

Minutes of the Regular Meeting of the Board of Zoning Adjustment held on Wednesday, August 27, 2025, at 4:30pm, in the Council Chambers and via electronic means on the third floor of the Municipal Building, 2549 Washington Blvd, Ogden City, Weber County, Utah.

Members' Present: Charles Casperson, Chair
Judy Elsley
Lance Evans

Members Excused: Stephanie Nix
Scott Larsen

Staff Present: Barton Brierley, Planning Director
Alyssa Girardo, Planner
Kathy Barron, Administrative Assistant I
Katie Ellis, Assistant Attorney

Others Present: Lynden & Marta Bennett

1. Approval of the Minutes of the regular meeting held April 23, 2025

BOARD MEMBER EVANS MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD APRIL 23, 2025 AND PASSED UNANIMOUSLY, WITH ALL VOTING AYE

2. Case #2025-8: Request for variance to expand the nonconforming use to extend beyond the original tract of land at 2687 Lincoln Ave

Chair Casperson opened the meeting and asked Alyssa to introduce herself and tell the board about the case.

Ms. Girardo delivered a brief report on this item for a variance to expand the nonconforming use to extend beyond the original tract of land. She stated there are five criteria that shall be met for the approval of a variance: 1) that literal enforcement of the land use ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the ordinance; 2) there are special circumstances attached to the property that do not generally apply to other properties in the same zone; 3) granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone; 4) the variance will not substantially affect the general plan and will not be contrary to the public interest; and 5) the spirit of the zoning ordinance is observed and substantial justice is done.

Staff Recommends approval of the requested variance to allow an addition to a nonconforming use, single family dwelling, to extend beyond the original tract of land at 2687 Lincoln Ave.

Board Member Elsley asked for clarification on the location of the garage and the proposed addition. Ms. Girardo and Board Member Evans helped explain the layout and the location of the proposed addition.

The applicant, Marta Bennett, provided additional details about the proposed addition, including a garage with living space above it.

Further discussion amongst the board members and planning regarding the site plan and the relationship between the existing house and the proposed addition.

Chair Casperson invited the applicants back up to better communicate what they are doing.

Mr. Lydon Bennett and his wife Marta, the applicants, shared their background and the history of their home. They described the plans to add a garage with living space above it and a breezeway to the existing residence. This addition would provide additional living space and legal off-street parking.

BOARD MEMBER EVANS MOVED TO APPROVE THE VARIANCE TO EXPAND THE NONCONFORMING USE TO EXTEND BEYOND THE ORIGINAL TRACT OF LAND AT 2687 LINCOLN AVE AND FINDING THAT ALL FIVE OF THE VARIANCE CRITERIA HAVE BEEN MET, AS OUTLINED IN THE STAFF REPORT. BOARD MEMBER ELSLEY SECONDED, AND THE MOTION PASSED UNANIMOUSLY, BY ROLL CALL VOTE; ALL VOTING AYE BY ROLL CALL VOTE: CHAIR CASPERSON, BOARD MEMBER ELSLEY, BOARD MEMBER EVANS.

3. Training on Hearings for Variances

Mr. Brierley introduced a change due to the 2025 legislature, which prohibits public hearings for variance requests.

The board members discussed the implications of this change and the options available for handling public comments. They decided on option number two, which allows written comments from the public and called witnesses to speak at the public meeting.

The board members debated the pros and cons of the different options for handling public comments. Board Member Elsley expressed concerns about the potential barriers for non-English speakers.

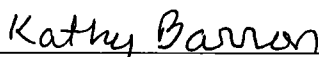
Assistant Attorney Ellis discussed the importance of disclosing conflicts of interest and training board members on potential conflicts.

BOARD MEMBER EVANS MOVED TO APPROVE OPTION TWO: CONTINUE NOTICING NEIGHBORS FOR VARIANCES BUT ONLY ALLOW WRITTEN COMMENTS FROM THE PUBLIC AND CALLED WITNESSES OR EXPERTS TO SPEAK.

CHAIR CASPERSON SECONDED, AND THE MOTION WAS MADE BY ROLL CALL VOTE; CHAIR CASPERSON VOTING AYE, BOARD MEMBER EVANS, VOTING AYE AND BOARD MEMBER ELSLEY ABSTAINING.

New Business

As there was no additional business before the Board, **BOARD MEMBER ELSLEY MOVED THE MEETING ADJOURN AT 5:20PM. BOARD MEMBER EVANS SECONDED THE MOTION WITH ALL VOTING AYE.**



KATHY BARRON
ADMINISTRATIVE ASSISTANT I

APPROVED: 12/10/25
(DATE)