

**BOARD OF ADJUSTMENT
MEETING MINUTES
March 21, 2002**

Members Attending: Ann Allen, John Beagley, Doug Atkin, Bob Droubay, Christy Kane

Staff: Brian Tucker Mary Dixon

The Board of Adjustment Meeting was called to order at 7:00 p.m. by Chairman John Beagley.

1. Nominations for Chair and Vice-Chair

John made a motion to nominate Ann for Chairman this was seconded by Christy. All concurred. Ann made a motion to nominate John as Vice-Chairman this was seconded by Doug. All concurred.

2. Approval of 2002 meeting schedule

Doug made a motion to approve the meeting schedule for 2002. This was seconded by John. All concurred.

3. Approval of meeting minutes for August 16, 2001

John wanted it noted in the meeting minutes that Scott Broadhead, and Lee Johnson were not in attendance at the August 16, 2001 meeting. John made a motion to approve the meeting minutes with the correction indicated. This was seconded by Ann. All concurred.

1. Application for variance BOA #1-02 - one lot in proposed subdivision is 3 times as long as wide. Kevin England

Brian showed the BOA where the property was located in the county. Brian also stated that the piece of property that we were discussing tonight was a long lot that came down along the property line and ended in a square. The parcel was just under ten acres. The applicant would like to divide the property into three pieces. Brian stated that the reason why the applicant has come before the BOA was because the top piece of property was 3.2 times as long as it was wide. The county standard for lots is 3 to 1 or less. However a special exception can be granted by the BOA if the applicant can prove to the board that this is the only way that the property can be configured to build the subdivision. Brian stated that the piece of property was square and because it was square there were a lot of different configurations that could be done with the property. Brian stated than the question is weather or not is this the only way that the property can be configured, or is this a hardship that is self imposed. Christy asked why the applicant was seeking to do this subdivision the way it has been proposed if it does not follow the county guide lines. Kevin England stated that when they first started this project they were talking to Tom Cluff, he also stated that he is the one who would like to purchase lot one. He stated that

they had done everything that Tom had said that they needed to do. Kevin stated that they drew up a proposal map and brought it in and it was okayed by Tom. Kevin stated that after Tom left the engineering department they started to talk to Nicole. He stated that Nicole had a few changes that they had to make. He stated that they actually were going to have four lots and now they were only going to have three. Kevin stated that he spoke to Nicole about the proposed layout of the subdivision and she did not have a problem with it. Christy asked if there was any economic reason why they were putting the subdivision this way, or were they putting it this way because they would like it this way? Kevin stated that there was no economic reason why they were putting it this way. Christy asked if there was justification for the variance? Kevin stated that they could go back to the drawing board and redraw the plans if they needed to. Kevin stated that they had divided the property this way so that each piece had equal acreage. Ann stated that according to the procedures of the BOA they have to go step by step from the application. She asked the applicant if they had a copy of the application that they turned in. Ann stated question one and asked Kevin to please give a response to the question. The board asked Kevin if this was a hardship to him, that would give the board reason to grant the variance. Kevin stated that there was not. The board then stated that number one was not met, by the applicant. Ann then went to question number two. And asked the applicant to response to question two. Kevin stated that in response to question two that all of the properties in the area meet county standards. The board then stated that number two was not met. Brian stated that to grant a variance all five of the criteria had to be met, and if you feel that one of the criteria has not been met than there is no need to continue with the meeting. Ann then stated to the board that if two of the five items have not been met does the board want to continue on? Doug asked if the property had been subdivided yet? In response to his question it was no and these were just proposed lot lines. Doug then recommended to the applicant that they go back and reline the lot lines. Kevin then stated that he was upset because they had been talking to the engineering department and they had okayed the layout. Kevin stated that when they spoke to Nicole the only problem she had was with the road. Brian stated that they don't have a problem with the layout it is when you put the numbers into the layout it does not meet standards. Betty Slingerland who is Emma Warr's daughter stated that she owned the property that was north of the subdivision, and if they brought the lot lines 12 feet to the south than it would be to close to Emma's property. Therefore this is one of the reasons they decided to lay the subdivision out the way they did. She also stated that if they went the other direction with the lot lines than it would interfere with her property also. Brian stated that legally to grant a variance it has to meet all of the criteria that is stated on the application. Christy asked that knowing there is a house on one of the lots if that created a hardship for the applicant. Doug stated that none of the board had identified the house as being a restriction there. Ann then told the board that they needed to go back to number one and start over with the questions. The applicant then stated that it created a hardship for the applicant because there was an existing house on the property. Ann asked Kevin if there was another layout that they could use that would not interfere with the house. Brian stated that the question here is not so much is there other ways the subdivision can be laid out but is this the most judicial way to do this subdivision. Ann stated that the option of

the board was that the applicant choose to do one or two of the layouts that were handed out to them or continue on with the question on the application to see if this creates a hardship. Ann also stated that if the board were to rule on this tonight than they could not grant the variance. Doug stated that he felt like there were not any special circumstances that would give the board reason to grant a variance. Emma Warr the owner of the property stood and stated that she felt like someone shouldn't be able to tell the owner of the property what they can and can't do with their property. She also stated that she didn't have a problem with the applicant building a home on the property and no one else should. The board stated that they have to go by the laws that the county has laid out. Brian stated that if the applicant meets all of the criteria to be granted a variance than by all means lets grant the applicant the variance. The board stated that they should give the applicant the chance to go back and redraw the subdivision so they do not need a variance. The board asked Brian if he could go over the ordinance again. Betty Slingerland stood and stated that two weeks ago they were notified that there was a problem with the lane. She stated that they spoke to a number of people and they asked them if they could bring the lane up to standard. She stated that to bring the lane up to standard they would have to purchase property on either side of the lane and the property owners will not sell. She stated that they spoke to the fire chief and he would ok the lane with some rules attached to the agreement. Than they received a letter from the county attorney stating that the fire chief could not ok the lane due to the fact it was a state fire code issue not a county fire code issue. Brian stated that the width of the road was not an ordinance problem it was a state fire code problem, and there was not an ordinance or a variance they could grant the applicant for the problem with the lane, and the access issue is a subdivision ordinance issue not a zoning issue. Christy made a motion that they send the proposed subdivision back to the applicant without making a final vote and see if they can redraw their proposed subdivision without needing a variance. Doug seconded the motion.

Verbal roll call:

Bob - yes John - yes Doug - yes Christy - yes Ann - yes

OTHER BUSINESS:

John wanted it noted in the procedures that a new chairman and vice chairman would be elected at the first meeting of the new year. Instead of the first meeting in January. Also he asked that a copy of the policy and procedures for BOA be mailed out to all of the board members.

ADJOURNMENT:

Doug made a motion to adjourn. This motion was seconded by Ann. The Board of Adjustment meeting adjourned at 8:45 p.m.

APPROVAL: _____
Chairman, Tooele County Board of Adjustment