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PLEASANT GROVE CITY  
BOARD OF ADJUSTMENT MINUTES  
March 19, 2015

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

**Present:** Chair Frank Johnson, Tom Petersen, Stephanie Green, Pat Ellington, Milt Fugal

**Excused:** Sterling Wadley, Gail Christensen

**Staff:** City Planner Royce Davies, Planning Tech Barbara Johnson, Community Development Director Ken Young

Chair Frank Johnson welcomed those present and called the meeting to order at 7:00 p.m. In addition to Chair Johnson, the Board Members present were identified as Stephanie Green, Pat Ellington, Milt Fugal, and Tom Petersen. Sterling Wadley and Gail Christensen were excused. He stated that Board Secretary, Barbara Johnson, noticed the meeting as required by the Open and Public Meetings Act. It was verified that there was no ex parte contact between Members of the Board and parties heard tonight and no bias was formed by any members of the group.

**Review and approval of the Board of Adjustment Minutes from December 10, 2014.**

No corrections were made to the minutes.

**MOTION:** Chair Johnson moved to approve the Board of Adjustment Minutes from December 10, 2014. Board Member Fugal seconded the motion. The motion passed unanimously.

**ITEM 1:** Public Hearing to consider the request of Ronald Brailsford for a corner lot width variance of approximately 25 feet from the 95-foot requirement in City Code Section 10-9B-4 and to waive the accessory building required side yard setback of 10 feet in City Code Section 10-9B-7-F-5 on property located at approximately 720 South Locust Ave. in the R1-8 (Single Family Residential) Zone. **STRING TOWN NEIGHBORHOOD \*CANCELLED.**

The above item was removed from the agenda.

1 **ITEM 2:** Public Hearing to consider the request of Jonas Otsuji for a corner lot width variance of  
2 approximately 25 feet from the 95 foot requirement in City Code Section 10-9B-4 on property  
3 located at approximately 985 North 100 East in the R1-8 (Single Family Residential) zone.

4 **LITTLE DENMARK.**

5  
6 **Applicant:** Jonas Otsuji

7  
8 City Planner, Royce Davies, presented aerial photographs of the subject property. He stated that the  
9 intention of the applicant is to install a half cul-de-sac on his property and a variance for the corner  
10 lot was requested. As proposed, the combined street frontage, after subtraction of the required 28  
11 feet for cul-de-sac requirements, is 80 feet of lot width. City Code requires a 35-foot frontage,  
12 which had been met, however, a corner lot must have a 95-foot lot width when measured 50 feet  
13 from the property line. Because the lot will only be 80 feet wide, the applicant was requesting a  
14 Historical Special Exception, which would allow the applicant to reduce the required lot width by 15  
15 feet. Mr. Davies explained that a Historical Special Exception is a type of variance that would allow  
16 an applicant to reduce an aspect of the lot or a restriction of the zoning code by up to 20%.  
17 According to the exception, reducing the lot width by 15 feet would be within the 20% allowed. Mr.  
18 Davies also stated that a property has to be considered a historical lot to receive the variance and the  
19 Code considers a dwelling and land parcel historic if they existed prior to August 20, 1985. Upon  
20 research of tax records, staff determined that this is the case on the subject property.

21  
22 Mr. Davies presented site plans depicting the potential subdivision of the land. The applicant was  
23 proposing a half cul-de-sac in hopes that the remainder of the cul-de-sac would be developed with  
24 the property to the south. Mr. Davies indicated that other than the subject request, every other aspect  
25 of the project meets the zoning requirements.

26  
27 Board Member Ellington questioned Lot 1 of the proposed subdivision and was concerned that it  
28 could potentially be divided into two lots. Mr. Davies stated that a clause could be included into the  
29 project approval specifying that they would no longer have the variance if the property were split.  
30 Currently, however, the lot should be considered as one. It was noted that the lot split may not occur  
31 at all.

32  
33 There was discussion between the Board Members and staff about the potential division of Lot 1,  
34 and whether the variance would run with the land.

35  
36 Community Development Director, Ken Young, elaborated on the reasoning behind the application  
37 as presented. He explained that the applicant's original request was to create a flag lot on the  
38 property, but the Flag Lot Ordinance allows for only three lots to have access from a flag lot. The  
39 proposed half cul-de-sac would act as a temporary flag lot and allows only three lots to be accessed  
40 from it. It does, however, open up the possibility for future development as the cul-de-sac is  
41 completed.

42  
43 Board Member Peterson asked if the same property owner was in possession of the land to the south.  
44 Director Young stated that it has a separate property owner who is not willing to participate in the  
45 development at this time.

1 In response to a question raised by Board Member Ellington, Director Young confirmed that two lots  
2 will face the street and there would be three behind facing the half cul-de-sac. He also stated that for  
3 corner lots, frontage is determined by which side is shorter.

4  
5 Board Member Green recited a portion of the Historical Property Special Exceptions Code, which  
6 states that the Historical Property Special Exceptions variance may be granted if the requested  
7 variances do not exchange the requirement of the zone by more than 20%. It also states that no  
8 reduction in lot size or property line is allowed. Mr. Davies confirmed that the application meets the  
9 20% requirement. The lot width will be altered while the lot will not.

