

City of Taylorsville
Planning Commission Meeting
Minutes
October 11, 2011
Pre-meeting – 6:30 p.m. - Regular Session – 7:00 p.m.
2600 West Taylorsville Blvd – Council Chambers

Attendance:

Planning Commission

Dale Kehl, Chair
Ted Jensen
Anna Barbieri
Garl Fink
Steven Fauschou
Ernest Burgess
Kristie Overson
Dan Fazzini, Jr.

Community Development Staff

Michael Meldrum – Principal Planner
Jean Gallegos – Admin Asst/Recorder
Excused: Mark McGrath/Director
Dan Udall/City Planner

PUBLIC: Michael Sheehan, Eric Buck, Ken Murphy, Randy Black and four other people who did not sign in nor speak.

WELCOME: **Commissioner Kehl** assumed duties as Chair and welcomed those present, explained the process to be followed this evening and opened the meeting at 7:00 p.m. [19:00:57](#)

CONDITIONAL USES

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| 1. 32C11 – <u>Michael Sheehan - 2666 W Castle Oaks Circle</u> – Conditional Use Hobby Permit for four Dogs.
(Michael Meldrum/Principal Planner) 19:02:11 |
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1.1 **Mr. Meldrum** presented this item. The applicant is requesting approval for an Animal Hobby Permit for four dogs. The application is a result of a notice given to the property owners by West Valley Animal Services about the number of dogs. He reviewed for the audience descriptive information relative to the dogs. One is a Flat Coated Retriever (70 lbs), one Toy Poodle (7 lbs), one Lab/Mix (50 lbs) and one Mixed (40 lbs). All have been sterilized and vaccinated.

- The yard is fenced with a mix of 6' high vinyl, chain link and wood. The fence also has a 6' high gate. At the time Staff prepared their report, there had been no issues reported with the dogs getting out of the yard, however, West Valley Animal Services did respond to a complaint of barking on the property. The applicant has submitted this request as a result of that visit.
- The property owner owns the two male dogs and the owner's daughter owns the two female dogs. The daughter has moved back home and brought her two dogs with her. All of the dogs are licensed and vaccinated.
- A complaint was received by Staff from a neighbor disputing the claim that the dogs are mostly inside. The neighbor also stated that the dogs roam the neighborhood and bark frequently.
- Staff recommends that the Planning Commission takes into consideration any public comments that are offered at the public hearing in making a motion. There are no additional complaints on file with West Valley Animal Services and they recommend approval of this request.

Findings of Fact: Staff finds the following findings of facts or reasons regarding **File # 32C11:**

1. The use is a conditional use in the R-1-8 zoning district.
2. The yard has vinyl, chain link, and wood fencing at six feet in height.
3. Two of the dogs belong to the property owner. The other two dogs belong to the property owner's daughter.
4. The application is a result of a notice from West Valley Animal Services.
5. There are no additional complaints on file with West Valley Animal Services.

Staff recommends approval of File #32C11 with the following conditions:

1. Comply with the requirements of all reviewing agencies.
2. Maintain current vaccinations and licensing for the four dogs.
3. This permit is valid only for the dogs included in this application.
4. West Valley Animal Services will conduct an on-site inspection.
5. The Animal Hobby Permit is subject to review upon substantiated and unresolved complaint.

1.2 **Commissioner Overson** asked Mr. Meldrum if he had received any E-mails or phone calls relative to this application and he advised that he had and all expressed their opposition to this request.

