

**BOX ELDER COUNTY**  
**July 16, 1992**

The Board of Planning Commissioners of Box Elder County, Utah, met in regular session in the Commission Chambers of the Box Elder County Courthouse, 01 South Main Street, in Brigham City, Utah, at 7:30 p.m. on July 16, 1992.

The meeting was called to order by Chairman Kimber with the following members present, constituting a quorum:

Richard Kimber	Chairman
Allen Jensen	Commissioner, Member
Jon Thompson	Member
Steve Grover	Member
Denton Beecher	Ex-Officio Member

**Absent:**

Junior Okada	Member
DeVon Breitenbeker	Member
Deanne Halling	Member
Marie Korth	Ex-Officio Member

**APPROVAL OF MINUTES:**

Chairman Kimber presented the Minutes of June 25, 1992, for approval. Mr. Thompson made a motion to approve the Minutes of June 25, 1992, as written. Commissioner Jensen seconded. None opposed. The motion carried.

**AGENDA: (Attachment No. 1)**

**Lloyd Bytheway, Request for Variance: (Attachment No. 2)**

County Surveyor Denton Beecher stated approximately ten years ago Mr. Alton Veibel requested approval of a subdivision on his property at 400 West, south of Hwy 30. At that time it was partly in Box Elder County and Partly in Cache County. The Planning Commission was only able to act on the portion in Box Elder County. Mr. Beecher stated Mr. Veibel received approval on a sketch plan and a preliminary plan; however, he never submitted a final plan for the subdivision. The Planning Commission gave permission to a Mr. Greg Collings to build an outbuilding on a lot he purchased from Mr. Veibel, but did not give him permission to build a residence as no subdivision improvements had been made.

Mr. Beecher said Mr. Lloyd Bytheway would like to purchase the property from Mr. Collings. Mr. Bytheway has made a formal request for some variances (attached). Mr. Bytheway explained his written "reasons for which a variance makes good sense."

Chairman Kimber asked the status of the subdivision plan. Mr. Beecher replied Mr. Veibel had only received preliminary approval. Chairman Kimber asked Mr. Bytheway if he had purchased the property. Mr. Bytheway said, "no". Chairman Kimber said he would like more information before doing anything. Mr. Beecher agreed, stating the state law has changed the definition of a subdivision. Mr. Beecher said his recommendation would be to encourage Mr. Veibel to proceed with his subdivision, thus solving the problem.

Mr. Bytheway asked what the Planning Commission would require from Mr. Veibel and from him to grant approval, based on what he has presented. Chairman Kimber replied the Planning Commission would require a final plan in addition to all of the stipulations connected with it. He further said he felt granting a variance at this point would be very unwise. Mr. Beecher stated Mr. Veibel has done most of the work, and it could be completed in one Planning Commission meeting. Mr. Thompson made a motion to table the request until Mr. Veibel completes the requirements for the subdivision. Commissioner Jensen seconded. None opposed. The motion carried.

**Hardy Subdivision:**

Mr. Beecher stated Mr. Hardy would like to make a request to eliminate the paving of the street in the Hardy Estates Subdivision. Mr. Beecher had told him he would need to make a written request for submission to the Planning Commission and then to the county Commission who would ultimately make the decision on a variance. This has not been received. Mr. Beecher suggested this item be tabled. Also Mr. Hardy has not had the title work done on the property. Mr. Thompson made a motion to table the Hardy subdivision request. Mr. Grover seconded. None opposed. The motion carried.

**Thompson Subdivision:**

Mr. Beecher presented the concept plan for the Grant Thompson Subdivision, which is immediately west of the Hardy Subdivision. Mr. Beecher said all of the information is there with the exception of a vicinity map. There is not a statement regarding a water system or a sewer system. Mr. Thompson made a motion to accept the concept plan for the Grant Thompson Subdivision. Commissioner Jensen seconded. None opposed. The motion carried.

