

**BOARD OF ADJUSTMENT AGENDA**  
**WEDNESDAY FEBRUARY 15, 2006**  
www.sjc.utah.gov

NOTICE IS HEREBY GIVEN THAT THE SOUTH JORDAN CITY BOARD OF ADJUSTMENT COMMITTEE WILL HOLD ITS REGULAR MEETING ON WEDNESDAY, FEBRUARY 15, 2006 AT 7:00 P.M. AT THE SOUTH JORDAN CITY OFFICES, 1600 WEST TOWNE CENTER DRIVE, SOUTH JORDAN, UTAH. A WORK SESSION WILL BE HELD AT 6:30 P.M. TO REVIEW AGENDA ITEMS. PERSONS WITH DISABILITIES WHO MAY NEED ASSISTANCE OR AIDE SHOULD CONTACT THE CITY MANAGER AT 254-3742 AT LEAST 24 HOURS PRIOR TO THE MEETING.

NOTE: IN ORDER TO BE CONSIDERATE OF EVERYONE ATTENDING THE MEETING, THE BOARD OF ADJUSTMENT COMMITTEE REQUESTS THAT ALL PUBLIC COMMENT BE CONCISE, RELEVANT, TO THE POINT, AND LIMITED TO APPROXIMATELY 3 MINUTES. IF A SPOKESPERSON SPEAKS FOR A GROUP, THEIR TIME WILL BE LIMITED TO APPROXIMATELY 5 MINUTES. ANY AGENDA ITEMS TO BE CONSIDERED AFTER 10:30 P.M. WILL BE DONE WITH A UNANIMOUS VOTE OF THE COMMISSION.

**WORK SESSION AGENDA**

6:30 P.M.

**I WORK SESSION – 6:30 P.M. CITY COUNCIL CHAMBERS**

*A. Roll Call*

*B. Review of the Agenda*

**THE REGULAR MEETING AGENDA WILL BE AS FOLLOWS:**

7:00 P.M.

**I GENERAL BUSINESS ITEMS – 7:00 P.M. CITY COUNCIL CHAMBERS**

*A. Roll Call*

*B. Election of a Chair and Vice-Chair for 2006 Calendar Year.*

*C. Approval of Agenda*

*D. Approval of the Minutes of the Meeting held on October 26, 2005.*

**II ACTION ITEMS**

*None*

**III PUBLIC HEARING ITEMS**

*A. File # BOA-2006.01, Request for a variance to the City's Zoning Ordinance for fencing in the A-1 Zone, Located at 10988 South 2200 West, David J. Payne (applicant).*

**V OTHER BUSINESS**

*A. Calendaring Items*

*B. Planning Department Matters*

**VI ADJOURNMENT**

Approved 4-0

**SOUTH JORDAN CITY REQUEST  
FOR BOARD OF ADJUSTMENT ACTION**

**Meeting Date: 02-15-06**

---

**TO:** Board of Adjustment Members

**FROM:** Sean G. Allen/Planner I.

**DATE:** February 15, 2006

**SUBJECT: PUBLIC HEARING FILE #BOA-2006.01, REQUEST FOR A  
VARIANCE TO THE CITY'S ZONING ORDINANCE FOR  
FENCING IN THE A-1 ZONE, LOCATED AT 10988 SOUTH 2200  
WEST, DAVID J. PAYNE (APPLICANT).**

---

**Staff Recommendation (Motion Ready):** Recommend that the Board of Adjustment take public comment on this request, and then make their decision based upon the findings & conclusions, and the evidence presented, and subject to the conditions below:

- 1- The fence material and design is an extension of the applicant's fencing along the property directly south. All Fencing is to be painted white, including the existing. Currently, most of the old paint on the fencing material is chipped and in poor condition.
  - 2- Show agreement letter with Canal company on the installation of the gate and whatever fencing they have agreed to.
  - 3- That all other safety and zoning requirements are observed.
- 

<b>ADDRESS:</b>	10988 South 2200 West
<b>ACREAGE:</b>	Approximately 0.34 acres
<b>CURRENT LU DESIGNATION:</b>	Low Density Residential
<b>CURRENT ZONE:</b>	A-1/Agricultural
<b>CURRENT USE:</b>	Vacant

**NEIGHBORING LU  
DESIGNATIONS AND  
ZONES/USES:**

North - Low Density/(R-1.8)"/*Canterwood Park Estates  
Subdivision*"/1/2-acre single-family lots.  
South - Low Density Residential/(A-1)/Payne residence &  
large animals/horses (2.75-acres).  
East - Recreation Open Space/(A-5)/S.L. County  
Equestrian property (23.71-acres).  
West - Low Density/(R-1.8)"/*Canterwood Park Estates  
Subdivision*"/1/2-acre single-family lots.

---

## **BACKGROUND:**

The applicant is requesting a variance to install a 5' tall, 3" steel pole fence along the 2200 West frontage of the subject property. The applicant would like to merely extend the existing fence located on the applicant's property directly south using the same materials and design. The applicant is located at 10988 South 2200 West, and the subject property is a small 0.34-acre triangular property directly north. The property is to be used as an extension of the horse operation already in place. The Utah/S.L. Canal Company has required the applicant to remove a portion of the existing fence on the north, because it falls within Canal company property. If the applicant removes this portion of his fence it would allow the horses to escape and run free. The applicant must enclose the subject property with appropriate fencing to keep the horses enclosed when the fencing over the canal property is removed. The Canal Company has agreed to help the applicant accomplish this, by putting in a gate, however the applicant is responsible for the remainder of the fencing. Staff has approved the fencing to be installed along the canal property, but Staff does not have the authority to approve the fencing proposed 2200 West per the City fencing ordinance.

