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**PLEASANT GROVE CITY  
BOARD OF ADJUSTMENT MINUTES  
November 20, 2008**

**PRESENT:** Chair Twiggs, James Butterfield, Sterling Wadley, Ron Nielson and Frank Johnson.

**EXCUSED:** Milt Fugal

**STAFF:** Sean Allen, City Planner and Barbara Johnson, Secretary.

**6:30 PM BOARD OF ADJUSTMENT STUDY MEETING**

Chair Twiggs called the meeting to order and welcomed everyone there.

The board talked about the fence issue listed on the agenda. Safety was the main concern.

The board talked about the status on the Alliance Youth Services.

Chair Twiggs read page 12 from the Handbook for Appeal Authorities on the responsibilities the board has dealing with appeals. On page 22 she read, “Be able to say “no” when it is appropriate (a good Appeal Authority usually says “no” more often than it says “yes”)

**7:00 PM BOARD OF ADJUSTMENT PUBLIC HEARING**

**PRESENT:** Chair Coral Twiggs, James Butterfield, Sterling Wadley, Ron Nielson. and Frank Johnson.

**EXCUSED:** Milt Fugal

**STAFF:** Sean Allen, City Planner and Barbara Johnson, Secretary.

**APPLICANTS:** Mr. Jeffs, representing the Nemrows.

Chair Twiggs called the meeting to order and welcomed everyone there and indicated that she would preside at this hearing. She introduced the members and said the members present constitute a legal quorum and all members would be voting. She introduced the city staff Mrs. Barbara Johnson, secretary and Sean Allen, City Planner.

1 Chair Twiggs asked Mrs. Johnson if this meeting and the agenda have been publicly advertised. Mrs.  
2 Johnson stated that they have. She also asked if everyone received their packets. All members said yes.

3  
4 Chair Twiggs asked the members if there has been any ex parte contact with the applicant. All  
5 members stated no.

6  
7 **MOTION:**

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9 Mr. Nielson moved that the publicly advertised agenda (Attachment 1) be accepted as the Order of the  
10 Day for tonight's meeting. Seconded by Mr. Johnson. Motion carried.

11  
12 ITEM 1 Public Hearing to consider the request of Scott Nemrow appealing the City Engineer's  
13 decision to expand the clear vision area on a corner, as referenced in City Code Section 10-15-10 for  
14 property located at 35 East 1920 North in the RR (Rural Residential) zone. **NORTHFIELD**  
15 **NEIGHBORHOOD**

16  
17 **BACKGROUND:**

18  
19 On September 19, 2008 the City Engineer signed his approval on the fence permit with the  
20 requirements and instructions attached for the Nemrows to follow, when installing their fence. This  
21 included an illustration of the expanded clear vision area. Prior to that date, Staff had spoken with the  
22 Nemrow's several times, explaining the ordinance requirements, and that the City Engineer would  
23 need to analyze the clear vision area on their corner. The Nemrows explained to the City's  
24 Community Development Director that they disagree with the City Engineers requirements, along 100  
25 East, and would like to appeal his decision. Contrary to the City's suggestion to not continue  
26 construction of the fence, the Nemrows have ignored such recommendations and have completed the  
27 fence, anticipating a successful appeal hearing.

28  
29 Mr. Jeffs, representing the Nemrows said due to a scheduling conflict, the Newrows request that this hearing be  
30 continued to the next available date. He also mentioned that the Nemrows would be out of town from  
31 December 18, 2008 to January 1, 2009.

32  
33 Mr. Allen said to avoid sending out another Public Notice the board needs to continue this item to a date certain  
34 or continue indefinitely and staff would send out a new notice.

35  
36 Mr. Butterfield said we have a fence line that has been deemed by the city as a safety hazard that is up during  
37 this whole period of time. Mr. Wadley asked Mr. Butterfield if he was implying that this item should not be  
38 continued.

39  
40 Mr. Nielsen asked if the board should wait 2 months to hear this item when it is a safety hazard. He also asked  
41 if the city would be liable if something happened.

42  
43 Mr. Allen said the applicant would be liable, because they have requested formally to continue this item to  
44 whatever date.

45  
46 Mr. Allen said January 15<sup>th</sup> would be the next available date for the Board of Adjustment meeting. He suggested  
47 choosing a date in December before the applicant goes out of town. He also said the board could make a  
48 motion addressing their concerns.

1 Mr. Allen said the board does not have to continue this item; the applicant's representative is here tonight. Mr.  
2 Jeffs said it was his understanding that there is a right on each side to have one continuance. Chair Twiggs  
3 asked him to explain that comment. Mr. Jeffs said the Board of Adjustment could ask for one continuance and  
4 the applicant could ask for one continuance. Mr. Allen said he would like to see some documentation on that  
5 statement from Mr. Jeffs, maybe health, safety and welfare issues trump that.

6  
7 Mr. Neilsen said this is a safety issue. Mr. Allen said if the board if worried about the liability, the city is fine  
8 because the applicant went against our recommendation, and finished the fence without a permit and they are  
9 not willing to take it down until this issue is resolved. The applicant is liable plus they are asking for the  
10 continuance.

11  
12 Mr. Sean said he would like this issue resolved as soon as possible, because this is a safety hazard. He  
13 suggested if this item is continued, it needs to be continued as soon as possible and the board can choose an  
14 alternate date to meet.

15  
16 Mr. Jeffs said the applicant would be available if the board decides to set an earlier date.

17  
18 Chair Twiggs said she was okay with giving them a countenance, and if we set an earlier date we need to make  
19 sure there will be a quorum.

20  
21 **BOARD DISCUSSION:**

22  
23 The board discussed a few available dates that would work in December.

24  
25 **MOTION:**

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27 **Mr. Wadley said pursuant to the applicant's request that this item be continued to a later date,**  
28 **he moved to continue this item to December 10, 2008 at 7:00 p.m. Mr. Butterfield seconded the**  
29 **motion.**

30  
31 Motion carried.

32  
33 Review and approve the minutes from the September 18, 2008 meeting.

34  
35 **MOTION:**

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37 Mr. Johnson moved to approve the minutes from the September 18, 2008 as corrected. Mr. Wadley  
38 seconded the motion.

39  
40 Motion carried.

41  
42 Board Business.

43  
44 Mr. Butterfield said at the next meeting it will be time for the board to vote on a new chairman for the  
45 year 2009.

46

1 Mr. Butterfield suggested to the members that they get online and review the city code, all the new up  
2 dates are on line. The city website is; pgcity.org. He asked them to read Section 10-15-10 and 10-15-  
3 38.

4  
5 The board suggested a few names to fill the vacancies on the board. The names suggested are;  
6 Jane Robinson, Jay Mecham, Steve Phelon and Jack Hill.

7  
8 On December 3, 2008 there will be a Land Use Training Session in Cedar Hills. Members Nielson,  
9 Butterfield, Wadley and Twiggs said they would attend.

10  
11 Mr. Wadley made the motion to adjourn.

12  
13 Meeting adjourned at 7:25 p.m.

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17 Attachments (With file copy only)  
18 1. Approved agenda

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22 \_\_\_\_\_  
23 Coral Twiggs  
24 Chair, Pleasant Grove City Board of Adjustment

25  
26 \_\_\_\_\_  
27 Barbara Johnson  
28 Secretary

29  
30 Date Approved: \_\_\_\_\_