

BRIGHAM CITY APPEAL AUTHORITY
Brigham City Council Chambers
August 8, 2018 – MEETING MINUTES

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

REGULAR MEETING:

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

Application #18-001-AA / Request to modify nonconforming uses / Add additional business licenses to Impound Lots / 20 West 400 North & 210 East 1000 South / Brett Reeder

Brett Reeder was invited to the table.

Mr. Bradley introduced the Application and stated that the City Attorney has determined that the Applicant is intensifying a non-conforming use. Mr. Reeder's impound lots currently have multiple licenses under different company names. The State requires a sign with the company name and lot number posted for each license. Mr. Bradley explained that the size of the lot would not be enlarged, but by increasing the number of licenses there could be additional signage, towing vehicles and employees.

Mr. Bradley stated that two years ago Hansen Motors obtained two business licenses to operate impounds lots at a grandfathered site. Shortly after that, the Mr. Reeder applied for, and was issued, two additional business licenses for his site.

Ms. Stokes asked Mr. Reeder what changes would occur if his application were approved. Mr. Reeder stated that the only change would be the additional sign on the fence. He would not increase the number of tow trucks or the number of cars coming in. With the approval of this application, he would increase his number of calls on the Police Department rotation for crashes and impounds. Mr. Reeder stated that the two additional licenses he applied for when Hansen was issued licenses were not for the business he owns, but were for businesses he manages at his property. He would like two more licenses for businesses that he owns. Mr. Reeder feels that the City Attorney should

have spoken to him about the business or the impact of adding licenses. Mr. Bradley stated that the City Attorney reviewed the application in reference to the Code.

Notices were sent out to neighboring properties and three calls were received. They were invited to this meeting.

Mr. Bradley reviewed Chapter 29.06. City code states that a non-conforming use shall not be enlarged, expanded or intensified.

The members discussed whether the City Attorney should attend the next meeting to discuss his review. Mr. Kimber feels that the Appeal Authority has the City Attorney's comments and everything that they need to make a decision.

MOTION: Mr. Kimber made a motion that the Appeal Authority deny Application #18-001-AA based on the review of the City Attorney, the Staff comments and City Code Chapter 29.06.140 A. 1. A non-conforming use, lot, or structure shall not be enlarged upon, expanded, or intensified. When the licensure on a property is doubled, the intent is to intensify. And with the Findings of Fact that: 1) The applicant is applying to the Appeal Authority to modify nonconforming uses which are existing impound lots with multiple licensed lots at the two above referenced addresses by adding an additional business license to each site; 2) An additional license increases the number of lots within the overall defined impound lot; 3) The existing impound lots are nonconforming either because the use is no longer allowed within the zoning district where it is located or because the City regulations have been amended and its current situation is nonconforming to new adopted standards and regulations. Attached are maps of the two sites provided by the applicant for reference; 4) The additional licenses intensifies the business operation (storage space, towing trucks, additional signs required by State licensing, etc.) and is not in harmony with the surrounding neighborhoods, and in keeping with the intent of the Comprehensive Plan and the current City Code; 5) The additional licenses would impose unreasonable impact or burden upon land located in the vicinity; 6) The existing nonconforming uses have the applicable business licenses required by the City and State for its operation; 7) The applicant is able to enjoy the right to continue to operate the business as was approved prior to its nonconforming status; and 8) A flawed system for towing rotations should not cause an impact on the community and its local land use regulations. The system encourages businesses to increase the number of licenses in order to increase their rotations.

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 Mr. Kimber and passed unanimously.

The meeting was adjourned at 7:03 p.m.

This certifies that the minutes of August 8, 2018 are a true and correct copy as approved by the Appeal Authority on August 29, 2018.

Signed: _____
Christina Boss, Administrative Assistant