



NOTICE OF A VINEYARD HEARING OFFICER PUBLIC MEETING

The Vineyard Hearing Officer will hold a public meeting on Thursday, December 03, 2020 at 5:00 pm in the Vineyard City Council Chambers, 125 South Main Street, Vineyard, Utah.

This meeting will be held for the purpose of hearing a variance request by Clay Winder (property owner). The request is for a variance to allow for a retaining wall that would exceed six (6') feet in height located on the property at James Bay, Lot 8, 337 N 350 W. The property is addressed 337 North 350 West, Vineyard, Utah and contains a parcel ID of 43:264:0008.

The public is invited to attend all hearing officer meetings. If you need special accommodations to participate in the meeting, please call Briam Amaya Perez, at the Community Development Department at 801.266.1929.

CERTIFICATION OF POSTING: I, the undersigned duly appointed city planner, do hereby certify that the above agenda notice was posted at the Vineyard City Offices, on the Vineyard City website, and on the Utah Public Meeting Notices website.

Date Posted: December 01, 2020
Certified: /s/ Briam Amaya Perez
BRIAM AMAYA PEREZ, PLANNER II

To Vineyard City Planning, and To Whom It May Concern,

Thank you for considering this variance. First, please know that this is not just a fence or wall, but specifically a retaining wall. Also, since the last inspection, great efforts have been taken to reduce the height of the wall. It's currently within 2" of the height requirement after a berm of dirt was placed at the base of the wall. These photos were taken 11-15-2020 to help illustrate the need for the variance.



15.46.070 Approval Standards For A Variance Application

1. The hearing officer may grant a Variance Application, with or without requirements, only if:
 1. Literal enforcement of this Ordinance would cause an unreasonable hardship for the Applicant that is not necessary to carry out the purposes of this Ordinance.
 2. There are special circumstances attached to the property that do not generally apply to other properties in the same Zoning District.
 3. Granting the Variance Application is essential to the enjoyment of a substantial property right possessed by other property in the same Zoning District.
 4. Approving the Variance, with or without requirements will not substantially affect the General Plan and will not be contrary to the public interests; and
 5. The spirit of this Ordinance is observed and substantial justice done.

In response to section 15.46.070 regarding the requirements for Variances -

(a) - Unreasonable hardship - The main concern and reason for the height of the wall on the west border of my lot (#8, James Bay) is that it is retaining the dirt of my lot. It also helps promote public safety and my right to privacy. As you will observe upon walking the trail as it leads to the new Sunset Park, lot #9 and all subsequent lots progressing southward enjoy the full height of the 6 ft option of their current or future walls as well as the safety and privacy included with such a wall. Lot #8, however, does not provide the same safety and privacy afforded the other lots, unless the wall is allowed to exceed 6 ft height due to the raised grade of the adjacent city trail. During the 5 month construction of the wall, hundreds of adults, teens, and small children were observed passing near the wall, and would walk upon the stairs and intruding and walking upon the lower wall tier which was easily accessed from the north end where the trail ascends upward and the grade meets the top of the lower wall. Even small children would easily access the top caps of the lower wall and seemed to play "balance beam" on the caps. Many trail patrons even expressed that they "thought the wall was public property constructed by the city" since it was so close to the public trail and therefore free reign to all patrons. Fear and foresight of injuries, lawsuits, vandalism, and trespassing onto my lot caused me to request that the contractor extend the height equal to the northwest corner further southward 25-35 feet, thus deterring and reducing such an enticing access point. A gate will be installed on the stairs soon, and it has been observed that fewer, possibly zero, patrons now intrude onto the lower wall due to the inaccessibility offered by the extension of the northwest height southward to my southwest property corner.

(b) - Special circumstances - as indicated above in section (a), these are special circumstances that do not apply to the other lots that border the public trail. Lot #8 is the only one where the public trail ascends in grade to meet the final grade of my backyard within a height short enough to be enticing to both members of the public and/or any intruders.

(c) - Essential to... substantial property right - also indicated in the explanation contained in section (a), I believe the safety of both the public (not playing "balance beam" on my lower wall) and the safety of my family not having an easy access point for potential trespassers is jeopardized without this variance.

