

1. Documents

Documents:

[22 SEPTEMBER 2016 PACKET.PDF](#)
[22 SEPTEMBER 2016 AGENDA.PDF](#)

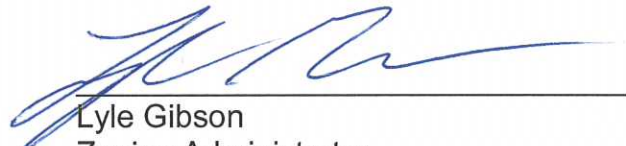
**KAYSVILLE CITY PLANNING COMMISSION
NOTICE AND AGENDA**

Notice is hereby given that the Kaysville City Planning Commission will hold their regular meeting on Thursday, September 22, 2016 at 7:00 p.m. in the Municipal Center.

The agenda shall be as follows:

1. Opening and approval of minutes from the meeting of September 8, 2016.
2. Public hearing and request to rezone 0.43 acre of property at 30 North 760 East from R-1-8 to include a PRUD overlay zone – Curt and Denise Deru.
3. Public hearing and request to rezone 0.95 acre of property at 85 East Crestwood Road from R-1-8 to R-2 and a PRUD overlay zone – Dan Stevenson.
4. Public hearing and preliminary plat for Crestwood Road Subdivision located at 85 East Crestwood Road – Dan Stevenson.
5. Appeal to interpretation of Title 17 by Kaysville City Administration regarding side yard requirement in the R-1 zoning district – Brandon Mattson.
6. Call to the public.
7. Other matters that properly come before the Planning Commission:
 - a. Reports.
 - b. Correspondence.
 - c. Calendar.
8. Adjournment.

I hereby certify that I posted a copy of the foregoing Notice and Agenda at the Kaysville Municipal Center and mailed copies to the media representatives on Friday, September 16, 2016.



Lyle Gibson
Zoning Administrator



Planning Commission Staff Report

Rezone of 0.43 acres of property to include the PRUD (Planned Residential Unit Development) overlay zone.

September 22, 2016

Applicant/Owner: Curt and Denise Deru
Location: 30 North 760 East
Zone: R-1-8

Description:

The applicants are requesting that the property at the above location be rezoned to include the PRUD overlay zone in order to permit a flag lot to be developed behind the existing home.

In 2012 Kaysville City passed an ordinance vacating a section of the Center Street right of way between 760 East and the Border of Fruit Heights/Kaysville City. The right of way that was vacated was 50 ft. wide. An easement was placed on the property for the use of Kaysville City and all public utilities including the reservation of a permanent and perpetual 8 ft. right of way for the walkway that has since been constructed and installed within the easement. Of the 50 ft. right of way width that was vacated, half was given to the subject property, and half to the property just north of the subject property.

Prior to the vacation of the street the property was 3,500 sq. ft. smaller. The property now includes 0.43 acres or approximately 18,730 sq. ft. The R-1-8 zoning district requires that a standard lot have 8,000 sq. ft. of area with 60 ft. of frontage. The PRUD ordinance in 17-34-9 states that a flag lot shall have at least 10,000 square feet of area. There is sufficient area and frontage on this property to accommodate 1 standard lot and 1 flag lot.

17-34-1 Purpose. The purpose of the Planned Residential Unit Development is to encourage a better living environment through greater flexibility of design that is not possible solely through the application of the standard zoning requirements; to encourage diversification in the relationship of residential uses and structures to their sites; to permit a more flexible development of such sites; to preserve meaningful open space, conservation areas, and sensitive lands such as wetlands, steep slopes, and unique vegetation; to preserve character, and assure greater compatibility of new construction with the existing neighborhood; to encourage good neighborhood and housing design by utilizing a variety of dwelling types and site arrangement plans so as to give imagination and variety in the physical pattern of the development. New construction in already developed areas should to the greatest extent possible, maintain the established mass, scale, height, width, and form of the surrounding buildings.

If the PRUD overlay zone and ultimately a new home on a flag lot are appropriate there will be additional steps considered on this property before recording a final plat. Because of the easement mentioned above that stretches across the northern portion of the lot at a width of 25 ft. and other gas line

easements along the western half of the property, despite meeting lot size and frontage requirements, the buildable area on the site is limited.

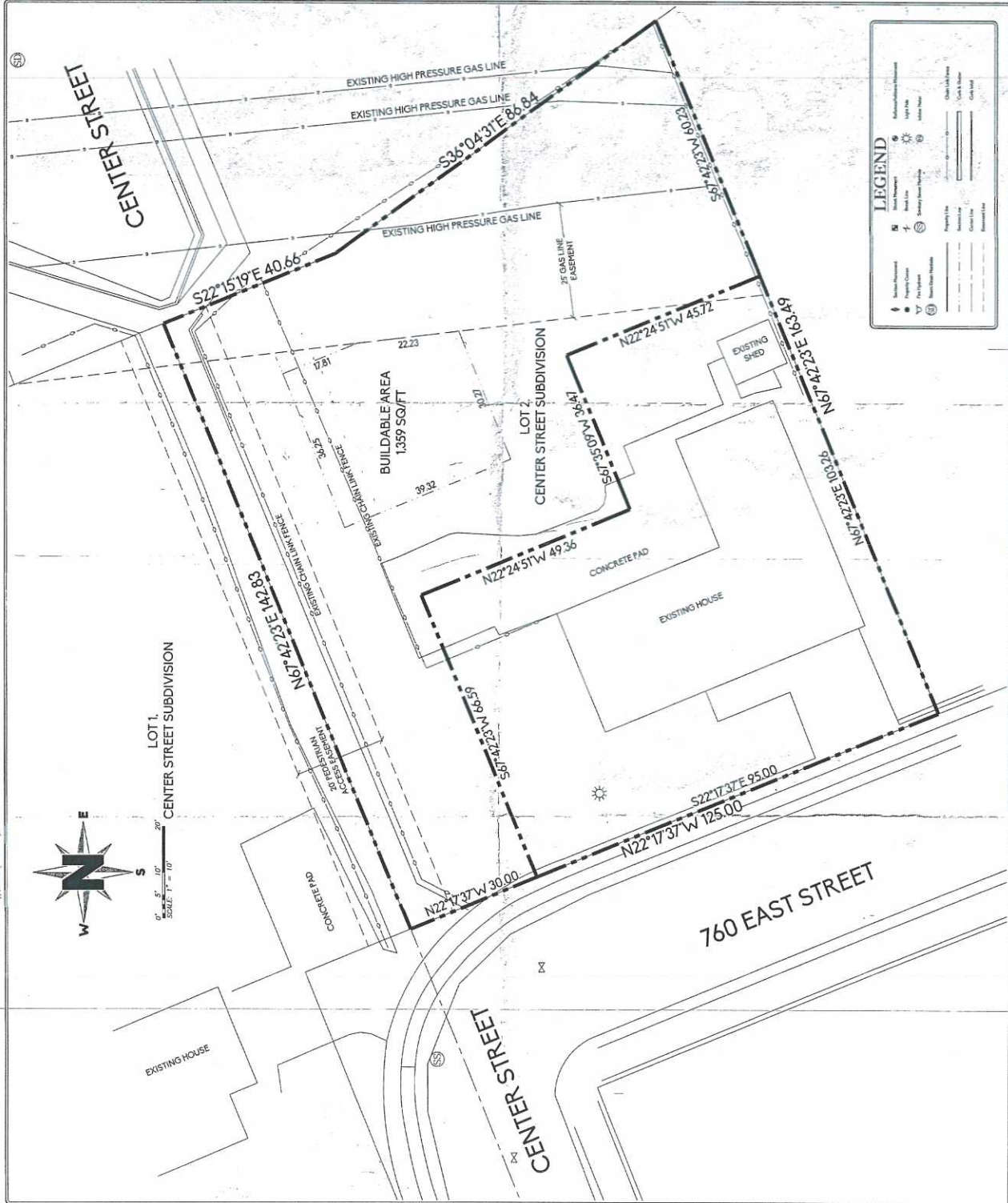
Recommendation:

The Planning Commission may forward a favorable or negative recommendation to the rezone to the City Council. Since a rezone is a legislative type action allowing broad discretion the Planning Commission should make its decision based on whether or not the proposal is appropriate for the site as proposed and is consistent with the purpose of a PRUD.

- Attachment 1: Area Map
- Attachment 2: Subdivision Plat / Survey

30 North 760 East







Planning Commission Staff Report

Rezone of 0.95 acre of property from R-1-8 (Single Family Residential) to R-2 (One and Two Family Residential) and PRUD Overlay Zone and Preliminary Plat September 22, 2016

Applicant/Owner: Dan Stephenson
Location: 85 East Crestwood Road
Existing Zone: R-1-8

Description:

This property was reviewed by the Planning Commission earlier this spring with a request for R-4 zoning to accommodate a 12 unit townhome type development. After much discussion in two different meetings, the Planning Commission recommended denial of the request with a 6 to 1 vote. The applicant elected not to proceed to the City Council for a final determination at that time. The Planning Commission seemed to be most concerned with the overall density of that proposal at 12 units.

The Developer has now submitted an eight unit proposal which would meet the density allowed in an R-2 zone. The general configuration of the project is still the same but there are four less units and more open space. The individual units would be slightly larger.

The R-2 zone allows up to ten units per acre. The PRUD Overlay zone is requested to accommodate the private street and the open space type of subdivision proposed. The lots are individually platted, allowing for private ownership with the drive and open space being owned in common among all of the lots.

The Kaysville City General Plan states in the housing section that east of I-15 the City should allow zero to five units per acre with some areas of higher density housing. It also states that the majority of housing should be single family with about 10 percent being more than one unit per structure, and multiple unit housing should consist of mostly duplexes and some three to six unit structures dispersed throughout the City.

Recommendation:

The Planning Commission should review the proposed project and determine if it is, or can be made appropriate for this location. If it is determined that this project can be made to work, then the rezone to R-2, the PRUD Overlay Zone and Preliminary Plat may be recommended for approval subject to a development agreement containing the required elements of the development.

