

Cedar City Board of Adjustments Minutes
March 2nd , 2020

The Cedar City Board of Adjustments held a meeting on Monday, March 2nd , 2020 at 5:15 p.m. in the City Council Chambers, 10 North Main Street, Cedar City, Utah

PRESENT: Chairperson Ann Powell, Jill Peterson, Janet McCrea, John Ashby, Roger Thomas, Phil Schmidt, Building Inspector Drew Jackson, Assistant City Attorney Randall McUne, City Planner Don Boudreaux, Executive Assistant Onjulee Pittser.

EXCUSED: Joe Sanders

OTHERS PRESENT: Robert Bulloch, Carter Wilkey, Derek Bulloch, Colton Francis, Darin Robinson, Megan Robinson, Bryton Holyoak, Jeff Barney, Donna ?, Conner Atkin, Quinn Allgood, Ryan Anderson, Alie Robinson, Ryan Ellingford, Misty Anderson

CALL TO ORDER: Ann welcomed everyone and called the meeting to order. Janet lead everyone in the pledge.

APPROVAL OF MINUTES: Roger motioned to approve the minutes from February; Phil seconds; all in favor for unanimous decision.

APPROVAL OF FINDINGS OF FACT: Roger motions to approve the Findings of Fact from February; Phil seconds; all in favor for unanimous decision.

REQUEST FOR HOME OCCUPATION FOR BUSINESS AT 2890 WEST 220 NORTH/INDIGO

ESTHETICS/BRYTON HOLYOAK - Bryton: I am a master esthetician and wanting to get a business license in my home. **Ann:** There are some questions that you need to be able to answer. Hopefully, you've had a chance to look at them.

1. The home occupation is conducted entirely within the dwelling and is carried on by members of the family residing in the dwelling. – **Ann:** Are you going to have an employee? **Bryton:** No.
2. The home occupation does not involve the use of any accessory buildings. – **Bryton:** No.
3. No commercial vehicles are used except one delivery truck which does not exceed one (1) ton capacity. – **Bryton:** No.
4. The home occupation does not include a drive through. – **Bryton:** No.
5. The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes. – **Ann:** In other words, this is your home, and this is just on the side. **Bryton:** Yes.
6. Do you intend to have a sign for the business? – **Bryton:** No.
7. Not more than the equivalent of 25% of the ground floor area of the dwelling is devoted to the home occupation. – **Drew:** We've been on site and the ground floor area is 707 sq. ft. The use of the home occupation would be 132 sq. ft. Well within those requirements.

8. The home occupation shall apply for, receive, and maintain a City business license. – **Ann:** I assume you haven't gotten one yet, so once you're approved here you can go and get it.
9. The activities in connection with the home occupation are not contrary to the objectives and characteristics of the zone in which the home occupation is located. – **Ann:** In other words, you're not going to have people coming at all hours of the night or changing the look of the neighborhood. **Bryton:** No.
10. Off-street parking will be provided. – **Ann:** Does she have enough parking? **Drew:** Yes. They need 3.5 and they have 4. They're good.
11. <Does not apply>
12. <Does not apply>
13. Notice by the applicant shall be given to all property owners of record within a 300-foot radius from the boundary of the proposed home occupation. – **Ann:** Has she done that Randall? **Randall:** The answer is yes, but I'll have her confirm that. She's in a new subdivision and some of the address don't match what they think they are. I'll let her confirm that she did notify those people. **Bryton:** Yes. I did go notify, but they weren't aware of their address yet and it is a new subdivision. **Randall:** The County's records have different addresses depending on which document you read. **Ann:** Is there anyone here that doesn't want to see this in their neighborhood? Can I have someone make a motion?

*Janet motions to APPROVE home occupation. Jill seconds. All in favor for unanimous decision.

REQUEST FOR HOME OCCUPATION FOR BARBERSHOP LOCATED AT 2633 N. 400 W./JO'S BARBERSHOP/JOHANN WADE - Applicant did not show; item tabled until later date.

