

AGENDA ITEM #5

Consideration of approval of a variance for a secondary access to be closer than 10 feet from the adjacent property line at 89 S. Deseret Circle.

Hi! My name is Tonya Walden, my husband (Nik) and I got an approval from Kristy Clark to cut the curb for our RV parking. The problem is she didn't realize the code was 10" from the property line. That puts our driveway in front of a tree. The only reason we need the curb actually cut and approved is because our neighbors have refused to move their vehicle for us to access our RV, and because it's a public street they are aloud to do so. I was told I need to appear in front of city council to get a variation to the code. Below is an approval for the driveway with included pictures. I have also attached pictures of where we put our RV driveway. We are wanting to cut the curb 1" from the property line and it would be a 10" driveway. Wondering what the steps are that I need to take to see if what I want is a possibility! I did call and leave you a voicemail but knew I would need to send this email anyway. If you could get back to me at your convenience that would be great. Email or phone will work, my number is

Thank you,
Tonya Walden



**GRANTSVILLE CITY ZONING ADMINISTRATOR
IN AND FOR GRANTSVILLE CITY, A MUNICIPAL CORPORATION
OF THE STATE OF UTAH**

RE: Secondary Access Request
Nik and Tonya Walden
89 S Deseret Circle

FINDINGS AND DECISION
July 28, 2021

Applicant submitted an application and site plan to the Zoning Administrator on July 14, 2021.

FINDINGS:

Exhibit "A" – Application and site plan photo
Exhibit "B" – Chapter 6.14 – Driveway Regulations

DECISION:

Based upon the Findings, the Grantsville City Zoning Administrator, Kristy Clark and the Public Works Director reviewed and approved the application for a Secondary Access based on the following:

- The request is approved with the condition that the secondary access not exceed 10 feet. The secondary access meets code with the existing driveway approach being 20 feet and the proposed driveway being 10 feet for a total of 30 feet maximum driveway width.
- Secondary access must be no closer than 10 feet from the adjacent property line.
- Must obtain a Grantsville City Road Cut-Permit from the Public Works Director.
- Must schedule an inspection with Public Works prior to and after driveway construction.
- Must follow all driveway regulations that are attached to this approval.

APPROVED BY THE GRANTSVILLE CITY ZONING ADMINISTRATOR ON JULY 28, 2021.


Kristy Clark, Zoning Administrator

The applicant that has submitted an application to the City under this Chapter, may appeal any decision made by the planning and zoning administrator regarding the secondary access to the City Council, whose decision shall be final. Any such decision appealed from shall be presented to the City Recorder in writing within 30 days after the entry of the decision appealed from. The City Council shall consider the appeal within 60 days of receipt of the written approval.

EXHIBIT "A"

GRANTSVILLE CITY ENGINEERING AND ZONING DEPARTMENT

429 EAST MAIN STREET
GRANTSVILLE, UTAH 84029
PHONE (435) 884-3411
FAX (435) 884-0426
EMAIL: kclark@grantsvilleut.gov

Application
Fee:
\$25.00

Secondary Access Request Application

Date of Application July 27th 2021
Property Location 89 deseret cir grantsville ut 84029
Property Owner(s) Nik Walden , tonya Walden
Mailing Address _____
Phone () E-Mail +
Subdivision Name _____

- Please submit with your application a detailed site plan with measurements and photos of the location of the proposed secondary access. Please submit photos if the access already exists.
- Detailed description of the process to add the secondary access and include any changes to right-of-way. (Example: will the secondary access require cutting of curb, gutter, and sidewalk.) May require some Engineering.

T. Walden

Signature of Owner(s) or Acting Agent

FOR OFFICE USE ONLY:

☒ Reviewed by Zoning Administrator. Date: July 27, 2021

Zoning Administrator Signature

Kirsty Clark

☒ Reviewed and Inspected by Public Works. Date: 27 July 21

Public Works Director Signature

[Signature]



APPROVED



DENIED

Permit number 2021-004 \$25 Fee Paid on July 16, 2021

Notes: _____

P.O. Box 1430
Riverton, Utah 84065



1-888-439-3655 TOLL FREE
(801) 253-1005 FAX

July 15, 2021

To whom it may concern,

In regards to the proposed curb cut for Nik Walden located at 89 Deseret Circle, our plan is to saw cut & remove approximately 14' of city sidewalk behind the curb, and then cut the new approach in. The proposed new approach will be 10' wide on the flat part of the cut with a 2' taper on each side. After the cut is done, we will grind the concrete & bull nose the edges to a finished product. We also will haul off all of the concrete that has been cut & broken out.

We have been doing curb cuts for over 20 years, so I'm very confident the finished product will be of high quality & up to your standards. If you have any questions, please feel free to call me.

