

2 The Lindon City Board of Adjustments held a meeting on **Thursday, November 12,**
4 **2014** beginning at 6:00 p.m. in the Lindon City Center, Lower Level Conference Room,
100 North State Street, Lindon, Utah.

6 **Conducting:** Jeff Southard, Chairperson

8 **PRESENT**

Jeff Southard, Chairperson
10 Glen Mitchell, Boardmember
Greg Slater, Boardmember
12 Jeff Wilson, Boardmember
Hugh Van Wagenen, Planning Director
14 Jordan Cullimore, Associate Planner
Kathy Moosman, City Recorder

ABSENT

Steve Smith, Boardmember

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18 1. **CALL TO ORDER**

The meeting was called to order at 6:05 p.m.

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22 2. **APPROVAL OF MINUTES** – The minutes of the meeting of September 11,
2014 were reviewed.

24 BOARDMEMBER WILSON MOVED TO APPROVE THE MINUTES OF THE
MEETING OF SEPTEMBER 11, 2014 AS PRESENTED. BOARDMEMBER
26 MITCHELL SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE
MOTION CARRIED.

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30 **CURRENT BUSINESS** –

- 32 3. **Variance: Front and Rear Yard Setbacks – Black Scot Development, 704
East 680 North, 724 East 680 North, 694 North 720 East, 697 North 720 East.**

34 The applicant is requesting a variance of five (5) feet to the front and rear yard
setback requirement of thirty (30) feet on Lots 1, 2, 12, and 13 of Highlands at
36 Bald Mountain. If approved, the front and rear yard setbacks of the lots in
question would be twenty-five (25) feet.

38 Mr. Van Wagenen, Planning Director, gave a brief summary of this item
explaining the applicant is requesting a five foot variance from the front and rear yard
40 setback requirement (per LCC 17.44.080) of thirty (30) feet on Lots 1, 2, 12, and 13 of
Highlands at Bald Mountain. If approved, the front and rear yard setbacks of the lots in
42 question would be twenty-five (25) feet. The Lindon City Code in question is 17.44.080
Yard Setback Requirements and reads as follows:

44 *The following minimum yard requirements shall apply in the R1 zones: (Note: All
setbacks are measured from the property line, or for property lines adjacent to a
46 street the setback shall be measured from the street right-of-way line.)*

- 1) *Front yard setback: thirty (30) feet*

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Rear yard setback: thirty (30) feet
2) *Side yard – Corner lots: On corner lots, the side yard contiguous to the street shall not be less than thirty (30) feet and shall not be used for vehicle parking, except such portion as is devoted to driveway use for access to a garage or carport. Of the remaining rear and side yards on a corner lot, one rear yard setback of thirty (30) feet and one side yard setback of ten (10) feet shall be required on the remaining non-street facing sides of the lot.*

Mr. Van Wagenen further explained that each lot is considered individually regarding its size, standard buildable footprint, requested buildable footprint and other encumbrances. He noted that these details of each lot are provided in order for the Board to make a decision as to whether or not there is a substantial hardship on each lot that would justify the requested variances. In addition, a few lots with similar circumstances are also described for comparison purposes.

Mr. Van Wagenen stated that in looking at the lots individually, it is apparent there are unique circumstances on the lots. The question is whether or not a home can be built upon any of the lots in question and that the answer is yes. The question then becomes how large of a house should the owner be able to build considering the unique circumstances of the lot. He added that generally Lots 1, 2, and 13 have a 50 foot wide aqueduct easement running through the properties as identified on the map. This is a factor the applicant would like considered when reviewing the request.

Mr. Van Wagenen pointed out that this variance is a little unique as this is one request but on 4 lots and each lot involved is a little bit different. He then listed the lot numbers in the Black Scot Development as Lots #1, 2, 12, and 13 of the Highlands at Bald Mountain Plat C subdivision. He noted the applicant submitted 2 statements as to why this variance is being sought. He added that the representative of Black Scot Development (Emily Moore) is in attendance. He stated the applicant statements, including square footages, and specifics are included in staff report and noted they are requesting the 5 ft. variance on the above mentioned lots. He then referenced the code section in question. Mr. Van Wagenen then showed the map depicting the lots for definition’s sake. He mentioned that lot #12 has a situation that is unique with triple frontages that will be discussed later.

