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3 PLEASANT GROVE CITY  
4 BOARD OF ADJUSTMENT MINUTES  
5 September 17, 2015  
6

7 **7:00 P.M. BOARD OF ADJUSTMENT MEETING**  
8

9 **Present:** Chair Frank Johnson, Vice Chair Sterling Wadley, Pat Ellington, Stephanie Green, Milt  
10 Fugal, Gail Christiansen and Dustin Phillips  
11

12 **Staff:** Community Development Director Ken Young, City Planner Royce Davies, City Attorney  
13 Tina Petersen, and Planning Technician Barbara Johnson  
14

15 Chair Frank Johnson welcomed those present and called the meeting to order at 7:00 p.m. Chair  
16 Johnson asked if there had been any ex parte contact between Members of the Board and the parties  
17 being heard or if a bias had been formed by any of the Members. It was confirmed that Board  
18 Member Wadley would not be voting on the matter and Board Member Green would not  
19 participate in the discussion. Board Member Fugal informed Chair Johnson that the applicant  
20 attempted to speak with the Board Members after the meeting on August 20, 2015, but he did not  
21 engage in a discussion with her.  
22

23 **MOTION:** Board Member Ellington moved that the Board of Adjustment APPROVE the agenda,  
24 as written. Board Member Christiansen seconded the motion. The Board Members unanimously  
25 voted "Aye". The motion carried.  
26

27 **ITEM 1:** Public Hearing to Appeal the Decision made by the Planning Commission on June 11,  
28 2015 to grant a conditional use permit to Sterling Boren for an accessory building on property  
29 located at approximately 30 West 1200 North in the R1-8 (Single Family Residential) Zone.

30 **NORTH FIELD NEIGHBORHOOD** \*Continued from the August 20, 2015 Meeting.  
31

32 **Applicant: Todd and Shauna Sheridan- not present**  
33

34 City Planner, Royce Davies, reported that staff had nothing to add to the presentation from the  
35 previous meeting. Community Development Director, Ken Young, informed the Board that the  
36 applicant sent an email indicating that she would not attend tonight's meeting but did not request  
37 a continuance or that a decision be made at this meeting. In her email, Mrs. Sheridan expressed  
38 that she felt she had not been dealt with fairly on this issue.  
39

40 Chris Dexter was present representing Sterling and Margaret Boren and stated that the appeal  
41 should be denied based on the following:

- 1
- 2 1. The applicant was not present to speak in support of the appeal, nor was there any
- 3 representation.
- 4
- 5 2. The appeal was not filed in a timely manner, specifically within 10 days of the original
- 6 decision.
- 7
- 8 3. The appeal did not meet the content requirements of City Code 2-4-6, which requires that
- 9 an appeal or application refer to specific provisions of the Code involved and exactly set
- 10 forth the interpretation claimed.
- 11

12 Mr. Dexter explained that the application did not set forth any interpretations, rather it alludes to  
13 the Code and sets forth what the applicant believed the Code should say. He claimed that the  
14 request was vague.

15  
16 Board Member Ellington asked Mr. Davies if the accessory building complies with the  
17 requirements of the Code at the time of approval. Mr. Davies stated that the Code was changed  
18 since approval was granted but meets the requirements of the Code in force at the time.

19  
20 In response to a question from Board Member Christiansen, City Attorney, Tina Peterson,  
21 explained that if an Appellate does is not present in a court appeal case, it is automatically  
22 dismissed. The Pleasant Grove City ordinance, however, does not provide for that so it would be  
23 wise to vote on the matter rather than dismiss it.

24  
25 Mr. Dexter wanted it to be clear that if the appeal is denied, the conditional use permit of Sterling  
26 Boren would be valid.

27  
28 There was discussion among the Board Members regarding the appeal application. It was  
29 determined that the application was indeed late, and therefore would be invalid. Board Member  
30 Fugal stated that it was the applicant's decision not to be present at that meeting and questioned  
31 whether her intent was to further delay the process by gaining another continuance.

32  
33 The Board deliberated on the sufficiency of the application itself and it was determined that  
34 although the ordinance in question was stated, the applicant did not explain how the ordinance was  
35 violated. The applicant also failed to prove that the Planning Commission made an egregious  
36 decision.

37  
38 **MOTION:** Board Member Christiansen moved that the Board of Adjustment DENY the request  
39 of Shauna Sheridan for an appeal to overturn the decision of the Planning Commission to approve  
40 a conditional use permit to Sterling Boren, based on the following:

- 41
- 42 1. The nature of the appeal was not sufficient or correctly drawn.
- 43
- 44 2. The appeal does not provide proof of any egregious action on the part of the Planning
- 45 Commission.
- 46

1 Board Member Phillips seconded the motion. The motion passed unanimously.

2

3 **MOTION:** Board Member Ellington moved that the Board of Adjustments DENY the application  
4 for appeal by Shauna Sheridan due to the lateness of its submission, making the application invalid.

5 Board Member Fugal seconded the motion. The motion passed unanimously.

6

7 **MOTION:** Board Member Ellington moved that the Board of Adjustments recognize that the  
8 Planning Commission properly issued the conditional use permit to Sterling Boren and that the  
9 conditional use permit is in force and valid. Board Member Christiansen seconded the motion.  
10 The motion passed unanimously.

11

12 **Review and approval of the Board of Adjustment Minutes from August 20, 2015.**

13

14 Planning Technician, Barbara Johnson, took note of three minor spelling and grammatical  
15 corrections to be made.

16

17 **MOTION:** Board Member Christiansen moved to approve the Board of Adjustment Minutes  
18 from August 20, 2015, with the corrections noted. Board Member Ellington seconded the motion.  
19 The motion passed unanimously.

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

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26 \_\_\_\_\_  
27 Frank Johnson  
28 Chair, Pleasant Grove City Board of Adjustment

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32 Barbara Johnson  
33 Secretary

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