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Recorded OCT 19 1965 at 1:00 P.M.
 Request of Union Oil Co.
 Fee Paid HAZEL TAGGART CHASE
 Recorder, Salt Lake County, Utah
 \$ 3.20 By Wm. J. Jones Deputy
 Ref. _____

BEFORE THE BOARD OF ADJUSTMENT, SALT LAKE CITY, UTAH 315 E. 4th So.

FINDINGS AND ORDER, CASE NO. 5173

REPORT OF THE COMMISSION:

This is an appeal by the Union Oil Company of California from the refusal of the Building Inspector of Salt Lake City, Utah, to issue a permit to erect a building to be used for truck service at 935 West North Temple Street which would not maintain the required rear yard and permission to reduce the required landscaped setback areas on both North Temple and Chicago Streets in a Commercial "C-1" District.

Commencing at a point 1 foot West of the Northwest corner of Lot 7, Block 57, Plat "C", Salt Lake City Survey, running thence South 86.3' to a wooden lattice fence; thence East along fence and a wooden picket fence 124 feet; thence North 86.3 feet; thence West 124 feet to the place of beginning, together with a right of way insofar as it pertains to said property over the following: Commencing at a point 123 feet East from the Northwest corner of said Lot 7, running thence East 9 feet; thence South 86.3 feet; thence West 9 feet; thence North 86.3 feet to the place of beginning.

Mr. D. L. Jeppesen and Mr. J. M. Peck were present. Mr. Jorgensen explained this case has been before the Board previously on November 3, 1964. At that time the variance was granted subject to the petitioner's bringing the premises up to the standards of the City Ordinance with a landscaped 3' setback from North Temple Street and a 15' setback on Chicago Street. The petitioner is asking for a permit to erect a separate building to be built to the north property line. Mr. Peck explained that at the time the building permit was applied for, permission had to be obtained from their Los Angeles office. Time elapsed, and the variance expired before this permission had gone through. The petitioner is now asking for the same variance, but has asked that the conditions of the first variance be waived. Mr. Peck stated the reason for asking that the 3' setback provision be waived is that the large camper-type trucks coming onto the property would not have adequate space to maneuver beyond the setback. Mr. Jorgensen then explained one of the reasons for the setback requirement is to eliminate a hazardous condition caused by trucks backing onto the sidewalk which would create a danger to pedestrians. There were no protests. The Chairman ordered the matter taken under advisement. In the executive session the various aspects of the case were reviewed.

From the evidence before it, the Board is of the opinion that the petitioner would suffer an unnecessary hardship from a denial of the variance, that the spirit and intent of the Zoning Ordinance will be upheld and substantial justice done in the granting of the variance.

IT IS THEREFORE ORDERED that the variance for a detached lube and service bay 20' x 31'10" ten feet from the east property line to maintain a distance of 8'6" between it and the existing station, for ordinary repairs allowed in a service station be granted provided 6" concrete control curbs are constructed on both North Temple and Chicago Streets and across the corner as indicated on the corrected plot plan and 3' setback from property line between the drives on North

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Temple Street and 15' minimum setback on Chicago Street, these areas to be defined by 6" concrete curbs and landscaped with lawn or shrubs rather than rocks and properly maintained with a sprinkling system to be installed, with the further restriction that this addition is never to be used as a commercial garage as long as the zoning remains Commercial "C-1", 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 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, September 27, 1965.

Dated at Salt Lake City, Utah, this 7th day of October, 1965.

[Signature]
Chairman

[Signature]
Acting Secretary

I, Jolene S. Langford, being first duly sworn, depose and say that these are the Findings and Order in Case No. 5173 before the Board of Adjustment on Monday, September 27, 1965.

[Signature]

Subscribed and sworn to before me this 7th day of October, 1965.

[Signature]
Notary, residing at Salt Lake City, Utah

My commission expires Oct 16, 1968