



Sandy City, Utah

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Minutes Summary

Board of Adjustment

Thursday, February 11, 2021

5:15 PM

On-line Meeting

Meeting procedures are found at the end of this agenda.

Electronic Meeting

Board of Adjustment Chairman Statement

In accordance with, Utah Code 52-4-207(4) Open and Public Meeting Act, I have determined that to protect the health and welfare of Sandy citizens, an in person Board of Adjustment meeting, including attendance by the public and the Board of Adjustment is not practical or prudent.

Considering the continued rise of COVID-19 case counts in Utah, meeting in an anchor location presents substantial risk to the health and safety of those in attendance because physical distancing measures may be difficult to maintain in the Sandy City Council Chambers.

The Center for Disease Control states that COVID-19 is easily spread from person to person between people who are in close contact with one another. The spread is through respiratory droplets when an infected person coughs, sneezes or talks and may be spread by people who are non-symptomatic.

It is my intent to safeguard the lives of Sandy residents, business owners, employees and commission members by meeting remotely through electronic means without an anchor location.

Community Development staff are hereby authorized and directed to include a copy of the above notice with each Board of Adjustment agenda.

Tyler Brown, Chair
Sandy City Board of Adjustment

The February 11, 2021 Sandy City Board of Adjustment meeting will be conducted via Zoom Webinar. Public comment may be allowed after the presentation of the particular item by the Staff and Applicant, as directed by the Board of Adjustment Chairperson. Each speaker is allowed two minutes. Citizens wishing to comment must access the meeting via the Zoom Webinar link below and must use the "raise hand" feature. The call-in number is for listening only. If a citizen is unable to attend a meeting via Zoom, he or she may e-mail the Zoning Administrator at mwilcox@sandy.utah.gov by 3:00 PM the day of the Board of Adjustment meeting to have those comments distributed to the Board members and/or have them read into the record at the appropriate time.

Register in advance for this webinar:

<https://us02web.zoom.us/j/87600941002>

After registering, you will receive a confirmation email containing information about joining the webinar.

Or join by phone:

Dial (for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 929 436 2866 or +1 301 715 8592 or
+1 312 626 6799

Webinar ID: 876 0094 1002

Passcode: 279899

FIELD TRIP

1. [21-054](#) Field trip map for Board of Adjustment Members (visit individually)

5:15 PM EXECUTIVE SESSION

Board Member and Open Meetings Act Training

6:30 PM REGULAR SESSION

Welcome

Pledge of Allegiance

Introductions

Public Meeting Item

2. [BOA-01-21-5](#) Pearce Variance Request
[985](#) 3382 E. Deer Hollow Circle

Mike Wilcox, Sandy City Zoning Administrator, presented variance request to staff.

Pearce, homeowner, presented his reasons for requesting variance to Board of Adjustment.

Michael Wilcox, Zoning Administrator, responded to the comments from the homeowners.

Kirk Olsen, neighbor, 3398 E Deer Hollow Cir, across the street from the Pearce family. They have no issues with the request of the Pearce's.

Mike Wilcox stated for the record that a letter was submitted for a neighbor.

Craig Frennick, north of Trent & Aubrey Pearce, is in support of granting the variance.

Aubrey Pearce says that they have spoken with many neighbors who have been in support of the variance.

Steve Van Maren, 11039 S Lexington Cir, is in support of the variance.

Meeting closed for public comment

Brian Jones had questions regarding zoning.

Mike Wilcox explained that many of the zoning ordinances were created in the County. He also gave some explanation on corner lots.

Brian Jones asked the general purpose of this ordinance.

Mike Wilcox explained it was due to a variety of reasons such as visibility, traffic triangles. etc.

Matt Hale asked how the city has determined "front yard" in this lot situation.

Mike Wilcox explained how this was determined by the city.

Steve Wrigley asked for clarification on the map regarding property lines.

Justin Pearce made some comments regarding moving the fence and what they consider their front yard.

Deliberations among the board to discuss the variance.

Tyler Brown asked for clarification on what the easement is for.

Mike Wilcox stated it is a 50 foot wide road easement shared among landowners.

A motion was made by Bruce Bryner, seconded by Matt Hale, that the Board of Adjustment approve the Pearce Variance Request regarding the placement of a 6' fence in the front yard area of the subject property, 3382 E. Deer Hollow Circle, based upon the following findings and conditions to mitigate the negative impacts of said variance:

Findings:

1. Literal enforcement of the zoning ordinance will cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance. The unique shape of the property creates an unusual application of the front yard definition which prevents the property from having a rear yard.

2. There are special circumstances attached to the property that do not

generally apply to other properties in the same zone district. While there are other homes in the area that are “grandfathered” in the same spirit as what is being requested, the lack of a usable back yard, and the unusual configuration of the subject property make are circumstances not common to most of the properties in the zoning district.

3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district. The upper Deer Hollow area is an exclusive neighborhood and fits within the enjoyment of the area.

4. The variance will not substantially affect the general plan and will not be contrary to the public interest. That public interest such as pedestrians use of the road, the placement of the pool on the subject property, security of the family on the property, and traffic visibility will not be adversely affected by the request. It will also provide the required security of a six-foot fence around the pool area, and preserve the trees on the property.

5. The spirit of the zoning ordinance is observed, and substantial justice will be done by granting this variance. The spirit of the zoning ordinance for traffic visibility and openness is not impacted by the proposed variance. Substantial justice will be done by granting this variance so that the Pearce family can enjoy yard space as do surrounding property owners.

Conditions:

1. The proposed six-foot solid fence be placed in the front yard area along the eastern property boundary no closer than two feet (2') from the edge of the final width of the private road (Firefly Forest Circle), and that the fence shall extend from the southeast corner up to the northern border of the Olsen property, 3398 E. Deer Hollow Circle, as illustrated in the applicant's Plot Plan diagram.

2. There shall be no tree or shrubbery removal in relation to the work preformed to erect the fence for which this variance is granted except according to the City Code requirements regarding tree or shrubbery removal, and with the written approval of the City's Zoning Administrator or the Director of Community Development.

3. That this variance approval is subject to the private enforcement of the private road easement along the eastern property line.

Yes: 4 - Steven Wrigley
Matt Hale
Tyler Brown
Bruce Bryner

No: 1 - Brian Jones

Absent: 1 - Burke Staker

Administrative Business

1. [21-055](#) Election of Chair and Vice Chair for 2021

A motion was made by Bruce Bryner, seconded by Steven Wrigley, that Tyler Brown be retained as chairperson and Brian Jones be retained as vice

chairperson. The motion carried by the following vote:

Yes: 5 - Brian Jones
Steven Wrigley
Matt Hale
Tyler Brown
Bruce Bryner

Adjournment

A motion was made by Bruce Bryner, seconded by Steven Wrigley, that the Board of Adjustment meeting should adjourn.. The motion carried by the following vote:

Yes: 5 - Brian Jones
Steven Wrigley
Matt Hale
Tyler Brown
Bruce Bryner

Meeting Procedure

1. Staff Introduction
2. 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) 568-7256.