(d) - Not to affect the General Plan - the General Plan of the city trail and adjacent city planning zones is not only unaffected by the wide-taller section of the wall, but is actually made safer and beautified by this portion of the wall. Trail patrons have frequently stopped to admire it's beauty and have complimented the contractor and both me and Jonny (owner of lot #9) on the beauty the wall adds to it's public surroundings. We also observe that to reduce the wall 2-3 rows only on the north end would require an abrupt increase back to 6 ft at the northwest corner in order

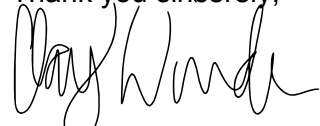
for me to install a 6 ft gate on my rear driveway adjacent to the trail. This would create an “odd” or “unusual” appearance on the wall and cause the grade of my entire back yard to also be reduced/excavated an additional 2 ft. imposing other hardships with respect to the higher grade of neighboring properties. I do not want my lot to be lower in grade than every other single lot in the neighborhood. There is no way to accomplish this without the retaining wall being the same height as the next door neighbor.

(e) - Spirit of ordinance is observed - All has been done to create a beautiful, safe, and private barrier with this retaining wall. No corners were cut, and ordinances broken to save money or time. Quite the opposite.

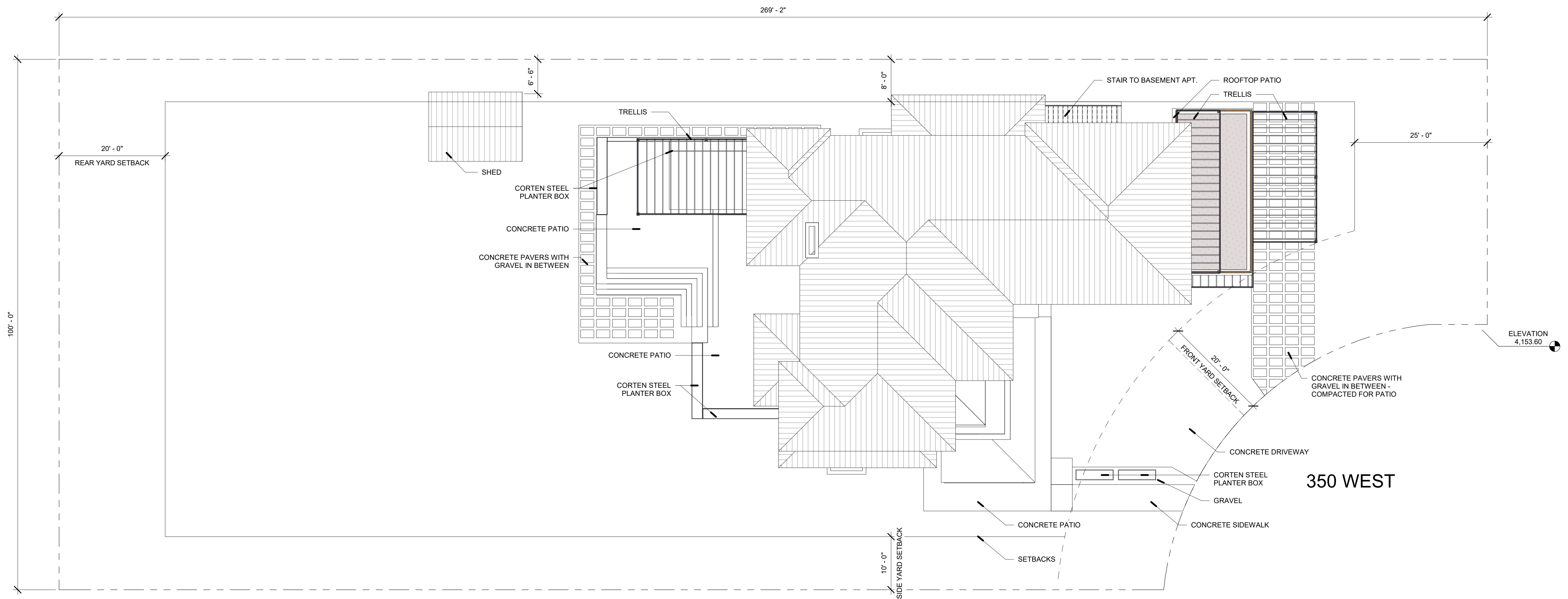
This hardship of removing two rows of block would also require a change to the entire plan for the elevation and grade of the lot. It would cause an inconsistency with the grade of the lot to it's neighbor (shared backyard), slope the entire backyard instead of flat, and cost a ton more money on top of already paying the contractor for work done.

Please consider my plea for the variance.