Attachment 1: Area Map

Attachment 2: Zoning Map

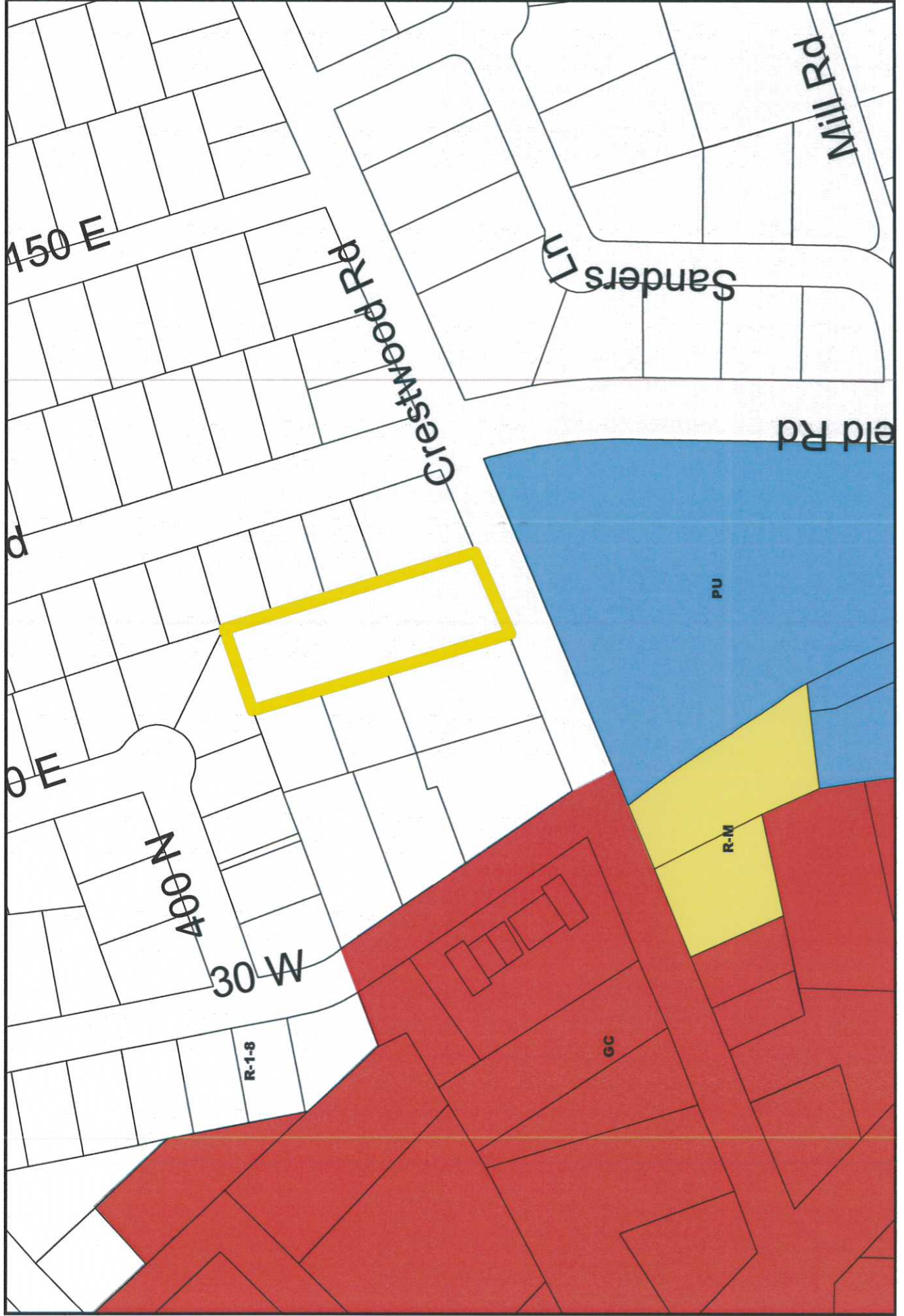
Attachment 3: Preliminary Plat

Attachment 4: Minutes from the April 28, 2016 Planning Commission Meeting

85 East Crestwood Road



85 East Crestwood Road





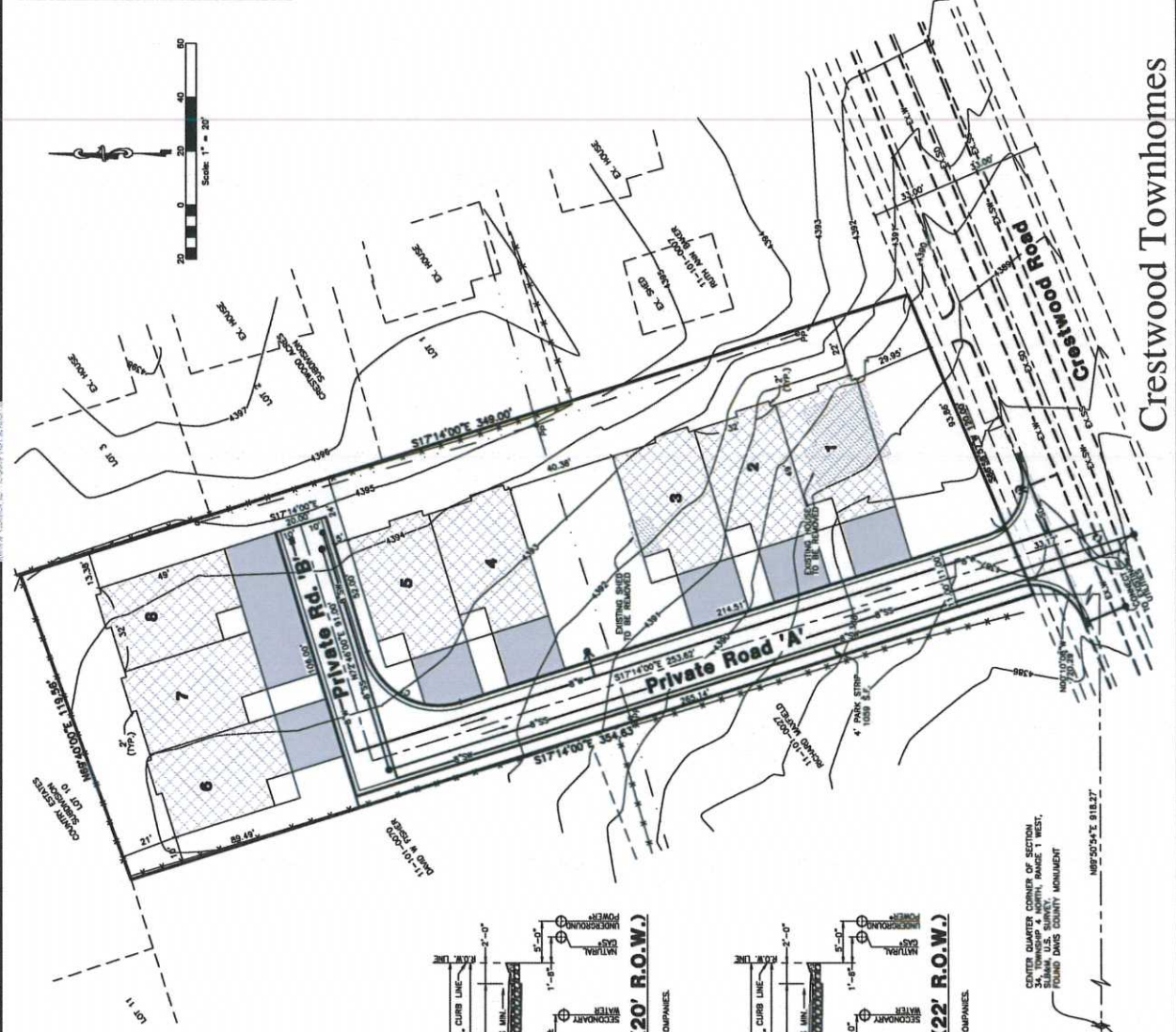
- Legend**
- BOUNDARY LINE
 - LOT LINE
 - ADJOINING PROPERTY
 - PROPOSED LAND DRAIN LINE
 - EXISTING SANITARY SEWER LINE
 - PROPOSED SANITARY SEWER LINE
 - EXISTING SANITARY SEWER LINE
 - PROPOSED IRRIGATION WATER LINE
 - EXISTING IRRIGATION WATER LINE (SIZE VARIES)
 - PROPOSED CULINARY WATER LINE
 - EXISTING CULINARY WATER LINE (SIZE VARIES)
 - PROPOSED STORM DRAIN LINE
 - EXISTING STORM DRAIN LINE
 - EXISTING FENCE LINE
 - PROPOSED FIRE HYDRANT
 - PROPOSED SANITARY SEWER MANHOLE
 - PROPOSED STORM DRAIN MANHOLE
 - PROPOSED SINGLE DITCH CATCH BASIN
 - EXISTING MANHOLE
 - EXISTING FIRE HYDRANT
 - EXISTING POWER POLE
 - PLUS W/ 2' BLOW-OFF
 - AR-INC ASSEMBLY