The fencing ordinance, in the A-1 zone (17.28.150/D) allows for front yard fencing, but the fence is restricted to be, "...Only a four foot (4') high decorative wrought iron, simulated wrought iron may be constructed between a dwelling and the front lot line or sidewalk adjoining a Collector Street." Since 2200 West is a Collector Street, and the property is an extension of the applicant's property of residence, directly south, Staff views the proposed fence as a "front-yard" fence, and because of the design & materials proposed for the fence, a variance must be granted by the Board of Adjustment.

Should the Board of Adjustment grant the applicant's request, Staff recommends the following conditions be attached. First is that the applicant re-paint the steel, because much of the old paint has chipped and is in poor condition, and also that the paint be colored white to match the S.L. County Equestrian Center fence on the east side of 2200 West. Second, the applicant is to show a written agreement that the Canal Company has agreed to put in the gate to the canal road, otherwise the applicant is responsible. Third, that the applicant follows all other public safety and zoning requirements.

## **STAFF FINDINGS, CONCLUSIONS & RECOMMENDATIONS:**

### **Findings:**

- The applicant currently has many horses on the property directly south of the subject property.
- The Utah/S.L. Canal Company has formally requested the applicant remove a portion of his side yard fence that runs along the south boundary of the subject property.
- If the applicant remove the portion of fence required by the canal company, then the applicant's horses move freely into the subject property, and without any fencing, they may escape.
- The applicant wishes to fence the subject property to prevent his existing horses from escaping and running free.

- The proposed fencing matches the existing fencing on the applicant's property directly to the south.

**Conclusions:**

- Time for the applicant to meet the Utah/S.L. Canal Company request remains between the applicant and the canal company.
- The existing fencing materials were painted white at one time. Much of this paint has chipped off and the aesthetics of the fence is in poor condition. The fencing materials need to be re-painted with white paint to match the Equestrian Center fencing across the street.
- Only the fencing along 2200 West is in question.
- The approval of this additional fencing does not mean the City is allowing the housing of additional horses, only the means to enclose the current number.

**FISCAL IMPACT:**

- None.

**ALTERNATIVES:**

- Approve the request for a Variance.
- Deny the request for a Variance.
- Schedule the applications for a decision at some future date.

**SUPPORT MATERIALS:**

- Zoning location map.
- Site Plan.
- Applicant's letter of request

**RECOMMENDATION:**

Staff recommends the Board of Adjustment take public comment, on this request, and then make their decision based upon the findings & conclusions, and the evidence presented.

The conditions necessary to grant a variance are as follows:

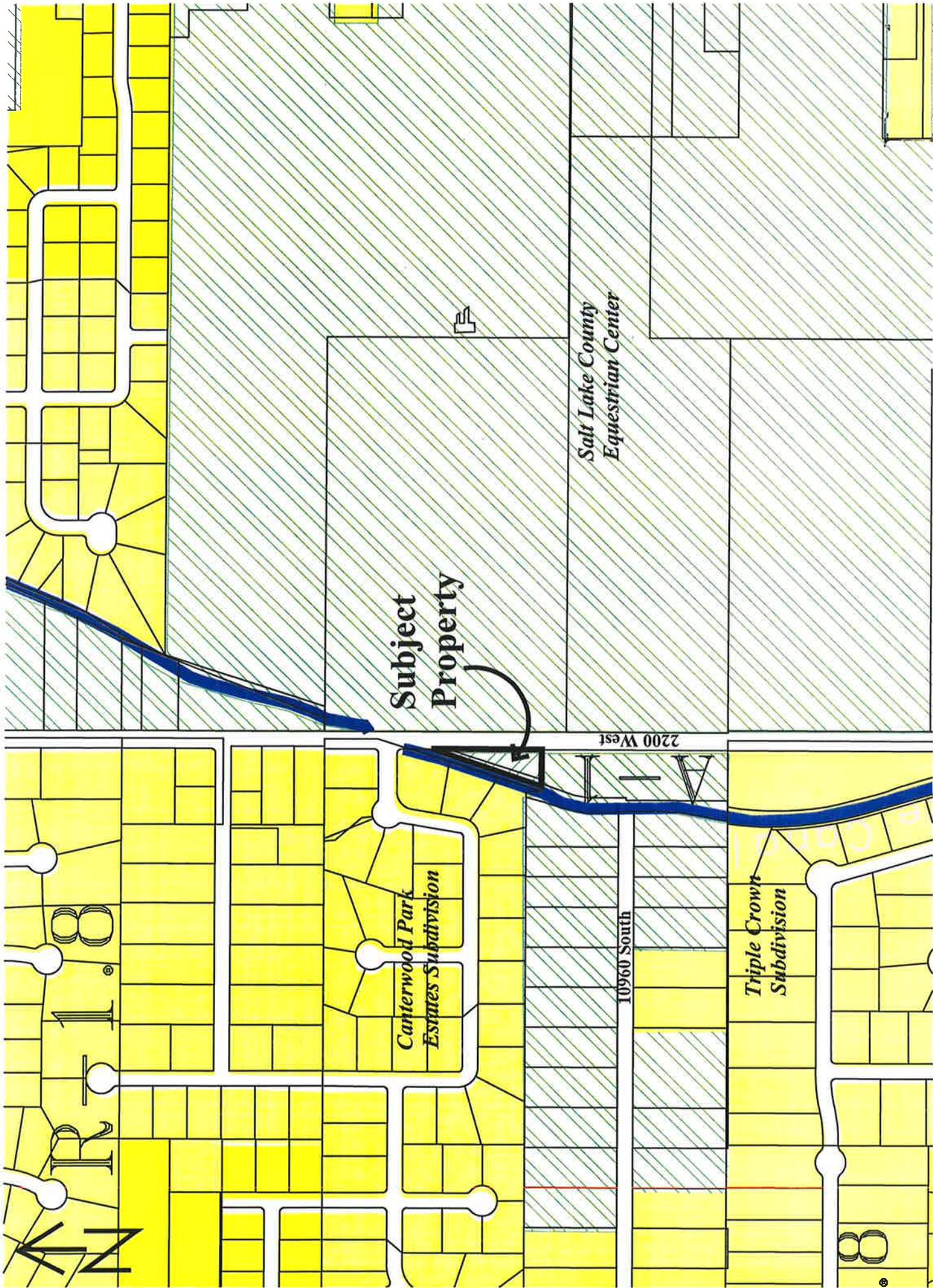
- a. The variance will not substantially affect the comprehensive plan of zoning in the City and that adherence to the strict letter of the South Jordan Zoning Ordinance will cause difficulties and hardship, the imposition of which upon the petitioner is unnecessary to carry out the general purpose of the plan;**
- b. Special circumstances attached to the property covered by the application which do not generally apply to the other property in the same district;**

