

**Cedar City Board of Adjustments Minutes**  
**January 4, 2016**

The Cedar City Board of Adjustments held a meeting on Monday, January 4, 2016 at 5:15 p.m., in the City Council Chambers, 10 North Main Street, Cedar City, Utah.

**PRESENT:** Ann Powell, Janet McCrea, John Ashby, Jill Peterson, Joe Sanders, Steve Dodds, Chief Building Inspector Drew Jackson, Assistant City Attorney Randall McUne.

**EXCUSED:** Zurl Thornock

**OTHERS PRESENT :** Gary Little, Carolyn Little, Lynette Groves.

**CALL TO ORDER :** Ann called the meeting to order at p.m.

**APPROVAL OF MINUTES :** Motion to approve the minutes of the December 7th, 2015 meeting by John. Second by Janet. Vote unanimous to approve.

**APPROVAL OF FINDINGS OF FACT:**

Motion to approve by Jill. Second by Steve. Vote unanimous to approve.

**REQUEST FOR A HOME OCCUPATION PERMIT TO OPERATE A DAYCARE OUT OF A RESIDENCE LOCATED AT 763 S. SUNSET DRIVE/LYNETTE GROVES :**

Lynette - I want to operate a daycare out of my home. Steve - I want to disclose that I know Lynette, and she lives in my neighborhood. Lynette will be the only employee. She will not use any accessory buildings. The yard is completely fenced. There will be no commercial vehicles used in the business. There will be no drive-through. The use will be incidental to the use of the building as a dwelling. She owns the home. She has turned in the required notice to her neighbors and the site plan to the building department. She doesn't intend to have a sign. Drew has also inspected the location, and there are no problems. The square footage meets the requirements, and Drew says she has the required parking. The Fire Marshal has inspected and approved the residence. She plans on having eight children, with none of her own children included in that total. She will obtain a business license upon approval of the Board. She has been approved at a couple of other locations for child care services, and has just changed locations. There have been no complaints for her other child care businesses. Motion to approve by Janet; second by Steve. Vote unanimous to approve.

**REQUEST FOR A HOME OCCUPATION PERMIT TO OPERATE A BEAUTY SALON OUT OF A RESIDENCE LOCATED AT 8 NORTH 800 WEST #16/CRYSTAL SMITH :**

Crystal is not here; this item is moved to end of meeting.

**REQUEST FOR A VARIANCE ON THE SETBACK ON A PROPERTY LOCATED AT 508 SOUTH 450 WEST/CAROLYN AND GARY LITTLE :**

Carolyn - We are on a corner lot and I submitted a plot plan. The carport is one foot from the neighbor's wall and the other side has 20 feet to the sidewalk. I had heard that we needed an easement to the backyard for the utilities, but they could access the backyard through the gate. The neighbors are fine with our request. They have an air conditioner and generator on the side that we are proposing the carport, so they don't open the windows on that side. We are getting older and would like to have our cars garaged. Janet - I drove by the residence. Is there a school to the north? Ann - The school is across the street. Steve - Has the Fire Marshal checked this? I would think there would be a problem with closing this in. Carolyn -

They just need access to the yard, which we have. Drew - In the building code, it says the garage setbacks are taken on the entire structure so it's a tighter setback. The challenge is now is that they will be out of compliance. In the residential code it is a fire rating issue. There is a required minimal fire separation of five feet on walls. The only way around that requirement is to fire-protect the building with sprinklers, or to build a cement building. The projections and the eaves and windows would also come into play. This is on both sides; the owner's side and the neighbor's side. So that is a constraint. Steve - And this doesn't meet that. Carolyn - So if we built a cinderblock wall, would that work? Drew - Yes on the side, but there is still the roof structure. Carolyn - But the roof is already there. Steve - But if you have an enclosed space, it makes the fire hotter, and it spreads quicker. That would be my concern. On the first house I built I wanted to do the same thing, and I was told that enclosing the carport would be a fire risk. Carolyn - There are two homes behind us that have done the same thing. Ann - I think there's more than two. Carolyn - Then why are they there? Drew - I appreciate the way you've handled this. We appreciate your due diligence. We realize people go ahead and do it anyway without getting a variance. But there is a liability issue. Ann - Everyone on your street has a carport right up against the property line, so everyone would want to enclose their garages, and it would be a fire danger. We have to be equal to everyone who comes in. Jill - Is a one-car garage an option? Carolyn - We have a double carport. Drew - That's an interesting suggestion. Randall - That would be do-able. Drew - We'd have to check on that. On the top of my head I'd think we'd be in compliance, but the fire issue would still be a problem. The roof would still be a projection into the fire zone. We could check with the Fire Marshal.

Ann read the requirements for a variance.

**Literal enforcement would cause an unreasonable hardship** : Steve - I don't think the application meets this. Ann - Unfortunately we don't think it is a hardship that precludes you from using your property. Steve - You can still use it the same way you've always done. I understand you'd prefer a garage, but I have a concern based on the fire danger.

Motion to deny by Steve. Joe - I would encourage a revised request for your purposes. Second by John. Vote unanimous to deny.

Crystal Smith never appeared to discuss her application for a home occupation permit.

**ADJOURN**:

The meeting adjourned at 5:35 p.m.

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Barbara Barrick  
Executive Secretary