



# BOARD OF ADJUSTMENTS AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE BOARD OF ADJUSTMENTS WILL HOLD A REGULAR MEETING AT 5:30 PM ON APRIL 5, 2023 AT CENTERVILLE CITY HALL, 250 NORTH MAIN STREET, CENTERVILLE, UTAH.

*Centerville City Board of Adjustment meetings are open to the public, unless otherwise closed for reasons allowed by law. Centerville City Board of Adjustment meetings may be conducted via electronic means pursuant to Utah Code § 52-4-207. In compliance with the Americans with Disabilities Act, individuals needing special accommodations due to a disability may contact the City Recorder at (801) 295-3477, at least 24 hours in advance of the meeting. The Board reserves the right to modify the sequence of agenda items in order to facilitate special needs or provide greater efficiency.*

The full agenda packet and backup materials can be found on the Centerville City website at:

<https://centervilleutah.gov/129/Agendas-Minutes>

**A. ROLL CALL**

**B. BUSINESS ITEMS**

Business action or discussion items to be considered.

1. Variance Request - Chipotle Mexican Grill

Consider Chipotle's request for a landscaping variance to the requirements found in CZC 12.54.120(b)(3)(E)

**C. ADJOURNMENT**

## CERTIFICATE OF POSTING

*I hereby certify that this notice and agenda was posted at Centerville City Hall, published on the Utah Public Notice Website, and provided to a newspaper or media correspondent in accordance with the requirements of the Utah Open and Public Meetings Act, including, but not limited to, provisions of Utah Code § 52-4-202.*

**Jennifer Robison  
Centerville City Recorder**



# BOARD OF ADJUSTMENTS

**Staff Report**  
4/5/2023

**Item No. 1.**

**Title:** Variance Request - Chipotle Mexican Grill

**Initiated By:** Applicant

**Staff Representative:** Whitney Black, Assistant Planner

**SUBJECT:**

Consider Chipotle's request for a landscaping variance to the requirements found in CZC 12.54.120(b)(3)(E)

**RECOMMENDATION:**

APPROVE a variance request for the requirements found in the CZC 12.54.120(b)(3)(E)

**BACKGROUND:**

The property owners have been notified that because of UDOT's project to widen the intersection of Parrish Lane and 400 West, Chipotle's free-standing sign will need to be removed from its current location. The owners would like to relocate it closer to the building. However, this location currently does not meet the landscaping requirements found in CZC 12.54.120(b)(3)(E). Therefore, they are seeking a variance from the Board of Adjustment to allow the landscaping requirement to be reduced to meet their needs.

**ATTACHMENTS:**

1. 04-05-2023 BOA Staff Report Chipotle Sign 370 W Parrish Lane Variance Request
2. Application & Plans

**CENTERVILLE CITY  
COMMUNITY DEVELOPMENT DEPARTMENT  
655 North 1250 West, Centerville, Utah 84014  
(801) 292-8232**

**STAFF REPORT  
AGENDA: ITEM 1**

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**PETITIONERS:** CHARLIE TAYLOR  
YESCO LLC  
1605 GRAMERCY ROAD  
SALT LAKE CITY, UT 84104  
([ctaylor@yesco.com](mailto:ctaylor@yesco.com))

**PROPERTY OWNERS:** BO & SHAUNLEE WHITMORE  
WHITMORE CENTERVILLE LLC – ETAL  
3994 LILAC LANE  
MOUNTAIN GREEN, UT 84050  
([whitmore1989@gmail.com](mailto:whitmore1989@gmail.com))

**PROPERTY:** 370 W 400 N  
PARCEL ID 02-107-0006

**ZONING:** COMMERCIAL-VERY HIGH (C-VH)

**APPLICATION:** A REQUEST FOR A LANDSCAPING VARIANCE TO THE  
REQUIREMENTS FOUND IN *CZC 12.54.120.(b)(3)(E)*

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**BACKGROUND**

The Community Development Department has received a variance petition for the property located at the corner of 400 West and Parrish Lane. This is the location of the newly opened Chipotle Mexican Grill. The property owners have been notified that because of UDOT’s project to widen the intersection of Parrish Lane and 400 West, Chipotle’s free-standing sign will need to be removed from its current location. The owners would like to relocate it closer to the building, however this location currently does not meet the landscaping requirements found in *CZC 12.54.120(b)(3)(E)*.

