



Sandy City, Utah

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Minutes Summary

Board of Adjustment

Bruce Bryner
Brian Jones
Burke Staker
Tyler Brown
Jim Edwards
Matt Hale (Alternate)
Josh Chandler (Alternate)

Thursday, December 11, 2025

6:30 PM

City Hall Council Chambers and On-line

Meeting procedures are found at the end of this agenda.

This Board of Adjustment meeting will be conducted both in-person, in the Sandy City Council Chambers at City Hall, and via Zoom Webinar. Residents may attend and participate in the meeting either in-person or via the webinar link below. Register in advance for this webinar:

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<https://us02web.zoom.us/j/84872004542>

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US: 253 215 8782 or 346 248 7799 or 669 900 6833 or 301 715 8592 or 312 626 6799 or 929 436 2866

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Webinar ID: 848 7200 4542

Passcode: 230024

4:45 PM FIELD TRIP

Present 6 - Brian Jones
Matt Hale
Tyler Brown
Jim Edwards
Bruce Bryner
Josh Chandler

Absent 1 - Burke Staker

1. [25-374](#) Map

5:30 PM EXECUTIVE SESSION

6:30 PM REGULAR SESSION

Welcome

Brian Jones called the meeting to order.

Pledge of Allegiance

Introductions

Public Meeting Items

2. [BOA1105202](#) Thompson Variance Request - front yard setbacks on a corner lot
[5-007067](#) 8230 S. 1330 E.
[Community #15, Alta Canyon]

Melissa Anderson, Zoning Administrator, gave a summary of the variance before the Board of Adjustment and upon completion of her summation she invited the applicant to state their case before that board.

Derek Thompson, applicant, stated that he would like to adjust the setback to accommodate a reposition to his home and add additional space. He states that the variance would not make it an inconvenience to the rest of the neighborhood and that it makes better use of the property.

Brian Jones, Board of Adjustment chairperson, asked the applicant what makes his property unique that would create a hardship that would require a variance.

Applicant states that the property line is angled and creates the need for a variance.

Jim Edwards, Board of Adjustment vice-chairperson, asked if he was the original homeowner and if he was aware of the property line when they bought the house.

Applicant stated the easements were discovered when the Sandy City building inspector came out to inspect. Mr. Thompson also stated they were not made aware of the retention pond easement. Applicant also claimed that he was unaware that his contractor had not pulled permits or submitted drawings.

Mr. Edwards asked if the applicant was aware of the stop work before the foundation was poured. Applicant stated he was not.

Matt Hale, Board of Adjustment member, asked if the applicant designed the new home plan.

Applicant stated that he was involved in the design. However, he did not go out and verify the measurements with his contractor. He admitted he did not do his due diligence.

Mr. Edwards asked who the contractor was. Mr. Thompson stated it was a company called Do It All Construction. Applicant admitted he did not verify his contractors license number.

Mr. Edwards asked if the variance is denied will the applicant still be able to put a two car garage. Applicant stated that he has other options available if the variance is denied.

Ms. Anderson presented her staff report to the Board.

Mr. Hale asked if there are other lots in that neighborhood that have that unique shape as the Thompson lot does. Ms. Anderson stated that there were other lots with the same shape and, in fact, there are three lots across the street from the applicant.

Bruce Bryner, Board of Adjustment member, asked if the R-1-8 zone is typical. Melissa stated that most residential property in Sandy City are zoned R-1-8.

Mr. Edwards asked if this property is unique because of the wall. Ms. Anderson stated that it is not unique to this property. Michael Wilcox, Planning Director, stated that the wall along 1300 East was part of a Sandy City project when it was reconstructed and a right-of-way was acquired on the southwest corner of the lot to construct the wall and sidewalk. The improvements have been in place for over ten years and has been dedicated by use.

Mr. Jones opened the meeting to public comment.

Wendy Jensen, 8291 S Gerona Circle, asked, via Zoom, if the city did come in and move an utility easement who would be paying for that?

Ms. Anderson stated that the city would support an application to vacate the easement but nothing would be physically moved.

