

Minutes of the Board of Adjustments meeting held March 22, 2018, held in the Weber County Commission Chambers, 2380 Washington Blvd. Floor 1, Ogden UT

Members Present: Rex Mumford- Acting Chair
Phil Hancock
Neal Barker
Nathan Buttars

Members Excused: Douglas Dickson
Kevyn Grimes
Bryce Froerer

Staff Present: Charles Ewert, Assistant Planning Director; Felix Lleverino, Planner II; Courtlan Erikson, Legal Counsel, Marta Borchert, Secretary

- Pledge of Allegiance
- Roll Call

1. Minutes Approval of meeting minutes June 8, 2017, and July 13, 2017 minutes.

Mr. Buttars points out that in the July minutes some of the Board members were referred to as Commissioners. Mr. Erikson points out that on the July minutes under action 1, the third line down it says slop and should be written slope. Mr. Hancock motions to approve minutes as amended. Motion seconded by Mr. Buttars. Motion passes (4-0)

2. BOA 2018-01 Consideration and action on a request for a 20'4" variance to the front yard setback and a 2' variance to the side yard setback within the A-1 Zone, located at 307 S 4350 W in Ogden, (Phil Hancock, Applicant)

Mr. Hancock recuses himself for the purpose of the presentation as he is the applicant. Chair Mumford turns the time over to Mr. Lleverino to explain the application. Mr. Lleverino gives an overview of the application. He states that staff recommends approval of the 20'4" variance to the front yard setback and a 2' variance to the side yard setback in the A-1 Zone. This recommendation is based on compliance with the applicable variance criteria discussed in this staff report and conditioned upon meeting all other applicable review agency requirements.

Chair Mumford asks regarding location map 1 that street that end is a closed street. He asks if the building would not interfere with any traffic. Mr. Lleverino states that it would not.

Mr. Barker asks for more information regarding the timeline. He states that it sounds like this application was approved on August 28 or recorded on August 28. When was the applicant notified that this might be a problem and that he would need a variance? Mr. Lleverino states that when Mr. Hancock came in to check and see there were any additional approvals or permit, it was then when he realized. He states that the engineering drawing where the pump house is how wasn't part of the planning review. He believes that had this been part of the review it might have been caught.

Chair Mumford asks if the detention basin was already in place when the problem arose. Mr. Lleverino states that was.

Mr. Buttars asks if there is any other place the pump house could be built. Mr. Lleverino states that he did a site visit. The location of the street and the sidewalk and the canal is to the north it looks like there is no space to move it around.

Mr. Buttars states that he just wants to be clear on the issues. He asks if the problems that they are running into is the canal on the north and the detention basin, and the shape of the parcel. He states that the shape limits the options. Mr. Lleverino states that this is correct.

Mr. Buttars asks are there any easements that would interfere with the canal. Mr. Lleverino states that usually, the dedication Plat is a good indication of where those easements have been placed. On page 13 each lot had easements, but on parcel A there are no public utility easements, the easement would probably lie on the outside of the subdivision boundary along the canal path.

Phil Hancock 5120 S 375 E points out that he didn't get involved in this project until after they received preliminary approval. He states that at the time he went to build the pump house the inspector felt he had to have a land use permit, that this is when this whole thing came to light. It was Oct 2017, last fall. The one thing to keep in mind is the large parcel to the east of this opens space, this can't be moved to that space. This parcel was designed for a detention basin and a holding basin to allow recycled water of stormwater runoff and irrigation water in provide a pressurized secondary water system. This building is likely going to be a temporary building even though it's going to be built as a permeant structure to protect the pump. He states that pressurized secondary water is a high priority for Hooper Irrigation who have been in negotiations with other developers in the area to extend their already operating pressurized system in west Taylor area. He states that the setback in a cluster subdivision is 20 or 25 ft. not 30ft. from the houses, because this is a utility building it falls under a 30ft setback there are no other feasible options to put it anywhere else even if the utilities could be moved.

Chair Mumford asks how are they going to access the building if there is no curb cut. Mr. Hancock states that there is no reason to have curb cut to the building. There is a gate and a fence it is just south of the fire hydrant. The building has pumps and they are below ground, it is there to protect the pumps from weather and there are also the electrical elements. He states they could eliminate the building possibly; manufacturers guarantee the controls for the pumps from the weather without a special steel container so the choice is to have a nice looking building or box. He states this was the option that best suited.

Mr. Buttars asks if the canal is still being used. Mr. Hancock states that it is a drainage ditch and it comes from the west and drains east and it is about 5ft deep. It's on the north side of the property line. Mr. Buttars ask if anyone is needing to get to the ditch. Mr. Hancock states that is all accessible from the farm ground to the north and he states that he believes it's a right of use easement it been there for a long time.

Chair Mumford asks if there is any issue with the hydrant being so close to the building. Mr. Hancock states that there is no issue with that it is where the fire department requires it.

Chair Mumford asks what is the square footage of the building. Mr. Hancock states that it is about 96 sq. ft. He states that it is below the building requirement for a building permit. He states that what triggered the building permit was the electrical there has to be a panel, and that's what triggered the land use permit.