- c. That because of said special circumstances, property covered by the application is deprived of privileges possessed by other properties in the same district; and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.

\*Content authorized by:

  
\_\_\_\_\_  
Greg Schindler, AICP  
Senior Planner

\_\_\_\_\_  
Brian Preece, AICP  
Director Community Development



**Subject Property**

*Salt Lake County  
Equestrian Center*

*Canterwood Park  
Estates Subdivision*

*Triple Crown  
Subdivision*

2200 West

10960 South

8

8

1

R

N



# FENCE PERMIT

SOUTH JORDAN CITY  
Planning & Zoning

1600 West Towne Center Drive  
(801-254-1404)

(Any fence over 6 feet high requires special City Approval and building permit)

Applicant: DAVID J. PAYNE Date: 1-26-06

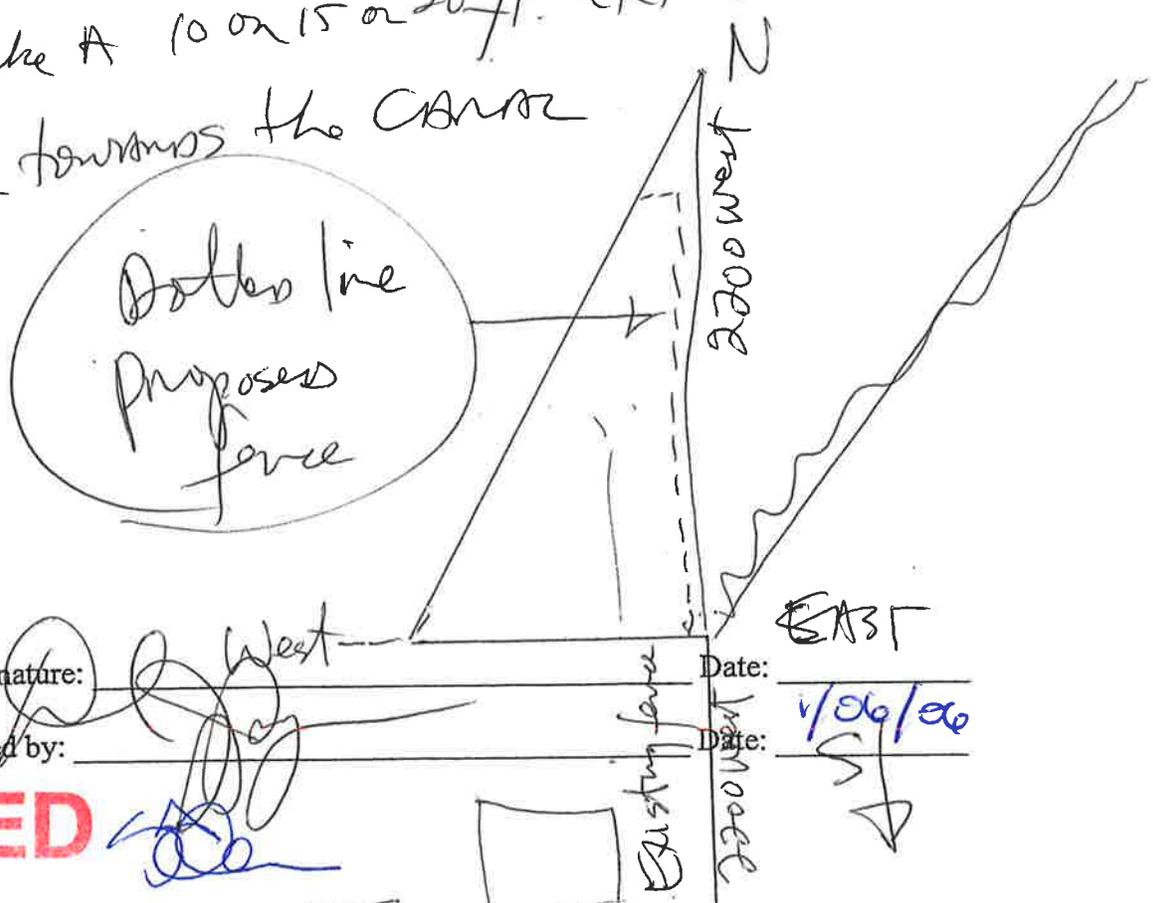
Property Owner: DAVID J. PAYNE

Property Address: 10988 S. 2200 W. Zone: South Jordan

Fence Material: Welder steel Design: 5" High Height: POB 4 RAILS (Same As to the South)