Therefore, they are seeking a variance from the Board of Adjustment to allow the landscaping requirement to be reduced to meet their needs. The petitioners believe that the granting of the variance would ease the burden placed upon them from this UDOT project.

## VARIANCE REQUEST

The petitioner has requested a variance to *CZC 12.54.120(b)(3)(E)* which states:

*“Each free-standing sign shall be located in an area with a minimum of 1,000 square feet of landscaping. Landscaping and sign location details for such signs shall be reviewed and approved by the Planning Commission during site plan review.”*

The petitioner has expressed that due to the widening of the intersection of Parrish Lane and 400 West, UDOT has informed the property owner that Chipotle’s free-standing sign must be removed. The petitioner feels that their only option is to relocate the sign to an area that contains only 250 square feet of landscaping. The petitioner has stated he believes this to be the only place on the property that would accommodate the sign.

## REVIEW STANDARDS PER *CZC 12.21.130 VARIANCE*

In determining whether to grant a variance, the Board of Adjustment shall apply the following approval standards:

1. *The Board of Adjustment may grant a variance only if:*
  1. *Literal enforcement of any provision of this Title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this Title;*
  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 is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district;*
  4. *The variance will not substantially affect the General Plan and will not be contrary to the public interest; and*
  5. *The spirit of this Title is observed and substantial justice done.*
2. *In determining whether or not enforcement of any provision of this Title would cause unreasonable hardship, the Board of Adjustment may not find unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood. The Board of Adjustment may not find an unreasonable hardship exists if the hardship is self imposed or economic.*
3. *In determining whether or not there are special circumstances attached to the property, the Board of Adjustment may find that special circumstances exist only if the special*

*circumstances relate to the hardship complained of and deprive the property of privileges granted to other properties in the same zone.*

4. *An applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.*
5. *A use variance may not be granted.*
6. *In granting a variance, the Board of Adjustment may impose additional requirements on an applicant that will mitigate any harmful effects of the variance, or serve the purpose of the standard or requirement that is waived or modified.*
7. *A variance more restrictive than that requested by an applicant may be authorized when the record supports the applicant's right to some relief but not to the extent requested.*

## **PLANNING STAFF ANALYSIS**

In their analysis, Staff first determined if an unreasonable hardship exists by the literal enforcement of the Zoning Code. By enforcing CZC 12.54.120(b)(3)(E) this property owner would not be allowed to relocate the sign to any other portion of the property because of the limited amount of landscaping. The widening of the Parrish Lane and 400 West intersection combined with the already limited open space creates a hardship for this property. Staff has defined this hardship as the ability to have a free-standing sign. This hardship is located on and/or associated with the property for which the variance is sought. The request for a variance comes from circumstances that are peculiar to the property and are not from conditions that are general to the neighborhood. The hardship is also not self-imposed or economic.

Staff believes that this request can be defined as a special circumstance and that it does not generally apply to other properties in the same zoning district. Staff also believes that a variance is necessary for the enjoyment of a property right possessed by other properties in the same zoning district. Without a variance this property would not be allowed to have a free-standing sign. Free-standing signs are permitted in the commercial-very high zone and within the Parrish Lane Gateway Commercial District. Several businesses nearby take advantage of this advertisement tool. Some of those businesses included: Zions Bank, Subway, Walmart, Target, Colonial Building Supply, and Chick-fil-A.

Staff is of the opinion that this variance would have a minimal effect on the General Plan or be contrary to the public interest. While the General Plan encourages monument signs in this area, it does allow for free-standing signs. Staff is unaware of the original purpose of the 1,000 square feet requirement, but assumes it has something to do with the desire for quality design and aesthetically pleasing features. Based on that and the other things discussed, Staff concludes that this variance would observe the spirit of the Zoning Code and substantial justice would be done.

## **PLANNING STAFF RECOMMENDATION**

### **SUGGESTED MOTION**

“I hereby make a motion for the Board of Adjustment to **APPROVE** a variance request for the requirements found in the CZC 12.54.120(b)(3)(E) as follows:

1. This variance is limited to Lot 1 of the Parrish Park Subdivision located at 370 W 400 N, parcel number 02-107-0006.
2. The free-standing sign shall be located in an area with a minimum of 250 square feet of landscaping.

