



## Legislation Text

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**File #:** BOA-06-19-5674, **Version:** 1

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**Agenda Item Title:**

Firefly Forest Subdivision - Alleged Error Review  
3392 E. Deer Hollow Circle  
[Community #29 - The Dell]

**Presenter:**

Mike Wilcox

**Description/Background:**

The Appellants, Kelly Powers, Treat Pearce, Zhibin Guo, and Kirk Olsen, are represented by James Dunkelberger of Bennett Tueller Johnson & Deere ("Appellants"). On the Appellants' behalf, Mr. Dunkelberger has filed a request with the Sandy City Board of Adjustment to review a claim that the Sandy City Planning Commission erred in their decision to approve several special exceptions relating to the Firefly Forest Subdivision (see attached Appellants' Letter). These Appellants are property owners that are immediately adjacent to the proposed subdivision.

A full staff report on this item can be found attached hereto.

**Recommended Action and/or Suggested Motion:**

Based upon our analysis of the Appellants' Letter requesting the appeal and the standard of review required, Staff recommends that the Board of Adjustment determine 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 findings:

**Findings:**

1. 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.
2. The Appellants have not shown that there is no reasonable basis to justify the action taken, and therefore, the determinations made were so unreasonable as to be arbitrary and capricious; the Planning Commission decision was correct in its interpretation and application of the Land Development Code.