Thank you,

Kody Pierce

A handwritten signature in black ink, appearing to read "Kody", followed by a long horizontal line extending to the right.

American Curb Cut, Inc

(801)514-0648



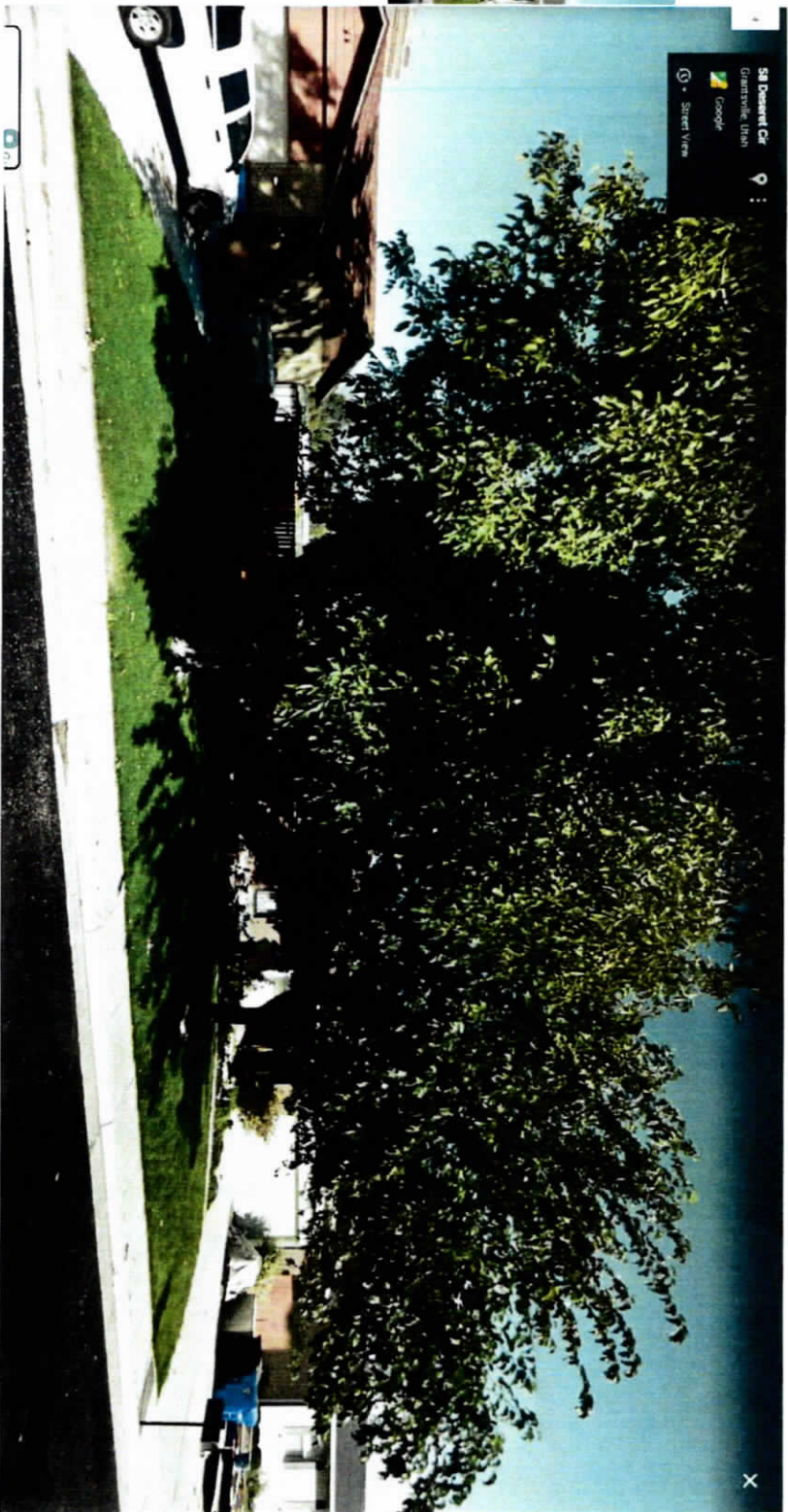
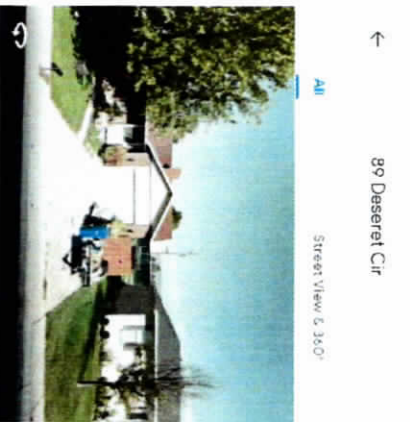


EXHIBIT "B"

6.14 Driveway Regulations

[6.14.1 Driveway Construction Requirements](#)