REQUEST FOR VARIANCE FOR ACCESS EASEMENT FOR PROPERTY LOCATED AT 190 N. COLLEGE WAY (OLD MR. BUBBLES)/TAGG 'N GO HWY 56/CCNQ LLC/CONNER ATKIN – **Conner:** It's the old Mr. Bubbles carwash on College Way and Hwy. 56. We want to demo the building and set the building where it flows better, and the variance calls for 20' from the setback lane of the property and we need 10'2" on one portion of the building and the rest is 12'6". The building on the South side of the property is 10'-12' off the line. The existing building sits by the pump house and we'd demo it and put the building through the tunnel and back up. There'd be nothing there on that side. (References made from the exhibit submitted by Tagg 'N Go)

1. Literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance. – **Conner:** On the North side by the City's pumphouse, we could try to put the tunnel there, but there's an easement for the pumphouse. The only other place would be on that South side, because of the triangular shape, it doesn't work any other way. 21.6% of the property is covered in easements along the North side for the pumphouse, then there's a 25' easement for the housing development on the South side and we keep that intact. By doing this we keep all easements. It would be concrete in that easement and it would be easier for the City to get to the pumphouse than where it sits now. That building would be gone and concreted to the vacuum area. The easements are 21%, the total buildable area outside the easement is only 55% of the property. We have 0.9 acres and the only buildable is 0.45 outside of the easement and setback. **Ann:** Does that count? **Randall:** The question is

whether or not it's an unreasonable hardship. I'm assuming you can answer the question to why what's currently there would not work for your business. **Conner:** Yes. We tried to do it on the North side before we came 2 years ago, and we couldn't because of the easement. So, we went to the left side where it's currently at, and because of how the site lays, that's as big as we could get it. We're to the point where we need to knock it down. It's a 15-year-old concrete building. For our business it's an unusual hardship because of the triangular shape and the total length of it. **John:** Do you own the property? **Conner:** We've owned it since the first part of 2014. **Phil:** Nothing is built on the easement. It's there so the City can take vehicles to work. **Drew:** That's how I understand it. **Phil:** You could utilize that space. You have a curb there and people coming in and off of 200 N. **Conner:** They'll come into the 2 pay stations. **Phil:** Where's your exit? **Conner:** On the West side. They'll pull in through this easement and come up to the pay stations. They'll go through, exit and they'll have to come back. We'll have to close that access off. It'll be about a 10% grade out of there, so we don't want people flying out of there. **Phil:** That's a benefit to the City to close that access. You're going to be driving over the easement anyway. And they're coming back out through the same easement. **John:** The entry way is off of 200 N. **Conner:** And the exit. The College Way one we have to abandon. **Phil:** Is there access to the apartments? **Conner:** Yes. That easement on the backside is for the apartments. They have 2 accesses on College Way. **Phil:** What does the spacing need to be? **Drew:** It needs to be 20' from a residential zone. **Phil:** Even if there's a restriction wall? **Drew:** I don't read the ordinance that way. **Conner:** Is there part of it that says unless it's a fire-resistant wall or something? I'd read that. **Phil:** Is there a wall there now? **Roger:** Yes. A block wall. **Phil:** Are you leaving it in place? **Conner:** Yes. The whole building will be block with stucco. **Phil:** How far is your curb from the curb of the easement? **Conner:** There's a fence there now and this is the electrical for the building. There's no curb there now. It's plain asphalt and fence. **Phil:** This curb doesn't exist. What's the space? **Conner:** 25' both ways. If we move it over 8', that's where our hardship comes. You can't have double weight traffic. **Phil:** Reduce that down to 17'. **Roger:** It was about 2 years ago when the property changed hands. How does that fit with pre-existing conditions? The property was purchased with the understanding that easements and setbacks were in place since then. Is that addressable? **Randall:** You're looking at 2 different sides. One is non-conforming use. Are we potentially expanding something there? I don't know if the current use is non-conforming. With regards to the rest, where they're purchasing the property with what already sits on the land, you buy it with all the good and the bad. There is some case law that gives strong weight to when you purchase a property, you buy it with all the downsides. There's some case law that says when you purchase property, you purchase what the previous owner had. The previous owner could have made a complaint. You could give him the same authority to do that now. Decide which one plays a bigger role. When the tire shop on 200 N. decided to purchase the property and change the building. The State of Utah had taken 5' to widen 200 N. and the board said you shouldn't have to change your whole structure because the State took a portion of your land. We've had both considerations. I don't know what the history is on these easements, if we forced it or that may have been part of the consideration that the State didn't give them a choice. **Conner:** When Darwin owned it, the easement on the pumphouse, I think he granted that as part of being a good citizen with the City. **Phil:** If you go back and do a bit of changing, a little different engineering, change a few curbs, I think you could move it out and still comply with that. Bring the curb closer to the building. **Conner:** My engineer can speak to this, but the only difference is the setback and he's still trying to meet the landscaping requirement. **Phil:** It's all in the easement for the pumphouse. You don't need to add more. **Conner:** If we move

