

BRIGHAM CITY APPEAL AUTHORITY
Brigham City Council Chambers
November 8, 2017 – MEETING MINUTES

PRESENT:	Jay Naumann	Chair
	Barbara Poelman	Vice-Chair
	Richard Kimber	Member
	Lynda Berry	Alternate
ALSO PRESENT:	Mark Bradley	City Planner
	Tony Ekins	Associate City Planner
	Jeff Thorne	City Attorney
	Christina Boss	Administrative Assistant
	Marc Larsen	Applicant
EXCUSED:	Barbara Stokes	Member

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. Berry and passed unanimously.

ELECTION OF CHAIR AND VICE CHAIR

Nominations were opened for the Chair and Vice-Chair positions. Ms. Poelman nominated Mr. Naumann for the Chair position. The nomination was seconded by Ms. Berry and was approved unanimously. Ms. Berry nominated Ms. Poelman for the Vice-Chair position. The nomination was seconded by Mr. Kimber and was approved unanimously.

APPLICATION #17-001-AA / EXPANSION OF NONCONFORMING STRUCTURE AND USE / 620 EAST 100 SOUTH / MARC LARSEN

Mr. Larsen came to the table and explained that he uses the existing building for storage of old cars. He would like to add on to the building. When he purchased the property, his son was going to build a house on the lot but decided against building due to traffic, noise and dust.

Ms. Poelman asked if there had been a survey done to clarify if the addition would encroach on the setback. Mr. Larsen has not had a survey completed but can adjust the size of the additions on each side of the building to 20 feet. He confirmed that the building will only be used to store cars. Ms. Poelman asked Mr. Larsen if he believes expanding the building is in harmony with the surrounding area. Mr. Larsen stated that the building has been there since 1936. Ms. Poelman feels that if the building is expanded, a home

will likely never be built on the property and stated that the building is not conducive to a residential area. Mr. Larsen agreed. The Members discussed the properties in the surrounding area.

Mr. Bradley came to the table and stated that building was there before the 1973 plat. Notices were sent out to adjacent property owners. Mr. Bradley read Mr. Brothersen's email into the record:

Mr. Bradley my name is Bruce Brothersen and I live at 127 S 600 E. This email is in response to the letter I received, date Oct 23, 2017 regarding the above item. Upon receipt of this email please respond back so that I know you received this. First, I would like to acknowledge that my interactions with Mr. Larsen have been very pleasant. He seems to be a good person, a good citizen and a friendly neighbor. He has made significant improvements to the property in question by removing old trees and grading the property. His work is noted and much appreciated. I understand that a variance to the existing zoning is in question. Since the zoning is residential, any additions to the existing structure would be in violation to the existing zoning. Consequently, I'm opposed to any actions which would violate the existing zoning requirements. If I have misunderstood the situation please clarify this for me. Please feel free to contact me.

Mr. Bradley continued with his response back to Mr. Brothersen:

I am in receipt of your email and will forward this to the Appeal Authority. Input is welcomed and that is why notification of the request is mailed out. The shed and use is considered nonconforming to the City Zoning Code where the primary use is for a dwelling. The shed should be accessory to a dwelling but is unique where it was apparently allowed to stay when the subdivision was created in 1973. The shed was an old UDOT building. If the Appeal Authority approves the expansion it would be legally expanded based upon City Code allowing the Appeal Authority to approve requests based on certain findings. However, looking at the big picture and in the opinion of City Staff, the expansion increases the nonconformity rather than bringing it more into compliance with zoning regulations and would further promote the nonconformity of the structure and use and not promote the purpose of the lot for a dwelling. An expansion would decrease the size, location, and orientation options for a future dwelling.

Mr. Brothersen replied:

Thank you for your response. Based on your explanation of the situation, my initial response has not changed. I'm opposed to any modifications to the property which would be a nonconformity to the existing zoning regulations. Thank you for your explanation.

Mr. Bradley reviewed Chapter 29.06.130 Nonconforming Use, Lot or Structure and stated that the only way the building could be expanded is with the consent of the Appeal Authority. Ms. Poelman stated that the criteria the Appeal Authority is required to consider will not allow Mr. Larsen to expand the building. Mr. Naumann led the Members in reviewing the criteria. In keeping with the General Plan, the property is in a residential zoned area. Mr. Naumann stated that the impact would be the building encroaching on a setback. Mr. Bradley explained that the Appeal Authority cannot grant the approval into the setback. He went on further to explain that the impact is that the expansion of the building promotes the shed and not the purpose of the lot. Mr. Naumann expressed his thoughts that Mr. Larsen's property is in harmony with the area due to multiple cars, the lack of curb and gutter and the surrounding properties having sheds, with the exception of the property to the west. Mr. Naumann feels that adding to the shed is not going to impose unreasonable impact or burden because adding to the shed does not change the fact that there is a shed. Ms. Poelman feels that the purpose of the subdivision was to build residences and allowing the shed to be expanded is detrimental to the area. Ms. Berry and Mr. Kimber agreed with Ms. Poelman. Mr. Kimber further stated that by adding on to the shed, the owner is precluding the possibility of a home ever being built on the property. He is concerned what could happen with the property and vehicle parking in the future. Adding to the shed does not conform to the General Plan.

MOTION: Mr. Kimber made a motion that the Appeal Authority deny Application #17-001-AA based on the recommendation of Staff.

The motion was seconded by Ms. Berry.

A roll call vote was taken for those in support of the motion:

Richard Kimber; aye
Lynda Berry; aye
Barbara Poelman; aye
Jay Naumann; nay

OTHER BUSINESS

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

The meeting was adjourned at 6:15 p.m.

This certifies that the minutes of November 8, 2017 are a true and correct copy as approved by the Appeal Authority on November 28, 2017.

Signed: _____
Christina Boss, Administrative Assistant