

**Cedar City Board of Adjustments**  
**Minutes**  
**January 8, 2024**

The Cedar City Board of Adjustments held a meeting on Monday, January 8, 2024, at 5:15 p.m. in the City Council Chambers, 10 North Main Street, Cedar City, Utah.

**PRESENT:** Chris Bearnson; Brittany Fisher; Dorian Page; Mark Mumford; John Webster; Asst City Attorney Joseph Farnsworth; Chief Building Official Drew Jackson; Executive Assistant Natasha Nava.

**EXCUSED:** John Ashby; Chad Carter; Carter Wilkey.

**OTHERS PRESENT:** Dacie Derbidge; Colton Derbidge; Dan McKittrick; Caryn Karkos; Hilary Davis; Brant Parker; Dave Clarke; Jonathan Stathis; Britt Denham; Steven Barnes.

1. **CALL TO ORDER:** Joseph welcomed everyone and advised that a pro tem chair will need to be appointed for this meeting. The chair has equal voting and is not a tie vote. Dorian motions for Mark to chair pro tem; Chris seconds; all in favor for unanimous decision. Mark led everyone in the Pledge of Allegiance. I would like to welcome our new member, Brittany Fisher. Brittany I just want to make a difference in our community. Mark Please welcome John Webster to the board as our Planning Commission seat. Joseph John has not been appointed through City Council yet, so he is here to give comment, he is not able to vote.
2. **APPROVAL OF MINUTES:** Dorian motions to approve the minutes for the December 4, 2023, meeting; Chris seconds; all in favor for unanimous decision.
3. **APPROVAL OF FINDINGS OF FACT:** Dorian motions to approve the findings of fact for the December 4, 2023, meeting; Chris seconds; all in favor for unanimous decision.
4. **Request for Home Occupation Daycare business on property located at 2157 N Wagon Trail Drive/ Little Leapers/ Dacie Derbidge:** Dacie Derbidge this is my son Colton Derbidge, and he will be helping me. I'm moving here from Beaver; I've had in-home childcare and a childcare center for over 18 years. I'm passionate about early childhood education. And providing children in my care high quality care. My childcare is currently certified high quality since 2019, I was the only one in all 5 Counties that qualified for that program. I receive grant funding for low-income and high-risk youth, providing them with the same access to early education that they otherwise would not be able to afford. High quality childcare is essential for our economy. Right now, childcare is in demand and hard to find. We are moving to Cedar to attend SUU. The homeowners reached out to me and sought me out to rent from them. Their grandchildren will hopefully be attending my program. Traffic is a concern, I have 6 off street parking spots for myself, my adult children, and the daycare. There will be 2 employees during business hours of the daycare. I can offer scholarships for my employees to go to school that would be 80% paid for from a grant. I would pay for 10% of their college, and they would be responsible for 10%. Parking and traffic are always a concern, I'm not sure what my final hours will be, my hours in Beaver are 6am to 6pm. Typically drop-offs and pick-ups are staggered because of parents differing work schedules. State licensing allows me to have 16 kids. Most of my parents have more than 1 child so it wouldn't be 16 cars all coming at the same time. My policy states that parents must park in the driveway, or in the street parking in front of my home, so as not to be a burden to the neighborhood. I'll encourage keeping the peace with the neighbors. We are a few blocks from Fiddlers. I'm very active in the community in Beaver, I've served on many boards. I'm excited to move to Cedar and be active in the community. Dorian how large is the home? Dacie it's a full-size home, 1,800 on the main level and 1,800 in the basement. The daycare will be primarily in the basement.
  1. The home occupation is conducted entirely within a dwelling and is carried on by members of the family residing in the dwelling. Employees other than family members residing in the dwelling are permitted as long as the following conditions are complied with: Dacie it will be myself, my son and maybe another employee.
  2. The home occupation does not involve the use of any accessory buildings or yard space for storage or activities outside of the dwelling not normally associated with residential use, except for Nursery Schools, in which case it is presumed that rear yard space is utilized, and the rear yard space must be completely fenced with at least a six-foot (6') high fence. Dacie yes, I do have a block wall, there is a section that is only 5 feet. I am working on extending the wall to meet the requirement. I'm also installing gates. As soon as the ground is thawed enough, I will make those improvements. Mark the approval will be contingent upon those improvements. Dacie understood, I didn't want to pay \$4,000 before knowing if I would receive the approval from this board.
  3. No commercial vehicles are used except one delivery truck which does not exceed one (1) ton capacity. Dacie no commercial vehicles will be used.
  4. The home occupation does not include a drive-through. Dacie no.
  5. The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the building from that of a dwelling. Dacie correct.