Mr. Van Wagenen then showed an image of the aqueduct easement (50 ft. wide easement). He added that the applicant’s statements were issued with the application on these requests. He noted in essence they are talking about the aqueduct cutting through these lots (especially lot #13) which has three frontage sides plus the aqueduct, with lot #12 having no aqueduct encroachment but it does have the three required front yard setbacks that emphasizes those points and how a 5 ft. difference increases the building imprint which is valuable to the property and future homeowner. He went on to say this whole subdivision project has been approved in some stage or another (in phases) for 7 or 8 years and the lot layout has not changed significantly for a long time and it was possible that there was not a lot of prior discussion but the developer would have known about it; the developer is not the builder.

Mr. Van Wagenen then gave a brief overview (lot by lot) of the reference points including address, acreage, square footage etc. followed by some general discussion. He also showed images of the lots in question. He re-iterated that lot #12 is a unique

2 situation because of the triple frontage (no aqueduct encroachment). He also referenced
4 for context and referenced the previous application. He mentioned that each application
6 Board to make a determination.

8 Chairperson Southard invited the applicant to address the Board at this time.
10 Emily Moore, representative of Black Scot Development, referenced the plat map stated
12 she will reference the lots in the order of importance. She then began with the Olson's lot
#13 which is most affected. She mentioned there will be an asphalt road for an access
road for the aqueduct company. Ms. Moore then asked the Olsen's, who were in
attendance, what they are hoping for.

14 **Kerry & Annette Olson:** Commented they want 25 ft. all the way around as they want
16 to do a nice Rambler on the lot and it would be nice to have the additional 5 ft.

18 Ms. Moore stated the next affected lot (priority wise) is lot #2. Because giving a
20 little more room in the front (5 ft.) on the front yard gives the buyer a little more
flexibility to fit a house there. Next is lot #1, which has the same front (5 ft.) on the front
or back would be great. Lot #12 would be the same with 5 ft. on the front or back.

22 Boardmember Wilson mentioned the criteria of self-imposed hardship and asked
24 Ms. Moore to address that issue. Ms. Moore stated the developer could have added the
5ft. on to the road, but at this point it he didn't and the additional 5 ft. would be nice and
agreeable and would not make the neighborhood look awkward or uncomfortable and
26 would give the buyer some flexibility to keep it within the neighborhood guidelines.
Chairperson Southard clarified that this Board is required by law to consider all of those
28 conditions as they cannot vote arbitrarily. Mr. Van Wagenen re-iterated the Board can
make their decision lot by lot. Mr. Van Wagenen also brought up the self-imposed
30 question in respect to the subdivision layout and noted he is not sure if the lots could have
been laid out differently to avoid a 50 ft. encroachment on a diagonal of the aqueduct
32 easement; which is a pretty substantial impact to a development. He added that there is
very little control about where the aqueduct runs and can affect the land that is being
34 developed.

36 **Lisa Passmore:** 681 East 640 North. Ms. Passmore stated she lives directly behind lot
38 #1. She mentioned her concerns about flooding and if the grade is reduced how it will
affect flooding as there is no retaining wall; they are already concerned about flooding.

40 Mr. Van Wagenen also mentioned an email sent today from Bruce Hansen (who
42 lives in Ms. Passmore's neighborhood) regarding comparable house sizes. He noted a
copy was submitted to the Board.

44 **Chairperson Southard closed the public portion of the meeting at this time.**

46 There was then some discussion regarding setbacks and lot lines of the lots involved.

2 Chairperson Southard suggested going through the lots in the order presented by
the applicant (by priority of importance).

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6 The Board went on to review the five criteria which must be met in order to
approve a legal variance according to LCC 17.10.050(2)(a) as follows:

8 **1. Literal enforcement of the land use ordinance would cause an**
10 **unreasonable hardship for the applicant that is not necessary to carry**
out the general purpose of the land use ordinances;

12 *Chairperson Southard began with Lot #13 for discussion. Boardmember Wilson*
14 *questioned if it is an unreasonable hardship to not be able to build a home larger than*
16 *5,300 square ft. and generally a home will not have that shape but he is still pondering*
18 *the word “unreasonable”. Boardmember Slater questioned what the average size of the*
20 *existing homes are in the area (RI-12) to see what is reasonable. Mr. Van Wagenen*
stated he could go through the images provided and sketch it out if needed. Chairperson
Southard said that would vary dramatically. Mr. Olsen stated it would be hard to fill the
envelope of the home because of the contours and all of the homes in the area are over
\$500,000.