1.3 **APPLICANT ADDRESS:** **Michael Sheehan, 2666 W Castle Oaks Circle.** (Mr. Meldrum gave Mr. Sheehan copies of the E-Mails that he had received from the neighbors for his review) **Mr. Sheehan** said that he does have four dogs (Two are his and two belong to his daughter, who is living with him temporarily for about six months). The largest one does bark on occasion and has gotten out on occasion when his granddaughters forget and leave the gate open. There are, however, several other dogs in the neighborhood,

so it would be difficult to determine which one gets the barking started. He had found that if he chases the dogs after they get out, it only makes them run further and faster, so he let's them go and within a few minutes they come home on their own. The four dogs are outside for about 45 minutes three times a day, and then are inside the rest of the time, which he did not feel was unreasonable. He advised that he is very proud of how his front and back yards look and always keeps the dog feces cleaned up daily. He said that West Valley Animal Services conducted a site visit on Monday and told him they saw no concerns. [19:09:05](#)

1.4 **DISCUSSION:** [19:13:38](#)

- **Commissioner Kehl** asked if when the dogs are allowed to be in the front yard, was there always someone there to control them and was informed by **Mr. Sheehan** that was correct. **Commissioner Kehl** wondered if there were any possibility that the dogs could tunnel under the fence out of the back yard and Mr. Sheehan said that one of his daughter's dogs, got out by going to the east side of the house and jumping up on some pallets and over into the neighbors yard twice before he got that problem fixed. **Commissioner Kehl** wanted to know how long the daughter proposed to be living in Mr. Sheehan's home and was informed it would probably be about six months. That they have had financial difficulties and filed for bankruptcy. He felt they would probably be able to save enough to move out within that six month time frame.
- **Commissioner Jensen** [19:16:15](#) inquired if the Sheehan's had any other animals besides the four dogs. **Mr. Sheehan** said that he has one cat, which lives in the garage. The cat will wander around the front yard at times and down the sidewalk a bit. Actually the cat belongs to another of his daughters and had been left at his house after she left. **Commissioner Jensen** informed Mr. Sheehan that normally when someone comes to visit and brings their animals for 30 days or less, then a permit is not needed but anything over that does require a permit. **Commissioner Jensen** inquired about the existing fencing and was advised that the back yard is completely fenced. **Commissioner Jensen** asked how many of his neighbors have dogs and **Mr. Sheehan** said that the neighbor next to him has one, the one directly behind her has two Labradors. **Commissioner Jensen** noted that there are several things that motivate the dogs to bark, one is the chain effect started by one dog and another is the noise of sirens. **Mr. Sheehan** said that is definitely a factor for his because he lives relatively close to the fire station on 2700 West and 5400 South.
- **Commissioner Fink** wanted to know if the dogs are always in the back yard and **Mr. Sheehan** said that for the most part they are. If the grandkids are present, everyone, including the dogs, usually hangs out in the garage where they generally barbeque but there is always someone with them. [19:19:29](#) When they go for their bathroom breaks, it is always in the backyard.
- **Commissioner Barbieri** asked if Mr. Sheehan was home during the day and was informed that he has been home during the day for about a year now due to a heart related problem. He felt that he was singled out by the neighbors in this matter because he is not in their "clique".