Please show site plan showing utility easements, sidewalks, street curbs, right-of-ways, property lines, buildings, severe slopes and proposed fence location below:

I would like to build a 4 RAIL 3" Steel WELDED PIPE fence across the front of the property (approximately 3 Acres) 1000 North of my barn complex at 10988 South-2200 West) The property to be fenced is approximately 10940 South 2200 West. There will be a wide gate and we would like to make a 10 or 15 or 20 ft. extension on the North end back towards the corner



Applicant Signature: [Signature] Date: 1/26/06  
Staff Approved by: [Signature] Date: 1/26/06

**DENIED**

January 9, 2006

Sean Allen/  
South Jordan City  
1600 West Towne Center Drive  
South Jordan, UT 84095

Dear Sirs,

I would like to extend the fencing on my property to the northern corner along 2200 west. The fencing material would be similar to the several hundred feet of fence which already exists to the south (five foot high, four rail welded 3 inch steel pipe). The fencing would include a large gate in the middle section of the fence and would be painted white after completion. From the northern corner I would like to construct a single rail 3 inch steel fence in a south west direction along the canal to connect with my existing fencing and gates. This fencing would follow the suggestions and stakes provided by Nelly Peterson (969-5419) of the South Jordan Canal Company.

I have been a good resident and property owner of the 10988 South 2200 West property for approximately sixteen years. I have materially improved and maintained the location since I purchased the original 2 2/3 acres and barn from the Triangle Oil Company in 1989. I pay approximately \$6000.00 a year in property taxes and am a substantial user in good standing of other services provided by South Jordan City.

The main reason I would like to extend my pipe fencing is the desire to better contain my horses and to prevent the dumping of unwanted materials. Several times last year this property was the recipient of grass clippings, tree limbs, waste concrete, waste steel and other metals.

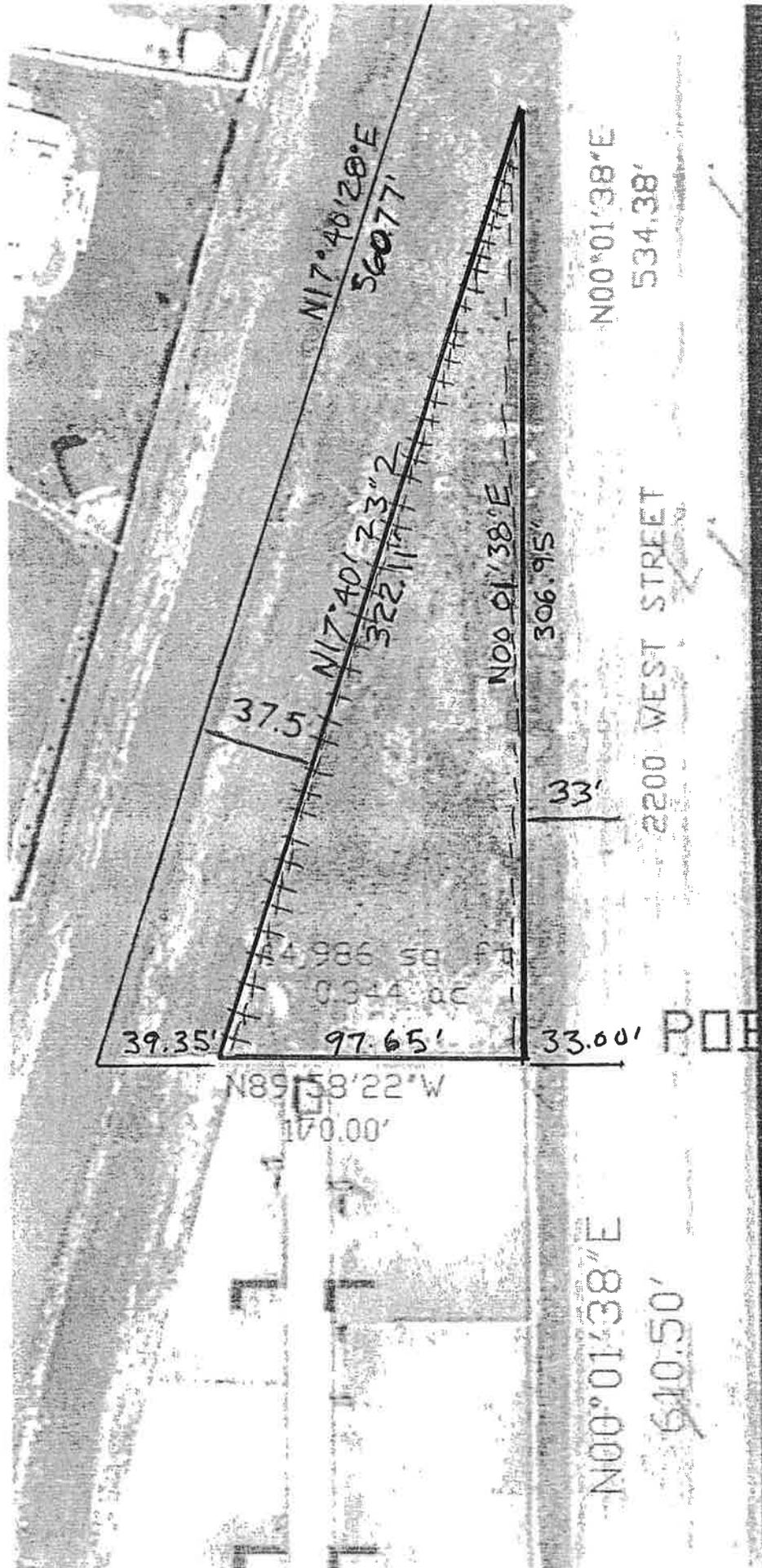
The Canal Company has asked me to remove or reduce the two fences (in existence for over 15 years) which extend from my property west toward the canal. The removal of these fences would allow the possible escape of my animals to the north.

