather than the Appeal  
47 Authority. They could create an ordinance addressing retrofitting of existing homes.
  - R Snow explained that if this situation is not unique, it may not qualify for a variance.

- 48 • Chad Woolley, City Attorney, presented the City’s position. The City’s position is that this request does not  
49 qualify for a variance and should be addressed elsewhere. C Woolley explained the requirements for a  
50 variance listed in state code. All of the requirements must be met.  
51 • The Appeal Authority discussed sending this issue to the Planning Commission to discuss.  
52

53 **Motion to deny based on the City’s findings: — M Hubbard**

54 *Vote:*

55 *Yea: E Banda, M Hubbard, R Simmons*

56 *Nay:*

57 *Abstained:*

58 *Excused:*

59

60 **Motion to adjourn: — E Banda**

61 *Vote:*

62 *Yea: E Banda, M Hubbard, R Simmons*

63 *Nay:*

64 *Abstained:*

65 *Excused:*

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70 Randy Simmons, Chair

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DRAFT