1.5 E-Mails received for the record:

1.5.1 **Wendy Murphy.** "My name is Wendy Murphy. I live next door to the Sheehan's on the west side. We received a letter from the city that Sheehan's have requested permission to keep their 4 dogs. There are a few issues that the city needs to be aware of before they make this decision (sic) The letter states that they have said the dogs are generally indoors. That is not the case. The dogs are in the back yard, barking continually night and day. We have called Animal Control to report the dogs, but we have never gotten (sic) a live voice. We have left messages on where the dogs are barking, and we don't know if any one has ever come out to investigate because the Dogs continue to bark. We have tried to call the Sheehan's when their dogs are barking but they never answer their phone. We have gone over and knocked on their door and they don't (sic) answer their door. We have tried to go about this in the right way to stop the dogs from barking and instead of the city taking care of it, we receive a letter that Taylorsville is thinking about granting them permission to keep the dogs. We have not gotten (sic) anywhere by reporting this to Animal Control so we will start calling the police every time those dogs are barking at night. The second problem is the dogs are let out in the early mornings when people are still in bed. I go to work between 4:30 and 5:30 in the mornings. On numerous occasions I have gone out to get in my car and one of their dogs are (sic) trampling my flower beds digging holes in the dirt. A dog that big causes a lot of damage with freshly planted flowers. I have opened my garage door and gone back in my house for a minute and when I've going back out the dog is rummaging in my garage. I don't know if the Sheehan's let them out that early because they think that people won't know that they are wandering the neighborhood, but they leave a big mark behind wherever they go. I have never seen them walk the big dogs, they just let them out to wander. We went around the neighborhood to see how people felt about the letter. All are upset about the dogs. Some will be at the meeting tonight, some cannot make it and will be sending E-Mails, but some don't dare voice their concerns because they are afraid of retaliation from the Sheehan's, and those fears are warranted. We have turned them in for numerous problems and have had our fence set on fire, mail taken for a week, nails poured on the street resulting in 3 flat tires, and items stolen from our home. They have two sons who have been in jail for offences (sic) such as armed robbery and robbery. The bottom line is the dogs are a nuisance and the Sheehan's have no concern for how they affect the people that live around them. There are some nights that the dogs are barking so loud I can't imagine how they couldn't hear them and come out on their own to quiet the dogs. But they don't, they just bark and bark and bark and bark. Thank you for Listening. I am one frustrated neighbor." Wendy Murphy, (Address is on file with the City).

1.5.2 **Elsie Hewett.** "In response to the public notice dated September 10, 2011 concerning the conditional use permit that is being requested by Michael Sheehan, I am asking that this request be denied. The current standing for this abode, 2666 West Castle Oaks Circle is a single family dwelling, but in view of current economics this abode has become a multiple family abode. I am not requesting any action in the regard of the number of families living

in the home, but I am concerned that Mr. Sheehan's request to have four (4) dogs is a violation of code and that it will also impinge negatively on our community that has been required to maintain only the two dogs as defined in code. ¶ The two dogs that are currently in residence in this home consist of a large dog and a small dog. On occasion, the large dog has been loose and it has frightened my small dog when I was walking him, to the point that my dog will not allow me to pass this residence. It is my understanding that the dogs they wish to bring into the home are large and they would add to the occasional distress we as neighbors know when the dogs escape the confines of the back yard. Additionally, the barking would be increased. ¶ Again I request that this conditional use permit be denied. Thank you for your assistance." Elsie Hewett.

1.5.3 **Peter and Susie Garland.** "I am writing to oppose the Sheehan's request to house multiple dogs at their home on Castle Oaks Circle. ¶ The Sheehan's have multiple dogs and cats that tend to roam the neighborhood freely and use my lawn and garden as their little box. The dogs are loud and unruly. ¶ By approving this request I actually think the situation would be made worse and would result in neighborly request being ignored. Thank you." Peter and Susie Garland, (Address is on file with the City).

1.5.4 **Jerry and Ersula Hanson.** "With regards to filing number 32c11 wherein a Mr. Sheehan, who lives on Castle Oaks Circle, has requested a permit to have multiple dogs on his property, I would like to vigorously oppose such a request since the Sheehan family has heretofore been derelict in their duties to keep their dogs from disturbing the peace in the neighborhood. When their dogs begin to bark then other dogs join in the noise making and there is a cacophony of peace-disturbing noise that cannot be ignored. ¶ Please do not permit the Sheehan family to have this permit." Sincerely, Jerry and Ersula Hanson. (Address is on file with the City).

1.6 **SPEAKING:**

- **Eric Buck 19:29:10 Mr. Buck** said that Mr. Sheehan's dogs do run loose around the neighborhood and defecate in his yard. On one occasion, Mr. Sheehan's large dog pinned Mr. Buck's wife against the garage door to the point where she could not move, however, this was a one time occurrence. [19:30:13](#). The dogs do bark when they are outside. **Commissioner Fauschou** asked if the dogs bark more at certain times and **Mr. Buck** commented that the little dog seems to bark a lot in the early morning which is very disruptive to sleep.
- **Ken Murphy 19:37:04 Mr. Murphy** felt he had to apologize for his wife's comment about Mr. Sheehan's boys in her E-Mail because he did not feel that was appropriate. **Mr. Murphy** said that there is a problem, however. He has six grandchildren and the dogs have knocked them down, the dogs do bark incessantly and roam the neighborhood.