Suggested Reasons for Action (findings):

- a. The Board of Adjustments find that the Utah Department of Transportation (UDOT) is initiating a project to widen the intersection area of Parrish Lane (400 North) and 400 West that will require the taking of land from the property located at 370 W 400 N, parcel number 02-107-0006.
- b. The Board of Adjustments finds that, in this case, the required minimum of 1,000 square feet of landscaping for a free-standing sign combined with UDOT's project, creates an unnecessary hardship and is not necessary to carry out the general purpose of the Zoning Code.
- c. The Board of Adjustment finds that the UDOT project creates a special circumstance attached to the property that does not generally apply to other properties in the same zoning district.
- d. The Board of Adjustment finds that the variance will not substantially affect the General Plan and will not be contrary to the public interest.
- e. Therefore, the Board of Adjustment finds that the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district. And the spirit of the Zoning Code continues to be observed and substantial justice will be done.



# CENTERVILLE CITY

## BOARD OF ADJUSTMENT VARIANCE APPLICATION

655 North 1250 West • Centerville, Utah 84014  
Phone 801-292-8232 Fax 801-292-8251

**NAME OF PROJECT** Chipotle Mexican Grill #4340

**PROJECT ADDRESS** 370 W Parrish Lane, Centerville, UT 84014

**ZONING** C-VH **PARCEL #(S)** 021070006 **ACREAGE** 0.65

**PROPOSED USE OF PROPERTY** Parrish Lane Gateway  
Relocate pylon sign into landscaped area that is less square footage than what the code allows

**APPLICANT**

**NAME** Bo & Shaunlee Whitmore **COMPANY NAME** Whitmore Centerville LLC - ETAL

**MAILING ADDRESS** 3994 Lilac Lane **CITY / ST / ZIP** Mountain Green / UT / 84050

**PHONE** 801-450-5688 **FAX** \_\_\_\_\_ **EMAIL** whitmore1989@gmail.com

**SIGNATURE OF APPLICANT** *Lloyd Whitmore & Shaunlee Whitmore* **DATE** 3-1-2023

**AGENT INFORMATION**

**NAME** Charlie Taylor **COMPANY NAME** YESCO LLC

**MAILING ADDRESS** 1605 Gramercy Road **CITY / ST / ZIP** Salt Lake City / UT / 84104

**PHONE** 801-464-6468 **FAX** \_\_\_\_\_ **EMAIL** ctaylor@yesco.com

**SIGNATURE OF AGENT** *Charlie Taylor* **DATE** 3-1-2023

**VARIANCE REQUEST**

Due to the widening of Parrish Lane, we have been ordered to remove our existing sign from its original location. Our only option is to relocate the pylon sign to a landscaped area that is less square footage than the code allows.

Our sign conforms to the current code except for 12.54.120 (b)(3)(E), which reads:  
"Each free-standing sign shall be located in an area with a minimum of 1,000 square feet of landscaping. Landscaping and sign location details for such signs shall be reviewed and approved by the Planning Commission during site plan review."

The area we propose to relocate the sign to is 250 sqft (+/-). There is no other place on the property that would work.

**FEE AND DEPOSIT MUST ACCOMPANY THIS APPLICATION – SEE ATTACHED FEE SCHEDULE**

<b>RECEIVED</b>	<b>MAR 03 2023</b>	<b>Rec'd / Initials</b>	<b>Assigned Project Name</b>	
<b>Fee/Deposit Attached</b>	<b>Y OR N</b>	<b>Amount Fee Paid</b>	<b>Amount of Deposit Paid</b>	<b>ACTUAL LEGAL AND ENG COSTS</b> <b>Check #:</b> <u>4244</u>
		<b>\$ 250.00</b>		



## Sign Proposal

Presented By



### Salt Lake Region

Salt Lake Office  
1605 South Gramercy Road  
Salt Lake City, UT 84104  
801-487-8481

### Version

OPY-52324 R2  
Date: 02.07.2023  
02.16.2023 updated-added pg.

### Address

400 W Parrish Ln  
Centerville UT 84014-1735

#### TYPOGRAPHY NOTE

All vertical typography dimensions specified in this package are based upon the measurement from the baseline to the cap-line of an uppercase letter 'i'. The height of descenders and ascenders, below and above the baseline and cap-line respectively, are not included in the measurements unless specifically noted.



#### COLOR MATCHING NOTE

Colors specified in this package are to match vendor supplied physical samples. Colors chosen based upon how they appear on a computer monitor or printed media are not guaranteed to match.

#### PRODUCTION NOTE

The PDF format of this package may contain graphics which have been down-sampled for proofing purposes and should not be used for production purposes. Source files for this package are available upon request for production purposes.

