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BOOK 2156 PAGE 598

Recorded FEB 18 1964 at 8:30 a.m.
Request of A. L. Diamond
Fee Paid HAZEL TAGGART CHASE
Recorder, Salt Lake County, Utah
\$ 7.00 By W. H. Hays Deputy
Ref. 418 Felt Bldg City

BEFORE THE BOARD OF ADJUSTMENT, SALT LAKE CITY, UTAH

FINDINGS AND ORDER, CASE NO. 4858

REPORT OF THE COMMISSION:

This is an appeal by Golden West Management Company by Mike J. Leventis, general partner, from the refusal of the Building Inspector of Salt Lake City, Utah, to issue a permit to erect a commercial building at 1133-1155 Glendale Drive which would not maintain the required setback and side yard in a Business "B-3" District which adjoins a residential district. This property is more particularly described as follows:

- A. Beginning at the Northeast Corner (in the Westerly line of Navajo Street) of Lot 1, Block 3, Plat "D", Glendale Gardens Subdivision of Sec. 10, T1S, R1W, Salt Lake Base & Meridian; thence North 54°03' West, 899.0 feet; thence North 35°57' East, 25.0 feet; thence South 54°03' East, 899.0 feet; thence South 35°57' West, 25.0 feet to the point of beginning.
- B. Beginning at the Southwest corner of Lot 1, Block 2, Plat "E", Glendale Gardens Subdivision of Sec. 10, T1S, R1W, Salt Lake Base & Meridian; thence South 35°57' West, 41.0 feet; thence North 54°03' West, 899.0 feet; thence North 35°57' East, 41.0 feet; thence South, 54°03' East, 899.0 feet to the point of beginning.
- C. Lots 2 through 8, inclusive, Block 7, Glendale Gardens Plat "F", according to the official plat thereof as recorded in the Office of the County Recorder of Salt Lake County, containing 378.0 feet of frontage and 150.0 feet of depth.
- D. The rear 25.0 feet of Lots 4 through 15, inclusive, Block 2, Plat "E", Glendale Gardens Subdivision, according to the official plat thereof as recorded in the Office of the County Recorder of Salt Lake County.
- E. The rear 60.0 feet of Lots 2 and 3, Block 2, Glendale Gardens Plat "E", according to the official plat thereof as recorded in the office of the County Recorder of Salt Lake County, more particularly described as:
Beginning at the most Westerly corner of Lot 3, Block 2, Glendale Gardens Plat "E", and running thence North 35°57' East, 60.0 feet; thence South 54°03' East, 86.90 feet; thence South 62°26'16" West, 67.04 feet; thence North 54°03' West, 57.0 feet to the point of beginning.
- F. The following described portion of Lot 1, Block 2, Glendale Gardens Plat "E", according to the official plat thereof as recorded in the office of the County Recorder of Salt Lake County, to wit:
Beginning at the most Westerly corner of Lot 1, Block 2, Glendale Gardens Plat "E", and running thence South 54°03' East, 180.0 feet; thence North 36°57' West, 11.64 feet to a point of a 40.0 foot radius curve to the left; thence Northerly 46.87 feet along the arc of said curve; thence North 89°01'09" West 79.44 feet; thence North 15°20'13" West 67.21 feet; thence North 35°57' East 15.0 feet; thence North 54°03' West 8.10 feet; thence South 62°26'16" West 67.04 feet to the point of beginning.

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Mr. Leventis was present together with Alke T. Diamant, attorney, and Paul Lemoine, architect. There were also present the following:

Max Yospe	1375 Glen Rose Drive
Nancy P. Campbell	1480 Bell Avenue
Mr. & Mrs. Clifton L. Thomas	1128 Glendale Drive
Mrs. John Vietti	1146 Glendale Drive
Mrs. L. G. Rice	1440 Burbank Avenue

Mr. Jorgensen explained the history of the shopping center at Navajo Street and Glendale Drive, pointing out that in a previous case the Board reduced the front yard area and allowed parking in the front yard with reduced planter areas, which have been put in. Recently the business area was enlarged and a new building is now planned to the northwest. The point before the Board has to do with yard areas. A 5' landscaped side yard along the parking area to the northwest instead of the required 8' is being requested on the basis that if the side yard is increased 3' they would lose one row of cars. There would be a fence on the property line, then 5' of landscaping and then a curb. The required setback from Glendale Drive is the average alignment on the block, which is reported at 20'. The building is proposed back 24' with an 8' canopy which would be a 2' wider projection into the required front yard than is permitted. There is proposed a 16' landscaped area and a 4' walk in front of the building with a 20' landscaped area between the northwest property line and the proposed driveway into the parking area, which setback would be back the average alignment. There is also a question as to the yard area to the north for the parking lot. It was pointed out that the petitioners have acquired an additional 25' running the entire length of their property since the original case was before the Board, also this property now has been zoned "B-3" with the exception of a jog near the eastern portion of the development. A portion of this property has been blacktopped and used for parking without maintaining the required setback from Navajo but the petitioner has given assurance and the plans show that the illegal front yard blacktopping will be removed and the full required front yard on Navajo Street landscaped.