I have recently received a citation from Officer Ronzillo asking for a cleanup of the northerly 1/3 acre. I have already removed the two trucks and the trailer from the property and I will remove the scrap steel and clean up the property if allowed to construct the requested fence.

Thanks for your consideration,



David J Payne



----- four Rail Steel Fencing with wire gate - 5 feet high  
 +++++ single Rail Steel fencing AS suggested by the  
 South Jordan Canal Company - Welly Peterson



Cheri Shannon  
10749 South 2200 West  
South Jordan, UT 84095

John E. & Jamie Degelbeck  
2258 West Canterwood Dr.  
South Jordan, UT 84095

Heinz G. & Ute Augat  
3692 E. Brighton Point Dr.  
Cottonwood Heights, UT 84121

Piotr & Natalia Gorodestsky  
2256 West Canterwood Dr.  
South Jordan, UT 84095

David J. & Elodie Payne  
48 W. Broadway ST. #2701  
SLC, UT 84101

Michael B. & Shari K. Pertric  
2246 West Canterwood Dr.  
South Jordan, UT 84095

Julie & Jeffrey Williams  
2290 West 10950 South  
South Jordan, UT 84095

Bruce E. Nelson Jr.  
2226 West Canterwood Dr.  
South Jordan, UT 84095

David & Sharon Zaharias  
2266 West 10950 South  
South Jordan, UT 84095

Arthur J. & Cleo A. Anderson  
10790 South 2200 West  
South Jordan, UT 84095

Christopher & Diana Young  
2273 West Canterwood Dr.  
South Jordan, UT 84095

Kenneth R. & Tammy C. Groves  
10760 South 2200 West  
South Jordan, UT 84095

Lynn A. & Christine Roberts  
2253 West Canterwood Dr.  
South Jordan, UT 84095

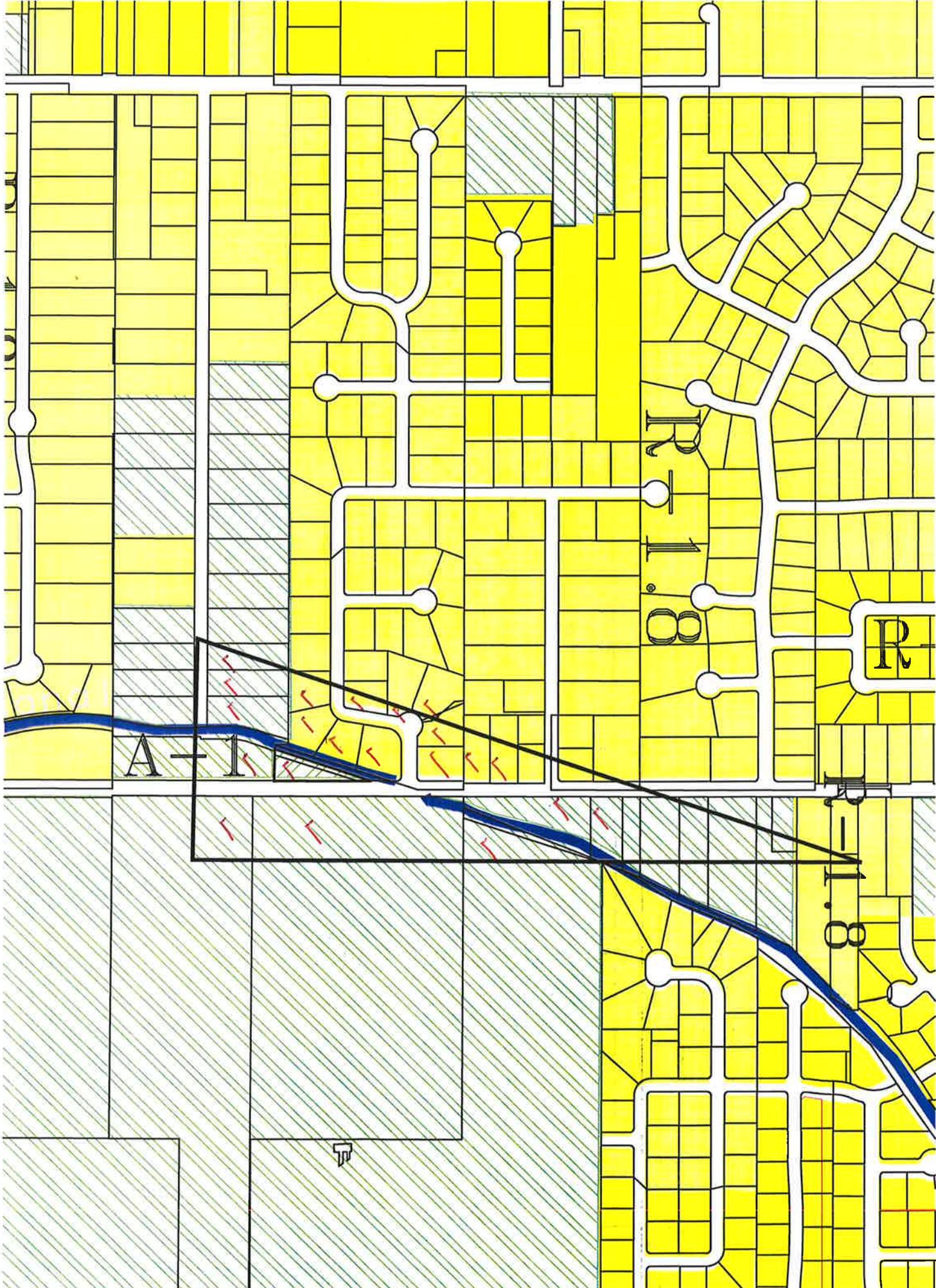
Salt Lake County  
C/O Real Estate Department  
2001 South State St. #N4500  
Salt Lake City, UT 84190

