

MEETING MINUTES

WEST HAVEN LAND USE APPEAL AUTHORITY

A hearing of the West Haven Land Use Appeal Authority was convened on March 24, 2022 at 9:oclock a.m.

The following were present:
David L. Church, hearing officer.
Emily Green City Recorder
Analise Wilson attorney for Ivory Homes
Skylar Tolbert Ivory Homes
Greg Timothy Ivory Homes
Shari Phippen City's Community Development Director
Amy, City Attorney

CALL TO ORDER. The meeting was called to order by David L. Church who announced the agenda for the meeting included only one item-- the appeal of a decision denying the approval of the final plat of phase 2 of the Fairhaven Subdivision because the plat did not have 16,000 sq. ft. lots bordering property zoned agricultural.

OBJECTIONS AND CONFLICTS. Objections to the meeting call, notice, procedure and the hearing officer were called for and none were stated.

APPELLANT'S PRESENTATION The appellant in the matter was then invited to present its case. The presentation consisted of arguments that the City had erred in denying a final plat for the following three reasons: (1) the purpose of requiring a buffer zone of larger lots was intended to keep smaller lots from bordering agricultural uses not a school site; (2) the legal doctrine of zoning estoppel precludes the City from enforcing the buffering requirement because the City had already approved a preliminary plat; and (3) that the Developer had an enforceable contract with the City arising out of the approval of the preliminary plat which contract requires the City approve a final plat for this subdivision

CITY'S RESPONSE TO DEVELOPER. In response to the arguments of the Developer the City contested whether there were sufficient formalities for the approval of the preliminary plat to become a contract with the City. The City also argued that you cannot define the purpose of a code section just simply by reading the purpose statement in an ordinance and that the proposed final plat did not comply with the City's code.

REPLY BY APPELLANTS. In reply to the City's presentation the Developer emphasized its reliance on the City's approval of the preliminary plat and the inequities of now denying the final plat approval.

HEARING OFFICER'S STATEMENT. The hearing officer ended the hearing indicating that he would take the matter under advisement and issue a written ruling in a timely fashion.

ADJOURMENT. The hearing was adjourned at approximately 9:40 a.m.

Dated this 24 day of March 2022.

WEST HAVEN CITY LAND USE APPEAL
AUTHORITY (pro tem)

A handwritten signature in black ink, appearing to read "David L. Church", written over a faint, larger version of the same signature.

David L. Church