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Planning and Zoning Commission Meeting Thursday, August 24, 2017 Minutes

7:00 p.m. Deweyville Town Hall

Presiding: Appeal Authority Duncan Murray

Attendance: Chairman Jeff Spenst Commissioner Eric Page
Commissioner Les Fryer Commissioner Lesley Kendrick
Commissioner Dale Meservy
Recorder/Clerk Kathy Gudmundson

Absent:

Visitors: Fred Peragallo, Jack Williams, Attorney Jeff Thorne, Mayor Robert
Thayne, Keith Young, Farrell Oldroyd, Reed Belew, and Bill
Kerivan

Meeting opened at 7:00 p.m

Welcome: Appeal Authority Attorney Duncan Murray had Mayor Thayne welcome everyone and lead us in the pledge. Mr. Murray read the appeal to those present and asked each side to identify themselves. He explained that everyone is welcome here but will not be allowed to speak unless asked a question. Mr. Murray explained the packet of minutes and permits he has been given. There are no objections to this meeting being presented as in the agenda.

1. Chairman Jeff Spenst presented the Planning and Zoning position on the Oldroyd building permit approval. Mr. Spenst read the Deweyville minutes from the Monday, August 21, 2017 Planning and Zoning work meeting. He presented the following timeline. Mr. Oldroyd came in and got the building permit forms and then brought in all of the paperwork for a building permit. On April 6 he came to a Planning and Zoning meeting bringing his plans . He had UDOT and Bear River Health Dept. approvals. The Planning and Zoning Commission approved the building permit per our building code. Mr. Oldroyd was invited to the August 3, 2017 meeting due to there being concerns over him meeting the codes. At the meeting, Mr. Oldroyd was asked what his intentions were and he replied that he was not building a commercial

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business. The some of the appellants were asked at that meeting if that clarified the issue and they stated it did. They were satisfied. Then we received a petition from the appellants that there was still an issue. Mr. Oldroyd was given a copy of home based business regulations and he stated he would be in compliance. The commission approved his building permit based on the current rules. Attorney Jeff Thorne added the definition of home based business as defined in the Deweyville Zoning Codes. Mr. Oldroyd stated that he has no plans for employees. Noise and odor would not be a problem.

2. Mr. Jack Williams presented the appellants position on the Oldroyd building permit approval. The appeal is based on lack of full disclosure. According to the appellants, they thought this was to be a commercial business and they decided to appeal. They feel that Deweyville should remain a residential area with a rural quality of life. They were concerned about the definition of a home based business. They believe that there should have been an impact analysis performed. Mr. Williams is concerned about this building meeting the fire code. A single family dwelling should only be allowed on the property.
3. Questions—Mr. Murray asked if there were any objections to each side asking the other questions and there were no objections.
 - a. Mr. Williams stated that a commercial business was never brought up. Chairman Spent answered that when Mr. Oldroyd came in it was explained that it would be home based business and that he would need to get a business license. On August 3, the commission had Mr. Oldroyd come in to the meeting and the Commission gave him the regulations for a home based business.
 - b. Mr. Williams asked what is a single family detached building? It has to meet codes. There should be one home and one accessory building. Mr. Keith Young is concerned about the noise from a cabinet shop and said the town has assured him that there will be no sound. Mr. Oldroyd answered that he has some equipment to muffle the noise and odors and that the building will be highly insulated.
 - c. Mr. Williams asked about needing an impact analysis. Chairman Spent said a impact analysis is not required per our zoning. Mr. Murray

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asked about our building inspector. Chairman Spenst replied that our inspector is Mr. Steve Bench from Tremonton and he is inspecting the property.

- d. Mr. Williams quoted the zoning book section 1.13.1 for combustibles which states that any industrial shop must be inspected. Mr. Bench knows the purpose of the building per Mr. Oldroyd and he has put in fire wall with fire resistant sheet rock. Chairman Spenst explained that there is a whole section of the book that is for commercial and not residential. Appendix A is for commercial and does not apply to home based businesses.
- e. Mr. Reed Belew asked why he is building the shop before a home. Chairman Spenst replied that Mr. Oldroyd's plan was approved to live in the shop until his house is built. Deweyville town was in agreement with that plan. Mr. Belew asked for a time frame for building the house. Chairman Spenst answered that a building permit is valid for a year and then it expires.
- f. Mr. Kerivan asked about right of way to his property. Chairman Spenst said that Mr. Oldroyd has to give an easement for anyone behind his property. UDOT requires this easement so no one is landlocked.
- g. Mr. Williams asked about this area being zoned RR35. He read the description from the zoning book about landscaping and rural life. Chairman Spenst said we followed the code. Deweyville has no control about when or what a homeowner does for landscaping. There is no way to enforce that issue. Mr. Page stated that Deweyville has never specified when or what landscaping should be installed. Chairman Spenst in the past has talked to people and asked for voluntary compliance to zoning. Mr. Williams asked what makes a secondary usage. Attorney Thorne talked about the definition of home based business.

Summary statements. Chairman Spenst stated that the commission is trying to appease everyone. They are volunteers and are doing the best they can. The town is growing and we will see a lot more growth. The Planning and Zoning

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Commission based their decision for Mr. Oldroyd on the rules as they understand the rules. People are more than welcome to volunteer for any of the commissions.

Mr. Williams said home based business still hasn't been established. Mr. Peragallo said he is more than welcoming to Mr. Oldroyd. He said there will be growth and we need to be prepared for the growth. Our rules must be clear and concise in order to maintain the atmosphere we have. Vagueness has to be cleared from our rules and zoning. We must adhere to the codes. He appreciates everyone listening to him.

Mr. Murray stated that he is appreciative of everyone being civil. He has received all the information. He is going to take his decision under advisement and will notify us within 5 days. I need to disseminate his decision to the appellants and the planning and zoning commission.

4. Adjourn: Adjourned at 8:06 pm.