

Minutes of the continuation of a Board of Adjustment hearing on the Kenneth Craig/John Andrews request for a variance, May 29, 1981, at 7:00 A. M. at Santaquin City Hall. Original hearing was started May 27, 1981, and continued until a legal opinion could be obtained concerning Section 27 of Zoning Ordinance #152.

Present were Allen Gurney, Jack Hudson, Fred Tasker and Galen Kidd with Ramona Rosenlund as secretary.

Mr. Gurney called the meeting to order and there was a discussion as to who would serve as chairman of the board and it was decided to wait until Mr. Christensen was also present to choose someone.

There was a short discussion explaining the required depth, area, frontage, etc. called for in the ordinance for building lots.

Mr. Gurney reported he had spoken with Mr. Richard Johnson, the city attorney. Mr. Johnson said legally, according to the ordinance, section 27, this lot should have been built upon within one year of the passage of the ordinance or it would be a non-conforming lot. However, the Board of Adjustment can decide whether to enforce this or to grant a variance and are safe in whatever they do.

Mr. Gurney mentioned a somewhat similar situation about two years ago when they denied a variance. Mr. Kidd said he felt if a variance was not granted it would just sit as a vacant lot. It was suggested it might be a garden, etc. Mr. Tasker said he felt perhaps it could be considered a hardship as a city official had apparently misinformed Mr. Andrews as to the conditions of the ordinance. Also, the lot is quite small and the drain field from the old existing home may go into the new lot and the board may also be setting a precedent for future cases if it is approved.

Mr. Gurney said he had spoken with each neighbor and one did not care either way, one would rather see a house than a vacant lot and one felt the ordinance should be followed. He said none of those he spoke with knew about the ordinance stating a home had to be built within a year after the passage of the ordinance in order to qualify as a conforming lot. He noted the property is not landlocked. Also, he feels Mr. Andrews acted in good faith when the property was divided in two separate deeds. Mr. Gurney said he feels the ordinance is rather vague and he would be against granting the variance if he thought they were setting a precedent. Also, the present home will have almost no backyard if the variance is granted.

Mr. Kidd said he had to leave for work and so would make a motion that since Mr. Andrews had the property divided prior to the ordinance and since the land will lie vacant until such time, if ever, the ordinance is changed, that the variance be granted.

Mr. Hudson said he realizes the lot is very short in area even though it does have the necessary frontage and sideyards and he doesn't want to set a precedent.

Mr. Kidd left the meeting at 7:28 A.M.

There was a discussion as to how it could be determined if there were any other lots in town which had been divided by deed prior to the passage of the ordinance and so have other existing situations like the one under discussion. It was thought the only way would be to go to the county recorder and check the records.

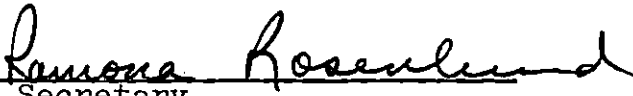
Mr. Tasker seconded Mr. Kidds motion to approve the variance because of the ambiguity of the zoning with regard to building within one year of the passage of the ordinance, since the lot meets the frontage, side and rear yard regulations. He mentioned that the present headhouse will not allow for many more water hookups and there has already been approved a 25 home subdivision and if small lots are allowed now, bigger ones might have to be turned down in the future. He recommended the variance be approved with the stipulation that if the drain field from the existing Andrews home does run into the other lot, and must be changed, it will be the responsibility of the new lot owner to take care of doing the new drains for the old home, even though it was reported by Mr. Andrews that the drains will not be conflicting.

Voting was as follows:	<u>For Approval</u>	<u>Against Approval</u>
Galen Kidd	aye	
Jack Hudson	aye	
Fred Tasker	aye	
Allen Gurney	aye	
Michael Christensen	absent	

Voting was unanimously in favor of granting the variance with the exception noted above and with the stipulation that a new home must be built on the property in question within one year from the date of this meeting, or it will become a non-conforming lot.

Mr. Gurney and Mr. Hudson stayed and checked over each page of the city's plat book and could not detect any other lots with a situation existing like the one heard for Mr. Andrews.

Adjourned at 8:10 A.M.


Secretary