**DESIGN**

1605 South Gramercy Rd.  
Salt Lake City, UT 84104  
801.487.8481

www.yesco.com

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This drawing was created to assist you in visualizing our proposal. The original ideas herein are the property of YESCO LLC. Permission to copy or revise this drawing can only be obtained through a written agreement with YESCO.

The colors shown are only approximated on any computer monitor, inkjet or laser print. The final product may vary slightly in color from your computer monitor or print.

This sign is installed in accordance with the requirements of Article 600 of the National Electrical Code and / or other applicable local codes. This includes proper grounding and bonding of the sign.



**Revisions**

No.	Date / Description
Org.	01.18.2023
⚠	01.30.2023 no chg this pg-CTL
	02.16.2023 no chg this pg-CTL
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JO #

**Approval**

A/E Sign / Date

Client Sign / Date

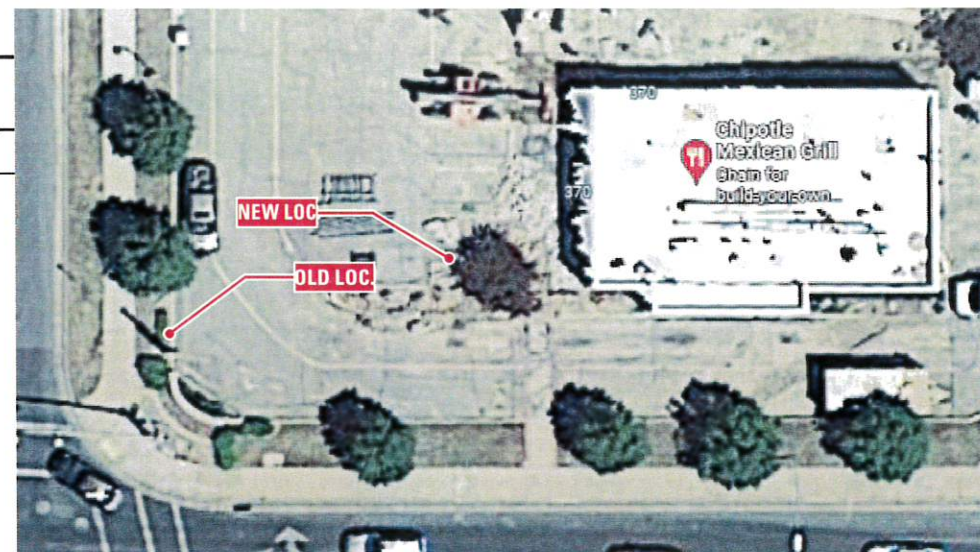
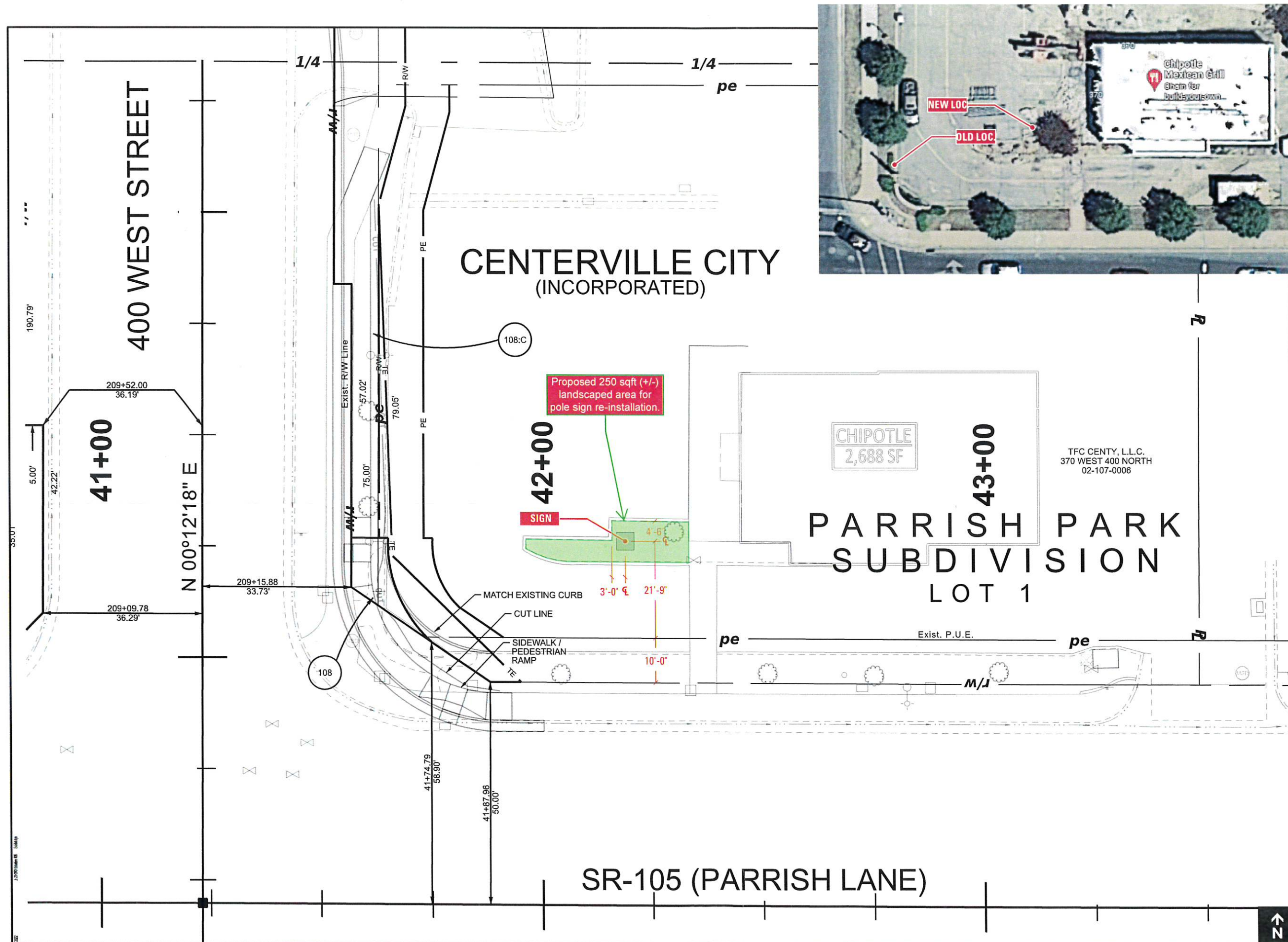
**Chipotle Whitmore**

