



Sandy City, Utah

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Sandy, UT 84070
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Minutes Summary

Board of Adjustment

Thursday, January 9, 2020

6:30 PM

Council Chambers

Meeting procedures are found at the end of this agenda.

- Present** 5 - Brian Jones
Steven Wrigley
Burke Staker
Matt Hale
Tyler Brown
- Absent** 1 - Bruce Bryner

Roll Call

5:30 PM EXECUTIVE SESSION

6:30 PM REGULAR SESSION

Welcome

Pledge of Allegiance

Introductions

Public Meetings

1. [BOA-08-19-5](#) Firefly Forest Subdivision - Final Review - Alleged Error Review
[696 2nd](#) 3392 E. Deer Hollow Circle
[Community #29 - The Dell]

Burke Staker, the Chair, disclosed that he encountered Kirk Olsen at a family party prior to the Board of Adjustment meeting but nothing was discussed regarding this case. He stated that no substantive communication occurred, and would not prevent him from making an impartial decision.

Mike Wilcox, Zoning Administrator, presented his staff report and noted that one of the appellants, Zhibin Guo, was no longer a party.

The appellants, who were not in attendance, submitted letters which were added to the record.

Lance Platt, 10980 Secret View Dr, the applicant, stated his case and a history of his effort to get approval for a house on Deer Hollow Circle, before the Board.

Burke stated that because public comments was allowed and then closed at the last meeting on this matter, there would not be any public comment and that the Board would move toward deliberations.

Board of Adjustment members deliberated on the information that had been presented to them. It was discussed that during the previous Board of Adjustment Meeting held on September 12, 2019 the Board determined then that the record was complete and not deficient.

A motion was made by Tyler Brown, seconded by Brian Jones, that the Board of Adjustment determine that the Planning Commission did not err in making its decision to determine that final subdivision review was complete for the Firefly Forest Subdivision (revised), based upon the following findings:

1. The Appellants have not shown that the Planning Commission was not correct in its decision in interpreting and applying the land use ordinance.

2. The Appellants have not shown that the Planning Commission decision was arbitrary and capricious, or in other words, there was at least some reasonable basis to justify the action it took.

3. The following reasons and evidence support this motion:

a. The Appellants had provided no evidence that applicable statutes were not followed.

b. All requirements for Final Review by the Planning Commission were met.

Yes: 5 - Brian Jones
Steven Wrigley
Burke Staker
Matt Hale
Tyler Brown

Absent: 1 - Bruce Bryner

Administrative Business

Approval of Chair and Vice Chair

A motion was made by Burke Staker, seconded by Brian Jones, for the Approval of Tyler Brown for Chairperson of the Board of Adjustment. The motion carried by the following vote:

Yes: 4 - Brian Jones
Steven Wrigley
Burke Staker
Matt Hale

No: 1 - Tyler Brown

Absent: 1 - Bruce Bryner

A motion was made by Burke Staker, seconded by Brian Jones, for the Approval of Bruce Bryner for Vice Chairperson of the Board of Adjustment. The motion carried by the following vote:

Yes: 5 - Brian Jones
Steven Wrigley
Burke Staker
Matt Hale
Tyler Brown

Absent: 1 - Bruce Bryner

Adjournment

Meeting Procedure

1. Staff Introduction
2. Appelant/Applicant presentation
3. Staff Presentation
4. Open Public Comment (if item has been noticed to the public)
5. Close Public Comment
6. Board of Adjustment Deliberation
7. Board of Adjustment 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.

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) 568-7250.