

**APPEALS AUTHORITY HEARING**  
**April 28, 2009**

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David Angerhoffer, Hearing Officer at 1:00 p.m. in the Tooele County Building Auditorium located at 47 South Main Street, Tooele, Utah, called the meeting to order

**VAR #09-03400001 – Rick Palmer, 1363 East Pine Canyon Road, Pine Canyon**

Attendance: David Angerhoffer, Hearing Officer  
Rick Palmer, Property Owner  
Matthew Hilderman, Staff  
Kent Page, Staff  
Cindy Coombs, Staff

- Rick Palmer stated that he and his brother live next door to each other. Property in the rear of their homes has no access if home next to them sells. He is requesting a variance to re-align the current property boundaries allowing access to the rear property.
- Mr. Palmer added that he is now using an access between his nephew and himself.
- Mr. Angerhoffer asked about the area and what the property is currently zoned. Matt stated that it is RR-5 but the zoning has been changed within the last few years to that. It originally was R-1-21. These lots fit the original zoning but not the current one.
- Mr. Angerhoffer asked which layout, of the three presented, was Mr. Palmer looking for.
- Matt explained during his research on these lots, it was determined that over the last few years they have been subdivided, illegally, into six lots where three existed originally. This variance would help facilitate going back to just three lots.
- Mr. Angerhoffer looked over the three proposals presented by Mr. Palmer.
- Staff is recommending proposal #2 and Mr. Palmer agrees with that recommendation. Mr. Palmer is not interested in having to purchase property from his family to make possible one of the other proposals. Proposal #2 seemed to be the best arrangement.
- Mr. Palmer will do a boundary line agreement to create the new lots line if this variance is approved.
- Mr. Angerhoffer stated that Mr. Palmer is progressing from being out of compliance with six lots to out of compliance with three lots only. Matt stated that staff feels that the current zoning requirements can be overridden by the appeal authority.

**VAR # 09-03400002 – Synergy Consultants, Stansbury Park**

Attendance: David Angerhoffer, Hearing Officer  
Matthew Hilderman, Staff  
Kent Page, Staff  
Cindy Coombs, Staff

- Kent stated that he feels he can represent the applicant even though the applicant is not present.
- Mr. Angerhoffer stated there is nothing in the Code that says the applicant has to attend.

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- Kent said that the applicant is looking for a variance in the parking space requirement. Under Chapter 6 of the Tooele County Land Use Ordinance, parking spaces are figured from the size of the building and the type of business conducted.
- The applicant's building would hold both medical/dental and general office spaces. The Land Use Ordinance states there need to be 4.11 spaces for dental and 2.79 spaces for general office. The applicant has proposed design is one space short of the Land Use Ordinance requirement.
- Staff feels that the denial of this variance would cause undue hardship because of the shape and size of the lot. There is no chance for the lot to change in size or shape. Staff would recommend approval.
- According to the current ordinance, commercial PUD lots need to be a minimum of 1 acre. This minimum is not possible for this particular piece of land. The applicant is in need of a variance for the parking, then a CUP for any signage that the owner has in mind.

The meeting adjourned at 1:25 p.m.