Design Data

TOTAL PLANNED RESIDENTIAL UNIT DEVELOPMENT OVERLAY	0.000 ACRES
TOTAL PLANNED RESIDENTIAL UNIT DEVELOPMENT OVERLAY	0.000 ACRES
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TOTAL PLANNED RESIDENTIAL UNIT DEVELOPMENT OVERLAY	0.000 ACRES

Zone
 R-1-3 W/ PLANNED RESIDENTIAL UNIT DEVELOPMENT OVERLAY
 MIN. REAR YARD SETBACK: 15'
 MIN. SIDE YARD SETBACK: 10'
 MIN. FRONT YARD SETBACK: 10'

Developer:
 Buffalo Properties

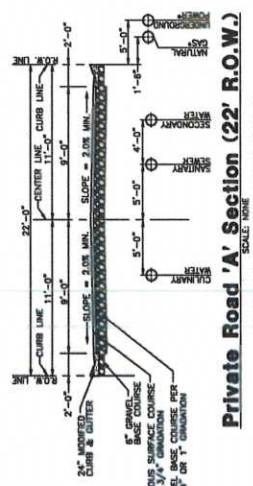
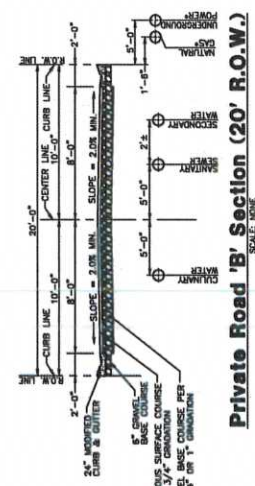


- Notes:**
1. CONTOURS ARE SHOWN WITH A ONE FOOT INTERVAL.
 2. CONDUIT SIZES, CULINARY WATER, SECONDARY WATER AND STORM DRAIN INTO EXISTING LINES IN CRESTWOOD ROAD
 3. FROM TUDOR MAP 4001102841E, DATED JUNE 16, 2007

Curve Table

PI	PC	PT	TS	STATION	BEARING	ANGLE	LENGTH	AREA
1	1+00.00	1+10.00	1+10.00	1+10.00	100.00°	90.00°	10.00	0.00
2	1+10.00	1+20.00	1+20.00	1+20.00	100.00°	90.00°	10.00	0.00
3	1+20.00	1+30.00	1+30.00	1+30.00	100.00°	90.00°	10.00	0.00
4	1+30.00	1+40.00	1+40.00	1+40.00	100.00°	90.00°	10.00	0.00

Basis of Bearings
 THE BASIS OF ALL BEARINGS IS THE NORTH LINE BETWEEN THE WEST QUARTER CORNER AND THE CENTER QUARTER CORNER OF SECTION 34, T44N, R17W, S18E & M. NORTH BEARING 1° WEST, SALT LAKE BASE AND MEASURED, STATION 1000.00 AS INDICATED.



WEST QUARTER CORNER OF SECTION 34, T44N, R17W, S18E & M. NORTH BEARING 1° WEST, SALT LAKE BASE AND MEASURED, STATION 1000.00 AS INDICATED.
 CENTER QUARTER CORNER OF SECTION 34, T44N, R17W, S18E & M. NORTH BEARING 1° WEST, SALT LAKE BASE AND MEASURED, STATION 1000.00 AS INDICATED.
 FOUND DAVIS COUNTY MONUMENT

Crestwood Townhomes
 Kaysville City, Davis County, Utah

Planning Commission Meeting April 28, 2016

REQUEST TO REZONE 0.95 ACRES OF PROPERTY AT 85 EAST CRESTWOOD ROAD FROM R-1-8 (SINGLE FAMILY RESIDENTIAL) TO R-4 (ONE TO FOUR FAMILY RESIDENTIAL), WITH A PRUD (PLANNED RESIDENTIAL UNIT DEVELOPMENT) OVERLAY ZONE – DAN STEPHENSON (TABLED ITEM)

Andy Thompson explained that this item was reviewed by the Planning Commission following a Public Hearing in their regular meeting of February 11, 2016. The Planning Commission determined that more detail was needed and unanimously tabled the item so that the “developer and the property owner can address the comments and concerns mentioned” in that meeting. In response to the Planning Commission’s request, additional detail has been provided and the private road has been moved to the eastern boundary to create more buffer for the adjacent homes to the east. As proposed, the plan meets the City’s requirements for density and open space in the requested R-4 zone. The proposal still includes twelve units in three structures served by a private street. The units are proposed to be platted as individual lots which may be sold independently, and the landscaping area around the units will be considered common area. The property is located across the street to the north of Heritage Park, on Crestwood Road between Fairfield Road and Main Street. There are both commercial and multi-family uses in the area, with the properties immediately adjacent to the subject parcel zoned as R-1-8. The Kaysville City General Plan states in the housing section that east of I-15 the City should allow zero to five units per acre with some areas of higher density housing. It also states that the majority of housing should be single family with about ten percent being more than one unit per structure, and multiple unit housing should consist of mostly duplexes and some three to six unit structures dispersed throughout the City. Since the proposed project contains a private road, the PRUD overlay zone is also being requested.

Chairperson Matthew Anderson asked for public comment.

Steve Burke said that he attended the February 11, 2016 meeting and made comments against this development. Since that meeting, a petition has been created against this rezone and there are over fifty neighbor signatures on it, and climbing. This area already carries the burden of multi-residential zoning and many in the area feel that it should be dispersed more throughout the city. The plan being proposed is very dense and has very little open space. There are more suitable lots near Main Street that would better suit this development plan. By putting high density housing in the midst of single family residential it feels like an invasion to the neighborhood. There is also a historical home nearby that would be better protected by keeping this area a low density residential feel.