Jack J. & Danielle Burnside  
2247 West Canterwood Dr.  
South Jordan, UT 84095

Dee Ann Steel  
2241 West Canterwood Dr.  
South Jordan, UT 84095

Donald R. McArthur  
2268 West Canterwood Dr.  
South Jordan, UT 84095





Find Address

- David Payne Appeal for Fence
  - Permits (0)
  - Fees (0)
  - Hearings (0)
  - ReviewCommittees
  - Environmental (0)
  - Appeals (0)

### Planning Project Detail

Planning Project	2006-46	Project Code	Select Project Code
Title	David Payne Appeal for Fence		
Description	AP-2006.01		
Class Type	Legislative Action	Use Type	Residential
Total Fees	\$.00	Applicant	DAVID PAYNE -
Receiver	Schindler	Filing Date	01/06/2006
Notice	Select Notice	Planner	Allen
Depositor		Decider	Select Decider
Hearing Decision	Not Ready	Decision Date	
Status	Pending	Completed Date	
Deposit Threshold	0 %		

Associate Parcels

Print Summary R

Planning Project (46) has been inserted.



### FENCE PERMIT

SOUTH JORDAN CITY  
Planning & Zoning

1600 West Towne Center Drive  
(801-254-1404)

(Any fence over 6 feet high requires special City Approval and building permit)

Applicant: DAVID J. PAYNE Date: 12-28-05  
Property Owner: DAVID J. Payne  
Property Address: 10988 South - 2200 West Zone: \_\_\_\_\_  
Fence Material: 3" Steel Pipe Design: Four RAIL Height: 5"

(Similar to Four RAIL ALREADY EXISTING to the South)  
Please show site plan showing utility easements, sidewalks, street curbs, right-of-ways, property lines, buildings, severe slopes and proposed fence location below:

I Would like to Build A 4 Rail 3" steel Pipe  
fence Across the front of the property I own  
north of my Brown Complex at 10988 South -  
2200 West (the property to be fenced is approximately  
10940 South 2200 West) There will be A wise-  
at least 12" ft wise - Possibly 20' feet gate.  
There will be a slight extension Back toward the  
corner on the north end (with corner Companies.  
Permissior. fence will be similar to existing  
fence.

Applicant Signature: [Signature] Date: 12-28-05  
Staff Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

Please Advise!

WACHOVIA SECURITIES  
David J. Payne  
Director - Investments  
One Utah Center  
201 South Main Street, Suite 160  
Salt Lake City, UT 84111-2210  
Tel 801 531-3920, 866 883-4726



### FENCE PERMIT

**SOUTH JORDAN CITY**  
Planning & Zoning

1600 West Towne Center Drive  
(801-254-1404)

(Any fence over 6 feet high requires special City Approval and building permit)

Applicant: DAVID J. PAYNE Date: 12-28-05

Property Owner: DAVID J. PAYNE

Property Address: 10988 South - 2200 West Zone: \_\_\_\_\_

Fence Material: 3" Steel Pipe Design: Four RAIL Height: 5"

(Similar to Four RAIL already existing to the South)

Please show site plan showing utility easements, sidewalks, street curbs, right-of-ways, property lines, buildings, severe slopes and proposed fence location below:

I would like to build a 4 Rail 3" steel pipe fence across the front of the property I own north of my Brown Complex at 10988 South - 2200 West (the property to be fenced is approximately 10940 South 2200 West) There will be a wise - at least 12' ft wise - possibly 20' feet gate. There will be a slight extension back toward the corner on the north end (with corner companies).  
Permitted fence will be similar to existing fence.

Applicant Signature: [Signature] Date: 12-28-05

Staff Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

Please Advise!

**WACHOVIA SECURITIES**  
David J. Payne  
Director - Investments  
One Utah Center  
201 South Main Street, Suite 180  
Salt Lake City, UT 84111-2210  
Tel 801 531-3920, 800 883-4726



2 2/3 An

# NOTICE OF BOARD OF ADJUSTMENT HEARING

February 1<sup>st</sup>, 2006

Dear Property Owner:

David J. Payne has requested a variance, from the Board of Adjustment, to the City's fencing ordinance to allow for the continuation of a new 5' tall, 3" steel pole fence along 2200 West. This new fence is to be an extension of the 4-rail fence that exists just south of the subject property. The Payne property is located at 10988 South 2200 West.