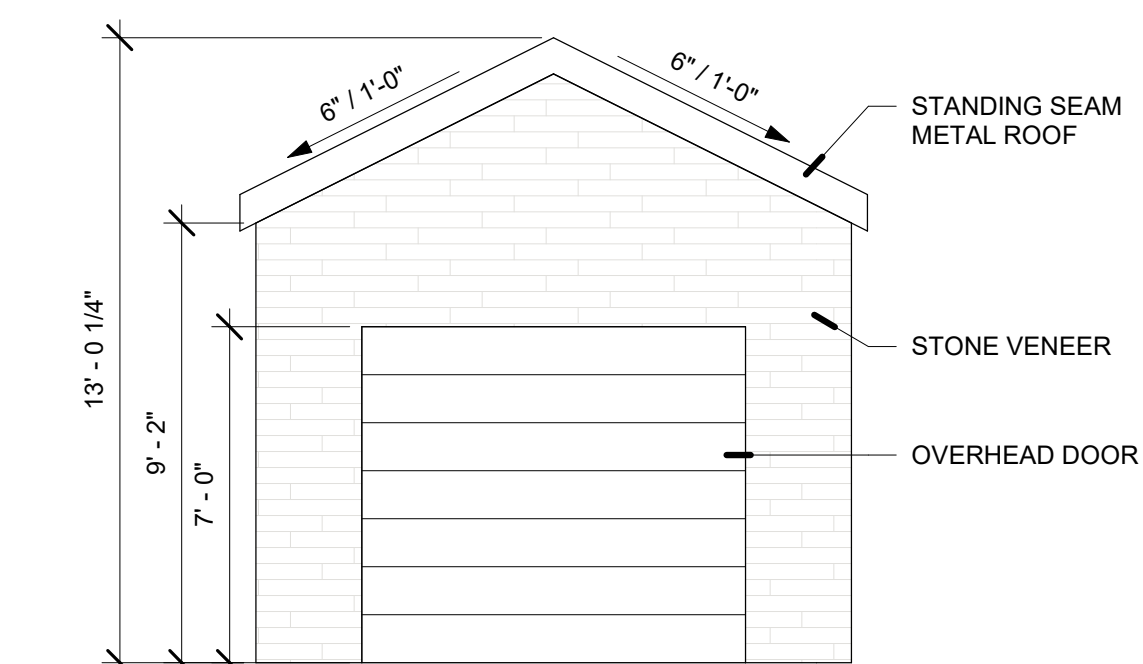
Thank you sincerely,

A handwritten signature in black ink, appearing to read "Clay Winder". The signature is fluid and cursive, with the first name "Clay" being more prominent than the last name "Winder".

