

BRIGHAM CITY APPEAL AUTHORITY
Brigham City Council Chambers
January 10, 2018 – MEETING MINUTES

PRESENT: Jay Naumann Chair
Barbara Poelman Vice-Chair
Richard Kimber Member
Lynda Berry Member
Barbara Stokes Member

ALSO PRESENT: Mark Bradley City Planner
Christina Boss Administrative Assistant

REGULAR MEETING:

Mr. Naumann opened the meeting and the Pledge of Allegiance was recited. Mr. Kimber made a motion to approve the agenda as written; the motion was seconded by Ms. Stokes and passed unanimously.

ELECTION OF CHAIR AND VICE CHAIR

Nominations were opened for the Chair and Vice-Chair positions. Mr. Kimber made a motion to retain the current Chair and Vice-Chair. The motion was seconded by Ms. Berry and was approved unanimously.

APPLICATION #17-002-AA / VARIANCE – FRONT YARD SETBACK / 107 N. MARIE DRIVE / TYSON AND CAMILLA PACKER

Mr. Bradley introduced the Application stating that the property is in the R-1-10 zoning district and has a 30 foot front yard setback. Due to the slope of the lot, the Applicants are requesting a 10 foot variance from 30 feet to 20 feet. Mr. Bradley stated that two of the adjacent lots received a variance for the same reason. There is an access to the lot from Marie Drive along the south property line which is also a Dominion Energy easement. Staff supports the variance due to the elevation changes on the lot.

The Members discussed the remaining lots in the area that may need variances due to the slope. They agreed that this variance request meets the criteria and a precedence has been set by granting variances to the adjacent lots.

MOTION: Ms. Poelman made a motion that the Appeal Authority approve Application #17-002-AA based on the recommendations of Staff and in accordance with Utah Code Section 10-9a-702 Variance and City Code Section 29.04.020, and with the Findings of Fact as outlined in the Staff Evaluation that:

1) Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances:

- A. The unreasonable hardship is created from the natural slope of the land with the lot's location within the designed subdivision.
- B. The general purpose of the land use ordinance is design based for order, uniformity, and aesthetics. A variance allowing a reduction in the front yard setback from 30 feet to 20 feet would maintain uniformity with the adjacent lots to the north. A reduction to the setback in this case would not impact any clear view areas or utilities.
- C. The hardship is located on and associated with the property the variance is being sought.
- D. The hardship comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood even though some of the lots within the neighborhood have similar hardship.
- E. The hardship was not self-imposed or economic. There are some economic benefits but the greater benefit comes with construction proximity and elevation of home to street.

2) There are special circumstances attached to the property related to the hardship which is specifically the significant slope of the land and it would deprive the property of privileges granted to other properties in the same zone.

3) Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone to be able to place the dwelling in a more practical location for construction without impacting the neighborhood or general aesthetics of uniform setbacks.

4) The variance will not substantially affect the general plan and will not be contrary to the public interest where it becomes more uniform with other existing dwelling on the same street due to similar circumstances.

5) The spirit of the land use ordinance is observed and substantial justice done. There should be no impact physically or visually on the neighborhood. The setback would be consistent with the other two lots north of this lot that has received variances.

6) There is no impact on City utilities or services.

The motion was seconded by Ms. Berry and passed unanimously.

OTHER BUSINESS

MOTION: Ms. Berry made a motion to adjourn. The motion was seconded by Ms. Stokes and passed unanimously.

The meeting was adjourned at 5:47 p.m.

This certifies that the minutes of January 10, 2018 are a true and correct copy as approved by the Appeal Authority on February 14, 2018.

Signed: _____
Christina Boss, Administrative Assistant