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PLEASANT GROVE CITY  
BOARD OF ADJUSTMENT MINUTES  
March 17, 2016

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

**Present:** Vice Chair Milt Fugal, Board Members Pat Ellington, Stephanie Green, and Dustin Phillips, Jeremy Reutzel, and Frank Mills

**Staff:** Community Development Director Ken Young, City and Planning Tech Barbara Johnson

**Excused:** Chair Gail Christiansen

Vice Chair Milt Fugal welcomed those present and called the meeting to order at 7:00 p.m. It was confirmed that there had been no ex parte contact between Members of the Board and the parties being heard and no bias had been formed by any of the Members. Vice Chair Fugal recognized Frank Mills and Jeremy Reutzel as new Alternate Board of Adjustment Members. Board Member Mills would be voting at tonight’s meeting.

**MOTION:** Board Member Phillips moved that the Board of Adjustment APPROVE the agenda as written. Board Member Ellington seconded the motion. The Board Members unanimously voted “Aye”. The motion carried.

**ITEM 1 - Public Hearing** to consider the request of Tarl Taylor for two variances: 1) a variance from City Code Section 11-7, which requires illegally subdividing parcels to be rectified in connection with the creation of a new subdivision; and 2) a variance from Section 10-9A-3 that requires all lots in the R-R Zone to be 21,780 square feet on property located at approximately 800 West 4000 North in the R-R (Rural Residential) Zone. **STRING TOWN NEIGHBORHOOD.**

**Applicant: Tarl Taylor**

Community Development Director, Ken Young, presented the staff report and stated that the applicant is seeking two variances in order to build a home on the subject property. The City would not currently be able to issue a building permit for the lot because it does not meet the Code requirements. Mr. Young explained that the subject property was illegally subdivided from the parent parcel more than five years ago, which was prior to the current owners and the parent parcel being involved. With regard to the variance from the minimum lot size, Mr. Young explained that the property is one-half acre, but a portion of the property is within a street right-of-way that will

1 need to be dedicated to the City when the land is developed. With the dedication of that portion  
2 to the City, the lot will no longer meet the minimum lot size requirement of one-half acre.

3  
4 Mr. Young commented that the owner of the parent property is not opposed to the variances as  
5 long as any decision made tonight does not affect his property. If the variances are granted, the  
6 subject property will become a legally subdivided lot but the parent property will not. Mr. Young  
7 explained that staff will send notice of the illegal subdivision status to the owner of the parent  
8 property, but they will not be affected by that status unless they choose to sell or do any further  
9 development on the property.

10  
11 Board Member Mills commented that he walked the property and noticed a thin parcel of land to  
12 on the north end. He asked Mr. Young if that strip of land had been added onto the property after  
13 the illegal subdivision. Mr. Young answered that it was not. He believes that portion was included  
14 during the division so that the parcel met the minimum lot size of the zone. Mr. Young also  
15 confirmed that the illegal subdivision occurred while the property was in Pleasant Grove City  
16 rather than the County.

17  
18 Vice Chair Fugal asked if the applicant would need to dedicate the roadway during the meeting.  
19 Mr. Young explained that it would be included on the plat which would go before the Planning  
20 Commission. The plat would also include the street improvements and utility easements, if  
21 required for this lot. Mr. Young stated that the applicant could apply for a waiver of protest to  
22 avoid installing the street improvements but that would be heard by the Planning Commission.  
23 After some discussion regarding street improvements and a waiver of protest, Board Member  
24 Ellington reminded the Board that these items would be dealt with during another phase of the  
25 process. It is the duty of the Board of Adjustment to determine if the applicant is justified in  
26 seeking these variances.

27  
28 The applicant, Tarl Taylor, stated that he has lived in Pleasant Grove for 14 years and intends to  
29 build on the property because it is a larger lot than what he has now. Knowing that his lot lacked  
30 the proper square footage, Mr. Taylor asked each of his neighbors if he could purchase a small  
31 portion of their properties to meet the minimum lot size. None of his neighbors were willing to  
32 sell. Mr. Taylor also tried to de-annex the property into Cedar Hills because the nearby sewer line  
33 is owned by that city, but the request was denied. Mr. Taylor then touched on each of the five  
34 criteria the Board would use to determine whether to grant the request and stated that he met all  
35 five.

36  
37 Board Member Mills asked why the de-annexation request had been denied by the City Council.  
38 Mr. Young stated that there has been discussion about a potential sewer line along 4000 North.  
39 Many of the neighbors indicated have expressed that they would stay in Pleasant Grove if the City  
40 provided a sewer line in this area. When pressed further, Mr. Young stated that he could not  
41 disclose the full reason for the Council's denial of the application, but he did not feel this was  
42 pertinent to the discussion at hand.