[6.14.2 Secondary Access Permit Required](#)

[6.14.3 Tempering With City Infrastructure](#)

[6.14.4 Driveway Location](#)

[6.14.5 Residential Districts](#)

[6.14.6 Commercial Or Industrial Districts](#)

[6.14.7 Public Safety Access Driveway](#)

6.14 Purpose

A. Purpose

1. The safety and efficiency of a roadway is impacted by the amount and type of interference experienced by the vehicles moving on it. Some interference may result from other vehicles on the roadway, moving in either the same or the opposite direction. The major form of interference, however, is from vehicles entering, leaving, or crossing the roadway at intersecting streets and driveways. In order to reduce interference with traffic flow, minimize accidents and assure the best overall utilization of the roadway of the motoring public, it is necessary to regulate vehicles entering and leaving roadside developments and intersecting streets.
2. Grantsville City recognizes the legal rights of abutting property owners to have access to their property. However, it must also consider the right of other roadway users to travel with relative safety and freedom from interference. Since these rights are at time in conflict, it is the City's responsibility to reconcile and, to the extent feasible, satisfy the needs and desires of all roadway users.

HISTORY

Amended by Ord. [2021-23](#) on 5/19/2021

Amended by Ord. [2021-23](#) on 5/19/2021

6.14.1 Driveway Construction Requirements

A. Driveway Construction

1. Driveways hereinafter constructed in the City shall be designed and constructed in conformance with this Chapter.
2. All driveways shall be hard surfaced, with a material approved by the City Engineer, and shall be designed and constructed to conform to current American Public Works Association ("APWA") standards as well as all standards developed by the City.
3. No building permit shall be issued for the erection or construction of a building unless all proposed driveways are reviewed and approved by the City.
4. No driveway or driveway approach shall be permitted to encompass any municipal facility, including but not limited to traffic signal standards, catch basins, fire hydrants, crosswalks, loading zones, storm drains, utility poles, fire alarm supports, meter boxes, manholes and sewer cleanouts.
 - a. [Any person, company, or enterprise found violating this Section shall be fined up to \\$1,000 per violation, and subject to all other fines and penalties found in this Chapter and allowed by law, including GCC 17-1-6.](#)

- b. Any person, company or enterprise found violating this Section, in addition to any penalties found in 6.14(A)(4)(a), shall be liable for all costs repair or restore the municipal facility, all costs to remove, relocate, or bring into compliance the offending driveway or driveway approach, and all actual damages to real property caused by the offense.

5. Variations from the requirements of this Chapter may only be approved by the City Council.

HISTORY

Adopted by Ord. [2021-23](#) on 5/19/2021

6.14.2 Secondary Access Permit Required

A. Permit

1. A driveway permit is required prior to the construction of a secondary access to any lot.
2. Construction of a secondary driveway access may be permitted with a driveway approach permit and payment of applicable fees, as designated in the City's Fee Schedule.
3. Applicants shall demonstrate that traffic safety, sight distances, and character of the neighborhood is not adversely impacted and shall comply with the design standards set forth in this Chapter.
4. Grantsville City's Engineer may deny any proposed driveway that violates any part of this Chapter.
5. The driveway approach for a secondary access must be inspected by Grantsville City prior to driveway construction, including the pouring of concrete or road base. The construction requirements must be in compliance with APWA standards, as applicable.

HISTORY

Adopted by Ord. [2021-23](#) on 5/19/2021

6.14.3 Tempering With City Infrastructure

A. Damage to City Property

1. It shall be unlawful for any person or firm to construct, cut, break out, or remove any curb along a public street, alley or right-of-way without prior authorization by the City Engineer and City Public Works Director.
2. No person or firm shall remove, alter, or construct any curb, driveway, gutter, pavement or perform any other improvement in a public street or other property owned by or dedicated to the City without first obtaining a permit or prior authorization from the City Public Works Director authorizing such improvements.

B. Penalties

1. Failure to secure a permit of authorization as described in this Chapter, or failure to construct a driveway in the manner described herein, is a violation of this Chapter and may result in a penalty of fifty dollars (\$50.00) per violation, per day.
 - a. Prior to the issuance of any monetary penalty, the City shall provide the offender written notification of violation and permit the offender at least fourteen (14) days to come into compliance.

- b. The City shall be required to notify the offender that he has the right to appeal the notice of violation to the Grantsville City Council. All decisions of the City Council shall be final.

HISTORY

Adopted by Ord. [2021-23](#) on 5/19/2021

6.14.4 Driveway Location

A. Streets and Roadways

1. Driveways for off-street parking shall be located on streets designated as local, residential, or main street unless otherwise permitted herein.
2. Driveways accessing arterial, rural, or collector streets require pre-authorization approval from the City Council prior to construction.
 - a. Approval will be granted only if access to the property off another road is impossible or overly burdensome.
3. Driveways shall not be constructed along the acceleration or deceleration lanes and tapers connecting to interchange ramp terminals.