10  
11 Board Member Fugal expressed concern that once the historical home is demolished as indicated in  
12 the application, the property will no longer be historical property. He failed to see how the special  
13 exception would apply in this situation. Director Young assured the Board Members that because  
14 the home currently exists it qualifies as a historical property and is eligible for a historical special  
15 exception. He noted that the applicant's intention may be to keep the home.

16  
17 Upon examination of the site plan, Board Member Fugal stated that it did not seem possible to keep  
18 the home as it was and construct the road as planned. Mr. Davies explained that the home could be  
19 reduced. For example, the side garage could be removed and a new one built behind the home to  
20 meet the parking requirements. Mr. Davies indicated that regardless of whether the home is  
21 modified, torn down, or left as it is now, it still qualifies as a historical property as of tonight's  
22 meeting.

23  
24 Chair Johnson requested that the applicant address the Board.

25  
26 Nate Baird from Hadco Construction gave the company address as 1850 North 1450 West in Lehi.  
27 The applicant, Jonas Otsuji, gave his address as 1939 Medal Drive in Pleasant Grove. Mr. Otsuji  
28 informed the Board that it was his intention when he initially purchased the property, to work closely  
29 with the property owner to the south to see if they could create a full cul-de-sac. He felt that the  
30 proposed development would benefit both parties. The property owner to the south, however, was  
31 not interested in selling his portion of the property. Because of his unwillingness to participate, the  
32 applicant was forced to seek other options to develop his property. The half cul-de-sac became the  
33 best option, and resulted in them seeking the historical variance. Mr. Baird added that the proposal  
34 before the Board was not their second plan, but the 13<sup>th</sup> modification.

35  
36 Board Member Fugal asked the applicants what their intention was for the existing home. Mr. Baird  
37 responded that they would like to keep the home, if possible. If it does not work within the variance  
38 and Code requirements, they will tear it down. He also informed the Board that they spent a great  
39 deal of money cleaning up the existing home, which was previously used for illegal drug production.  
40 The applicants wanted to make the neighborhood a nice place to live. Mr. Otsuji added that their  
41 first choice would be to keep the house.

42  
43 Mr. Baird stated that they had worked well with Director Young and Mr. Davies and were the ones  
44 that proposed the half cul-de-sac to the applicant. Mr. Baird confirmed that Hadco would continue  
45 on with construction of the project.

1 Chair Johnson opened the public hearing.

2  
3 Bonnie Jeppson gave her address as 1005 North 100 East and was present on behalf of her mother,  
4 Vikki Smith, who owns the lot directly to the north of the subject property. She was concerned that  
5 the aerial photographs given with the notice identified a portion of their property as being part of the  
6 site plan. Mr. Davies informed Ms. Jeppson that the aerial photographs and the country records for  
7 property lines do not always match. He assured her that the applicant has no intention of  
8 encroaching on their property to the north.

9  
10 There were no further public comments. Chair Johnson closed the public hearing.

11  
12 Board Member Peterson requested further enlightenment on the Code regarding the half cul-de-sac.  
13 Director Young gave a brief history of the process the he and the applicant went through to come to  
14 this proposal. Because the property owner to the south was unwilling to sell, the applicant was not  
15 able to create a full cul-de-sac or a flag lot, which left them with the option to do a half cul-de-sac.  
16 Director Young indicated that the half cul-de-sac is now an option in some areas of the City. That  
17 means that until the cul-de-sac is completed, it would be considered a temporary flag lot. Once the  
18 property to the south decides to participate in the completion of the cul-de-sac, it will become a full  
19 City street. In response to a question from Chair Johnson, Director Young confirmed that the site  
20 plan indicates the minimum requirement the other property owner would be required to adhere to if  
21 he decided to join the development.

22  
23 There was a discussion among the Board Members regarding the incompleteness of the application.  
24 Board Member Fugal stated that it was a pretty wide request and relatively open ended. He also was  
25 unconvinced that the property should be considered historic if there is the possibility that the home  
26 will be torn down. Board Member Ellington expressed similar concerns, particularly with the  
27 virtually blank application. He requested that the application be completed and thoroughly  
28 researched and then brought back to the Board for a final decision. Chair Johnson suggested that the  
29 matter be continued until they can present a complete application.

30  
31 Chair Johnson expressed his concern that staff was pressuring the Board in a certain direction, which  
32 should not be the case.

33  
34 **MOTION:** Board Member Ellington moved that the Board of Adjustment continue the applicant's  
35 request for a Historical Special Exception Variance from the minimum corner lot width requirement  
36 (Section 10-9B-4) until an amended application can be submitted at the next regularly scheduled  
37 Board of Adjustment Meeting. Board Member Fugal seconded the motion. The motion passed  
38 unanimously.

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40 The meeting adjourned at 7:45 p.m.

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Frank Johnson  
Chair, Pleasant Grove City Board of Adjustment

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Barbara Johnson  
Secretary

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