400 W Parrish Ln  
Centerville UT 84014-1735

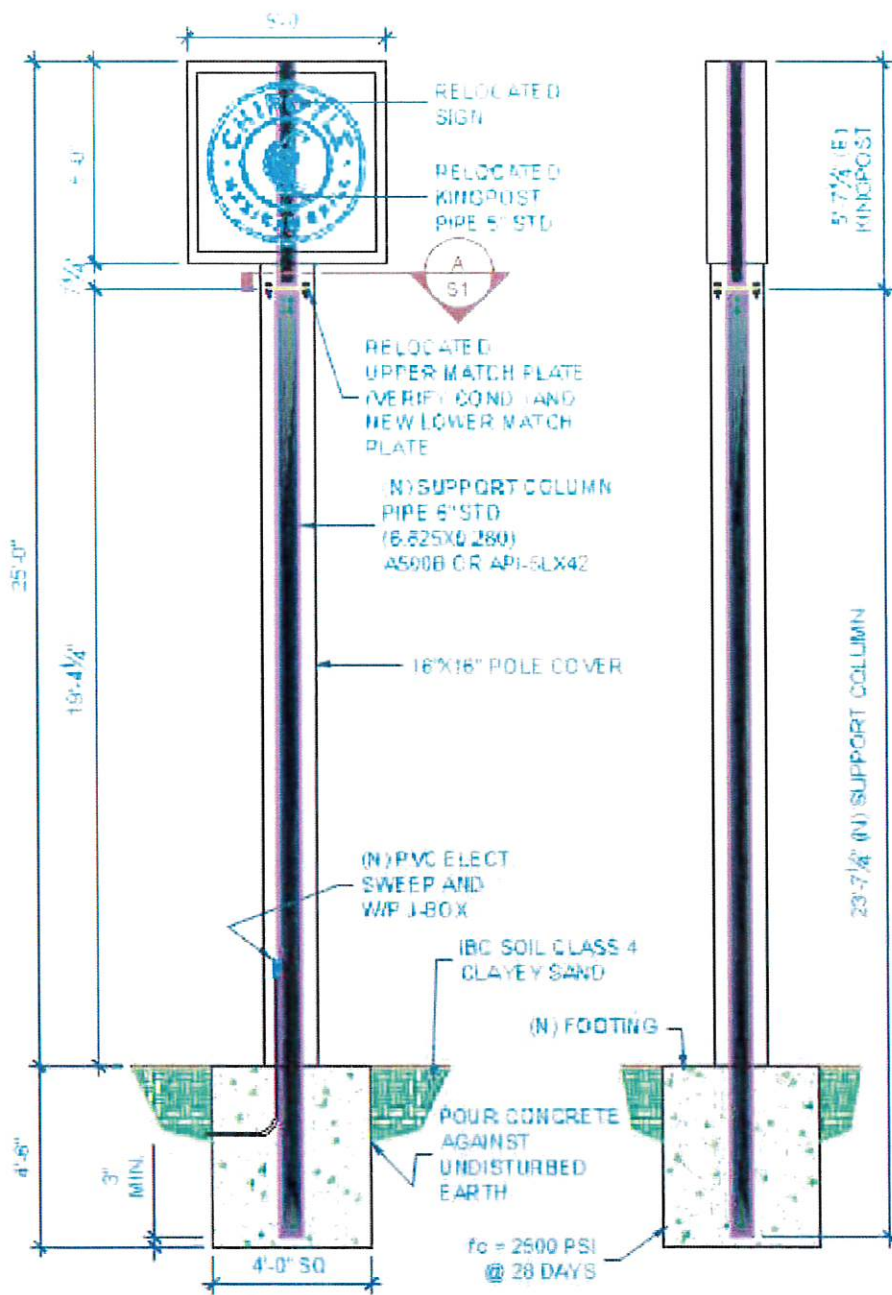
Acct. Exec: Thad Okerlund  
Designer: Cheryl Lewis