Devin Smith said that he lives to the north of this property and feels that this is already a high density area. In the February 11, 2016 meeting it was questioned where these high density housing developments should be allowed. It seems more appropriate to put them adjacent to commercial zones in order to create a buffer between the commercial uses and residential uses. The General Plan states that at least ten percent of the city should have multi-family housing. Do we know if we meet or exceed that criteria? The City seems to have set goals for the city within the General Plan, but there doesn’t seem to be any data to back up any planning decisions made.

Data should be maintained and used to make decisions with. Mr. Smith said that he had recently done his own research on the surrounding area to count the multi-family units. According to his findings, this area is well over the 10% multi-family housing criteria mentioned in the General Plan. We need to look at the future as approving this rezone could potentially set a precedence and the area could become oversaturated by more high density.

Tiffannie Cozzens said that she lives in the historic home on the corner of Crestwood Road and 30 West and is concerned about the aesthetics of the planned townhomes. In looking at the concept drawings, the units don't seem to fit into the area. They have more of a mid-century modern look and Mrs. Cozzens said she feels that they should have more of a historic image to help tie them with the feel of Heritage Park across the street.

Terry Messerly said that he is concerned about additional traffic this development might bring. Crestwood Road and Fairfield Road are already very busy streets with barely enough room to park cars on either side of the road and not impede traffic. Mr. Messerly said that he also feels it's a safety concern to have the driveway of a multi-family development this close to the intersection of Crestwood Road and Fairfield Road.

David Fisher said that he lives to the west of this development and feels that the Planning Commission has created the master plan of the City and should better protect the residents by not changing that master plan. The neighbors are in support of the zoning already in place for this property, and are against the proposed development.

David Moore said that in the February 11, 2016 meeting, almost every property owner directly adjacent to the property was in attendance. This development will affect many people and those people want to protect their properties. It is too dense and plans need to be reconsidered for a lesser density.

Jennifer Standridge said that she lives at 71 East Crestwood Road, directly adjacent to the development, and is concerned about the aesthetics of these townhomes. They don't look or represent the feel of Kaysville. Having so many homes crowded onto this property is not conducive to the area. Mrs. Standridge said that while she doesn't own her home, she is still part of the community and wants the character of the area to remain.

Tony Coombs said that he has been working with the owner of the property, Dan Stephenson, and expressed appreciation for the comments made by the audience. There is about forty-five feet from the front of the units to the east property line, and twenty-two feet from the rear of the units to the west property line. In the current zone, a single family dwelling could be built as close as eight feet to a property line. It is the developer's intent to sell these homes individually. There is a demand for housing on the east side of Kaysville and they anticipate no problems selling them. If the units need to be redesigned to look similar to the surrounding homes in the area they are willing to do that. Multi-family housing is a great use for this property because it is close to downtown Kaysville and to transportation, as well as many city activities.

Matthew Anderson asked if the subdivision's covenants would restrict rental units.

Tony Coombs said that they fully intend to sell the units individually, but cannot control if the new property owners will rent their unit.

Stroh DeCaire commented that they have had other developers make similar promises and not follow through with them. There is a negative perception that has been put on rental homes in general, and with that bring many concerns.

Gary Bullock said that the covenants could potentially stipulate that only a certain percentage of the units could be rented.

Thomas Wood asked if the developer was interested in purchasing the property to the west.

Tony Coombs responded that they had inquired about purchasing the property at 71 East Crestwood Road with the intention of developing it along with this, but ultimately decided that the development plans they had would not work for the property.

Gladys Moore commented that she feels that there are too many units being proposed and the zoning should not be changed to accommodate high density housing, but rather the property owner should try to come up with a development plan to meet the current zoning.

Michael Standridge stated that they are renting their home at 71 East Crestwood Road and just recently received notice that they would have to find a new place to live. This is a nice area and they had planned to purchase the property themselves in the future. Mr. Standridge said that he feels their property owner intends to develop the property into multi-family units in the near future as well. If one high density development is allowed, more will come as properties become available. Where do we draw the line? It is understood that every property owner has the right to try to develop their property, this type of multi-family development would be better suited closer to a commercial use area.

David Fisher asked what would happen if other property owners wanted to develop their property similarly.

Matthew Anderson responded that they would have to go through the same process of getting their property rezoned.

There were no further comments or questions from the public. Chairperson Matthew Anderson thanked those audience members who had made comments tonight.

Betty Parker said that she is concerned about the distance of this high density development to the Crestwood Road and Fairfield Road intersection. Both of these streets are very busy and there is also concern for pedestrians crossing the road to Heritage Park. Mrs. Parker added that she feels that there isn't enough open space within the development.

Josh Sundloff asked about installing a crosswalk.

Thomas Wood responded that a traffic study is typically required in order to have a crosswalk installed. Because this is a public street, the developer won't have the ability to install one on their own as part of the development.

Andy Thompson added that typically crosswalks are not included as a requirement for new residential development. There is certain criteria required for crosswalks and it is important that the criteria be met before crosswalks are installed.

Lorene Kamalu asked about the size of the garages planned.

Tony Coombs responded that each unit has a two-car garage.

Betty Parker commented that the Planning Commission needs to determine what would be considered as too many units within an area.

Devin Smith said that this area has more than ten percent of multi-family housing within it.

Matthew Anderson said that the General Plan accounts for multi-family housing in the city as a whole and not just in one area.

Andy Thompson responded that it was intentional to not specify in the General Plan which properties within the city should be deemed for high density housing. Rather each development should be reviewed individually so that the Planning Commission's discretion could be used.

Matthew Anderson said that he is most concerned with the density of the proposed development and would like to see an alternative plan showing less density.

Thomas Wood commented that he recalled that in the February 11, 2016 meeting the Commission had asked the developer to present a plan showing fewer units, but it seems that all that has changed is the plan has been flipped to put the street on the opposite side of the property. Mr. Wood said that while he appreciates the work the developer has done to present better concept plans, he was hoping to see an alternative to the original plan presented. The plan needs to be more in alignment with the neighborhood. Mr. Wood added that he is concerned about putting limitations on a development with a development agreement if the agreement can be altered.

Josh Sundloff asked if development agreements are amended often.

Andy Thompson responded that it is more common to amend development agreements for larger developments with many phases.