Chair Mumford asks how close is the fence to the building. Is it on the property line? Would the boundary be 10ft from the fence in front of the fire hydrant? He asks if it is going to be 10 ft. back in front of the fire hydrant? Is it going to be a man door on the front? Who is going to own the building? He asks if Mr. Hancock thought about doing a vault. Mr. Hancock states that this is correct. He points out that the hydrant is on the outside of the fence it's in the public right of way. He affirms that it will be a man door. He states that the electrical has to be above ground to protect from the weather. The HOA will own the building. The Hooper irrigation will provide the water. The water will flow from the street or the rain into the pond and the pump pressurizes it. Then Hooper irrigation comes in with secondary water. He states that it comes in from gravity flow. Chair Mumford asks if at some point the pipe will go pressure and asks if he would then just tie into the pump location. Mr. Hancock states that at that point the pump can go away. He states that detention basin can be reduced in size because instead of being used as storage for irrigation it will only be used for detention. Chair Mumford asks if he is proposing to remove the pump house when it is no longer needed. Mr. Hancock states that it would be up to the County and the HOA. He states that at this point it not up to him.

Mr. Mumford asks if the County has taken a position on the removal of the building. Is the variance a limited time variance until the system goes pressurized or is it forever?

Mr. Lleverino states that for today's purposes he will say forever. Mr. Ewert points out that it can be made a condition of approval if it's a concern. If its desirable for it to be removed it can be made a condition of approval. Chair Mumford states that it is an extreme variance. Mr. Ewert points out that even though it is a cul de sac and a turn around the street does stub in. The property owner across the canal can develop there at

some point.

Chair Mumford asks if there are any further questions from the board. There are none.

Chair Mumford asks if there is any questions or comments from legal. Mr. Erikson states that he just wants to make sure that in considering what to do here the Board reviews the criteria that is listed in the staff report for when a variance is to be considered and he encourages them to make findings to support whatever decision is made one way or the other. He wants them to makes sure that it would allow a reviewing court to make a proper judgment. He states that tying the findings to the criteria list in the ordinance will provide the best chance for any decision to be upheld if challenged.

Chair Mumford asks if notices went out. Mr. Ewert states that they went out a week ago. Chair Mumford asks who it would have effected. Mr. Ewert states that it would be everyone within 500 ft. It would be the property to the north and to the west. Chair Mumford asks if the County has received any comment at all? Mr. Lleverino states that they haven't.

Mr. Buttars makes a motion to approve BOA 2018-01 Consideration and action on a request for a 20'4" variance to the front yard setback and a 2' variance to the side yard setback within the A-1 Zone, located at 307 S 4350 W in Ogden based on staff analysis and findings and recommendations specifically the special circumstances that apply in this situation are the shape of the parcel, the detention basin, and the canal to the north. Mr. Barker Seconds. Motion carries (3-0)

Mr. Hancock rejoins the board.

3. Rules of Order: Approval of Rules of Order

Chair Mumford asks if everyone has had a chance to look the Rules of Order over. Mr. Erikson states that they are the same that have been in place, but they have a chance to make any changes or to approve them as is. Chair Mumford states there is a requirement for 70 percent attendance, he points out that where the Board doesn't meet very frequently, in theory, somebody can miss one meeting and fall below the 70 percent requirement. Mr. Erikson states the rules say that in the event any member shall fail to attend that number of meeting during the one year the member may be removed from office by an affirmative vote. He states that it is not required. He points out that it is pretty harsh, and it can be done by the County Commission. He states that if the Board wants to change it, it can be looked at.

Mr. Buttars asks what it was based on. Mr. Ewert states it is based on trying to compel the Board. He states that it is in there to help protect the County from gross negligence, from members not showing up. He points out that if it were a recurring issue where people weren't showing up and we weren't able to get a quorum, then the County Commission would get involved. Chair Mumford asks if there is no baring if a member misses 1 of the 6 meetings unless he is removed it's not going to put in question his vote or participation. Mr. Erikson state that it wouldn't

Mr. Buttars moves to approve the Board of Adjustments Rules of Procedure and Ethical Conduct as it is written. Mr. Hancock seconds. Motion carries (4-0)

4. Election: Election of Chair and Vice Chair for 2018

Chair Mumford states that Mr. Froerer is willing to serve another year, just so the Board is aware. Mr. Buttars nominates Bryce Froerer to continue as Chair for the year 2018. Mr. Hancock seconds. Motion carries (4-0) Mr. Hancock moves to nominate Rex Mumford for Vice Chair for 2018. Mr. Buttars seconds. Motion carries (4-0)

Chair Mumford asks if there are any additional comments

Mr. Ewert asks if any of the Board members are from Western Weber. He states that on March 28th, 2018 there will be a Visioning Project in the West Weber Elementary school. The purpose of this project is to initiate a new general plan.

Chair Mumford ask if anyone is aware when the terms expire for the Board Members. He states that they need to make sure that it gets on the County Commission for reappointments. Mr. Ewert states he can get the terms and details and who is alternate and when the terms expire the Board members through email. Chair Mumford states that he would like to know when the terms expire because it is really only applicable when they are voting for Chair and Vice Chair.

Chair Mumford asks if there are any other points of discussion. There are none.

Adjournment- Meeting adjourned 5:19 pm

Respectfully submitted

Marta Borchert