6. Do you intend to have a sign? **Dacie** I've never had one before. I don't image. **Natasha** if you decide to have a sign please reach out to Drew.
7. Not more than the equivalent of twenty-five percent (25%) of the ground floor area of the dwelling is devoted to the home occupation. Nursery schools and daycare centers may use up to twenty-five percent (25%) of the ground floor area and one other floor of the home. Nursery schools and day care centers need not designate a particular twenty-five percent (25%) of the two-floor area; however, the actual 25% of the two-floor area shall be utilized to calculate the maximum number of children allowed in the dwelling pursuant to Section 26-IX(E)(11)(b). Ground floor area is defined as the square footage computed in the outside measurements of the dwelling portion of the home on the ground floor level. Basement or basement level floor space shall not be used in computing ground floor area. **Drew** the inspector came up with 1,698 total square-feet, with an allowable of 424.5 square-feet. **Dacie** the home square footage is about 1,800. **Drew** the 424 gives you a max of 12 students. **Brittany** the assessed square footage from the County website is 1,865, divided by 25% is 466.25 that would get you to 13 children. No more than 16 children can be in the home at any one time.
8. The home occupation shall apply for, receive, and maintain a Cedar City business license. **Dacie** correct.
9. The activities in connection with the home occupation are not contrary to the objectives and characteristics of the zone in which the home occupation is located. **Dacie** correct.
10. Off-street parking will be provided. **Brittany** she has 6 spaces. **Drew** 16 children or less at any given time, for each employee you need an additional spot. **Dacie** I have 2 spaces in the garage, 2 spaces in the driveway, and 2 on the side of the house. I would use 2 spaces for the home, 2 spaces for parents, and 1 space per employee.
11. In addition to the above requirements, home occupations for Nursery Schools may be granted by the Board of Adjustments provided that the proposed Nursery School has: a. A maximum of sixteen children at any one time, including the occupant's own children; b. That the portion of the dwelling used for the Nursery School contains floor space of at least thirty-five (35) square foot per child and alternate door exits. **Mark** how is she on door exits? **Drew** she is good with the exits. **Dacie** 2 on the main level and 1 in the basement.
12. The Building Inspector shall have conducted an on-site inspection and shall make a report of his findings to the Board of Adjustments. **Drew** yes.
13. Notice by the applicant shall be given to all property owners of record within a 300-foot radius from the boundary of the proposed home occupation. Said notice shall be sent certified mail or hand-delivered to the property owners in accordance with the most current Iron County Assessment Roll no later than five (5) days before the board of adjustments meeting. Proof of the certified mail and/or a certificate documenting hand delivery to property owners as required herein shall be delivered to the City Building Official prior to the board of adjustments meeting. **Natasha** notifications have been done and verified. **Drew** I did receive a call today from one of the neighbors, and there was a concern that some of the neighbors had not received the notice. **Dacie** I did send notification to all the neighbors, some were even notified in person and via certified mail. I'm not sure if the concerned neighbors were within the 300 feet radius. I did meet the immediate next-door neighbors and introduced myself.

**Dan McKittrick** I live in this neighborhood, I reached out to several neighbors, 10 neighbors did not get the letter. To say that that was verified is not correct. It could be in the mail. I received my letter on Friday evening. Of the neighbors that I spoke with, all but 2 wanted to deny this from happening. The primary issue is traffic, to have a business of this size in a residential area is not ok. Many of my neighbors moved away from busy neighborhoods. Until all the neighbors have received their letters, and can respond accordingly, I think this needs to be denied. **Natasha** Joe, if the homeowner was not home when the certified letter was delivered, a door tag is left advising the recipient of how to retrieve that letter. **Dacie** I do not want to cause problems with my neighbors. I've been a licensed childcare provider for 18 years. If you look up my standards on my website. I haven't been written up by the state in many years. A Lego on the floor is a write up, I haven't had anything. If I'm not able to run the daycare out of the home, we can't move here. **Natasha** if you provide me the addresses in question, I will look into it.