The South Jordan City Board of Adjustment will consider this application at a hearing to be held **Wednesday, February 15th, 2006 at 7:00 p.m.** in the South Jordan City Hall Council Chambers, 1600 West Towne Center Drive, South Jordan Utah. All interest parties are invited to attend.

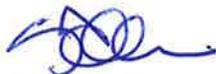
Should you desire further information, you may contact the applicant or the Community Development Department Staff located in the City Hall at 1600 West Towne Center Drive or by telephone during regular business hours (Mon-Friday, 8AM to 5PM):

**(Applicant)**                      **David J. Payne**                      **(801) 355-0355**

or

**(City)**                                **Sean Allen/Planner I**                      **(801) 254-3742**

Sincerely,



Sean Allen  
Planner I



DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

1600 WEST TOWNE CENTER DRIVE/SOUTH JORDAN, UT 84095/TELEPHONE: (801) 254-3742/FAX (801) 253-5235  
BRIAN PREECE – GREG SCHINDLER – JUDY HANSEN – SEAN ALLEN – CHRIS CLINGER – JASON COOPER

JAN. 9. 2006 4:22PM WACHOVIA PAYNE GROUP NO. 1005 P. 2

January 9, 2006

Sean Allen/  
South Jordan City  
1600 West Towne Center Drive  
South Jordan, UT 84095

Dear Sirs,

I would like to extend the fencing on my property to the northern corner along 2200 west. The fencing material would be similar to the several hundred feet of fence which already exists to the south (five foot high, four rail welded 3 inch steel pipe). The fencing would include a large gate in the middle section of the fence and would be painted white after completion. From the northern corner I would like to construct a single rail 3 inch steel fence in a south west direction along the canal to connect with my existing fencing and gates. This fencing would follow the suggestions and stakes provided by Nelly Peterson (969-5419) of the South Jordan Canal Company.

I have been a good resident and property owner of the 10988 South 2200 West property for approximately sixteen years. I have materially improved and maintained the location since I purchased the original 2 2/3 acres and barn from the Triangle Oil Company in 1989. I pay approximately \$6000.00 a year in property taxes and am a substantial user in good standing of other services provided by South Jordan City.

The main reason I would like to extend my pipe fencing is the desire to better contain my horses and to prevent the dumping of unwanted materials. Several times last year this property was the recipient of grass clippings, tree limbs, waste concrete, waste steel and other metals.

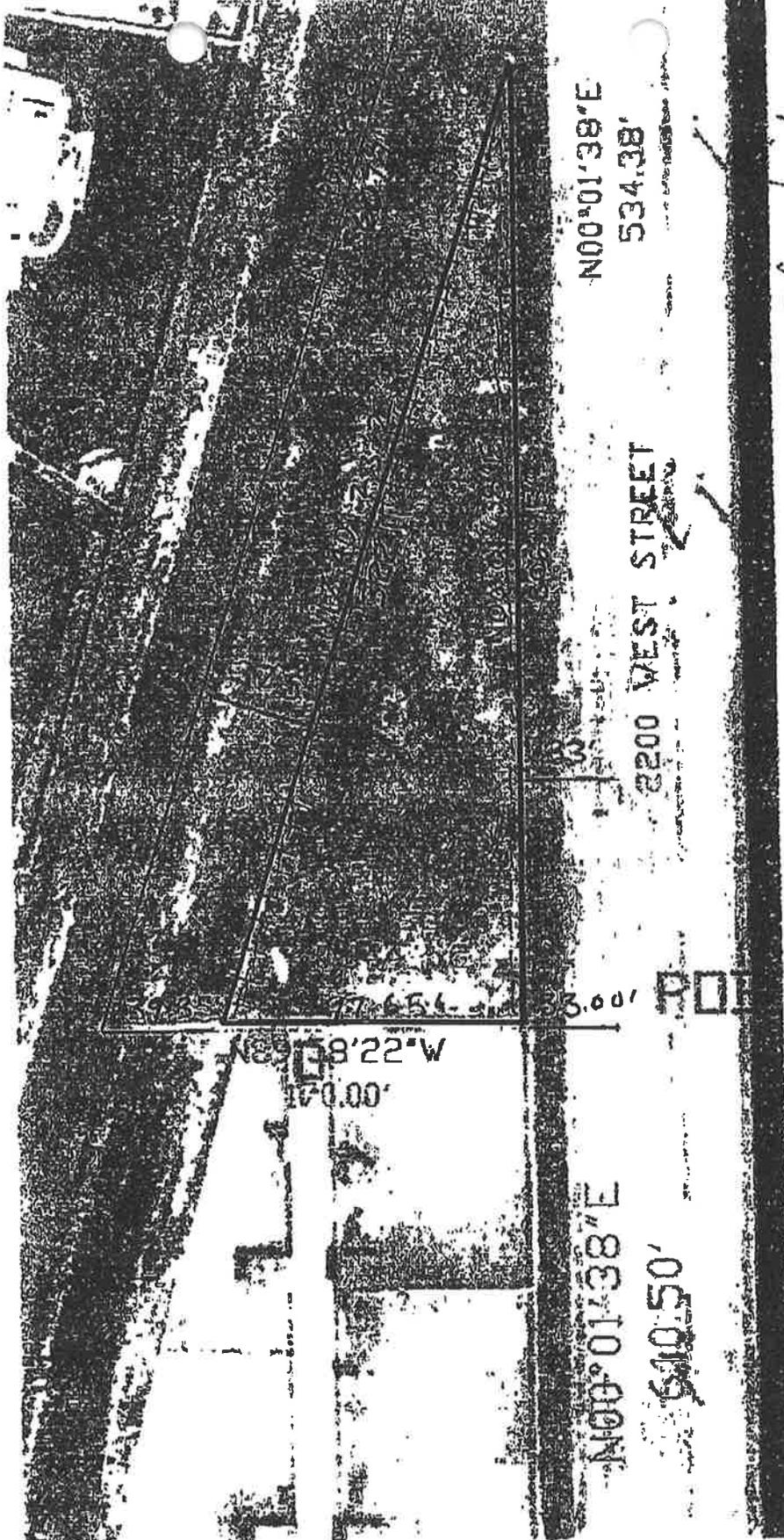
The Canal Company has asked me to remove or reduce the two fences (in existence for over 15 years) which extend from my property west toward the canal. The removal of these fences would allow the possible escape of my animals to the north.

