

0617

Minutes of a hearing held by the Board of Adjustments of Santaquin City, on June 21, 1980 at 6:00 A.M., 68 East Main Street, Santaquin, Utah.

Present were Fred Openshaw, Albert Oldham, Allen Gurney, Micheal Christensen, Lynn Crook, Alan Wilde and Ramona Rosenlund as secretary.

Dr. Openshaw opened the meeting and asked Mr. Wilde to present his appeal. Mr. Wilde stated he had on September 10, 1978 purchased the property in question from Larry Rees. Before buying, he checked with the city and was told the lot purchased was alright in size by Idonna Crook. On September 19, 1979, his brother met with the Planning and Zoning Commission with a request to build a duplex on the lot and this was allowed subject to the approval of the City Council. The lot was then sold to Grand Lumber Co. and they were advised they could go ahead, but now they need a building permit and the city manager, Mr. Smith told them they could not have one unless permission was given by the Board of Adjustments.

A map was available showing the lot and those around it and it was pointed out that prior to the sale to Wilde's the frontage was only 145' so when the lot was sold it left only 65' frontage on the remaining lot on which is Mr. Owen Van Ausdal's house. However, physically, the lane can't be seen and Randy Butler's house is built over the old land where it went through his property.

Dr. Openshaw quoted Ordinance #152 & #147, page 24 Section 29, Item 2, "--no yard or other open space provided about any building for the purpose of complying with the provisions of these regulations shall be used as a yard or open space for another building." Also Item 3, "Any person convicted of violating or refusing to comply with any of the provisions of this ordinance shall be punished by a fine in any sum not exceeding \$299.00 or by imprisonment. He also pointed out the ordinance was passed November 15, 1977.

It was pointed out that a lane between the lot in question and which belonged to Arnold Manfred had been previously cut off from the lot and this left it smaller than a normal size Santaquin lot before the part was sold to Wildes. Mr. Crook asked Mr. Wilde how many feet were between his property line and Mr. VanAusdal's house and he replied about 15 or 20'.

Page 23, Section 27, of the ordinance was discussed. This section deals with Non-conforming uses. It was agreed by the Board that this lot should never have been allowed to be sold, but it had been done and the lot itself is conforming and if the Board were to deny a building permit, the only recourse Mr. Wilde would have would be the courts. and it was felt perhaps the intent of the law would be destroyed if it were granted but after reading Page 4, Section 14 Item 1, it was thought this would not be so. There was some discussion of this Section and it was agreed an error had been made in denying a building permit since the lot in question was a conforming one.

~~Mr. Christensen~~ Mr. Crook proposed a motion be made that if another lot was sold off, the lot containing Mr. VanAusdal's house must contain 9,600 square feet. After a discussion of this a motion was made by Mr. Christensen that the Board had heard Mr. Wildes appeal and deemed his lot conforming and that he be granted a building permit but that the lot where the existing home of Owen VanAusdal is non-conforming and that the owners must be given notice that no more lots can be sold from this property unless the lot that Owen VanAusdal's house is on contains 9,600 square feet. Also, ~~in the opinion of the Board~~ Mr. Larry Rees should be notified by that in the opinion of the Board he committed a misdemeanor by selling off the lot to Mr. Wilde and leaving a non-conforming lot. Also that a copy of the decision of the Board should be given to Mr. VanAusdal, Mr. Rees, members of the City Council and the Mayor, and the Mayor be encouraged to file a complaint against Mr. Rees.

Motion was seconded by Lynn Crook. When voted on they response was:

Aye: Lynn Crook, Mike Christensen

Nay: Albert Oldham
Allen Gurney

Mr. Openshaw broke the tie by voting Aye.

Meeting adjourned at 7:05 A. M.