Mr. Thomas opposed a reduced setback, he stated he opposed the recent rezoning and he did not cherish having the building any closer than the ordinance allows because it is a sight hazard, the increased number of cars will be a hazard to his children, the property in question was residential when he purchased his home and now it has been changed, and he felt the petitioner should live up to the ordinance. When the petitioner stated they would probably buy one more home to the northwest and maintain it as a rental unit for a buffer next to the parking area, the Thomases pointed out that was what was promised before. The petitioner stated the proposed building would be used for a department and hardware store. Mr. Diamant made it clear that they offered to buy out at the appraised market value several of the people if, after six months of operation of the new store, they are unhappy. He also explained they have met some of the objections of the neighbors by eliminating parallel parking in front of the building and they are willing to take the necessary steps to see that the parking area does not become a drag strip, they want to cooperate but he asked that the people not make that impossible. Mrs. Rice asked that the case be postponed so she could have her legal counsel present. Mrs. Vietti objected to the building being right in front of their home. The Chairman pointed out that the only points before the Board are a 3' reduction in the side yard next to the parking at the northwest edge of their property, 2' on the canopy, and parking in the rear, but it was made clear that this

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is a business area and the proposed building can be allowed. Getting the cars off the street from in front of the neighbors' homes would be beneficial to the whole community, it was noted. The matter of signs was brought up but it is the intent to have the signs meet the ordinance. Mr. Yospe questioned the 5' buffer zone originally discussed to the north of the parking lot at the rear of the buildings. When asked what the advantage of such a buffer was, Mr. Yospe noted whether there is an advantage or not it is the law but it was explained that is a point under this request for variance; however, he voiced his objection since as long as the law provides a landscaped strip he felt the petitioner should comply with the law. Mr. Thomas was against setting a precedent by granting the requested variance. The drive to the northwest was questioned and also its relation to Bell Avenue. The Chairman ordered that the matter be taken under advisement. In the executive session the various aspects of the case were reviewed. With regard to the parking in the rear it was noted that there is not enough room for a buffer strip and the wall is approximately 8' to 10' high on the petitioner's side, due to the difference in grade of the properties. It was also noted that in the rear yard no buffer area was required.

From the evidence before it and after further consideration, it is the opinion of the Board that the granting of the requested variance for a canopy to project into the required front yard would be inimical to the best interest of the district and contrary to the spirit and intent of the Zoning Ordinance; however, the Board is of the opinion that the petitioner would suffer an unnecessary hardship from a denial of the variance with regard to the parking; that the spirit and intent of the Zoning Ordinance will be upheld and substantial justice done in the granting of a variance.

IT IS THEREFORE ORDERED that the requested variance for a canopy to project into the required front yard be denied, but that the Board approve the parking plan as shown on the plan submitted by the petitioner showing a 5' landscaped area to the northwest (with a masonry wall along the northwest property line), the parking lot to maintain the full required setback from Glendale Drive, the full required setback from Navajo Street with the existing block wall to be extended northwesterly to the edge of the development, provided a curb is placed inside the entire length of the wall a sufficient distance to prevent cars from hitting the wall with this area between the curb and wall to be planted, suggesting as much space as possible and still park two rows of cars, the final plans to be subject to approval by a Committee of the Board, a copy of the finally approved plan to be filed with the case, all of the landscaped areas to be sprinklered and the area between the curb and sidewalk to be landscaped, the final location of the drive to be approved by the City Traffic Engineer and on the final plans to be submitted the location of Bell Avenue to be shown as it intersects Glendale Drive, 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

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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 27, 1964.

Dated at Salt Lake City, Utah, this 10th day of February, 1964.

Edwin Whitney
Chairman

Mildred G. Snider
Secretary

cc: Alke T. Diamant, attorney

I, Mildred G. Snider, being first duly sworn, depose and say that these are the Findings and Order in Case No. 4858 before the Board of Adjustment on January 27, 1964.

Mildred G. Snider

Subscribed and sworn to before me this 10th day of February, 1964.

Verona J. Jensen
Notary, residing at Salt Lake City, Utah

My commission expires 02/16/1964