**Caryn Karkos** I live at the corner of Cobblecreek and Sawmill, the traffic to and from the business will pass by me, we got our notification on Friday at 5pm. I was able to pick up the letter at 5:25pm Friday. I'm not sure if you count business days. We moved into this neighborhood 7 years ago because we wanted to live in a residential area not a business district. We still want it to be strictly residential. My question is how many vehicles will be driving past my home 4 times a day? I'm concerned about the noise; I worry about what this will do to my property value. If I knew this was in the area when I was purchasing my home,

I would have looked elsewhere. We have a childcare facility more than 300 feet from my property. Had I known that was happening I would have advised against it as well. When will it stop? I don't want business happening in my neighborhood. I'm against this. Some are ok with it, many are not. The ones that did not receive the letter didn't get a chance to voice their opinion. Getting a letter on Friday night doesn't give us a chance to write a letter or come in. Regarding the 5 days, it seems very shady to give such short time. **Mark** the board must follow the rules of the ordinance as it pertains to us. The concerns brought before us today relate to the text of the ordinance, the City Council determines that. I would encourage anyone with concerns to bring it up with the City Council.

**Hilary Davis** I'm in complete agreement with the previous comments, I received the letter and did not have enough time to write a letter. We've lived here since 2016, we moved into this neighborhood because it was a very quiet street. There are a lot of kids that walk to and from school, the increased vehicles would be a concern. Please take our concerns into consideration.

**Mark** regarding the late receipt of the notification letters, what are our options? **Joseph** (Exhibit 1 code) you could deny the application if you do not find enough evidence, or you can table it for next month and give her time to remedy that. If the board finds that all other requirements have been complied with, it would give the applicant time to resolve the fencing issues. **Mark** what do the members think? **Chris** I think she has done her due diligence. Whether they receive the letter or not, she complied. **Mark** I would like to know that the notifications were done. It looks like all the other requirements have been met. **Joseph** without the letters having been received 5 days prior to the meeting. **Dacie** majority of the letters were sent end of December. **Natasha** my understanding from Randall, is that the notice must be sent no later than 5 days prior to the meeting. Sent, not received. **Joseph** that is correct, notice must be sent no later than 5 days prior to the meeting. **Dorian** you have the records of the notices that were sent, can you cross reference them to the 10 neighbors that Mr. McKittrick said did not receive notice? **Dacie** Mr. McKittrick is on the boarder of my notification grid, his neighbors might be outside the 300-feet. **Mark** it sounds like she meets the requirement per the ordinance. **Natasha** I believe we have approved in the past even though a neighbor claimed that he hadn't received notification. **Dorian** that is different than 10. **Joseph** said notice shall be sent. **Natasha** I would be happy to provide tracking details, but if you were not home, and did not go to the Post Office, the notice was still sent. **Joseph** with the holidays, I could understand mail being delayed. As long as there is compliance with the ordinance, which it sounds like there was. And with Natasha confirming that all the notices were sent out by the deadline. It is ultimately your decision. Looking at the facts, that requirement has been met.

**Dorian** you said that you want to be a good neighbor, my inclination is to table this, I would like some proof that the notifications have been done. I'm not convinced that it was or was not complied with. **Dacie** that would put me out another month, I'm not sure I can wait another month. I have another month of licensing requirements through the state to open. I would rather have the vote. I understand the neighbors' concerns. It is a quiet neighborhood. They are children and they will make noise. There are several ways to and from the daycare. I do understand the concerns. Everyone in the home will have a background check and fingerprinting done. **Brittany** I would prefer more advance notice so that neighbors can give comment, however, if all notices were sent by the necessary date, we should vote.