Ms. Steele, 8196 South 1330 East, asked, via Zoom, stated that when the wall was put in 10 years ago, Sandy City purchased that land from each property owner. She feels that shouldn't be an issue in regards to this variance.

Brian Jones closed the public portion for comments and invited the applicant to return and address public comments.

Applicant stated that other properties in this zone don't adhere to the setbacks and gave several examples. He stated that he made an error in assuming that the contractor had pulled the correct permits. Mr. Thompson said his medical condition had made it so he had not been as involved as he should have been and relied on the contractor.

Jim Edwards asked how the homeowner could not be aware that the contractor had not pulled the permits. Applicant stated that he was in the hospital and was not fully aware of what was going on .

Mr. Edwards asked Melissa Anderson what is considered an "unreasonable hardship". Ms. Anderson referred back to the Board of Adjustment packet with summary of findings regarding what can be considered 'unreasonable hardship'.

Lynn Pace, Sandy City Attorney, clarified that the applicant is requesting two separate variances which can be approved or not approved together or each on their own.

Brian Jones closed for public comments and the board members discussed the case amongst themselves.

A motion was made by Bruce Bryner, seconded by Tyler Brown, that this board deny the variance request. Based upon the staff report, the Board of Adjustment concludes that the applicant has not met their burden of proving all criteria are met to warrant a variance from the front yard setbacks on a corner lot in the R-1-8

zone, and adopt the following findings:

Findings:

1. Literal enforcement of the zoning ordinance will not cause unreasonable hardship to the applicant. It is not necessary to carry out the general purpose of the zoning ordinance and would agree with the staff recommendation comments.
2. While the Board acknowledges the applicant has some uniqueness to their property, there are no special circumstances attached to the property that do not generally apply to other properties in the same zone.
3. Granting a variance is not essential to enjoy the same property right as other properties in the neighborhood and same zone.
4. Granting the variance will not affect the general plan and will not be contrary to the public interest.
5. The spirit of the Zoning Law is observed and will not do harm to the property owner. The motion carried by the following vote:

Yes: 4 - Brian Jones
Bruce Bryner
Matt Hale
Tyler Brown

No: 1 - Jim Edwards

Nonvoting: Josh Chandler

Administrative Business

1. Rules of Procedure Amendments

[25-367](#)

Amendments to the Board of Adjustment Rules of Procedure

Ms. Anderson summed up the Board of Adjustment Rules of Procedure update.

A motion was made by Brian Jones, seconded by Bruce Bryner, that this Staff recommends the Board of Adjustment adopt amendments to the Rules of Procedure for consistency with state law and the city code. The motion carried by the following vote:

Yes: 5 - Brian Jones
Bruce Bryner
Matt Hale
Tyler Brown
Jim Edwards

Nonvoting: Josh Chandler

2. Election of Chair and Vice Chair

Bruce Bryner requested that Matt Hale be moved from alternate to voting member and Tyler Brown be moved to alternate. Mike Wilcox stated that the changing of roles is not within the purview of the Board but comes from the Administrative Offices.

Brian Jones stated that he believes the Board of Adjustment should maintain the current chairperson and vice chairperson for the upcoming year. The Board agreed unanimously.

3. Director's Report

Adjournment

A motion was made by Matt Hale, seconded by Brian Jones, that the Board of Adjustment adjourn. The motion carried by the following vote:

Yes: 5 - Brian Jones
Burke Staker
Matt Hale
Tyler Brown
Jim Edwards

Meeting Procedure

1. Staff Introduction
2. Presentation by the applicant
3. Staff Presentation
4. Public comment related to the request
5. Close Public Comment
6. Response by applicant
7. Questions of the applicant, staff, and others by the Board
8. Discussion of the issue by the Board
9. Motions and decision by the Board

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.

Board of Adjustment applications may be tabled if: 1) Additional information is needed in order to take action on the item; OR 2) The Board of Adjustment feels there are unresolved issues that may need further attention before the Board is ready to make a motion. No agenda item will begin after 11 pm without a unanimous vote of the Board. The Board 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 Board of Adjustment Agenda or any of the items, please call the Sandy City Planning Department at (801) 568-7256.