



Ferron City Planning Commission Meeting Minutes 06.07.2022
Commission Room – Ferron City Hall
20 East Main Street, Ferron Utah
Phone - (435) 384-2350 Fax - (435) 384-2557 Web - ferroncity.org

Present: Commissioner Chair Nielson Commissioner Thompson Commissioner Oakeson
Commissioner Howes Commissioner Richman

Also Present: Barbara Bowles, Recorder Calvin and Tami Bennett, Proxy for Ema L. Aragon Daniel Ross
Shelley Smith Brook Smith

1. CALL TO ORDER

Commissioner Chair Liz Nielson called the meeting to order at 7:00 p.m.

- 2. APPROVAL OF MINUTES** Approval of the minutes of April 5, 2022 as written.
Commissioner Richman motioned to approve the minutes with Commissioner Oakeson seconded.

BUSINESS LICENSE/ ZONING CLEARANCE

- 3. ITEM OF BUSINESS** – Mr. and Mrs. Calvin Bennett Appointed Proxy for E Aragon in regard to a variance for a Non-Conforming Lot, Parcel # 01-113B-1140

Mrs. Bennett produced a timeline and handed it out to the Zoning Committee.

Timeline was in reference to this property. Mrs. Bennett stated that she felt that the first 5 items were most pertinent to this discussion: (1) Highway moved 1954 (2) Parcel split by high reducing it from 2+ acres to 1.17 acres with highway running through it. .13 acres on west side of highway and .90 on the east. (3) Easement established for access to property, .90 east side, in 1965 (first know paperwork that we have found, Warranty Deed) (4) Annexed into city 1975. Zoned R-1 7,000 (5) Rezoned H-1 Highway Commercial 1978 requiring 1+ acres to build on.

The Bennett's explained all the research they had done in reference to this property.

Commissioner Nielson explained that they had to follow the ordinances and rules as they are set now.

Bennett's wanted the committee to acknowledge that the city had caused the problem.

Commissioner Nielson stated that the purpose of this committee was that they could state that this lot was nonconforming. That they would have to submit a variance application to the Appeals Authority.

The line item #38 of their statement:

The Bennett's statement, "In our minds, the bottom line is that this property was messed up when the highway was built right through it. Then again after the city annexed it and changed the zone from R1-7000 that it was compliant with to H-1 Highway Commercial that it could not comply with, with no known consideration of how it would affect this parcel. This would make the parcel a pre-existing, non-conforming lot, aka, Grandfathered."

Bennetts contend that Mr. Joe Turney had given verbal approval to build on this lot in 2006. There is no record of this conversation. The Bennetts acknowledge this. The Bennetts are claiming that the city has taken Em's constitutional right to use her land in the same manner as others. Perhaps the taking clause should be in effect. Ms. Nielson explained that since she had been on the committee that they had not issued a variance. Bennett's stated that why they wanted to go to the city council. They could rezone or invoke the taking clause. Ms. Nielson explained that their was still steps that had to be taken. The Bennett's want the city now to buy the property because it cannot conform to the zone that it is in, since 1978.

The planning committee denied that parcel # 01-113B-1140 was a buildable lot. It was a non-conforming plot. Mrs. Bennett advised that they had changed why they wanted the variance. Once the Bennett's complete their 5 reasons why they qualify for the variance they will bring it to City Hall and it will be forwarded to Mr. Trent Jackson. Once Mr. Jackson rules on the variance the Bennett's will be notified.

Tami Bennett wanted to make sure that she had filled out the right application. The Bennett's were informed that they had filled the correct application out, the city had their application fee. It would be on the audio minutes and on the written minutes. Once the 5 qualifying reasons they felt a variance should be granted was received it would be forwarded to the Appeals Authority.

Commissioner Howes made the motion to deny the application to make parcel # 01-113B-0040 a conforming, buildable lot. Commissioner Oakeson seconded.

Review of Business Licenses

4. **AUGUSTUS HALL** It was explained that these applicants just wanted to know if what they wanted to do was available to do in this zone. He just wanted to make the building into an event venue. Some of the questions that would need to be answered is if the building was big enough to handle a commercial kitchen. How many guests could it hold. ADA compliance issues. Parking availability. Inspections etc. It is a small building so the occupancy is a huge question. It was suggested that we print some of the ordinances and give them to the applicant to help him in making his decision.
5. **GETTING' OUR SMOKE ON** Advised was moving into the Freckle Cow Building. All permits are in order. The question was asked about parking lot stall lines. He will have it opened for pick up only. It will be used for a kitchen mainly. The parking lot situation is fine.
Commissioner Oakeson made the motion to approve the license. Commissioner Richman seconded the motion. Motion carried.

Review of Zoning and Clearance Applications

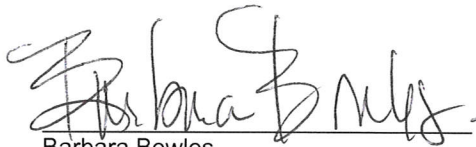
6. **Brook and Shelley Smith** It was clarified that Brook and Shelley's home is in a RA-1 Residential-Agricultural Zone. They are putting a 16' x 30' covered patio on rear of house. All setbacks are met.
Commissioner Richman made the motion to approve the application. Commissioner Oakeson seconded the motion. Motion carried.
7. **GARY AND GENA RIEGER** It was explained where the property was exactly located by the trailer court. Northside. It was the property that the County had auctioned off. It needs to be made clear that there can only be one main dwelling (residence) on the property. One home per lot. That is a concern with barndominiums. There is access to the property. They would have to sub divide the property and submit another planning and zoning application for another building when they want to build a home one the property. Setbacks are good.
Commissioner Howes made the motion to approve the application. Commissioner Oakeson seconded the motion. Motion carried.
8. **RYAN SNOW** Barndominium style metal building home. There can not be 2 homes on one lot. Ferron City code states that there cannot be two primary residences on one lot. The lot would need to be subdivided. Tried to call Ryan Snow. No answer. Will advise on future driveway and future home, etc. How is land recorded with county.
Commissioner Howes made the motion to table the application until next month. Commissioner Oakeson seconded the motion.
9. **JOEL M. HOWES** Commissioner Howes excused herself. Will be just a building and the cement. Will not be putting in plumbing or electrical at this time. Set backs are good. They will be doing it one step at a time.
Commissioner Oakeson made the motion to approve the application. Commissioner Richman seconded the motion. Motion carried.

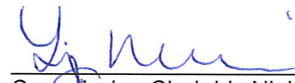
10. **REVIEW OF RV COURT STATUTES** Review the changes that the committee had made. The sections that had been updated.

Commissioner Howes motioned to approve the court statutes and send to City Council. Commissioner Oakeson Seconded the motion. Motion carried.

11. **Planning and Zoning Adjourned at 8:01 p.m.**

ATTEST:


Barbara Bowles
Ferron City Recorder


Commission Chair Liz Nielson