it out 20', we're losing 8' from the where the design is now along the whole property that's 300' long. **Phil:** If it's not acceptable to stay at 10', you could tweak that on the engineering. I think you could get there. **Conner:** The main thing the engineer had put is basically, the reduced setback along the South property line is 10' and make the site design function properly. Could we push that? Yes, but you're getting rid of vacuums, employee parking stalls because we'd have to move it 8' over. **Phil:** You could park in a 20' space behind the building. **Quinn Allgood:** If you did that you wouldn't be able to park behind the building because of the flow and angles of the vacuums. **Phil:** I'm saying for the employees. **Drew:** Parking would be allowed in the rear setback. **Conner:** Isn't a stall normally 18' deep? At 20' you could line up along the building if someone's in the middle to get out. To be able to pull in and turn you're not going to have enough room with a 20' setback. **Drew:** You're talking about the circulation within the site. **Quinn:** Yes. We have talked to our engineer multiple times how to make this work to the best of everyone's benefit. **Phil:** Basically, your hardship is the easements that were already existing when the property was purchased. We love business and to see you succeed; however, the easements were already existing. I don't know if that's a legitimate hardship. **Quinn:** It's an irregular triangular shape as far as a hardship. The access on 200 N. is limited to where you come in and out. **Phil:** What's causing part of your hardship is that you would have to close access off College Way, forcing you to come back the other way. If you didn't have that, then you wouldn't have to go back and keep that at a 24' space. The approach closing off College Way is making it, so you have to widen it to allow 2-way traffic, which restricts moving the building back because of the space to run 2-way traffic. Maybe that's a hardship we can look at. **Randall:** What's forcing us to close off College Way? **Conner:** When you have a building like this, it pulls you through it, so for every 20' we have to go up 1". This goes up 8", so coming out of the tunnel, it's going to be a 10% grade. We want to make it a smoother transition from exit to vacuum. **Phil:** If you moved it about 30' towards 200 N. and change the location, cars can come out there. You still have room for vacuum space on the far side. If you move the approach down and close that one, you could narrow up the 2-way access and that would probably work. You wouldn't need an ordinance change. You could make it fit. **Conner:** Are you saying come in from College Way? **Phil:** No. Come in where you plan to and go out on College Way. **Conner:** We can't, due to the grade. **Phil:** You're moving your approach down towards 200 N. I don't know how much closer the State will allow you. If you move the approach to offset your grade, then you wouldn't have to have 2-way traffic. **Conner:** A lot of people like to come around and use the vacuums. There may be 30% of the people could do that, but the majority like to use them and leave. You'd still have the 2-way. **Phil:** Do you have to have 25'? Is it required? **Conner:** I think it's just maintaining the function of the property so it's not tight and avoid hitting someone driving the other way. Otherwise that building moved over 8', you're taking out of that road on the East side of the property. **Phil:** Is there any exception Drew? **Drew:** No. The ordinance is specific; 20' from residential. **Phil:** Could they take it to City Council? **Ann:** I don't know. The problem is you don't have to improve your business. This business could stay like it is and be ok. For us, that's where we're struggling. This doesn't have to be done. To make money and be profitable is not a hardship. This business has run this way for 15 years and it can continue to run this way. You want to improve your business, but it's not a necessity. **Conner:** Is there any hardship on the easement to the North side, due to the fact we can't build another tunnel there? They need access and that was denied 2 years ago, because they said they need the access for pumphouse. We're trying to maintain the flow. **Phil:** You have more room in the space. **Conner:** There's a 12' drop off there. **Phil:** If you move this down you can get rid of a couple of these spots, move the curb in. I think it would work. **Conner:**