1.7 **APPLICANT READDRESS: Mr. Sheehan** said that he was appreciative of hearing the neighbor complaints/concerns and would make sure all are taken care of. [19:44:02](#)

1.8 **DISCUSSION:**

- **Commissioner Barbieri** commented that she wondered if it was usual for the Animal control people to go into the back yards like they had with Mr. Sheehan. **Mr. Meldrum** advised that they do go out and observe the front of the site but not necessarily go through the yard like they did with Mr. Sheehan. Because of the complaints received, Mr. Meldrum had requested them to independently verify from the complainants and through site visit what was happening. [19:45:25](#)
- **Commissioner Overson** felt that the four E-Mails and numerous phone calls about dog issues in this neighborhood definitely show there is underlying concern by the neighbors. She said she was appreciative of those who took the time to let the Commission know their feelings in this matter.
- **Commissioner Burgess** said that it was apparent that the daughter's dogs are not the ones at fault and suggested that perhaps Mr. Sheehan might do well to keep his animals confined to the back yard as a condition if this is approved tonight.
- **Commissioner Fink** added that while it is true that Animal Control triggered this action, the ultimate responsibility still is with the animal owner.
- **Commissioner Fauschou** agreed that apparently the animals creating the distress for the neighbors are the home owner's own dogs.
- **Commissioner Barbieri** also thanked the neighbors for their response and added that there is still animosity amongst the neighbors and Mr. Sheehan and it is up to him to fix the situation.
- **Commissioner Jensen** said that it all comes down to owner's responsibilities, whether for one, two or four dogs they are subject to the nuisance complaint and he felt that Staff Condition #5 covers that by saying the animal hobby permit is subject to review upon substantiated and unresolved complaint. [19:53:17](#) If someone wants a multiple pet permit, it needs to be pretty much invisible – the neighbors need to be able to continue on with their lives and not be affected irregardless of the number of animals.

NOTE: At this point, **Commissioner Kehl** was excused to leave the meeting and **Commissioner Jensen** assumed duties as Chair and asked for further discussion or a motion.

1.9 **MOTION: Commissioner Fink - Based on the testimony of people tonight and complaints received, I will make a motion to deny the request for an Animal Hobby Permit, File #32C11.**

SECOND: Commissioner Faurschau

VOTE (File 32C11)					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Faurschau	AYE	Jensen	Chair	Kehl	Excused
Fink	AYE	Barbieri	AYE	Fazzini	NAY
Overson	AYE	Burgess	AYE		
Motion to deny the application passes 5 to 1					

2. 33C11 – Randy Black – Conditional Use Permit for an Accessory Garage – 2505 W Bennion Pines Court (Dan Udall/City Planner) 19:56:27

2.1 **Mr. Meldrum** presented this item for Mr. Udall. The applicant is proposing a 308 square foot addition to the south side of an existing accessory building. Currently the existing accessory building is 720 square feet (the accessory building is proposed to be a total of 1,028 square feet). The existing accessory building is located on the southwest side of the lot. There is a single-family home located on the site, which measures 8,002 square feet and is located in an R-2-8 zone.

- The building addition is proposed to be 11' high measured to the mid point of the pitched roof between the peak and the lowest part of the eaves. The remainder of the existing accessory building is 13' high measured to the mid point of the pitched roof between the peak and the lowest part of the eaves.
- According to Section 13.45.050 Parcels Measuring Fifteen Thousand Square Feet or Less, it states: "Accessory structures in all residential and agricultural zones for lots measuring fifteen thousand (15,000) square feet or less shall meet the following requirements:

A. Structures located in a rear yard of an interior lot:

1. Permitted use:

The maximum height 12'.
Maximum size: 576 square feet.
Rear and side yard setbacks: Three feet minimum from building to property line.

