

Minutes of a Board of Adjustment hearing held March 17, 1981, at 6:00 A. M., at 68 East Main Street, Santaquin, Utah.

Present were Fred Openshaw, Fred Tasker, and Michael Christensen of the Board, also Terry Hallett, Susan Hallett, Elmo Hallett, Robert Christensen, Vernon Prince, Rosely Prince, Clarence Carter, Margaret Carter, Melva Hansen, Kenneth Hansen, David Smith, Kate Underwood, Larry Rees and Ramona Rosenlund, secretary.

Meeting was called to order by Chairman Openshaw. He stated that the secretary had been instructed to notify all the neighborhood people in the vicinity of the requested variance, so they could all discuss it with the members of the Board. He then read the application for hearing requested by Mr. Terry Hallett (copy is attached).

Mr. Openshaw asked Mr. Hallett to explain what it was he wished to do. Mr. Hallett attached a drawing to the wall showing how he proposed to lay out the stockpiles of sand and gravel, etc. and where the mixing machinery would be placed. He explained he did not live on the property as the zoning ordinance calls for. He stated each pile would contain about 25 tons of sand or gravel, that they would be placed between 16 and 20 feet from the front property line. He said the mixer would mix 1 yard of concrete at a time and so is much smaller than a regular batch plant. He stated the sand and gravel would be dustfree as it is washed and is damp when delivered although there might be some dust from the cement and sand as it dries out. He showed pictures of the plant and explained the cement mixture is augered and not "fluff" cement and so is not as dusty. He explained the state requirements on dust and how it is measured and felt he would be within the limits with this plant. He also said there would be little noise as tests had been done on the mixer and the noise levels compared to a lawn mower, a welding motor or an office typewriter. He went on to describe the number of decibels at various distances.

Fred Openshaw asked how the materials would be moved within the lot and Mr. Hallett replied with a tractor/front end loader or a backhoe and that only two pieces of equipment would be moving at once. Also, there would be delivery trucks bringing in the supplies and that if he produced one load per day it would equal 1 semi load delivered every two weeks and one load of cement every three months. It would take 45 to 60 minutes to unload a truck and there would be no dust except at the silo. They have bag houses which hold down the dust when unloading.

Mrs. Melva Hansen stated that the plant would be right in their big front room window and they would get all the dust and noise and that even if the mixer was not too noisy, trucks are and they would be unloading only a few feet from their house. She felt as they are zoned residential, the plant should not be allowed.

Mr. Hallett replied they would get as far away from Hansens property as possible, and it only takes four minutes to mix a batch. Mr. Openshaw asked the size of the lot that would be used and Mr. Hallett replied it was 87 feet frontage and 135 feet depth.

Mr. David Smith asked about the height of the tallest point of the machinery to be used and Mr. Hallett replied the tallest would be 23 feet, the mixer plant would be 12 feet and the silo as tall as his fathers house.

Mr. Hansen said that the prevailing winds are from Halletts to their place and when Elmo Hallett runs his tractor the fumes are bad. They are taxpayers and feel they have a right to object as they don't feel it is right to have this plant next to their home. They feel if it goes in and is successful, it will get bigger and be worse. Mr. Hallett replied it was also right next to his parents home which will block some of the wind they do not object. Mr. Hansen said he felt it would depreciate property in the area. Mr. Hallett said he felt it would increase property values.

Mr. Larry Rees asked what type of motor would be used and was told it would be electric, the largest one would be 10 horse power and would not interfere with TV reception or any other electrical use.

Mrs. Kate Underwood said there are lots of children in this neighborhood who would be wanting to play in the piles of sand and this could be dangerous. Mr. Hansen said they would need to fence it and Mr. Hallett said he did not think a fence would keep children out and they would have to watch closely and not let them play there. Mr. Rees then said his wife has allergies which are very bad when the wind blows and he feels this may increase the problem. He also asked if the city had an industrial area yet and was told no, not yet.

Mrs. Underwood then asked if there was not a law against this type of business in a residential and Mr. Openshaw explained yes there was and that was the reason Mr. Hallett had come to the hearing - to ask for a variance to be granted or an exception to be made so he could have this business, and that it would not change the zoning law, just make an exception if it was granted.

Mr. Michael Christensen said there were several things that were in direct violation to the ordinance such as storing of material in the yard, not living in the house on the property, will have more than one commercial delivery truck and the business is not housed on the property. Mr. Hallett replied there was no way to enclose a batch plant in a building and that is why he needs a variance and he felt other people in town were stock piling in the open. He said his father always stock piled coal for a long time. It was pointed out to Mr. Hallett this was prior to the ordinance and so did not apply.

Fred Tasker mentioned that the ordinance required a set back of 30 feet and they were planning on 16 to 20 feet. Mr. Hallett said he would move back further if necessary.

Mr. Rees said he felt the city would grow and more industry would come in and if this one was allowed in a residential area it might be setting a precedent and maybe problems in the future. Mr. Hansen suggested that Blaine Jones (whose property is outside the city limits on the old highway) was for sell and maybe they could make a deal with him as he had a plant there at one time and it would be a good place for one where a plant should be.

Mr. Openshaw thanked everyone for coming and giving their views. He said that the requested plant appeared to be very small but felt there were too many variances being asked for rather just one as is normally what they are asked to rule on, and he gave some instances of variances

which had been granted in the past such as allowing a slightly larger building than the ordinance allows or allowing a beauty operator have someone other than her family work for her while she was pregnant and could not handle all her customers, but this encompasses so many changes from the zoning ordinance that he doesn't feel they could allow them.

Mr. Tasker pointed out this was industrial rather than commercial and so probably would not go in the commercial area along main street, etc.

Mr. Hallett was asked the capacity of the proposed plant and he replied one yard every four minutes. When asked if he had yet purchased the plant he replied he had not yet.

Mrs. Rosley Prince said the property involved goes back far enough in the block that it involves everyone around including them even though they are clear around the corner of the block.

Mr. Openshaw told Mr. Hallett that even if the variance were granted this would not preclude any litigation and any neighbor could bring suit if they so desired; that this was the reason for the zoning ordinance being set up to help neighbors so other neighbors could not take advantage of them.

Mr. Hallett said he did not want to offend any neighbors that the stock piles would be covered with tarp or canvas, but he did not think he could get anything at this meeting. He would leave the pamphlet with the board and let them go over it.

Mr. Mike Christensen made a motion that in as much as this request is in opposition to many items of the zoning ordinance, the board should deny the request for a variance as it does not comply with the intent.

Fred Tasker seconded the motion. He said he felt it should be denied because of the feelings of the neighbors. Motion passed unanimously.

Fred Openshaw told the Halletts the major reason for denying the variances was the objections of the neighbors. He felt it was something needed but in another location. Mr. Hallett replied he felt there were closed minds in the meeting.

Meeting adjourned at 7:40 A. M.