When one person is backing out, they'll hit the other guy backing out. We're trying to avoid collisions. You're saying to move the vacuums on the North side further down. **Phil:** You say you have 25' between the 2 proposed curbs. If you can adjust one or both curbs, took out 8', that'd put you down to 17'. If you could adjust your curb space 3' and get up to 20', you'd be ok to go back and forth. **Conner:** If we move it, the building will be on this line. What he's saying is to move this curb over and we're saying it will be a one-way instead of a 2-way. **Phil:** If you could get to 20', maybe 18' or 19', that would give you 5'. **Quinn:** We can't access the easement until the cars go through. This easement is completely open where they won't have any issues trying to get to the pumphouse. **Phil:** The setback is what's getting you. **Drew:** What he was suggesting is put the College Way access here, but I don't know what UDOT would say. That's the low point of the slope, right? From a UDOT standpoint, I don't know what their limitations are. **Phil:** If you could move that then you gain 10' more. It might be tighter to make the turn, but you could still leave this access. **Conner:** If you tried to drive out of the car wash now, you'd get hit. Every summer someone with a trailer hits that building because it's too tight. **Roger:** We're trying to come up with solutions. **Phil:** Yes. We're trying to help you, but we're held by the ordinance. What's our other option? **Conner:** I remember something saying if it's fireproof. We're not 20', but it is block. It's not like it's a stick building. Is cinder block rated fireproof? **Drew:** They're talking about the building itself when they talk about fire ratings and building code. So, if there's an incident that spreads fire, the flammability index will be lessened. **Randall:** *Reference Ordinance 26-3-13(E)(1). If you were dealing with a commercial property, you could go down to a zero-lot line, but the way it's worded it doesn't matter how fire resistant it is; if it's residential, it has to be 20'. **Conner:** Does residential have to be 20' off the property line too on the other side? I don't think that building is off our property line. The biggest problem is the slope of the ground where I'd have to climb 8". **Phil:** Maybe you could move it over, pipe that ditch and surface over the top. There's a lot of space between the easement and the curb sidewalk on 200 N. You'd have to stay back from the intersection, but you could use it for parking space. You might have to put a concrete pipe in. **Conner:** The property on 200 N. is just landscape. **Phil:** You could change it. If you move the building to that side, you could come all the way to the wall for driving stuff. **Roger:** The challenge is that the property was purchased with all of these in place. **Conner:** We've owned it for 7 years. **Roger:** I thought you made the reference that you purchased it a couple years ago. **Conner:** We rebranded it a couple years ago. We've had it since the end of 2013. **John:** The questions is what exists now that didn't exist then? What has changed? We're trying to accommodate a change for a piece of property where you've had a business that has been in existence. It's the same way it's always been, and you want to change the format. **Conner:** We bought it as a self-serve, but self-serves are going out of business. We're trying to stay ahead. **Phil:** You need the space. Don't worry about the deep ditch. Put a concrete pipe in, cover it up and use it for driving space. The dirt can handle landscaping. You'll have to be creative and utilize that and put your building on the other side and give you 10' more to drive in. **Conner:** Will the City let us do that? They've been against that easement. We're trying to stay away from it as much as possible. **Phil:** You can drive through an easement. It will help them if you pipe this underneath the road. It'd keep them from flooding. **Drew:** I'll have to talk to the engineering department. **Phil:** It's doable. You'd get rid of that hole. Now, if you stay with your design, it doesn't look good. **John:** Dealing with the City, we understand that. What Phil's saying is it would be an advantage to the City and to you to have it covered up. **Conner:** Does it go to a vote at this point? **Ann:** We've gotten to the first question and it's usually the one we can't get past. **Janet:** Could Drew comment on Phil's option to put that pipe? Would that be something for

