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PLEASANT GROVE CITY  
BOARD OF ADJUSTMENT MINUTES  
May 21, 2015

**7:00 P.M. BOARD OF ADJUSTMENT MEETING**

**Present:** Chair Frank Johnson, Vice Chair Sterling Wadley, Pat Ellington, Stephanie Green, Gail Christiansen and Milt Fugal

**Excused:** Tom Petersen

**Staff:** City Planner Royce Davies, Planning Tech Barbara Johnson

Chair Frank Johnson welcomed those present and called the meeting to order at 7:00 p.m. It was confirmed that there had been no ex parte contact between Members of the Board and the parties being heard and no bias had been formed by any of the Members.

**ITEM 1. Public Hearing – Appeal the decision made by Planning Commission on March 12, 2015**  
**NORTH FIELD**

Public Hearing for Pete Simmons, Verizon Wireless representative to request that the Board of Adjustment reverse the Planning Commission’s denial on March 12, 2015 for a conditional use permit to build a new wireless facility on property located at approx. 1726 North 600 West (Manila Elementary School) in the RR (Rural Residential) zone.

**Applicant: Verizon Wireless**

The above matter was continued at the request of the applicant’s legal counsel. Citizens present expressed frustration for making the effort to be present to only have the matter be continued without being notified. It was noted that additional notice would be provided to the neighbors when the matter is rescheduled on a future agenda. It was suggested that in the future information be posted on the City’s website to let the public know that an agenda item has been cancelled.

**MOTION:** Board Member Christiansen moved to continue the first item on the agenda to the next Board of Adjustment Meeting which will be June 24, 2015. Board Member Wadley seconded the motion. The motion passed unanimously.

**Public Hearing – Variance from City Code Section 10-9B-4**  
**STRING TOWN**

Public Hearing to consider the request of Jaeson Roundy for a lot width variance of approx. 15 ft. from the 85 ft. lot width requirement in City Code Section 10-9B-4 on property located at approx. 560 South Locust Ave. in the R1-8 (Single Family Residential) zone.

1 **Applicant:** Jaeson Roundy

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3 City Planner, Royce Davies, presented the staff report and stated that the applicant, Jaeson  
4 Roundy, was requesting a 15 ft. variance from the current 85 ft. lot width requirement since the  
5 lot width of the proposed Lot 2 is 70 feet. Planner Davies reported that the property is within the  
6 R-1-8 Zone. The applicant's intention is to create a two-lot subdivision. Both of the proposed  
7 lots were determined to meet the 8,000 square-foot minimum lot size. The proposed lot is 70  
8 feet wide with a 15 ft. lot width variance requested which would allow the applicant to move  
9 forward in the subdivision process. The matter was heard by the Planning Commission on April  
10 23, 2015, at which time they moved to approve the preliminary plat with the condition that Mr.  
11 Roundy come before the Board of Adjustment for a variance. All other planning and zoning  
12 requirements appeared to have been met.

13  
14 In response to a question raised by Board Member Ellington, it was confirmed that the variance  
15 is being requested for Lot 1. Lot 2 was determined to comply with the lot width requirements.

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17 Board Member Wadley asked about the non-conforming status of the lot. Planner Davies  
18 explained that the property is legally non-conforming and can be developed as one lot, however,  
19 the applicant wishes to subdivide the property and create two lots. As a result, each lot needs to  
20 meet the requirements.

21  
22 Planner Davies indicated that the setback requirements for the buildings will have to be resolved  
23 along with other aspects of the development. Those items, however, would not require a  
24 variance. Frontage and access issues were discussed.

25  
26 The applicant, Jaeson Roundy, described the request and stated that they are planning to divide  
27 the property into two lots and sell Lot 2 where there is an existing home and build a home for his  
28 family on Lot 1. In response to a question raised, Mr. Roundy stated that he has no intention of  
29 ever dividing Lot 1. He explained that as part of the Apple Grove subdivision in order to gain  
30 access from Apple Grove Lane, they were required to sign a deed restriction limiting the project  
31 to two lots. It was noted that the white fence is owned by the Apple Grove HOA.

32  
33 Chair Johnson opened the public hearing. There were no public comments. The public hearing  
34 was closed.

35  
36 Board Member Fugal was concerned that because this is such a large piece of property, in the  
37 future someone else will ask for another variance. He asked if the deed restriction signed by  
38 Mr. Roundy affects the City's Concept Plan. Planner Davies stated that the Concept Plan is not  
39 set in stone and developers are not required to do what is recommended. It serves only as a  
40 suggestion.

41  
42 The Board reviewed the following five criteria:

- 43  
44 1. Literal Enforcement of the zoning ordinance would cause an unreasonable hardship for  
45 the applicant that is not necessary to carry out the general purpose of the zoning  
46 ordinance.

1 Board Member Fugal did not feel that granting the variance would defeat the general purpose of  
2 the zoning ordinance. What is proposed makes good use of the property and he considered it a  
3 reasonable variance request. He expressed his support. It was noted that that the reason for the  
4 variance is due to the narrow lots that Pleasant Grove has historically allowed. The narrow lots  
5 sometime prevent a property owner from developing under the present ordinances. The general  
6 purpose of the zoning ordinance is to ensure that properties are developed properly so that  
7 emergency vehicles have access and in an orderly manner that reflects well on City planning and  
8 the City as a whole. The Board Members all agreed that the request meets the first criteria.

9  
10 2. There are special circumstances attached to the property that do not generally apply to  
11 other properties in the same district.

12  
13 The width was determined to be the special circumstance. Additionally, the surrounding  
14 property has been developed which leaves the applicant with no options. The property is large  
15 and the City would prefer it be developed rather than remain vacant. The Board agreed that the  
16 request met the second criteria.

17  
18 3. Granting the variance is essential to the enjoyment of a substantial property right  
19 possessed by other property in the same district.

20  
21 It was clarified that if the variance is not granted the applicant cannot develop the property. The  
22 Board Members agreed that the request meets the third criteria.

23  
24 4. The variance will not substantially affect the General Plan and will not be contrary to the  
25 public interest.

26  
27 It was noted that the General Plan is intended to direct the orderly development of the City. The  
28 Board could not see how developing the property would have a negative impact on the General  
29 Plan. The Board Members agreed that the request met the fourth criteria.

30  
31 5. The spirit of the zoning ordinance is observed and substantial justice done.

32  
33 The Board felt that granting the variance allows the applicant to use his property as intended.  
34 The Board Members agreed that the request met the fifth criteria.

35  
36 **MOTION:** Board Member Wadley moved that the Board of Adjustment approve the  
37 applicant's request for a 15-foot variance from the minimum interior lot width requirement of 85  
38 feet in the R1-8 Zone and accept the exhibits in the staff report, specifically relative to Lot 2.  
39 Board Member Ellington seconded the motion. The motion passed unanimously.

40  
41 **Review and approval of the Board of Adjustment Minutes from April 16, 2015.**

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43 It was noted that although some claims made during the meeting were untrue, the minutes are a  
44 record of what occurred at the meeting and should not be modified. No corrections were made.

1 **MOTION:** Board Member Christiansen moved to approve the Board of Adjustment Minutes  
2 from April 16, 2015. Board Member Wadley seconded the motion. The motion passed  
3 unanimously.

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5 The meeting adjourned at 7:33 p.m.

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10 Frank Johnson  
11 Chair, Pleasant Grove City Board of Adjustment

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15 Barbara Johnson  
16 Secretary

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18 Date Approved: \_\_\_\_\_