



# Sandy City, Utah

10000 Centennial Parkway  
Sandy, UT 84070  
Phone: 801-568-7141

## Meeting Minutes

### Board of Adjustment

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Thursday, August 8, 2019

6:30 PM

Council Chambers

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Meeting procedures are found at the end of this agenda.

#### Roll Call

Staff: Michael Wilcox, Zoning Administrator. Steven Osborn, Senior City Attorney.  
Jennifer Ford, Board of Adjustment Secretary.

**Present** 4 - Bruce Bryner  
Steven Wrigley  
Burke Staker  
Tyler Brown

**Absent** 2 - Brian Jones  
Matt Hale

#### 4:45 PM FIELD TRIP

1. [19-258](#) Field Trip Map for August 8, 2018 Meeting

**Attachments:** [8-8-19 FT Map.pdf](#)

#### 5:30 PM EXECUTIVE SESSION

Executive Session and Dinner in the Community Development Conference Room, Ste 220 at City Hall

#### 6:15 PM REGULAR SESSION

Welcome

Pledge of Allegiance

Introductions

#### Public Hearings

2. [BOA-06-19-5](#) Firefly Forest Subdivision - Alleged Error Review  
[674](#) 3392 E. Deer Hollow Circle  
[Community #29 - The Dell]

**Attachments:** [Staff Report.pdf](#)  
[vicinity map.pdf](#)  
[Appellants Letter.pdf](#)  
[050219 PC Minutes.pdf](#)  
[051619 PC Minutes.pdf](#)

Burke Staker, Chairperson asked James Dunkelberger, attorney for Appellants, if he felt that the record was complete.

Mr. Dunkelberger states that he feels that the record is complete based on what was presented at Planning Commission.

Bruce Baird, attorney for Lance and Robyn Platt (the "Platts"), feels that there was a full and accurate record as well.

**A motion was made by Bruce Bryner, seconded by Steven Wrigley, the the record on this decision is complete and not deficient as demonstrated in the referenced Staff Reports, Planning Commission Minutes, Findings and Conditions, and available recordings of the Planning Commission meetings, and therefore, the matter can be reviewed on the record, and not de novo.**

**Yes:** 4 - Bruce Bryner  
Steven Wrigley  
Burke Staker  
Tyler Brown

**Absent:** 2 - Brian Jones  
Matt Hale

Mike Wilcox, Zoning Administrator, presented the staff report to the Board of Adjustment.

Mr. Dunkelberger presented his case to the Board of Adjustment.

Mr. Baird presented his case to the Board of Adjustment.

Mr. Dunkelberger presented his rebuttal.

Mr. Baird presented his rebuttal to the Board of Adjustment.

Burke Staker opened the meeting to public comment of which there was none.

Meeting closed to public comment.

The Board of Adjustment members discussed the item.

Tyler Brown asked for clarification on the May 2, 2019 Planning Commission regarding whether the Planning Commission must make their decision based on the opinion of the City Engineer or other city staff.

Mike Wilcox stated the the Planning Commission is the Land Use Authority and do not have to base their decisions on the opinions or recommendations of city staff.

**A motion was made by Bruce Bryner, seconded by Tyler Brown, that the Planning Commission did not err in making its decision to approve several waivers and special exceptions relating to the Firefly Forest Subdivision (revised), based upon the following finding:**

- 1. The Planning Commission acted in good faith and within its purview to make these decisions.**
  
- 2. The Appellants have not shown that there is no reasonable basis to justify the action taken. The Planning Commission decision was not so unreasonable as to be arbitrary and capricious; the Planning Commission decision was correct in its interpretation and application of the Land Development Code.**

**Yes:** 3 - Bruce Bryner  
Steven Wrigley  
Tyler Brown

**No:** 1 - Burke Staker

**Absent:** 2 - Brian Jones  
Matt Hale

## Administrative Business

Previous Board of Adjustments minutes were approved through email.

Mike Wilcox discussed upcoming Board of Adjustment meetings.

## Adjournment

Motion to adjourn unanimous.

### Meeting Procedure

1. Staff Introduction
2. Developer/Project Applicant presentation
3. Staff Presentation
4. Open Public Comment (if item has been noticed to the public)
5. Close Public Comment
6. Planning Commission Deliberation
7. Planning Commission Motion

In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comments will be limited to 2 minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Comments which cannot be made within these time limits should be submitted in writing to the Community Development Department prior to noon the day before the scheduled meeting.

Planning Commission applications may be tabled if: 1) Additional information is needed in order to take action on the item; OR 2) The Planning Commission feels there are unresolved issues that may need further attention before the Commission is ready to make a motion. No agenda item will begin after 11 pm without a unanimous vote of the Commission. The Commission may carry over agenda items, scheduled late in the evening and not heard, to the next regular scheduled meeting.

In compliance with the Americans With Disabilities Act, reasonable accommodations for individuals with disabilities will be provided upon request. For assistance, or if you have any questions regarding the Planning Commission Agenda or any of the items, please call the Sandy City Planning Department at (801) 568-7256