**Hardy Subdivision Variance:**

**Request from Mr. Hardy: (Attachment No. 3)**

Mr. Beecher presented a letter from Mr. John Dee Hardy requesting the requirement for asphalt paving be waived on the roadway section of 3100 West Street. Mr. Thompson made a motion that the Planning Commission accept Mr. Hardy's letter of request to waive the requirements for asphalt paving, but it must meet the minimum specifications of that on 2600 North Street. Mr. Grover seconded. None opposed. The motion carried.

Mr. Thompson made a motion to adjourn at 8:30 p.m. Mr. Grover seconded. None opposed. The motion carried.

Passed and adopted in regular session this 20<sup>th</sup> day of August, 1992.

  
Richard D. Kimber, Chairman

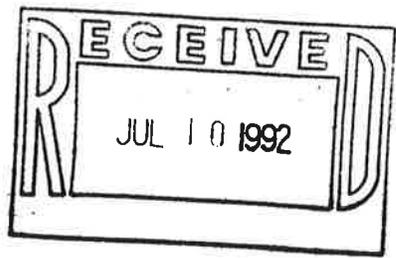
ATTEST:

  
Marie G. Korth  
Recorder/Clerk

AGENDA  
BOX ELDER COUNTY PLANNING COMMISSION  
MEETING PLACE; COUNTY COMMISSION CHAMBERS  
BOX ELDER COUNTY COURTHOUSE  
BRIGHAM CITY, UTAH

1. Public agenda for the Box Elder County Planning Commission meeting scheduled for 16 July 1992 at 7:30 P.M.
2. Notice given to the newspaper this 15 day of July , 1992 .
3. Approval of the minutes of 18 June 1992
4. Scheduled Delegations:
  - A. Hardy Subdivision, Greg Hansen
  - B. Thompson Subdivision, Greg Hansen
  - C. Lloyd Bytheway, Request for variance
  - ~~D. Darrell Nielsen, Report on overflow structure request~~
  - E. General Plan update
  - F.
  - G.
  - H.
  - I.
  - J.
5. Old Business
  - A.
  - B.
  - C.
  - D.

*AK, no 1*



July 6th, 1992

Mr. Beecher:

Please include this information in your mailer to the other members of the planning commission.

Thank you for permitting me to take time in your next meeting on July 16th at 7:30 p.m. My understanding is that the meeting is held in your office. Please advise me if this is incorrect.

Very Truly Yours,

  
Lloyd G. Bytheway

*Att. n.s. 2*

UNDUE HARDSHIP PUNISHING PROPERTY OWNER  
FOR CIRCUMSTANCES BEYOND HIS CONTROL

1) Collings purchased the lot as an improved lot in 1982. Collings, then just out of high school, lacked experience in real estate and could not have known that his purchase would be held in a legal entanglement that would render it valueless for ten years because of his subdivider's failure to make good his contract.

2) To stand by the "letter of the law" in this case punishes the owner of the property - not the subdivider. The owner should not suffer a loss of property value nor be denied the privilege to make good use of his investment due to subdivider's breach of contract. The property in its present state is essentially worthless - too small to farm, lacking power to use as a wood shop or other place of business, and not a legal residence.

3) Collings' family is attempting to locate on Utah State University trailer court while attending school. This is a costly endeavor and they need the money which is tied up in the property to purchase their trailer. However, would-be purchasers are not interested in a building lot that they cannot build on.

July 16, 1992

Box Elder County Planning Commission  
Box Elder County Court House  
Brigham City, Utah 84302

RE: Hardy Estates Subdivision

Dear Planning Commission members;

Because of the remoteness of the "Hardy Estates Subdivision" site and the fact that only family members are to occupy the lots therein, I hereby request that the requirement for asphalt paving be waived on the roadway section of 3100 West Street. It is our intention to place a gravel base on the road meeting county construction standards.

Respectfully submitted;

John Dee Hardy

*Oct 20, 1992*