

Cedar City Board of Adjustments
Minutes
September 11th, 2023

The Cedar City Board of Adjustments held a meeting on Monday, September 11th, 2023, at 5:15 p.m. in the City Council Chambers, 10 North Main Street, Cedar City, Utah.

PRESENT: Chairperson Janet McCrea, Chris Bearson; Chad Carter; Mark Mumford; Dorian Page; Carter Wilkey; Asst. City Attorney, Joseph Farnsworth; Chief Building Official, Drew Jackson; Executive Asst, Natasha Nava.

EXCUSED: John Ashby.

OTHERS PRESENT: Dave Plat; Richard Saldano.

1. **CALL TO ORDER:** Janet: welcomed everyone. Carter: led everyone in the Pledge of Allegiance.
2. **APPROVAL OF MINUTES:** Dorian asked for the 2nd vote in the minutes to be removed as it created confusion. He suggested adding a note that the vote remained the same. Chris motions to approve the Minutes from the July 10th, 2023, meeting with Dorians edit; second by Dorian; all in favor unanimous decision.
3. **APPROVAL OF FINDINGS OF FACT:** Dorian motions to approve the Findings of Fact from the July 10th, 2023, meeting; second by Chad; all in favor unanimous decision.
4. **Request to amend previously approved fencing material type to a 4-rail cement fence for property located at 263 E Cedar Ridge Cir/ Dan Roberts/ Dave Plat:** Richard Saldano you have already approved a concrete material fence. We found that concrete does not fare well in adverse weather. It would be great in dry climate; however, it has rebar in it. When rebar gets wet it swells and makes the concrete spall, components associated with that will fail. He said about 7 to 10 years is the lifespan in adverse regions. I asked if we could order replacement parts if needed. He advised we were ordering the minimum amount they will manufacture. And would not be able to manufacture small replacement runs if needed. We were only required to fence from lot 6 to lot 13, however, we decided to go around the entire perimeter of our property adjacent to the golf course. Fencing is required when you are adjacent to a street or other property, we are not required to have a fence. We made an agreement with the City that we would put a fence in. We would like to put in a cedar fence that is insect repellent and will last a long time. Cedar is prevalent in Montana and the Dakotas. It will look like the concrete but will hold up better. Dorian so it's not required by ordinance, however the City has asked you to do it? Richard correct. Carter you were given permission from City Council to not install a fence, however, the Golf Course wants a fence, Jared wanted the delineation. Dave correct. In 2007 they wanted us to put a masonry fence with rod iron. They allowed us to do a split rail fence due to aesthetic. Last year we came back to this board because the block wall would be very difficult to build. With the slopes and terrain, it's going to be very difficult. We were given permission to build the concrete fence. However, the cement does not have good longevity in our climate and is not repairable. Chris the cedar looks cheaper, it warps, and splinters. Carter are we looking at a variance of a variance or a variance to the original variance. Joe in 2022 they amended the variance; this will now be an amendment to that amendment. The board granted this variance, and now they want to change the materials used. A material change of circumstance. Mark we really struggled with it because the fence was going to be at the bottom of the hill where sight obscuring was not going to be a factor. Is this the same stretch of fence that we previously discussed? Has any of the area changed? Joe it's the exact same area as before. Carter it will still be the same design as the cement fence, right? Richard we are not changing the look of the fence. Dorian it seemed to me that the golf course is the department of the city. It's not a variance of code it's a variance of materials, I'm in support. Joe the variance has already been done. Dorian I think it's a moot issue. Had they known that the cement wouldn't work out, they would have been asking for the cedar back then. We approved that request, and we should approve this. Joe if the board agrees to allow this change in material, we do not need to go through the questions. We would take a vote. Chris isn't the rebar intombed in the cement, how will it get exposed to water? Richard after a while the cement cracks, rusts, and breaks down. Carter you're installing a 3-rail or 4-rail fence? Richard a 3-rail fence. Carter the agenda says 4-rail. Dave the variance was for a 3-rail fence. The 3-rail looks good to me. Carter (Exhibit 1, minutes from 06-06-2022 meeting) "John motions to amend the previously approved variance in 2007 for fencing material and type, to a split rail horizontal fence. Second by Mark. All in favor unanimous decision." Joe are you now wanting a 4-rail fence instead of the 3-rail fence? Natasha the agenda came from what was on the application. Was that a typo? Richard we are requesting a 3-rail, 8-foot center posts, 4-foot height. Joe please be specific tonight regarding what is approved. Carter can they amend their application in the meeting? Joe yes. Mark 3-rail looks good. Carter 4-rail would look odd.

Carter motions to amend the previously approved fencing material to a cedar 3-rail fence with the posts 8 feet apart 4 feet tall, Mark, all in favor.

Carter please make sure that the fence is maintained and looks nice. Joe the HOA would maintain the fence.

5. **Request for a Variance for the placement of a Master Plan trail and sidewalk for property located at 105 East 1325 North/ Brent Davies/ Physician's Accounting & Management:** Natasha this item will be going through City Council, it was determined this is not something this board can vary. Joe they intended to apply for City Council, however, they applied to this board by mistake. We will be refunding their money, and they are on the agenda for City Council.

ADJOURN: The meeting adjourned at **5:46** p.m.



Natasha Nava
Executive Assistant