Lorene Kamalu commented that she is concerned with the proposed high density rezone because it is a dramatic change from the current zone. We need to consider what will be the best zone for everyone affected. Mrs. Kamalu asked what would be the property owner's options if this

rezone was denied.

Andy Thompson responded that in the current R-1-8 zoning, five more units would fit on the property and wouldn't require a rezone. The developer would only have to receive subdivision plat approval. The developer could also apply for a different zone, such as the R-2 zone which would allow for about ten units.

Lorene Kamalu stated that she would like to see alternate plans that would meet the current R-1-8 zoning.

Stroh DeCaire commented that he feels that this development would create traffic congestion along streets that are already busy. It also seems like a conflict to rezone this property to allow for high density when it's surrounded by low density homes. There needs to be more information to support the implied need for multi-family housing in the area. Mr. DeCaire asked about the open space.

Andy Thompson responded that the proposed plan meets the open space requirements.

Thomas Wood said that multi-family units have a tendency to use more city services and become neglected over time because they become rentals and have a higher turnover.

Gary Bullock agreed that the proposed density seems too high for the surrounding area and lends itself to become rental units. Mr. Bullock suggested the developer investigate developing the property into single family units, as well as consider changing the aesthetics of the units to better fit the surrounding area.

Josh Sundloff commented that there is a demand for this type of housing and therefore these units will probably sell quickly. It will help to bring a variety of people to the neighborhood. A decision shouldn't be based the potential of these units becoming rentals. The concerns mentioned about the aesthetics could be addressed through a development agreement. Traffic and safety concerns are valid but without a traffic study it is hard to determine if congestion would occur. As for the applicability of the General Plan, it suggests that high density housing be located along major streets, which Crestwood Road and Fairfield Road could be considered as such. There is a certain point where an area could become oversaturated, but this area hasn't reached that point yet.

Stroh DeCaire said that he feels that the R-4 zone is too dense for this property and would prefer to see a request for the R-2 zone, or see the developer try to draw up a plan to comply with the current zone.

Gary Bullock commented that while he's not opposed to high density housing, he agrees that the proposed development doesn't fit the area.

Thomas Wood added that he would rather see high density housing closer to an artery road.

Lorene Kamalu said that zoning decisions should be based on its compatibility with the area. Change can be hard, especially when the use or density of a property is being altered. There have been some valid comments made by the neighboring property owners, and it seems that this development isn't suitable for the property.

Josh Sundloff said that the city needs a variety of housing options and this proposal seems to meet what is outlined in the General Plan.

Josh Sundloff made a motion to recommend approval of the request to rezone 0.95 acre of property at 85 East Crestwood Road from R-1-8 (Single Family Residential) to R-4 (One to Four Family Residential), with a PRUD (Planned Residential Unit Development) overlay zone for Dan Stephenson subject to a development agreement containing the required elements of the development.

The motion died for lack of a second.

Thomas Wood made a motion to recommend denial of the request to rezone 0.95 acre of property at 85 East Crestwood Road from R-1-8 (Single Family Residential) to R-4 (One to Four Family Residential), with a PRUD (Planned Residential Unit Development) overlay zone for Dan Stephenson. Betty Parker seconded the motion.

Voting was as follows:

Betty Parker	aye
Josh Sundloff	nay
Thomas Wood	aye
Gary Bullock	aye
Lorene Kamalu	aye
Stroh DeCaire	aye
Matthew Anderson	aye

The motion passed with a vote of six to one.



Planning Commission Staff Report

Appeal to interpretation of Title 17 by Kaysville City Administration regarding the side yard requirement in the R-1 zoning district

September 22, 2016

Applicant/Owner: Brandon Mattson
Location: 1944 South Kerrybrook Drive
Zone: R-1-20

Description:

Kaysville City staff recently received an application for a building permit to build a swimming pool at the above address. The property is located on a corner and because of that the building department told the applicant that the pool did not meet the required 20 foot side yard and must demonstrate compliance before a permit can be issued. The applicant desires to appeal the decision of City staff based on his understanding of the ordinance. Per 17-4-5 Appeals, an individual affected by a decision administering or interpreting Title 17 can appeal that decision to the Planning Commission.

For many years City staff has required that swimming pools on corner properties be built 20 ft. from the side property line abutting a street for the following reasons based on its interpretation of the following sections of ordinance:

17-2-2 Definitions

Accessory Use or Building - A use or building subordinate to the principal use of a building or principal use on the same lot, and serving a purpose customarily incidental to the use of the principal building or use. Garden sheds, greenhouses, storage shelters, and covered patios not equipped for use as living quarters are accessory buildings.

Building - Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property.

Building, Main - A building in which is conducted the principal use of the building site on which it is situated. In any R-District, any dwelling shall be deemed to be a main building on the building site on which it is located.

Lot, Corner - A lot abutting on two or more intersecting or intercepting streets.

Structure - Anything constructed, the use of which requires fixed location on the ground, or which is attached to something having a fixed location upon the ground, and which imposes an impervious material upon or above the ground.

Yard, Side - An open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as specified

elsewhere in this title. A side yard on the street side of a corner lot shall be known as an "exterior side yard."

17-12-6 Area, Lot Width, and Yard Requirements.

(6) On corner lots, the yards which abut a street shall be not less than twenty feet (20') from the street for both main and accessory buildings.

17-25-6 Projections into Required Yards, Exemptions or Modifications. Certain architectural features may project into required yards or courts as follows:

- (1) Every part of a required yard shall be open to the sky, unobstructed except for accessory building in a rear yard, and except for the ordinary projections of skylights, sills, belt courses, and other ornamental features.
- (2) Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers projecting into a yard not more than five feet (5'); and the ordinary projections of chimneys and flues are permitted.
- (3) Architectural features which shall not be allowed to project into required yards or courts include, but are not limited to, decks and balconies.

17-31-9 Swimming Pools. No swimming pool shall be allowed in any R-District unless it complies with the following requirements:

- (1) The swimming pool is used solely by the occupants and guests of the occupants of the property on which it is located or is owned and operated by a swimming club as in Section 17-31-10.
- (2) The swimming pool shall not be closer than eight feet (8') to any property line.
- (3) The swimming pool shall be enclosed by a wall or fence at least five feet (5') in height to control access.

Based on the above sections of ordinance staff has determined that the side yard requirement in an R district is 20 ft. and that a swimming pool is not listed as an exemptions.