22 *Chairperson Southard asked staff what they would define as the general purpose*
24 *of the land use ordinance for that area noting above the canal there are third acre lots*
that creates a neighborhood that is aesthetically pleasing etc. If we literally enforce this
26 *at the 30 ft. are we taking that away from the general purpose of the land use ordinance?*
28 *Boardmember Wilson stated part of the issue in his mind is the setbacks and if in*
reducing those setbacks does it become reasonable (because of the aqueduct) and there is
no question that because of the aqueduct there is a whole section that is unbuildable and
forces the situation. Ms. Moore commented she is building some homes now that are
1,900 square ft.

30 *Chairperson Southard stated it is not our job or option to try and design and*
32 *speculate what house fits there or not, but to ask if the literal enforcement of the setback*
34 *causes an unreasonable hardship that isn't really necessary to carry out the general*
36 *purpose of the ordinance; he is willing to commit that literal enforcement would cause an*
38 *unreasonable hardship. He does not think that to carry out the land use ordinance for*
this particular lot we would need to keep it at a 30 ft. setback. Boardmember Wilson
stated he would like to consider all other discussion points to determine how he feels and
come back to this item; he is not willing to commit without discussing and considering all
points. Mr. Van Wagenen then read the purpose and objective of the single family
residential zone from the Lindon City code.

40 *The Board concurred that the criteria HAS been met.*

42
44 **2. Are there special circumstances attached to the property that do not**
generally apply to other properties in the same zone?

46 *Chairperson Southard noted the aqueduct is a special circumstance attached to*
the property that does not generally apply to other properties in the same zone.

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The Board concurred that the criteria HAS been met.

3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;

Chairperson Southard stated this question for him is harder than question number one. Is granting the variance essential to the enjoyment of a substantial property right possessed by other property in the same zone? What is that substantial property right? Boardmember Wilson stated that is the R1-12 zone not this subdivision and now is the time when we start comparing the homes immediately adjacent (640 North). That same property right and the same enjoyment could be happening with or without altering the setbacks; there is a variety of homes in the R1-12 zone. Chairperson Southard questioned if people don't have the right to put what size home they want on their lot? That is what we are trying to decide. He added we are talking about Lot #13 as it wouldn't be right to change #13 if it would change #16.

Chairperson Southard then asked what the Boards thoughts are on if it is essential to the enjoyment of a substantial property right possessed by other property owners in the same zone? Boardmember Slater stated that he feels it would be nice but not essential because you can get all the enjoyments the neighbors have with a house that is 5 ft. smaller. Boardmember Wilson stated it comes down to the word "substantial" because it allows leeway relatively. Chairperson Southard stated that is subjective but the size of the home you want to build is a substantial property right and he sees the opportunity to grant it to this lot without damaging the ordinances and zoning and it is a substantial property right.

Boardmember Wilson commented that once you choose to go beyond the ordinances of the code that is where we, as a Board, have to determine if what you are being asked to do is unreasonable (by code) and have to bend the code in order to enjoy the substantial property rights enjoyed by others in the same zone.

Chairperson Southard pointed out because of how the aqueduct affects this lot he feels the variance makes sense, so far, as to be able to enjoy that right. And it doesn't take that right from others and there are no neighbors on the other three sides, so we can open up the setback and give the opportunity to build the house they want without hurting someone else. Boardmember Mitchell agreed with that statement. Boardmember Wilson stated he can agree with that logic.

The Board concurred that criteria HAS been met.

4. The variance will not substantially affect the General Plan and will not be contrary to the public interest, and;

Chairperson Southard commented that the variance will not substantially affect the General Plan and will not be contrary to the public interest.

The Board concurred that criteria HAS been met.

2 **5. The spirit of the land use ordinance is observed and substantial justice**
3 **done.**

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5 *Chairperson Southard commented that he believes the spirit of the land use*
6 *ordinance is observed and substantial justice done because the lot adjacent is vacant and*
7 *substantial justice is being served to the neighboring property owners.*

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9 (b) 1. In determining whether or not enforcement of the land use ordinance
10 would cause unreasonable hardship under Section (2)(a), the Board of
11 Adjustment may not find an unreasonable hardship unless the alleged
12 hardship;

13 A. Is located on or associated with the property for which the
14 variance is sought, and;

15 *The Board concurred the aqueduct is the hardship and how*
16 *it affects the setbacks.*

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18 B. Comes from circumstances peculiar to the property, not
19 from conditions that are general to the neighborhood.