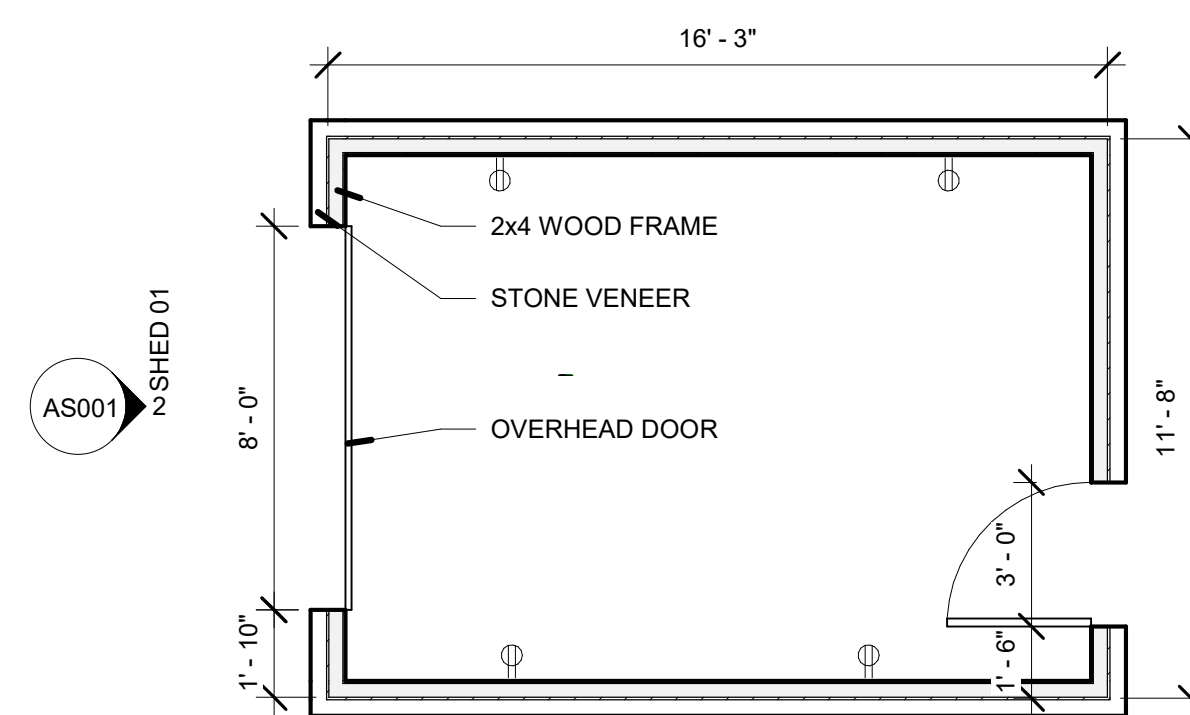
Clay Winder



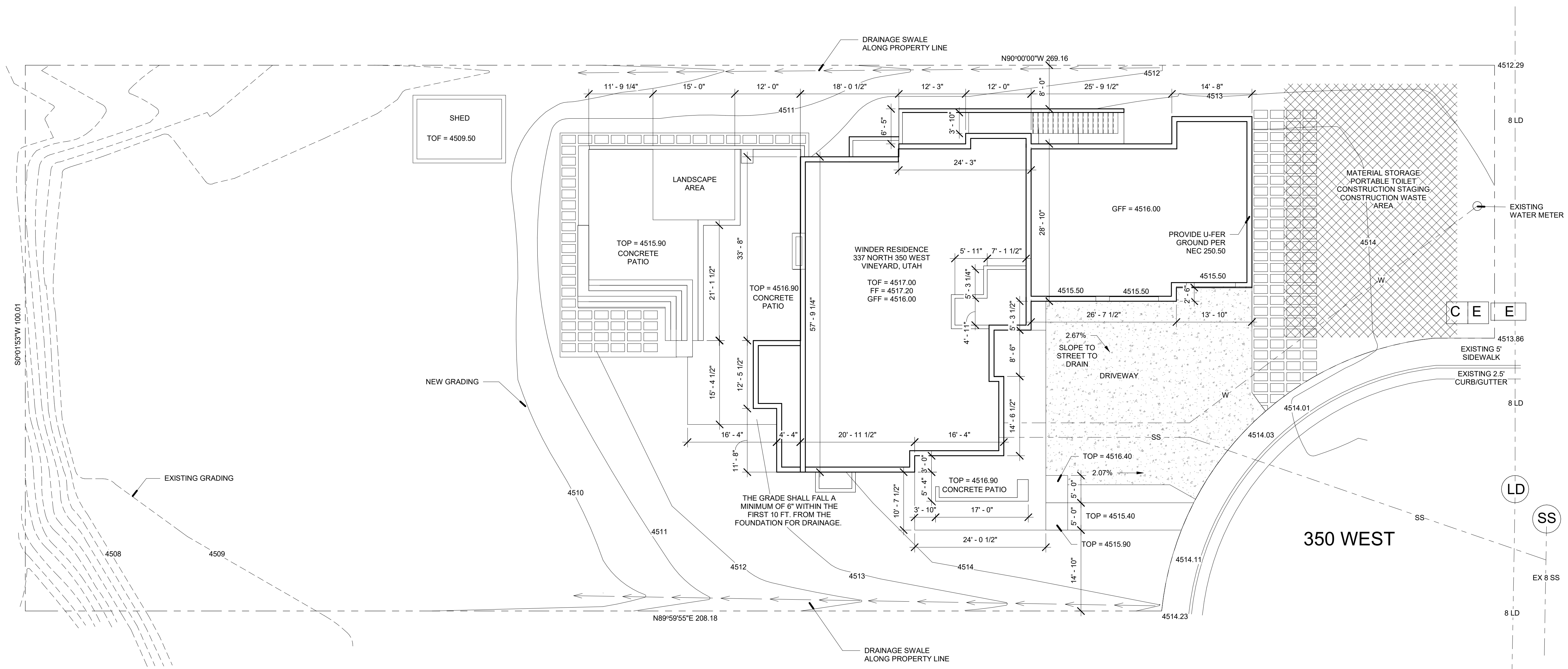
1 SITE PLAN
1" = 10'-0"



2 SHED 01
1/4" = 1'-0"



3 Level 1 - SHED PLAN
1/4" = 1'-0"



1 SITE PLAN GRADING
1" = 10'-0"