Recommendation:

Per 17-4-5 Appeals. (5) The person or entity making the appeal has the burden of proving that an error has been made.

If the Planning Commission determines that the current interpretation by staff is appropriate staff will continue to enforce the ordinance in this manner on this and other similar proposals.

If the Planning Commission determines that the interpretation has been in error, the applicant will only be required to demonstrate that the pool is at least 8 ft. from a property line and this same interpretation will be applied on similar proposal moving forward.

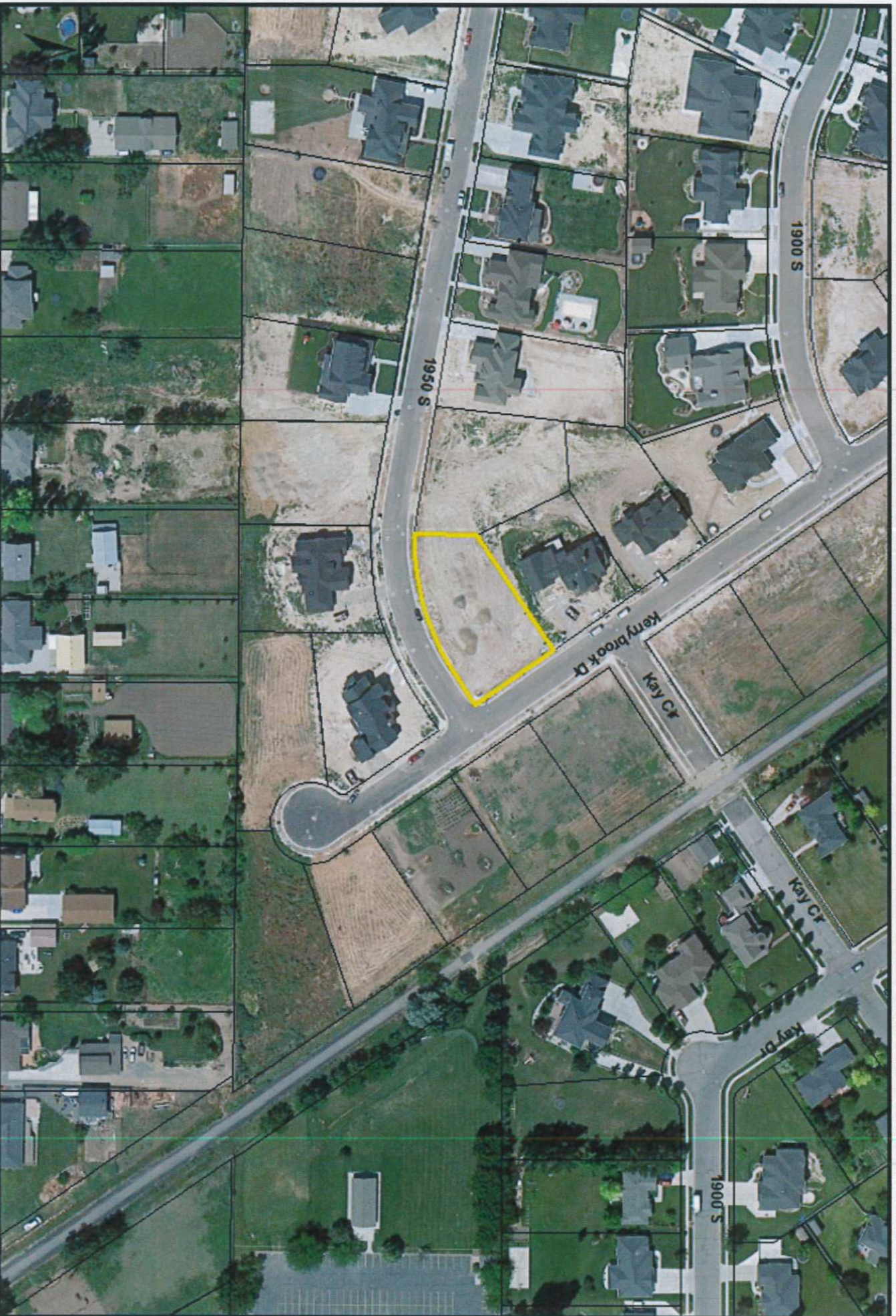
In either case, it may also be appropriate to give direction to staff to work on an update to the ordinance that includes language which more clearly reflects the decision.