20 *The Board concurred that not everyone in the neighborhood*
21 *has this particular circumstance (aqueduct); it is not unique*
22 *but is also not general.*

23

24 2. In determining whether or not enforcement of land use ordinance would
25 cause unreasonable hardship under Subsection (2)(a), the Board of
26 Adjustment may not find an unreasonable hardship if the hardship is self-
27 imposed or economic.

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29 *The Board concurred that economic factors cannot be considered when*
30 *determining when to grant a variance. Economics has not been the reason why this*
31 *hardship is there. Mr. Van Wagenen then read the definitions of “unreasonable*
32 *hardship” and “substantial property right” and “variance”. Chairperson Southard*
33 *stated he feels it is not inappropriate to grant a variance on this particular lot and the*
34 *substantial property rights that others in that specific neighborhood and zone have*
35 *enjoyed is being able to build a larger home than this aqueduct allows; it is related to the*
36 *aqueduct and how the right of way encroaches and shrinks the footprint size of a*
37 *building. Boardmember Wilson stated that it shrinks it only because of the lines which*
38 *were already drawn and there could have been more allowance made at that time.*
39 *Chairperson Southard stated the heavier issue is the substantial property right that states*
40 *the variance can be granted if it is unfair.*

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42 (c) In determining whether or not there are special circumstances attached to
43 the property under Subsection (2)(a), the Board of Adjustment may find
44 that special circumstances exist only if the special circumstances;

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46 A. Relate to hardship complained of, and;

2 B. Deprive the property of privileges granted to other
4 properties in the same district.

6 *Chairperson Southard stated that he feels the Board has gone through and*
8 *checked off in a reasonable way the criteria regarding this particular lot and asked for*
10 *the Boards input. Boardmember Slater stated his concerns of the definition of “essential*
12 *enjoyment” and the “self-imposed” definition and by knowing the lot had an easement*
14 *when buying the lot could limit the size of the home. Boardmember Mitchell stated he has*
16 *concerns with the definition of “self-imposed” because the developer knew the aqueduct*
18 *was there and knew the size of homes that would go in there. Boardmember Wilson*
20 *commented in looking at the property in context of development, that this is a reasonable*
22 *attempt to address placement of the aqueduct relative to that particular lot and he is not*
24 *sure it is an unreasonable hardship.*

26 *Chairperson Southard pointed out that the plans may have to be altered*
28 *regardless if the variance is granted or not. Chairperson Southard stated even though he*
30 *is suggesting we grant the variance he feels we are not going out of control with it*
32 *because it is still not near as large as it could have been without the aqueduct and it is*
34 *the reason for the variance request. Boardmember Wilson pointed out that the available*
36 *building area doesn’t really matter because there is still the 40% cap.*

38 ***At this time Chairperson Southard stated he is prepared to make a motion on Lot #13.***

40 CHAIRPERSON SOUTHARD MOVED TO APPROVE THE APPLICAN’S
42 REQUEST FOR A FIVE FOOT VARIANCE ON THE FRONT YARD ON LOT 13 OF
44 THE HIGHLANDS AT BALD MOUNTAIN PLAT C SUBDIVISION WITH NO
46 CONDITIONS. BOARDMEMBER WILSON SECONDED THE MOTION.

THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON SOUTHARD AYE
30 BOARDMEMBER SLATER NAY
32 BOARDMEMBER WILSON AYE
34 BOARDMEMBER MITCHELL AYE

THE MOTION CARRIED THREE TO ONE.

36 The Board went on to review the five criteria which must be met in order to
38 approve a legal variance according to LCC 17.10.050(2)(a) as follows: **(Lot # 1)**

40 **1. Literal enforcement of the land use ordinance would cause an**
42 **unreasonable hardship for the applicant that is not necessary to carry**
44 **out the general purpose of the land use ordinances;**

46 *Chairperson Southard stated he feels the criteria is the same as previously*
48 *discussed. Boardmember Wilson pointed out with no variance it is at 33% and if*
50 *adjusted on both sides it goes to the maximum building size anyway.*

The Board concurred that the criteria HAS been met.