I have recently received a citation from Officer Ronzillo asking for a cleanup of the northerly 1/3 acre. I have already removed the two trucks and the trailer from the property and I will remove the scrap steel and clean up the property if allowed to construct the requested fence.

Thanks for your consideration,



David J Payne



N00°01'39"E

534.38'

2200 WEST STREET

N00°01'38"E

510.50'

N89°58'22"W  
170.00'

3.00'

----- four Rail Steel Fencing with wire gate - 5 feet high  
 +++++ single Rail Steel Fencing AS suggested by the  
 South Johnson Canal Company - Welly Peterson

David J. Payne Daniel H. Payne Timothy E. Payne  
Tammy Giles Lila Gull  
201 South Main Street #160  
Salt Lake City, UT 84111  
(801) 531-2305  
(866) 883-4726 Toll-free

**The Payne Group of  
Wachovia Securities**  
**801-257-0222  
FAX**



**WACHOVIA SECURITIES**

# Fax

To: Sean Allen From: David Payne  
Fax: 254 339 3 Pages: 3  
Phone: Date: 1/9/00  
Re: CC:

- Urgent
- For Review
- Please Comment
- Please Reply
- Please Recycle

This is for your information only and is not an offer to sell, or a solicitation of an offer to buy, the securities or instruments mentioned. The information has been obtained or derived from sources believed by us to be reliable, but we do not represent that it is accurate, complete, or timely. Any opinions or estimates contained in this information constitute our judgment as of this date and are subject to change without notice. Wachovia Securities, LLC (WSL) or its affiliates may from time to time acquire, hold or sell a position in the securities mentioned herein. WSL is a subsidiary of Wachovia Corporation and is a member of the NYSE, NASD and SIPC. WSL is a separate and distinct entity from its affiliated banks and thrifts.

**PLANNING & ZONING APPLICATION # BOA.2006.01**

\_\_\_\_ CONCEPT \_\_\_\_ CUP \_\_\_\_ SITE PLAN  BOARD OF ADJUSTMENT

\_\_\_\_ GENERAL PLAN AMENDMENT/LAND USE \_\_\_\_ REZONING \_\_\_\_ APPEAL

Owner Name: DAVID J. PAYNE

Address: 48 W BROADWAY 2701 North SLC UT 84101

Home Phone: [Redacted] Cell Phone [Redacted] Fax: [Redacted]

Agent Name: \_\_\_\_\_ Business: \_\_\_\_\_

Address: \_\_\_\_\_

Business Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
(optional)

Subject Property Information:

Address/Location: 10988 South - 2200 West South Jordan Zone District: \_\_\_\_\_

Property I.D. # (Sidwell) \_\_\_\_\_ Property Size (acres): 34

Proposed Use of Property: Equine (Houses)

If Rezoning or Land Use Change:  
Proposed change from: \_\_\_\_\_ to: \_\_\_\_\_

**OWNERS AFFIDAVIT**

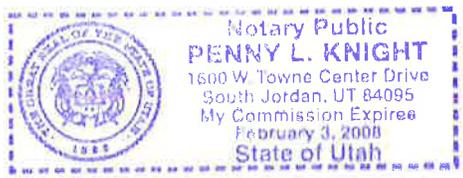
I, (we) DAVID J. Payne, being duly sworn depose and say that I, (we) am the owner or authorized agent of the owner of property involved in this application and that the foregoing statements and answers herein contained and the answers in the attached plans and other exhibits thoroughly, to the best of my (our) ability, present the argument in behalf of the application herewith requested and that the statements and information above referred to are in all respects true and correct to the best of my (our) knowledge and belief.

subscribed and sworn to before me this 6<sup>th</sup> Signed day of January 2006

Penny L. Knight  
Notary Public Residing in Salt Lake County, Utah

My Commission Expires Feb 8, 2008

Fee: \$213.00  
Date Paid: 1/6/06  
Received By: [Signature]





DAVID J. PAYNE RUNNING HORSES  
48 W. BROADWAY APT. 2701N  
SALT LAKE CITY, UT 84101

11-89

2597

Date 11/2/00

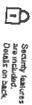
31-73/1240  
57056

Pay to the  
Order of

So. Jordan City  
Two hundred thirteen & no/100 \$ 213.00  
Dollars



KeyBank National Association  
Salt Lake City, Utah 84111  
1-800-KEY2YOU Key.com®



ATM  
Service Centers  
Available on Salt Lake

For Jence

*[Signature]*

MP