B. Shared Access

1. Shared access driveways between adjacent lots are hereby encouraged.

C. Right-of-Way

1. Driveways, including the radii, but not including right-turn lanes, passing lanes, and tapers, shall be located entirely within the applicant's right-of-way frontage. This right-of-way frontage is determined by projecting the lot lines to the edge of pavement of the road. Encroachment of curb and radii on adjacent right-of-way frontage shall be permitted only upon written certifications from the adjacent property owner(s) (agreeing to such encroachment) and upon written confirmation from the City that the City has determined that such encroachment is necessary to preserve safe roadway conditions.

HISTORY

Adopted by Ord. [2021-23](#) on 5/19/2021

6.14.5 Residential Districts

A. Residential Districts

1. The following restrictions shall apply to single family detached, single family attached and two family dwellings:
 - a. Parking on driveways located between the front or corner side lot line and building shall not be allowed for satisfying the requirements stated in this Chapter.
 - b. Unless and exception is granted by the City Council, driveway approaches in front and corner yards shall not be greater than thirty feet (30') in width.
 - c. The provision of parking spaces elsewhere on the lot shall conform to the other applicable requirements of this Chapter. Requirements for garages shall be specified in each zoning district regulations.

- d. No parkway right-of-way adjacent to or near the lot shall be used for parking.
- e. For each single-family residential lot no more than two driveway approaches shall be permitted. In all instances, the total width of two or more driveway approaches may not exceed one-third of the lot frontage in which the drive approaches are constructed. A drive approach shall have a minimum width of twelve feet (12') between them, not including flares.
- f. The second driveway cannot access an arterial or collector street, unless approved by the City Engineer and City Council.
- g. Driveways shall not be closer than:
 - i. Twelve feet (12') to each other; and
 - ii. Sixty feet (60') along the right of ways to a point of a road or street right-of-way intersection as measured from back of sidewalk or property line to edge of driveway.
- h. Circular driveways shall only be permitted on local residential streets. A minimum lot frontage of one hundred feet (100') or greater is required of if located on a corner lot, at least thirty-five feet (35') of spacing from the curb line to the leading edge of the driveway.
- i. Secondary driveways must be no closer than 10' from the adjacent property line, as measured from the property line to the edge of driveway, not including flares.

HISTORY

Adopted by Ord. [2021-23](#) on 5/19/2021

6.14.6 Commercial Or Industrial Districts

A. The following restrictions shall apply to all commercial or industrial district driveways:

- 1. All driveways shall be paved in their entirety, using either concrete or asphalt.
- 2. All driveways shall be constructed with concrete curb and gutter along the entire required entry and exit radii for the driveway.
- 3. No more than two (2) driveways are permitted per street frontage for any parcel, tract, or development, including access to any and all property designated as out parcels to be leased or sold for future development.
 - a. Exceptions: The City Engineer, in consultation with the City Public Works Director, may recommend to the City Planning Commission and City Council for their approval three driveways provided the parcel has at least one thousand feet (1000') of frontage and a Traffic Impact Analysis is performed by a qualified engineer at the property owner's expense, justifying an additional driveway.

HISTORY

Adopted by Ord. [2021-23](#) on 5/19/2021

6.14.7 Public Safety Access Driveway

A. Public Safety Access Driveway Required

- 1. The owner or developer of any new residence, occupied structure or commercial building

or facility or portion thereof which is hereafter constructed or moved into the City, which is located more than one-hundred and fifty feet (150') from the City street or from an approved private street, shall be required to construct and maintain a public safety access driveway from the City street or private street to within one-hundred feet (100') of the residence, structure, building or facility and each part thereof, pursuant to the following standards:

- a. A public access driveway shall be constructed and maintained with an all-weather dustless surface that meets the requirements of the City for a standard residential street section. Said driveway shall also have constructed and maintained at its terminus, an emergency vehicle apparatus turnaround which shall comply with City's standards and specifications for public cul-de-sacs or the minimum specifications of the current International Fire Code or its appendices for dead-end fire apparatus access road turnarounds.
 - b. If the public safety access driveway is more than 500 feet in length, it shall be constructed and maintained as provided for above, except that the base course shall be at least 26 feet wide.
 - c. The distance from the public or private street to the residence, building, etc., shall be determined by a measurement along the private driveway from the street to the structure.
2. The public safety access driveway as required by this section shall be completed prior to the issuance of an occupancy permit. The owner of the property shall ensure that the public safety access driveway is maintained pursuant to the standards set forth in this Section and failure to maintain the same shall be guilty of an Infraction.

HISTORY

Adopted by Ord. [2021-23](#) on 5/19/2021