2 **2. Are there special circumstances attached to the property that do not**
4 **generally apply to other properties in the same zone?**

6 *Chairperson Southard confirmed there are special circumstances attached to the*
7 *property that do not generally apply to other properties in the same zone. Boardmember*
8 *Wilson pointed out the fact that the aqueduct runs through the middle of Lot 13 and not*
9 *on the edge like this lot. The significant portion of the aqueduct impacts the front yard*
10 *setback where there is an encroachment issue (not the buildable area). Boardmember*
11 *Mitchell stated he would feel more comfortable with the front yard having a setback not*
12 *the back and the fact that it is not encroaching on the back yard.*

13 *Chairperson Southard stated it is important to note that every lot is unique and*
14 *the configuration on the last lot was different.*

15 *The Board concurred that the criteria HAS been met.*

16 **3. Granting the variance is essential to the enjoyment of a substantial**
18 **property right possessed by other property in the same zone;**

20 *Chairperson Southard stated if we grant the variance the way requested we would*
21 *give them a larger building envelope that they would have without the aqueduct and that*
22 *does not seem fair or essential to the enjoyment of a substantial property right; he*
23 *believes people should be able to build what they want on their lot; granting the*
24 *variance to some degree is essential to accomplish that but not to the same degree as the*
25 *other lot. It would be contrary to the public interest if we grant both front and rear yard*
26 *setbacks.*

27 *The Board concurred that the criteria HAS been met.*

28 **4. The variance will not substantially affect the General Plan and will not be**
30 **contrary to the public interest, and;**

32 *Chairperson Southard commented that he feels the public interest also includes*
33 *the existing neighbors and the people living in the neighborhood and he hesitates to do*
34 *something that affects people who had no option of knowing before something happened.*
35 *We are not oversizing the building envelope to what he would have had without the*
36 *aqueduct.*

37 *The Board concurred that the criteria HAS been met.*

38 **5. The spirit of the land use ordinance is observed and substantial justice**
40 **done.**

42 *Chairperson Southard commented that he believes the spirit of the land use*
43 *ordinance is observed and substantial justice done; with substantial justice done to the*
44 *neighbors also. Boardmember Mitchell would feel comfortable with the front yard*
45 *setback but not the back and leave it as is. Chairperson Southard stated if the aqueduct*
46 *weren't there they would have a typical building envelope but granting the variance on*
 the front and back would give more and would be unfair. Chairperson Southard further

2 *stated a condition, if granted as requested, it would be that the overall building envelope*
3 *could not be bigger than 5,700 sq. ft. and it not be more than it would have been before.*
4 *Boardmember Wilson stated the substantial justice definition pulls him back because the*
5 *neighbors to the south obviously got some justice. Boardmember Slater pointed out that*
6 *by itself does not justify a reason to grant a variance; the circumstances between lots*
7 *one and two are conceptual.*

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9 (b) 1. In determining whether or not enforcement of the land use ordinance
10 would cause unreasonable hardship under Section (2)(a), the Board of
11 Adjustment may not find an unreasonable hardship unless the alleged
12 hardship;

13 A. Is located on or associated with the property for which the
14 variance is sought, and;

15 *Chairperson Southard stated the aqueduct is there.*

16 B. Comes from circumstances peculiar to the property, not
17 from conditions that are general to the neighborhood.

18 *Chairperson Southard stated the aqueduct is there.*

19 2. In determining whether or not enforcement of land use ordinance would
20 cause unreasonable hardship under Subsection (2)(a), the Board of
21 Adjustment may not find an unreasonable hardship if the hardship is self-
22 imposed or economic.

23 *Chairperson Southard stated that none of the reasons stated have been economic*
24 *based and noted they are requesting because of the aqueduct. Boardmember Wilson*
25 *pointed out that they knew about the aqueduct. Boardmember Slater pointed out that he*
26 *feels the developer knew of the situation and ran it through the city council quickly with*
27 *the mindset that they could come back for a variance knowing that the lots would be an*
28 *issue and lot #1 wouldn't have changed and lot #2 could have been bigger; he doesn't*
29 *feel it was an oversight. Chairperson Southard stated that is a possible scenario but*
30 *eight years ago this may have come up at planning commission and city council but*
31 *because of what happened with the economy we are dealing with it today. There was*
32 *then some general discussion.*

33 *Chairperson Southard observed that there are a lot of issues on a lot of the lots*
34 *in this subdivision but he does not feel we are hurting the general plan or the general*
35 *public or denying the neighbors substantial justice by granting a variance that allows*
36 *someone to maximize the utility of the lot; the property right issue is huge for him and a*
37 *5 ft. front variance does not negatively affect anything else whether they knew it or not is*
38 *irrelevant; that does not mean it was self-imposed as they were trying to work with the*
39 *right of way and the aqueduct.*

- 2 (c) In determining whether or not there are special circumstances attached to
4 the property under Subsection (2)(a), the Board of Adjustment may find
that special circumstances exist only if the special circumstances;
6 A. Relate to hardship complained of, and;
B. Deprive the property of privileges granted to other
8 properties in the same district.

