

MINUTES OF HIGHLAND CITY BOARD OF ADJUSTMENTS

Monday, August 8, 2005

PRESENT:

Larry G. Miller
Leon Nelson
Lee Kimball
Jeanne Hodges
Winifred Jensen, City Recorder

OTHERS PRESENT: Lynn Rindlesbacher, Richard Shane Belliston

Larry Miller called the meeting to order at 9:00 p.m. The meeting was called as a scheduled meeting, and notice of the time, place, and agenda had been posted at the Highland City Offices, and faxed to *New Utah* on August 4, 2005. Minutes of the meeting held July 18, 2005, were approved by motion from Jeanne Hodges. Motion was seconded by Leon Nelson, and it passed by unanimous vote.

1. Request for Variance for Frontage on a Proposed Lot in a New Subdivision Located at 6800 West 9450 North

Background: Lynn Rindlesbacher is requesting a variance for frontage on a proposed lot in a new subdivision to be located at 6800 West 9450 North. The lot would not be approved as proposed because it does not meet the minimum frontage of 110' as required in the R-1-20 zoning. The lot does have the proper frontage at the 30' setback as defined in the ordinance. Frontage for lots with cul-de-sacs is measured at the 30' setback.

Discussion: Lynn Rindlesbacher reported he had presented a written offer to Mr. Allphin, the property owner who owns property which Mr. Rindlesbacher wanted to purchase in order to make the proper frontage for his development at 6480 West 9450 North. He explained they weren't able to work out a satisfactory arrangement to purchase the property. He indicated since they came to a standstill on the price, he wanted to meet with the Board of Adjustment to see if the Board would grant a variance for the frontage of the property.

Lee Kimball inquired whether the parcel in question was part of the original plat. Lynn Rindlesbacher indicated it was part of the plat in 1999. He indicated the seller of the property informed him he had given 800' to the original developer on the corner of 6800 West and had thought the matter had been worked out in order to make a radius on the curve. Steve Allphin, the property owner for whom Mr. Rindlesbacher was desirous of purchasing a parcel of his property, indicated he was disappointed how the whole process was being portrayed. He indicated to the Planning Commission two weeks prior everyone was defending that Mr. Rindlesbacher's subdivision plan was in compliance with the R-1-20 zone, when it was not. He felt Mr. Rindlesbacher should present a plan which is in compliance and there should only be two lots on the plat, not three. He further indicated he only wanted to see two lots on the

northern border of Mr. Rindlesbacher's subdivision. He gave Mr. Rindlesbacher two offers for the purchase of the property wherein by developing three lots it would be quite a lot of money, but the development of two lots would be a reasonable amount. He further indicated the Planning Commission didn't know that there was 61' of road frontage which Mr. Rindlesbacher wanted to purchase from him.

Larry Miller indicated Mr. Rindlesbacher would need to purchase property from Mr. Allphin if he only develops two lots, instead of three.

Jeanne Hodges looked at the property issue and noted the following: (1) The Board cannot reverse decisions which were made five years ago and needs to deal with decisions as they exist today. She indicated it was apparent by at least two members of the Planning Commission that the optimum resolution was to only have two lots on the northern boundary. (2) Much of the documentation and arguments have been about negotiation on the price of the lot, or what they want for the property, and that isn't the issue. (3) There was nothing about the neighbors approval and she suspected the neighborhood would want two lots, rather than three, and she would like to see their opinion. She indicated the triangular piece of property belongs to Allphins and if they don't want to sell it, they should need to do so. She didn't recommend granting a variance.

Lee Kimball felt it was strange the Planning Commission would refer this matter to the Board of Adjustment. Further, it was his opinion this matter not be considered by the Board of Adjustment. Dave Blackwell agreed with Lee Kimball, and he felt the matter is a plat issue and he recommended the Planning Commission deal with it.

Motion: Lee Kimball moved to deny the request for a variance for the frontage on the proposed lot 3 of Aspen Hollow Subdivision and it would be based on the fact there is property that fronts the road between the proposed lot and roadway and it doesn't allow enough frontage for the lot to be in compliance. He also stipulated because the Board of Adjustment is denying the request, it is because it is improper for the Planning Commission to ask the Board of Adjustment to act on a plat for a lot which doesn't exist, and it is a proposed situation.

Lee Kimball advised Mr. Rindlesbacher to come to terms, or develop two lots.

2. Request for Variance for Front Setback from 30 Ft. to 25 Ft. on Lot 10, Highland Country Club Estates

Background: Richard Shane Belliston is requesting a 25' Front Setback for Lot 10, Highland Country Club Estates because the lot is too narrow with the current easements for a piped drainage ditch, the Lehi Irrigation Ditch, and existing trees on the lot. This matter has been previously discussed by the Board of Adjustment on September 25, 2004 and December 5, 1998 by previous property owners.

Discussion: Shane Belliston indicated he was requesting a 25' front setback based on the situation with the lot. He wanted to preserve the trees which lie on the back of the lot and noted there is a ditch with a 15' easement and an underground public utility drainage ditch easement which lies in front of the ditch a distance of 10'.

Shane Belliston indicated in looking at past minutes he noticed the previous two property owners who came to the Board of Adjustment sought a variance to build a larger home. He reported he had spent a lot of time with a draftsman and finally found a custom home that had 28' in depth to allow him an extra 5' which would help him keep the trees. Discussion ensued.

Motion: Dave Blackwell moved to grant the proposed 25' setback variance on Lot 10 of Highland Country Club Estates due to the uniqueness of the lot taking into consideration the two easements and the effort on the proposed homeowner to find a home that would fit on this lot. Motion was seconded by Leon Nelson, and it passed by the following voting in favor: Dave Blackwell, Lee Kimball, Leon Nelson, and Larry Miller. Jeanne Hodges voted against the motion.

Motion: Jeanne Hodges amended the previous motion to state if they add a third car garage that it be offset to a 30' setback. Motion was seconded by Lee Kimball, and it passed by unanimous vote.

3. Nomination of Chairman of Board of Adjustment and Recognition of Larry G. Miller's Service on the Board of Adjustment

Larry Miller reported he had moved from Highland City and this would require his replacement on the Board of Adjustment and his service as Chairman. He called for a motion for a new chairman.

Motion: Leon Nelson moved to nominate Lee Kimball to serve as chairman. Motion was seconded by Dave Blackwell, and it passed by unanimous vote.

4. Adjournment

Meeting adjourned at 10:35 p.m.