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Recorded at Request of Russell M. Habbeshaw FEB 11 1953

2016 PAGE 229 FEB 11 1953 at 3:28 PM Fee Paid \$2.00 HAZEL TAGGART CLASE, Recorder Salt Lake County, Utah

By [Signature] Dep. Dir. #2-106 So. 422 East, S.L.C.

BEFORE THE BOARD OF ADJUSTMENT, SALT LAKE CITY, UTAH

FINDINGS AND ORDER, CASE NO. 4610

REPORT OF THE COMMISSION:

This is an appeal by Russell M. Habbeshaw from the refusal of the Building Inspector of Salt Lake City, Utah, to issue a permit to construct a garage for the storage of business trucks in conjunction with a nonconforming bakery at 416 East 5th South Street in a Residential "R-7" District contrary to the provisions of the Zoning Ordinances. This property is more particularly described as follows:

Commencing at the northeast corner of Lot 5, Blk. 23 Plat "B", Salt Lake City Survey and running West 53 feet; thence South 10 rods; thence East 53 feet; thence North 10 rods to the point of beginning.

On January 7, 1963 Mr. Habbeshaw was present. Mr. Jorgensen explained in this case there is a commercial structure built prior to zoning, now used as a bakery, which can continue such use provided there are no additions or enlargements. The applicant is proposing a detached 50'x24' garage on the rear of the property to be used for trucks which is a commercial use in a residential district which is not allowed. The proposed garage would replace an old frame double garage and would keep the trucks off the street and avoid vandalism. When the Board viewed the premises they noted outside storage but the applicant stated that that will be removed. The applicant noted they have about four trucks they use in the business which are presently parked in the driveway or in front and that there has been a lot of vandalism, one of the trucks was recently stolen and demolished. Putting the trucks in the garage would help this situation. Mr. Jorgensen read a letter of protest from Uarda M. Steffens, who owns the property located at 412 East 5th South, which was ordered filed with the case. When the Board noted that only one door is proposed for the garage, the applicant pointed out that they propose to enter the garage from the alley to the east and drive on through. He felt the area was a little tight with overhead doors the other way (to the north). It was pointed out if a variance were granted, there could be no storage, no utilities, no heating, etc. The Chairman ordered that the matter be considered in executive session, in which the various aspects of the case were reviewed. The Board felt the premises should be cleaned up and the entire lot improved. At the conclusion of the executive session it was ordered that the matter be held in executive session, that the applicant study the matter with the staff and submit a complete plan of the entire premises drawn to scale indicating the buildings to be removed, the buildings to remain, the parking, a general clearing of the entire premises and also an improvement to the main building.

On January 28, 1963 this case was again considered in executive session. It was reported that another plan has been submitted and a letter stating that the old frame double garage now on the property will be removed, that the building will be completely repainted, the yard completely enclosed with a chain link fence and all surfaces and driveways will be blacktopped.

From the evidence before it, the Board is of the opinion that the petitioner would suffer an unnecessary hardship from a denial of the variance; that the spirit and intent of the Zoning Ordinance will be upheld and substantial justice done in the granting of the variance.

IT IS THEREFORE ORDERED that a variance be granted to permit the construction of a

five-car garage across the south end of the property provided there is no open storage on this property, that the existing frame double garage is removed, that the proposed garage is used as a garage for vehicles pertaining to the bakery only, final plans to be approved by a Committee of the Board only after all the open storage is removed, the only areas to be hard-surfaced are the permitted driveways and walkways, all other areas to be in landscaping, these restrictions to be recorded in the office of the County Recorder to be made a part of the abstract of the property. Provided these restrictions are complied with, the decision of the Building Inspector is reversed and said officer directed to issue the required permits in accordance with the order and decision of the Board provided that the construction plans show conformity to the requirements of the Uniform Building Code and all other City ordinances applicable thereto; and provided such reduction or addition does not conflict with any private covenants or easements which may be attached to or apply to the property, said order to expire within six months from the dating of this order. This variance expires if work has not been started within six months.

THE FAILURE OF THE APPLICANT TO ABIDE BY THE CONDITIONS OF THIS VARIANCE SHALL CAUSE IT TO BECOME NULL AND VOID, WHICH IN EFFECT IS THE SAME AS THE VARIANCE HAVING BEEN DENIED.

Action taken by the Board of Adjustment at its meeting held Monday, January 28, 1963.

Dated at Salt Lake City, Utah, this 11th day of February, 1963.

Edwin Whitby
Chairman

Mildred G. Snider
Secretary

I, Mildred G. Snider, being first duly sworn, depose and say that these are the Findings and Order in Case No. 4610 before the Board of Adjustment on January 28, 1963.

Mildred G. Snider

Subscribed and sworn to before me this 11th day of February, 1963.

Susan Johnson
Notary, residing at Salt Lake City, Utah

My commission expires Oct 16, 1964.