the building department to approve? **Drew:** I'd refer to engineering. **Roger:** I would suggest we table it for a month, do some research, get with engineering if that's what you want to do and come back here. **Phil:** There's a ditch that runs across the backside of the apartments and comes down to the pump house and splits out. Pipe it from where it's at, down to the culvert that crosses 56, then, you should be able to utilize that space. You wouldn't be able to build on it, but you can use it for parking or drive on it. It would give you more access and you could keep your approach on College Way where it is. Utilize that space by the wall for access and parking, then come in from 200 N. and in from College Way. **Conner:** I think we've tried to lay it out that way. From the top of the property, the bottom is a 6' drop, maybe more. **Quinn:** It's more like 10'-15'. **Conner:** What it really comes down to is trying to make it function properly. We could throw a building up, but you're doing a 4-point turn, where this way's a straight shot on. **Phil:** You could have a straight shot on the other side. Almost the same turn radius, just changing your position of the building. **Ann:** We can table it and you can come back next month, or we can vote right now. **Conner:** If you table it and it doesn't work on the building, we're still at the same point. **Randall:** You could bring back additional information that may change the board's mind about the hardship. **Janet:** You could talk to engineering at the City about the option that Phil proposed. **Ann:** Do you want to table it? **Conner:** Yes. **Ann:** We'll give you a month or two, then let us know so we can get you on the agenda. Our problem is you don't have to change your building. It's still a functioning business. **Quinn:** Does it depend on if the business was actually in business? If it wasn't, would it be a totally different hardship? If we let property go and somebody were to buy it. **Ann:** They would have the same problem, because they would know going into it that it has the easement and issues. **Quinn:** I know that cities don't like places to be abandoned either. If it was abandoned, the City would grant a hardship on this. **Ann:** But not this board. You may need to go to City Council. We're limited on what we can do here. Let's table it, go back to your engineer possibly. Take another look, talk to the City and hopefully we'll see you back.

REQUEST FOR VARIANCE TO OFFSET IRRIGATION PIPE FOR BUSINESS LOCATED AT 110 W. 535 S./TRIPLE S POLARIS/COLTON FRANCIS – (References made from exhibit submitted by Triple S Polaris)

Ann: I need to let you all know that builder is my son-in-law. I've spoken to him and Tim Watson about this. **Colton:** We bought the old D.I. building 2 years ago, moved in last year. The problem we've run into is we have 3 public roads touching our property. We're looking to build a shop for our mechanics. The yellow highlighted building was our original plan. With the process of finding a spot for it, we went to all the engineers. We heard there was a pipe under the parking lot. That's highlighted in blue. We would have been in compliance with the offsets on the NW corner; however, we have to relocate it. **Phil:** How big is the pipe? **Colton:** 18". **Phil:** What kind of pipe is it? **Colton:** Irrigation. **Phil:** What's it made out of? **Colton:** PVC. It's going from the NW to SW. **Phil:** Is this part of the Lake at the Hills water? **Colton:** Yes. Highlighted in green is the proposed location. It's 50' wide by 90' long and 500 sq. ft. To stay in compliance with offsets of the pipe, we are requesting a variance for the offset of the building on the South end from 20' to 5' to maintain the remaining compliances. **Phil:** Why don't you move the pipe? **Colton:** Nobody wants to take responsibility for it, and nobody knows who put it there. We've heard that the City may want to take over possession in the future. I don't want to be responsible for the pipe. **Phil:** The City uses it now. This line is what irrigates the schools and comes from Lake at the Hills, then the water goes down to Canyon View. **Colton:** Is that my responsibility if that pipe were to fail or have issues if I moved it? **Phil:** If you were to move it, you may have a 1-year warranty. **Colton:** That's what we're here for. We're looking to change that and not have to relocate the pipe.

1. Literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance.
Robert Bulloch: I'm the building contractor. We've done research on this and brought it to project review. Kit stopped me and said there's an irrigation pipe that goes through the property. He had it shown on the map and it went through the property. We spent days up there and couldn't find the pipe. We had to witch it. We found the pipe on the South side of the road. There was a rain gutter pipe that went into that and we had to take the pipe off and shove a camera up the pipe back toward the Polaris dealership and it had a lot of mud in it. It wouldn't go through. **Phil:** That doesn't make sense. If that's an irrigation pipe, it's pressurized. **Robert:** It's not a pressured line. It's the irrigation ditch that comes out of Cedar Canyon that irrigates all the gardens on the West side of town by the high school. **Phil:** So, it's not the line that feeds the school. That's a pressured line. **Robert:** No. The South and West irrigation company had a ditch that went up there. **Phil:** So, it doesn't have water all the time. **Robert:** No. It's only used in the spring and through the gardening season. **Phil:** I know they've been working on taking some of those out. Who's the president of the irrigation company? **Robert:** Dan Dotson's the V.P. I know. I think it's the City Attorney. **Phil:** The City bought a bunch of shares. **Carter Wilkey:** It's Paul Bittmenn. **Ann:** Is it Paul Bittmenn? **Carter:** It was. I don't know if he still is. **Robert:** Halterman's on the other one. I thought he said it was the City Attorney. **Randall:** He's the City Manager now, but it is Paul Bittmenn. **Phil:** If this is only an irrigation line, you could move it easy. **Robert:** The only thing is if you try to move it, you take it West, then you have to take it to the South, you're not going to have the grade. And the S&W Field Irrigation Company said they're not going to do that on their dime. **Phil:** You'd have to pay for it. **Robert:** I think it's a hardship to him to have to move the pipe when we can adjust the building. We've already adjusted it on the back like it's 28' off the back-property line. Because of where the pipe location is, Tim suggested we get an easement through there if the City ever takes over the irrigation ditch. **Ann:** It's the same problem as the last people. **Jill:** It doesn't seem that they knew about the pipe when they purchased the property. **Randall:** Was there any reference in the recorded documents to this drainage easement pipe running through? **Robert:** There's an easement there, but it was grandfathered in with the irrigation ditch that went through before they started covering it up and putting pipes in. The City didn't have any record of where the pipe was. It was 20' farther to the West. Kit had his surveyor come up and he located it. **Phil:** Was there anything showing the pipe when you bought the property? **Colton:** No. **Carter:** I represented the sale on this building. Before the current owners, it was owned by the Demille family. The father, who built the building and was involved in the bearing of this pipe at the time, has passed away. I talked to the children who did the sale and they had no idea the pipe existed. They didn't disclose it because they didn't know it was there. **Janet:** You didn't find out until sketch/review and Kit told you about it. **Robert:** After project review, we were getting ready to leave and Kit came out of the office with a map where the City shows the irrigation line. We spent a lot of time trying to find this. They didn't put a wire through it when they buried it. Johnny Orton buried it on the South side of the street behind the old Albertson's store but not across the street. We couldn't figure out who buried it. Everyone from S&W Irrigation Company has died. Tom Cardon was over it once, and he could have told us, but he's passed away now. **Janet:** That was after you purchased the property? **Colton:** Yes. **Robert:** That was last month. **Janet:** How long have you had the property? **Colton:** 2 years. **Phil:** It's not like the first one. From our understanding, they knew full well there were easements on the property. This situation you nor your realtor didn't know, so you would have no reason to talk