The Board concurred that the criteria HAS been met.

10 Chairperson Southard then called for further comments or discussion. Hearing
12 none he called for a motion.

14 BOARDMEMBER SLATER MOVED TO DENY THE REQUEST FOR A 5
16 FOOT FRONT YARD VARIANCE ON LOT #1 AT THE HIGHLANDS AT BALD
MOUNTAIN PLAT C SUBDIVISION BASED ON THE FACT THAT IT IS
18 STILL BIGGER THAN SOME OF THE OTHER LOTS THAT ARE NOT ADJACENT
BUT ON THE SAME STREET. BOARDMEMBER WILSON SECONDED THE
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

20 CHAIRPERSON SOUTHARD NAY
BOARDMEMBER SLATER AYE
22 BOARDMEMBER WILSON AYE
BOARDMEMBER MITCHELL NAY

24 THE MOTION FAILED FOR LACK OF A MAJORITY.

26 Chairperson Southard stated the motion died for lack of a majority and called for
another motion.

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30 BOARDMEMBER MITCHELL MOVED TO APPROVE THE REQUEST FOR
A 5 FOOT VARIANCE ON THE FRONT (25 FT.) BUT LEAVE THE 30 FT.
SETBACK ON THE BACK ON LOT #1 AT THE HIGHLANDS AT BALD
32 MOUNTAIN PLAT C SUBDIVISION. CHAIRPERSON SOUTHARD SECONDED
THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

34 CHAIRPERSON SOUTHARD AYE
BOARDMEMBER SLATER NAY
36 BOARDMEMBER WILSON NAY
BOARDMEMBER MITCHELL AYE

38 THE MOTION FAILED FOR LACK OF A MAJORITY.

40 Chairperson Southard stated the motion died for lack of a majority and called for
another motion.

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44 BOARDMEMBER WILSON MOVED TO APPROVE THE VARIANCE
REQUEST TO ALLOW A 25 FOOT FRONT YARD SETBACK ON LOT #2 AT THE
HIGHLANDS AT BALD MOUNTAIN PLAT C SUBDIVISION. BOARDMEMBER
46 SLATER SECONDED THE MOTION.
THE VOTE WAS RECORDED AS FOLLOWS:

2 CHAIRPERSON SOUTHARD AYE
BOARDMEMBER SLATER AYE
4 BOARDMEMBER WILSON AYE
BOARDMEMBER MITCHELL AYE
6 THE MOTION PASSED UNANIMOUSLY.

8 Chairperson Southard then went to item number two regarding lot #12 for
discussion. He noted it is just a lot and the aqueduct does not affect it. He then called for
10 a motion for lot #12.

12 BOARDMEMBER MITCHELL MOVED TO DENY THE REQUEST FOR A 5
FOOT VARIANCE FOR A FRONT YARD ON LOT #12 AT THE HIGHLANDS AT
14 BALD MOUNTAIN PLAT C SUBDIVISION. CHAIRPERSON SOUTHARD
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:
16 CHAIRPERSON SOUTHARD AYE
BOARDMEMBER SLATER AYE
18 BOARDMEMBER WILSON AYE
BOARDMEMBER MITCHELL AYE
20 THE MOTION PASSED UNANIMOUSLY.

22 At this time Chairperson Southard asked if there is a need to go back and discuss
lot #1. He doesn't feel there is more discussion needed. Boardmember Wilson
24 commented that he doesn't feel there needs to be a consolation made so they can do
things that other people are already allowed to do. Chairperson Southard stated he feels
26 they are allowed the same property right that other 15,000 sq. ft. lot owners in that area
are allowed. There was then some general discussion regarding lot #1. Mr. Van
28 Wagenen noted there was no motion passed for lot #1 and therefore it failed.

Following some additional discussion Chairperson Southard called for a motion to
30 adjourn.

32 **ADJOURN**

34 BOARDMEMBER WILSON MOVED TO ADJOURN THE MEETING AT
8:35 P.M. BOARDMEMBER SLATER SECONDED THE MOTION. ALL PRESENT
36 VOTED IN FAVOR. THE MOTION CARRIED.

38 Approved – January 7, 2016

40 _____
Jeff Southard, Chairperson

42 _____
44 Hugh Van Wagenen, Planning Director