*Dorian motions to deny the home occupation based on the fence and gate not being installed as required and the ambiguity regarding the notifications. There was no second.*

*Brittany motions to approve the home occupation contingent on the 6-foot perimeter fence and gates installation, with a max of 12 children until the square footage of 1865 is confirmed which will increase to 13 children. Second by Chris and Mark. Dorian opposed.*

5. **Request for Home Occupation Daycare business on property located at 2587 North 550 West/ ABCD Preschool/ Brant Parker:**  
**Brant Parker** we are new to the game, my wife and I moved here from Phoenix, she was an elementary teacher. When she applied for jobs all the daycares were full, which is why we are here. We just realized that our fence does not meet the 6-foot requirement. We did the notice to our neighbors, and it cost \$150. Maybe we can also receive a contingency. We live on a horseshoe where the other side is commercial. We will not have any staff and only plan to have a max of 4 kids. We want to make our daycare available for low-income kids and state funding. In order to receive state funding, you must have a current business license. The state requires 4-foot-tall fencing, I did not realize the city requires 6-foot-tall fencing. We do not intend to extend our 5-foot wall to a 6-foot wall. My understanding is that I would need to request another ordinance change so that the city matches the state. It is a block wall fence and is decorative on the top row, it would be hard to add to it. And it will not match with the rest of the homes. **Joseph** that is not something the board can grant as a contingency. **Brant** can it be on the record that the notice has been done? **Joseph** yes, we can table this until the February or March meeting, and you will not need to notify your neighbors again. **Dorian** we are not able to approve or deny the application today until he goes before City Council. **Joseph** with him not being in compliance with the fence, and he does not intend to become compliant, you can table the application, or deny it. You would not be able to approve it. Because he is requesting an amendment to the zoning ordinance regarding fencing, he would need to go to Planning Commission before City Council. **Mark** no public comment was made.

13. Notice by the applicant shall be given to all property owners of record within a 300-foot radius from the boundary of the proposed home occupation. Said notice shall be sent certified mail or hand-delivered to the property owners in accordance with the most current Iron County Assessment Roll no later than five (5) days before the board of adjustments meeting. Proof of the certified mail and/or a certificate documenting hand delivery to property owners as required herein shall be delivered to the City Building Official prior to the board of adjustments meeting. **Natasha** notifications have been done.

*Chris motions to table the home occupation till February 5, 2024. Second by Brittany. All in favor unanimous decision.*

6. **Request for Variance of the landscaping requirement in the right-of-way for property located at 1478 South Old Highway 91/ Red Fort Indian Cuisine/ Platt and Platt:** **Dave Clarke** (Exhibit 1, plat) they paid a lot of money for this property, we submitted our site plans to Sketch, we were informed at that time that this portion of Highway 91 is now a 100 foot right of way. The City will be taking the full amount for the road widening from my client, when usually both sides of the road give up property for the widening of the road. Right next door is Freddy's, they were given a variance to 90-feet. My client is willing to give up 10 feet, the same as Freddy's, they do not want to give up 20 feet. However, that still impacts their front landscaping. The minimum requirement for landscaping is equal to 10 feet of frontage. What we're talking about is maybe 3 or 4 feet. I'm not sure they will be able to meet that if they give up 10 feet. They will have to reconsider their entire site plan to be able to give up 20 feet. They are giving up 2,000 square feet to the City. We're not asking for a reduction of the landscape area; we're asking to be able to do 3 or 4 feet of landscaping in the narrow area instead of 5 feet minimum. **John W** has the City already approved the 90 foot road? **Dave** they have not. The City is going to have a real problem getting their 20 feet after this property. They will have improvements on one side of the road and I-15 on the other side. It's going to have a pinch point down the road already. Maverick is at 80 feet; they didn't give anything to the road. Along with Swig and Mo'Bettahs. It has always been 80-feet but now the General Plan wants it to be 100-feet. We are asking City Council for the variance of 90-feet, and we are asking you for the variance of the landscaping. **Joseph** you said that the City Council granted 90 feet to Freddy's, did they receive a variance from the landscaping? **Dave** not that I'm aware of. **Mark** has this had an impact on anything else, like the parking or size of your building. **Dave** currently we are ok, if we have to redesign in order to meet the landscaping requirement, we might not be. We thought this was a good compromise. Other cities will buy the right of way from the property owner in order to widen roads, Cedar City does not do that. **Joseph** you are seeking a 5-foot landscaping variance from the frontage. **Dave** we will be a few inches short in a few places, however, we will meet the overall square footage requirement. **Mark** if you comply with the landscaping what would it do? **Dave** it would change the shape of the lot and push the parking, the cross-access driveways will be narrower. **Drew** he needs 9x18 parking stall and 4-feet behind that to get out of the spot. **Joseph** will you be able to meet the parking requirement if you put in the required landscaping? **Dave** the Engineer and Architect do not think we will be able to make the parking work with the landscaping. There will not be street parking either. **Mark** I think you will still be able to make parking work. We've seen this before where a change in the ordinance caused the building to move or shrink. **Jonathan Stathis** Freddy's has come through for a building permit, they applied a while ago. I'm not sure if they're planning on moving forward. We still have the application in our system. To my knowledge they have not requested a variance. They did request an amendment to the General Plan to reduce the width of the road from 100-feet to 90-feet, that request was granted by the City Council. That was granted for Freddy's only. If this board granted a variance for this application, it would not automatically apply to Freddy's. **Dorian** it would be hard to deny though. **Joseph** if you granted it for this application it could apply to neighboring properties. **Dorian** neighboring properties might have more space to work with but will still come in asking for a variance. **Brittany** I do worry about the properties past them on 91, they may want to match what we approve. **Mark** we would need good reasoning to approve, or it could leave the City liable.

1. Literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance: **Dave** the fact that they purchased the property with the intent to develop and found out after the fact that they would need to give up 20 feet to the City. 20 feet is not common everywhere. They were not aware of it, and it drastically changes their ability to develop the property. **Dorian** when did the Master Plan change? Did this change before or after the purchase? **Dave** they found out about the 20 feet at Sketch. You would think this would need to be disclosed by the realtor. **Drew** your vest occurs when you attend the Sketch meeting. **Mark** the change happened before the vesting. **John W** there's an expectation that they will go from 90 to 100. The other side of the road gave up nothing, and his side is giving up 20 feet. **Jonathan** the hotels across the street were built before the Master Plan changed. City Council has not approved their request to 90-feet. **John W** are we putting the cart before the horse. I think it's a fair question because at some point they are not going to approve any further deviations from the Master Plan. **Joseph** this board doesn't want to take any action that will tie the hands of City Council. The Council could have a reason for why they made this change to the Master Plan. **Dorian** the purpose of the landscaping ordinance is to make our city beautiful. The City is taking 20-feet from this property instead of 10 feet. The City is taking their property. **Dave** we will still meet the area requirement it will just be that one narrow strip. The City taking the 20 feet is the hardship. **Joseph** it could be considered not self-imposed, due to the City taking that area for the road. **Dave** money can solve 99% of problems. If you shrink the building to make the parking work, the building is now too small to serve the needs of the public. **Joseph** not allowing economics to be viewed as a hardship comes from state law. **Dorian** I don't see it as economic, he is still going to meet the overall requirement of the landscaping, he will just have a narrow section that isn't 5 foot. I don't see it as self-imposed or economic. **Mark** the reasoning to grant the variance is not there for me. Let's take a vote, who feels that the burden has been met? *Dorian, Chris, Brittany, and Mark feel I has been met.*

