

**Syracuse City Planning Commission Meeting**  
September 1, 2009  
Minutes

1. Meeting called to Order, Adoption of Agenda, and Approval of Minutes

Planning Commission Chair Robert Whiteley called the meeting to order at 6:00 p.m., indicating City staff posted the agenda 24 hours prior to the meeting and delivered copies to all Commission members. Mike Norton offered the prayer, and Nathan Miller led the pledge of allegiance.

Members Present: Chairman Robert Whiteley, Vice Chair Kenneth Hellewell, Tena Campbell, Nathan Miller, Craig Jenkins, Mike Norton, and Jamie Nagle as well as Community Development Director G.J. LaBonty and Administrative Assistant Judy Merrill.

Visitors: T.J. Jensen Barbara Palmer Dan Scarbrough Doug Peterson

CRAIG JENKINS MOVED TO ADOPT THE SEPTEMBER 1, 2009, AGENDA AS OUTLINED, SECONDED BY NATHAN MILLER; ALL VOTED IN FAVOR.

Commissioners reviewed the minutes of the July 7, 2009, meeting.

KENNETH HELLEWELL MADE A MOTION TO APPROVE THE MINUTES OF THE JULY 7, 2009, MEETING AS WRITTEN, SECONDED BY TENA CAMPBELL; ALL BUT ROBERT WHITELEY, MIKE NORTON, AND JAMIE NAGLE VOTED IN FAVOR SINCE THEY DID NOT ATTEND THAT MEETING.

Commissioners reviewed the minutes of the August 18, 2009, meeting.

TENA CAMPBELL MOVED TO APPROVE THE MINUTES OF THE AUGUST 18, 2009, MEETING AS WRITTEN, SECONDED BY MIKE NORTON; ALL VOTED IN FAVOR.

2. Brett Hickenbotham Public Hearing and Conditional Use for an Accessory Building

Director LaBonty advised the Commission that the applicant just contacted Specialist Moyes to let him know he was stuck in traffic and ask the commissioners to postpone his item until later in the meeting.

NATHAN MILLER MADE A MOTION TO MOVE TO ITEM 3 ON THE AGENDA, SECONDED BY KENNETH HELLEWELL; ALL VOTED IN FAVOR.

NATHAN MILLER MADE A MOTION TO MOVE BACK TO ITEM 2 ON THE AGENDA, SECONDED BY MIKE NORTON; ALL VOTED IN FAVOR.

Dan Scarbrough, contractor for the requested accessory building by Brett Hickenbotham, the property owner, appeared before the Planning Commission requesting Conditional Use approval to construct a 2400 square-foot garage on the southeast corner of 2739 West 700 South. Director LaBonty explained that the homeowner would use the building to store recreational vehicles rather than any type of business activity. The height of the building would be 14 feet from finished main floor to top wall plate. The roof line from the wall plate, however, would be another 10 feet, exceeding 50% of the wall height. The applicant understood that, by Ordinance, a building this tall could not be closer than 11 feet from property lines. The applicant was requesting approval from the Land Use Authority for a variance to that setback in order to construct the garage as close as 6 feet from the side and rear property lines. City staff verified the absence of any side or rear easements on the parcel and that the proposed color of the building would match that of the primary structure. The materials for the garage would be galvanized steel siding. The plans met all other requirements of the Land Use Ordinance specific to accessory structures, except for the roof height exceeding the percentage of the wall height.

Chairman Whiteley opened up the meeting for public hearing.

T.J. Jensen, 3242 South 1000 West, stood to remind commissioners of his proposal a few months earlier to limit absolute heights of buildings versus distances from property lines. He then suggested the applicant try installing some turrets to boost the wall height in an effort to squeak it through. Although the applicant needed to comply with Ordinance and understood why he had the pitch running the long way for easy access of the homeowner's RV, he believed there were architectural options that might work and keep the overall height., even if it meant pushing the setback to accommodate extra wall height.

Specialist Moyes interjected by saying he did not have an opportunity to change his executive summary after the applicant reduced the roof height to 21 feet, which would be 50%. Mr. Scarbrough submitted new drawings with just under a 3/12 pitch.

Chairman Whiteley wanted clarification on the trusses spanning a 50 foot distance and asked if the applicant considered spanning the trusses 40 feet and stacking them in a different direction. Mr. Scarbrough said yes and then assured commissioners that he did try and do his due diligence 3 or 4 weeks ago when he had the plans drawn and engineered. He explained how he asked City staff about overall height and square footage restrictions, because his company did this a lot with many cities and expected different requirements. Staff advised him there were no limitations based on overall height, just wall and top plate heights. Although he realized his claim was just hearsay, he assured them he had that discussion before engineering the plans. He found out Friday afternoon that it was different and tried very hard to accommodate that roof pitch. His customer was out of town, so he just wanted to make sure he could build it as proposed in the most recent drawings. He would be willing to turn the trusses the other way if he had the homeowner's approval and could get the architect to put drawings together that fast for the whole building but needed to know if the Commission would approve the 21 feet as currently designed with the shallower pitch. Chairman Whiteley did not believe the commissioners took issue with the shallower pitch if it met Ordinance at 21 feet high.

Since no one else rose to speak, Chairman Whiteley closed the public hearing.