2. Conditional use:

The maximum height: 16'.
The maximum size: 25% of rear yard.
Rear and side yard setbacks: Three feet minimum from building to property line.
Design standards: As a conditional use, accessory structures shall be architecturally compatible with the main structure and shall be subject to a design review, which may include, without limitation, review of height, size, roof pitch, location, exterior colors and materials."

- The accessory building is located 8' from the home, 3 to 4' from the west property line, and 4' from the south property line. The accessory building meets all building setbacks of the zoning ordinance. The addition to the accessory building should not negatively affect the surrounding neighborhood.
- The applicant is proposing to provide gray vinyl siding to match the remainder of the accessory building and single family home. The proposed roof asphalt shingles on the accessory building addition will match the shingle on the existing accessory building and the single-family home.
- Including the addition, the portion of the detached garage that is located in the rear of the single-family home covers 21 percent of the rear yard. Most of the existing accessory building is located on the side yard of the existing single-family home. In regards to accessory structures located on an interior side yard, according to Section 13.45.050 B.2.c., it states: "The side yard setback for an accessory building is three feet minimum from the building to the property line and six feet minimum from the main building."

Findings of Fact:

1. That the accessory building is a conditional use in the R-2-8 zone.
2. That the applicant is requesting a 1,028 square foot accessory building.
3. The portion of the accessory building that is located in the rear yard is less than 25 percent of the rear yard.
4. That the accessory building should not adversely affect the surrounding area.
5. That the accessory building is architecturally compatible to the existing accessory building and the single-family home.

Staff recommends approval of preliminary Conditional Use Application #33C11 with the following conditions:

1. That the use is reviewed upon complaint.
2. Receive approval from and remain compliant with all applicable reviewing agencies.
3. That the applicant obtains a building permit.
4. That the gray vinyl siding and the asphalt shingles match the accessory building and the existing single-family home.

2.2 **APPLICANT ADDRESS:** **Randy Black** was present and said the reason for wanting to build the accessory garage was because he needed additional storage space. **Commissioner Faurschau** and **Commissioner Barbieri** commented on how well maintained the yard and home were.

2.3 **SPEAKING:** None.

2.4 **DISCUSSION:** None.

2.5 **MOTION:** Commissioner Barbieri - I move for approval of File #33C11 with the four staff recommendations. [20:01:36](#)
SECOND: Commissioner Burgess

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Faurschou	AYE	Jensen	Chair	Kehl	Excused
Fink	AYE	Barbieri	AYE	Fazzini	AYE
Overson	AYE	Burgess	AYE		
Motion passes 6 to 0					

CITY COUNCIL MEETING DISCUSSION: Commissioner Fazzini gave an overview of what had transpired in the last City Council meeting. [20:03:10](#)

BUSINESS: Mr. Meldrum conveyed a message to the Commissioners from Mayor Wall saying that due to the elections being held on November 8th, (the regularly scheduled Planning Commission meeting) he requested that meeting be cancelled. Mr. Meldrum discussed the possibility of also canceling the work session meeting scheduled for November 22, 2011 and just holding one regular business meeting in November on the 15th. Commissioner Jensen advised that to do so would require a motion.

MOTION: Commissioner Faurschou - I move that the Commission cancels the meetings to be held on November 8 and 22 and schedule just one meeting for November 15, 2011.

SECOND: Commissioner Barbieri

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Faurschou	AYE	Jensen	Chair	Kehl	Excused
Fink	AYE	Barbieri	AYE	Fazzini	AYE
Overson	AYE	Burgess	AYE		
Motion passes 6 to 0					

OTHER BUSINESS: Commissioner Barbieri said that she would be out of town on October 25th.

ADJOURNMENT: By motion of Commissioner Fink, the meeting was adjourned at 8:21 p.m. [20:21:57](#)

Respectfully submitted by Jean Gallegos, Administrative
Assistant/Recorder for the Planning Commission

Approved in meeting held on November 15, 2011.