to the City, because you can't see any pipes coming in or out. In this case, this could be a legitimate hardship on the property. **Roger:** It's related to the Southwest Plumbing building we did not too long ago where they had a power easement and we had to allow the power company to be within 5' of the street. **Ann:** Does that work Randall? **Randall:** If I have to uphold this in court, is there something preventing you from moving the new building North and East? **Colton:** Just staying in compliance with parking. We need a certain amount of parking stalls. **Randall:** Is there parking to the East of the building? **Colton:** The yellow highlighted doesn't exist, but on the NE corner there will be parking stalls there. **Janet:** Could you have parking there in the yellow part? **Colton:** No. It's a 5' elevation change. There's also a loading ramp that dives down 8' for semis. **John:** What if you flip it around? **Colton:** There's telephone poles. **Janet:** Where the yellow building is, I know you can't build there, but you could park there right? **Colton:** That's where the elevation changes. It wouldn't meet the code for ADA. **Drew:** ADA referring to parking? **Colton:** Yes. **Ann:** There's an elevation drop there. **Drew:** If I look at the corner of 535 S. and 150 W., it looks to me like you've drawn in something. **Colton:** That's where the fence is 30' offset. **Drew:** How about the triangle? **Colton:** That will be landscaping. **Drew:** There's an ordinance that there might be a sight constraint on those 2 streets. I believe it's a 30x30 site triangle. **Colton:** That's exactly what it is. **Phil:** Are you sure this pipe's being used? It doesn't look like it from the lochs down below you further North. **Colton:** All our neighbors said it is. The valve is on our property. **Robert:** There's 2 pipes that go through there. On this angle, it goes across 150 W. on the corner and it goes over to 600 S. into the curb right above Mumford's house and goes into the ditch. The other line is where the property line is and goes straight West, and it crosses 150 W. and it does all the houses North of 535 S. The valve he's talking about is the one that goes E to W, not SW. **Ann:** Can we use that as a hardship? **Randall:** Based on what's been described, I could probably get that supported in court. Once you have a hardship it doesn't end the question is if it's reasonable or unreasonable. How much parking do they have and what would it take to use a portion if not all of it? If you put in another row, you'd still be granting the variance; maybe not 15' but 10'. If any of that can be shifted a little bit to reduce the amount of variance that has to be granted. **Robert:** When Tim set this up, we were 8' away from pipe. **Phil:** Did you find both sides for sure? **Colton:** Yes. We found one on the NE corner of the green building. **Robert:** Tim suggested we have it away from there in case there was ever an easement there and somebody needed to get in to work on it. We could slide that building closer to the pipe. They said they could design the building to go over the top of the pipe, but that's not smart. **Phil:** I think as long as you have the easement from the existing pipe to protect you and them, it would put you at least 8-10' away. You have your points then you could pull a line on it to know where it is. **Robert:** The City has that now. **Phil:** Did anyone look at it? Physically seen both sides? **Colton:** Yes. Watson Engineering was doing soil testing on both ends. **Randall:** The original design was to put a building in that location. We wondered if you could put parking there and you're indicating that the slope would be too great. **Colton:** Yes. We would have had to land fill it. **Phil:** Why couldn't you put block behind the curb? **Drew:** I guess I don't understand why if you can't put a building and not put in parking. **Colton:** You can. You'd have to raise the elevation. Find the path of least resistance. **Phil:** You could block and build that. **Colton:** This will solve doing a couple of those things. **Robert:** The farther we slide it to the North, the farther East the building will have to come. It'll create a hardship because the fence is there. **Randall:** What's the minimum width for in and out that you need to get between those 2 buildings? Is there spacing between the corners of the 2 buildings? **Robert:** We'd have to put in a trap there. We were going to put it on the North side of the building and run the sewer to the West. We do