Commissioner Norton asked why the applicant was asking for a variance to the setback requirement. Mr. Scarbrough called it dead space and that, although they could comply with Ordinance, the homeowner preferred building it as close to the property line as possible since it would sit along that east wall as an opening for the RV. He did not believe there was much a land owner could do with 10 feet between a property line and building. Commissioner Nagle pointed out that there would not always be a field back there, and the City established setback requirements to provide appropriate buffers between adjacent property owners and such tall structures to prevent them from becoming burdens to neighbors. Mr. Scarbrough understood the reason for the requirement and that the Commission might not approve the requested variance. However, the Ordinance granted the Commission authority to allow such requests, and his client would love to have the shorter setback. He then suggested that such dead spaces in rear yards might have a greater propensity for weeds and to become eyesores for neighbors, even though homeowners were obviously responsible to appropriately maintain them. Vice Chair Hellewell pointed out that the same could be true for 6-foot setbacks while 11 feet seemed easier to mow and take care of than a smaller strip of land.

Commissioner Jenkins asked when the client was due back in town. Mr. Scarbrough told him not for another week and a half. Commissioner Jenkins suggested the Commission table the request so the applicant could sit down with the homeowner and explain the City's position regarding the variance. The extra two weeks might be to Mr. Scarbrough's advantage, so he could consult with the homeowner. The applicant disagreed because Mr. Hickenbotham asked him to attend this meeting in his stead and advise him of the decision. He then expressed his assumption that commissioners were leaning towards 11 feet. He explained that the homeowner did not have the same concern with the south property line and asked if the Commission would grant a variance for just the east side, since the adjacent lot already had an established property owner who did not oppose the garage as proposed. Commissioner Nagle preferred not to hold up the building process with winter coming and asked if the applicant would be willing to have the Commission approve it without a variance so he could begin construction. Mr. Scarbrough preferred to move forward since he did not believe anything he or the homeowner could say at the next meeting would change the Commission's position. Commissioner Nagle emphasized the fact that the Ordinance requirements were not selective. The City could not hold applicants to different standards based on where they lived, such as adjacent to a large field. Vice Chair Hellewell added that the City would only grant variances for hardship cases. This lot had plenty of room in the rear, so he did not see a hardship requiring a reduction to the setback requirement.

KENNETH HELLEWELL MOVED TO GRANT CONDITIONAL USE APPROVAL OF A 2400 SQUARE-FOOT GARAGE ON THE SOUTHEAST CORNER OF 2739 WEST 700 SOUTH SUBJECT TO ALL REQUIREMENTS OF THE LAND USE ORDINANCE SPECIFIC TO ACCESSORY STRUCTURES WITH NO REDUCTION TO THE SETBACK REQUIREMENTS. CRAIG JENKINS SECONDED THE MOTION; ALL VOTED IN FAVOR.

3. Palmer's Preschool Public Hearing and Conditional Use for a Home Occupation

Barbara Palmer, 1172 West 2850 South, approached the Commission requesting Conditional Use approval to operate a preschool out of her home, beginning the week after Labor Day of this year. Director LaBonty stated that she originally planned to hold morning sessions on Mondays through Thursdays, from 10:00 a.m. to 12:30 p.m., for up to 12 students with the applicant's daughter helping run the preschool. However, the applicant would only hold classes two days a week due to her daughter's changing work schedule. Depending on her daughter, the applicant would provide preschool on either Mondays and Wednesdays or Tuesdays and Thursdays, so she asked that the Land Use Authority grant approval for all four days. The applicant would hold the classes in her fully-finished basement with the appropriate building permits. The applicant's yard had a fully-enclosed fence, and the home provided adequate parking in the driveway and in front of her home. The plans met all other requirements of the Land Use Ordinance specific to preschools as a home occupation, and staff had no objections or concerns with the requested use.

Commissioner Norton asked how she would manage the parking. Ms. Palmer explained how she and her daughter would stand out in front while the parents drove up and either dropped off or picked up their child and then continue down the block to the end of the cul-de-sac to turn around. The vehicles would just stop briefly, so there would be no need for parking.

Chairman Whiteley opened up the meeting for public hearing. No one came forward, so he closed the public hearing.

CRAIG JENKINS MADE A MOTION TO GRANT CONDITIONAL USE APPROVAL TO BARBARA PALMER FOR THE PURPOSE OF CONDUCTING PALMER'S PRESCHOOL IN HER HOME, LOCATED AT 1172 WEST 2850 SOUTH, SUBJECT TO ALL REQUIREMENTS OF THE SYRACUSE LAND USE ORDINANCE SPECIFIC TO HOME OCCUPATIONS. NATHAN MILLER SECONDED THE MOTION; ALL VOTED IN FAVOR.

4. Planning Commission Business

Commissioner Miller reported on the last City Council meeting. One Council member reported on the purchase of the corridor preservation for Highway 193, starting at 2000 West and going eastward. The Council adopted the General Plan amendment the Commission recommended as well as the rezone and subdivision plat amendment combining the two lots. The Council held a public hearing regarding an ordinance change compensating Planning Commission members. Commissioner Miller voiced his opposition to any compensation, while T.J. Jensen stood and disagreed. He said commission members should receive more pay. In the end, the Council decided to amend the Ordinance to clarify a conflict in language and compensate commissioners at the discretion of City Council. They also appointed four workers for the primary and general elections.

Chairman Whiteley confirmed that Commissioner Norton would attend the next Council meeting.

Commissioner Campbell advised City staff that she would not be attending the next meeting.

5. Adjournment

CRAIG JENKINS MADE A MOTION TO ADJOURN AT 6:28 P.M.; ALL VOTED IN FAVOR.

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Robert Whiteley  
Planning Commission Chair