43  
44 In response to a question from Board Member Ellington, Mr. Taylor confirmed that he approached  
45 each of his neighbors about obtaining extra square footage to meet the minimum lot size.

1 Vice Chair Fugal opened the public hearing.

2  
3 Mr. Young reported that he received an email from Mr. Erickson, the owner of the parent property.  
4 In the email he stated that he would not be opposed to the variances or development on the  
5 property, so long as their decision did not affect his property.  
6

7 There were no further public comments. Vice Chair Fugal closed the public hearing.  
8

9 Board Member Mills informed the Board that he spoke with Mr. Taylor's neighbors and found  
10 that they were not opposed to development on this property but were not willing to sell any of their  
11 property to Mr. Taylor or become involved with a subdivision. Board Member Mills also  
12 commented that if the variances were granted and a home built on the property, it may be the only  
13 home on the street that would be at the proper setback when the road is widened.  
14

15 Vice Chair Fugal asked for clarification on the language in Section 11-7, feeling that it was rather  
16 broad. Mr. Young explained that the variance would not be for the entire section and suggested  
17 that language be included in the motion to specify which portion of the section is in connection  
18 with the variance.  
19

20 The Board Members then addressed the following five criteria for approval of a variance, choosing  
21 to address the two requests together.  
22

- 23 1. Literal enforcement of a zoning ordinance would cause an unreasonable hardship for the  
24 applicant that is not necessary to carry out the general purposes of zoning ordinance.  
25
  - 26 a. The Board agreed that the applicant had done his due diligence in trying to increase  
27 the square footage of his lot and the owner of the parent parcel was not willing to  
28 be included on a subdivision plat to create a legal subdivision. They felt that the  
29 applicant was justified in both variance requests.  
30
- 31 2. There are special circumstances attached to the property that do not generally apply to other  
32 properties in the same district.  
33
  - 34 a. The Board Members agreed that these unique circumstances were not found with  
35 any other lots in the area.  
36
- 37 3. Granting the variance is essential to the enjoyment of a substantial property right possessed  
38 by other properties in the same district.  
39
  - 40 a. The Board Members agreed that granting the variances would allow the owner to  
41 develop his property like the neighboring property owners have developed theirs.  
42
- 43 4. The variance will not substantially affect the General Plan and will not be contrary to the  
44 public interest.  
45

1 a. The Board agreed that granting the variances would bring the parcel closer to  
2 meeting the General Plan.  
3

4 5. The spirit of the zoning ordinance is observed and substantial justice done.  
5

6 a. The Board Members agreed that the spirit of the ordinance would be observed with  
7 the granting of the variances.  
8

9 **MOTION:** Board Member Phillips moved that the Board of Adjustment APPROVE the  
10 applicant's request for a variance allowing property that was previously subdivided without  
11 Pleasant Grove City's approval to be added into a new subdivision without including all of the  
12 previously subdivided property on property located at approximately 800 West 4000 North in the  
13 R-R (Rural Residential) Zone. Pleasant Grove City Code Section 11-7: in relation to the  
14 requirement requiring illegally subdivided parcels to be rectified in connection with the creation  
15 of a new subdivision. Board Member Green seconded the motion. The Board Members  
16 unanimously voted "Aye". The motion carried.  
17

18 **MOTION:** Board Member Phillips moved that the Board of Adjustment APPROVE the  
19 applicant's request for a variance allowing the property to be reduced to under the R-R Zone  
20 minimum lot size by 3,570 square feet on property located at approximately 800 West 4000 North  
21 in the R-R (Rural Residential) Zone. Pleasant Grove City Code Section 10-9A-3. Board Member  
22 Green seconded the motion. The Board Members unanimously voted "Aye". The motion carried.  
23

24 **Review and approval of the Board of Adjustment Minutes from January 21, 2016.**  
25

26 **MOTION:** Board Member Green moved to approve the Board of Adjustment Minutes from  
27 January 21, 2016 as corrected. Board Member Ellington seconded the motion. The motion passed  
28 unanimously.  
29

30 The meeting adjourned at 8:17 p.m.  
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35 Milt Fugal  
36 Vice-Chair, Pleasant Grove City Board of Adjustment  
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38 \_\_\_\_\_  
39  
40 Barbara Johnson  
41 Secretary  
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43 Date Approved: \_\_\_\_\_