Attachment 1: Location Map

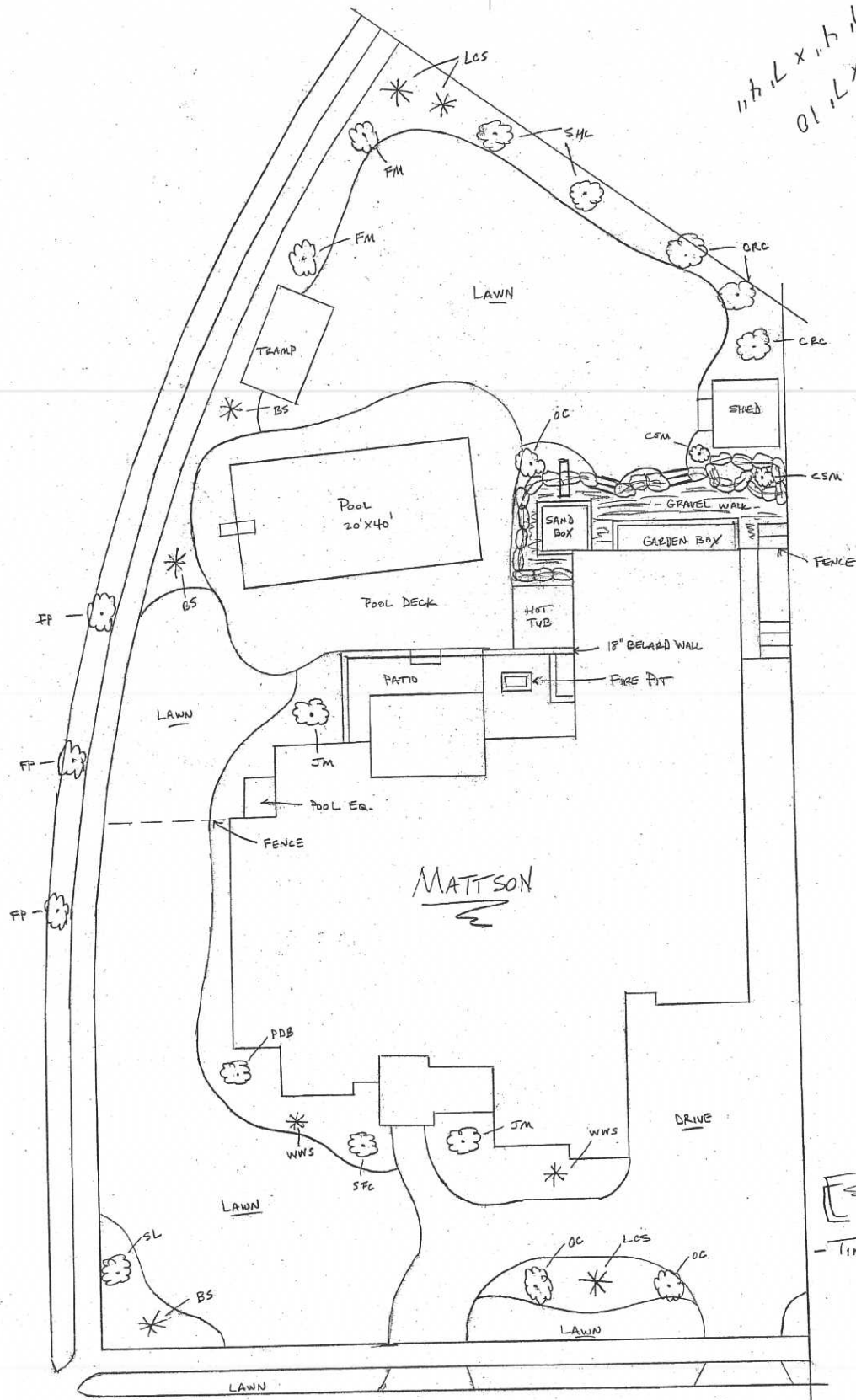
Attachment 2: Site Plan

Attachment 3: Letter requesting appeal

1944 South Kerrybrook Drive



plan for
cover - with
7'16" x 7'14" x 7'14" x 10



SCALE - 1" = 10'

- TIMBERIDGE
LANDSCAPING, INC. -

Z → KERRYBROOK DRIVE

Ordinance Interpretation/review Request- R-1 Single family Residential District

I would like the Kaysville Planning Commission to consider the definition or interpretation of the R-1 single family zoning ordinance specifically as it pertains to corner lots in section 17-12-6. I would like to obtain a building permit to build an in ground swimming pool at 1944 S. Kerrybrook Dr. Kaysville Utah. The property is located at the corner of 1920 S. and Kerrybrook Dr. and therefore has a condition in number 5, 6, and 7 of the aforementioned 17-12-6 that states:

(5) Other main buildings shall have a side yard of not less than twenty feet (20') and the total width of the two (2) required side yards shall be not less than forty feet (40).

(6) On corner lots, the yards which abut a street shall be not less than twenty feet (20') from the street for both main and accessory buildings.

(7) The minimum rear yard for any main building shall be fifteen feet (15').

The ordinance seems to refer to buildings which a swimming pool would be more like an improvement similar to a "sport court" or basketball court that has no columns walls or anything that might pose a visual impairment for drivers turning the corner.

I respectfully request approval to obtain a building permit and comply with the terms of ordinance 17-31-9.

In as much as the section that is being used to deny the requested building permit uses the word "buildings" to call out the side lot requirement of 20', it's important to call out the definition as stated in Chapter 2 "Definitions" on page 6 it says "Building= Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property."

22 September 2016 Agenda

KAYSVILLE CITY PUBLIC HEARING NOTICE

Notice is hereby given that the Kaysville City Planning Commission will hold a public hearing on Thursday, September 22, 2016, at 7:00 p.m., in the Council Room of the Kaysville City Municipal Center, 23 East Center, Kaysville, to consider:

Rezone of 0.43 acre of property at 30 North 760 East from R-1-8 (Single Family Residential) to PRUD (Planned Residential Unit Development) Overlay Zone.

I hereby certify that I posted a copy of the foregoing Public Hearing notice on the municipality's official website by September 2, 2016.

Lyle Gibson, Zoning Administrator

KAYSVILLE CITY PUBLIC HEARING NOTICE

Notice is hereby given that the Kaysville City Planning Commission will hold a public hearing on Thursday, September 22, 2016, at 7:00 p.m., in the Council Room of the Kaysville City Municipal Center, 23 East Center, Kaysville, to consider:

Rezone of 0.95 acre of property at 85 East Crestwood Road from the R-1-8 (Single Family Residential) zone to the R-2 (One and Two Family Residential) zone to PRUD (Planned Residential Unit Development) Overlay Zone.

I hereby certify that I posted a copy of the foregoing Public Hearing notice on the municipality's official website by September 2, 2016.

Lyle Gibson, Zoning Administrator

KAYSVILLE CITY PLANNING COMMISSION
NOTICE AND AGENDA

Notice is hereby given that the Kaysville City Planning Commission will hold their regular meeting on Thursday, September 22, 2016 at 7:00 p.m. in the Municipal Center.

The agenda shall be as follows:

1. Opening and approval of minutes from the meeting of September 8, 2016.
2. Public hearing and request to rezone 0.43 acre of property at 30 North 760 East from R-1-8 to include a PRUD overlay zone – Curt and Denise Deru.
3. Public hearing and request to rezone 0.95 acre of property at 85 East Crestwood Road from R-1-8 to R-2 and a PRUD overlay zone – Dan Stevenson.
4. Public hearing and preliminary plat for Crestwood Road Subdivision located at 85 East Crestwood Road – Dan Stevenson.
5. Appeal to interpretation of Title 17 by Kaysville City Administration regarding side yard requirement in the R-1 zoning district – Brandon Mattson.
6. Call to the public.
7. Other matters that properly come before the Planning Commission:
 - a. Reports.
 - b. Correspondence.
 - c. Calendar.
8. Adjournment.

I hereby certify that I posted a copy of the foregoing Notice and Agenda at the Kaysville Municipal Center and mailed copies to the media representatives on Friday, September 16, 2016.

Lyle Gibson, Zoning Administrator