**OPY-52324 R2**

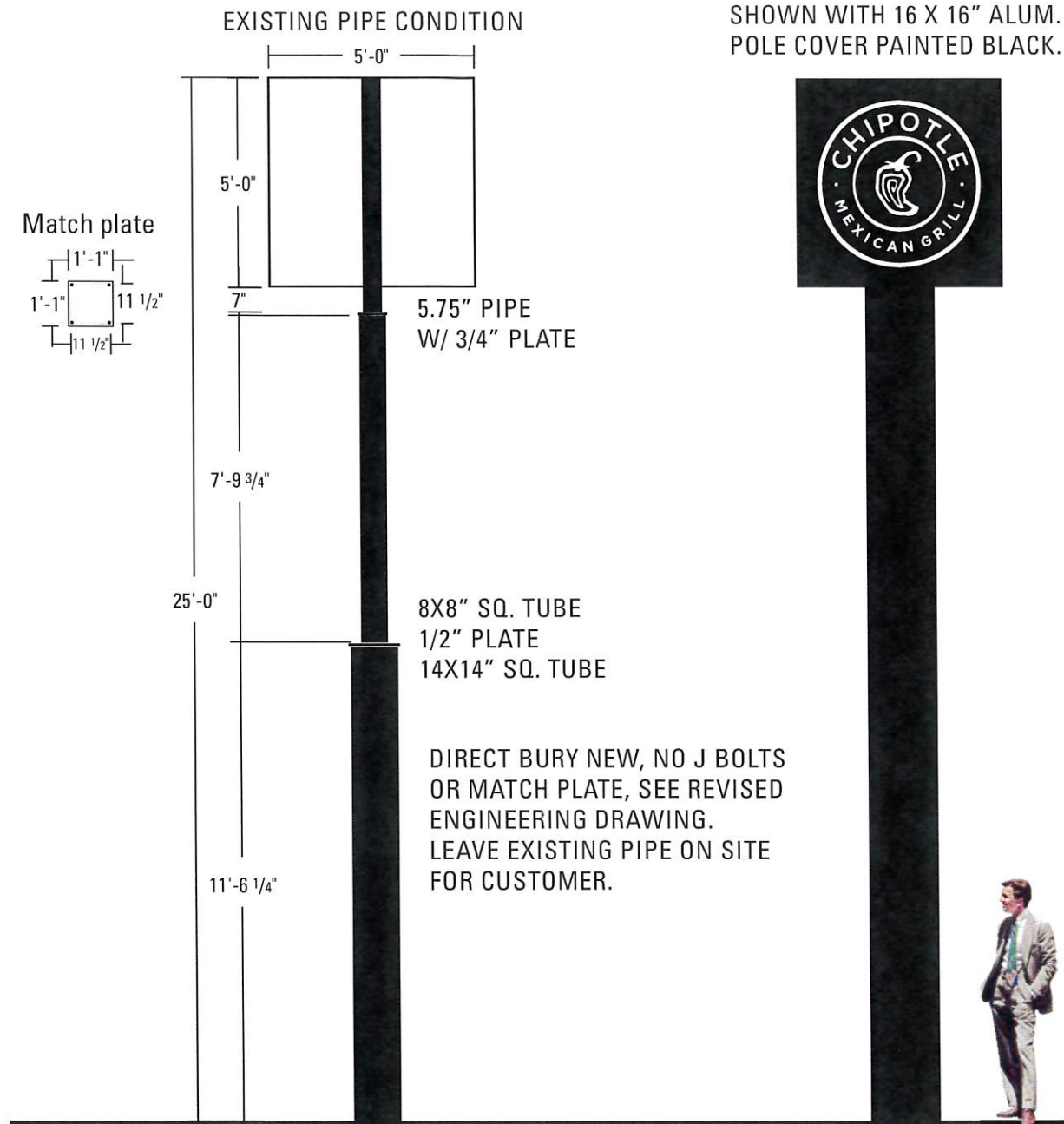
**ART 0.1**



SCALE: 3/64" = 1'-0" [1:256]



**1 (N) POLE SIGN W/ (E) CABINET**  
SCALE: 1/4" = 1'-0"



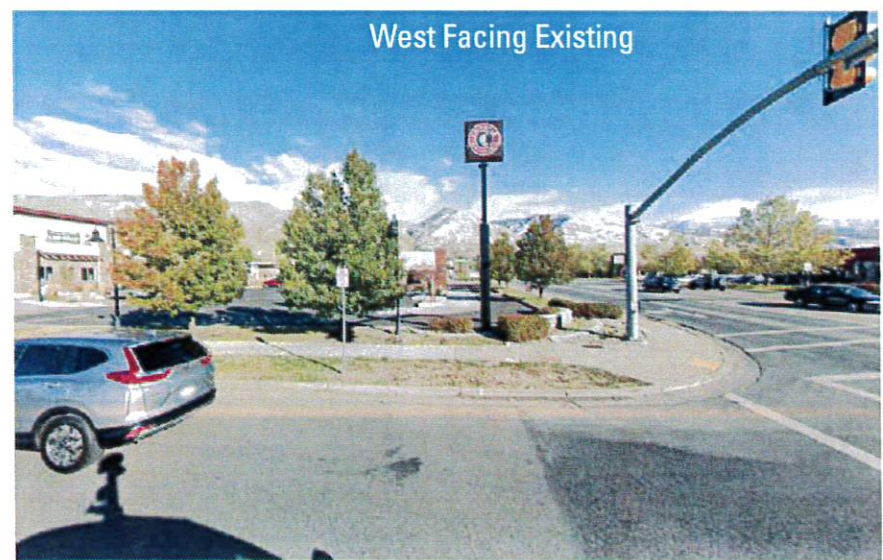
**1 SIGN 01 - RELOCATE SIGN WITH NEW SUPPORT & EMBEDMENT**  
SCALE: 1/4" = 1'-0"

SHOWN WITH 16 X 16" ALUM. POLE COVER PAINTED BLACK.

**SCOPE OF WORK**  
RELOCATE & INSTALL **ONE (1)** D/F ILLUMINATED SIGN DISPLAY:  
  
PERMITTING SIGN AREA: SAME- FT<sup>2</sup>  
  
FINAL ELECTRICAL CONNECTION:  
CUSTOMER TO PROVIDE POWER TO SIGN LOCATION. YESCO TO CONNECT.



**EXISTING SIGN LOCATION**



West Facing Existing



Move from here to here



**DESIGN**

1605 South Gramercy Rd.  
Salt Lake City, UT 84104  
801.487.8481

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**Revisions**

No.	Date / Description
Org.	01.18.2023
1	01.30.2023 adjust sign height-CTL
	02.16.2023 updated details next pg-CTL
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JO #

**Approval**

A/E Sign / Date  
  
Client Sign / Date

**Chipotle Whitmore**

400 W Parrish Ln  
Centerville UT 84014-1735  
Acct. Exec: Thad Okerlund  
Designer: Cheryl Lewis

**OPY-52324 R2**

**ART 1.0**