2. There are special circumstances attached to the property that do not generally apply to other properties in the same district: **Dave** it applies to the property on either side of us, but it doesn't generally apply to the district. This is very specific to this section and side of the road that the City is widening. **Dorian** there are special circumstances with this property that other properties do not have. **Mark** the property near the airport that had the approach zone. That zoning inhibited their ability to build on the land. *Dorian, Chris, Brittany, and Mark feel 2 has been met.*
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district: **Mark** I think it would be hard to overcome adding the landscape in the narrow area, he would lose several parking spots. You can't really change the layout of the parking spots. **Dorian** it's just land? Or are there buildings on the property? **Dave** just land. *Dorian, Chris, Brittany, and Mark feel 3 has been met.*
4. The variance will not substantially affect the general plan and will not be contrary to the public interest: **Dave** it is such a small area, I don't think anyone is going to even notice. **Brittany** what if the City doesn't approve the 90-feet? What if it goes to 80-feet. I don't think we should make a decision before City Council makes their decision. **Joseph** they already did that for Freddy's. **John W** I agree that that would put undue pressure on the City Council. **Brittany** the General Plan was changed prior to them purchasing the land. **John W.** if the property was purchased after the change to the General Plan, the design should have included the current zoning at that time. **Joseph** you have the option to table your decision until they have gone to City Council. **Dave** if City Council wants all the 20 feet we will ask for a variance of the landscaping. We can work with the 10 feet, we can make 20-foot work. If it has to go to the full 20 feet this restaurant will not get built. **Brittany** it is a hardship, but I don't want to get ahead of ourselves. **Jonathan** it is on the agenda January 17<sup>th</sup>. **Dorian** when Platt and Platt designed this plat didn't you know about the change to the Master Plan? **Dave** the site plan was done by MRW, they reached out to us to do the survey and to do the civil design, we brought it to Sketch and at that point we were made aware of the width of the road.

*Chris motions to table the variance until February 5, 2024. Second by Brittany. All in favor unanimous decision.*

7. **Request for Variance of the improvements for property located at 1700 North Main Street/ Cedar Breaks RV/ Britt Denham:** **Britt Denham** (Exhibit 1, GIS Map) (Exhibit 2, Lots in question) there is just land there currently, the 2 homes are no longer there. We just want to update the utilities on these lots. (Exhibit 3, Meters in question) Rocky Mountain Power is requiring us to pull a permit to install a new meter on new meter pedestals. We are required to make the improvements in order to update the meters. We do not want to have to widen the road, these two stick-built homes are not far enough apart to make the improvements in the cul-de-sac. We are not building anything. Customers have the option to bring in an RV or mobile home. Wedgewood Lane is planning on widening further, we will not build anything that would impede the widening. We just want to update the utilities. Without the update to the utilities, the lots are not able to be used. If we were to make the improvements and widen the road, the widening would end at our property. The homes on either side of the road after this property are too close together to be able to widen the road any further. We are seeking a variance to not have to make the improvements. **Dorian** (Exhibit 4 Section 26-IV-5 Frontage Improvements) If they make the improvements to those utilities so that they can be used, this would be considered as a building, constitute triggering the improvements. **Mark** the City sees an RV as a dwelling? **Drew** yes. (Exhibit 5, Section 26-I-4 Definitions) Any structure used or intended to support sheltering is seen as a building. **Britt** the utilities are already there, we are just fixing them. **Brittany** what is driving the widening of the road? **Jonathan** it is a Master Planned Road. Any time a permit is pulled you need to bring it up to the Master Plan requirements. **John W** how would it work with the 2 houses that are too close together? **Jonathan** there would need to be a change to those properties or the City would need to acquire those properties. If either of those properties pull a building permit for the properties they would need to come into compliance with the widening of the road. **Britt** one of the homes would have to move, it is not wide enough for the road. **Joseph** you can go to City Council and ask for a deferral of the improvements. **John W.** if we let them update the utilities without requiring the improvements, then there wouldn't be an incentive for the next owner of the property to make these improvements. **Joseph** they are still able to make the improvements on their property. The homes down the road do not stop them from improving the road. **Brittany** will the meters fall within the improvement area? **Britt** no. The utilities are in the middle of the property. **Joseph** it sounds like cost is why you don't want to make the improvements. **Britt** we would lose 15 feet of land to widen the road. **Dorian** wouldn't they take square footage from both sides of the street? **Britt** if they take from the other side of the road the homes will not meet the set-back requirements. **Jonathan** the improvements would be on this property only, the frontage would be done on his property and the neighboring properties would need to make the adjoining improvements if they pull a building permit. **Britt** it would be very pieced together, my section of the road with the improvements, and the rest unimproved. The road isn't even a through street at this time. It would be improving to a dead end. **Jonathan** that's how improvements happen sometimes, bit by bit. **Brittany** can we give them a variance to install the meters? And can they make the improvements later? **Joseph** if we allow them to install the meters, there might not be any other reason to pull a building permit in the future. This could be the City's only chance to have those improvements made. If we deferred the improvements, it would be hard for the City to keep track of when the improvements are due. **Britt** in widening the road, I would have to do improvements on the frontage of my property, and in moving the center line of the road, I would also have to do 12 feet of pavement on the other side of the new center line of the road. **Jonathan** correct. **Britt** if I do 12 feet of road on the other side of the road, it will encroach on the set-backs for those neighboring lots. **Mark** granting the variance would circumvent the Master Plan and ordinances. **Dorian** what would happen if they said they would donate the land to the City for the improvements? **Joseph** that's not a bad idea, but the flip side it would make the City responsible for making those improvements later. **John W** that is a slippery slope, there

are a lot of developers that would rather donate the land and not be responsible for the improvements. **Steven Barnes** we were established before the Master Plan was changed. Would grandfathering apply? **Joseph** this is currently a non-conforming use, it can remain that way indefinitely. However, once a building permit is pulled, you are required to bring the property into compliance. **Britt** last year we updated the utilities on lot 12 on this property. We pulled a building permit, and we did not need to make the improvements. **Mark** so the power company did not require a permit at that time. **Britt** we did have a building permit. We were not required to make the improvements. **Dorian** someone messed up. **Drew** it happens, we do the best we can with the resources we have. Two wrongs don't make a right. It's the supporting of the utilities to support someone living on the property. **Joseph** any utility is going to be supporting the livability of the land. **Mark** I do not see that we can approve this.

*Dorian motions to deny the variance due to the inability to control the future or the City Council, second by Mark. Brittany and Chris vote to go through the questions.*

**Joseph** because it's a tie, you will need to go through the questions. **Britt** lot 20, this meter is still on here and is still in the parks name. As long as we do not change anything we don't need a building permit and can move forward with putting an RV on that lot. **Joseph** as long as you're not pulling a building permit, you can move forward with putting an RV on that lot. Regarding lot 17, we have a meter on that one, as long as we do not make any changes we can put on RV there too. Lot 18 and 19 do not have any meters and would need to be installed to be able to use them. **Joseph** you would only need to do improvements of the frontage of any lot you are improving. **Drew** is it considered an RV Park or Mobile Home Park? **Britt** the way it was written is very vague, I can't answer that for you right now. Do I need to reapply with only lots 18 and 19 that I plan to improve? There is the main office, and the lots. Each lot has its own address. The permits I pulled were under 1700 N Main, I didn't pull them under each lot address. **Natasha** I'm not sure if we can vote on this because it wasn't published as the correct address. **Steven** the way that it was put in through the city, they're not individually lotted. They're all attached to 1700 N Main. **Joseph** I wouldn't advise you making a decision per lot. I might need to do a little research before I give you advice. **Steven** we pulled a building permit to fix the pedestal on another lot on this property and it was pulled under 1700 N Main, not under the lot address. I don't understand why we would fall under the Master Plan when we have been established here before the change. We are just trying to clean up the park. **Dorian** if those homes were still there you would be vested. But those homes were demolished, and the vesting was demolished with it. **Britt** in that case I'm only requesting the variance on lot 18 and lot 19 that needs to utilities in order to be able to use the lots.

1. Literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance: **Mark** I'm not seeing an unreasonable hardship. **Chris** I think it would be unreasonable if they had their plans in and the Master Plan changed. **Dorian** I disagree with that, the Master Plan has changed all over town. **John W** I see it as an unpleasant hardship. **Dorian** it has to happen at some time. **Brittany** I'm not seeing a non-economic hardship.

*Brittany motions to deny the variance based on the factors not being met for question 1, second by Dorian and Mark. Chris believes question 1 has been met.*

ADJOURN: The meeting adjourned at 8:07 p.m.



Natasha Nava  
Executive Assistant