

The Meeting of the Nibley City Planning Commission held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Wednesday, March 26, 2014.

The following actions were made during the meeting:

Commissioner Bliesner motioned to recommend that the variance authority approve a variance to allow a single access driveway on the proposed (Brian Anderson's) lot. Commissioner Green seconded the motion. The motion passed 3-1; with Commissioner Bliesner, Commissioner Green, and Commissioner Lawver in favor. Commissioner Davenport abstained from voting.

Commissioner Bliesner motioned to approve a building permit for a 28' x 24' accessory building located at 2370 Spring Hollow Circle with the condition that the building is not built in the property utility easement. Commissioner Davenport seconded the motion. The motion passed unanimously 4-0; with Commissioner Bliesner, Commissioner Davenport, Commissioner Green, and Commissioner Lawver all in favor.

Planning and Zoning Commission Chair Mark Lawver called the Wednesday, March 26, 2014 Nibley City Planning Commission meeting to order at 7:03 p.m. Those in attendance included Commissioner Mark Lawver, Commissioner Aaron Bliesner, Commissioner Dave Davenport, and Commissioner Bill Green. The City Planner, Shari Phippen, was also present.

Approval of 2-26-14 meeting minutes and the evening's agenda

The Planning & Zoning Commissioners gave general consent of the last meeting's minutes and general consent of the evening's agenda.

Discussion and clarification with Brian Anderson regarding a building permit at approximately 788 West 3200 South.

Commissioner Bliesner said he had done some research on Robert's Rules and discussed the usefulness of a second to a motion, which he said was largely debated. He said for ceremonial or managerial motions seconds were not required. Commissioner Bliesner discussed the use of a second and thought they generally didn't need a second.

Mr. Brian Anderson was present at the meeting. Ms. Phippen gave the history of Mr. Anderson's request for a building permit. She said if the applicant was splitting off an acre of land then it became subject to Nibley City's subdivision ordinance. Under the subdivision ordinance there would be things that could make this split cost prohibitive, such as asphalt requirements and bringing the private road up to the subdivision standards.

Commissioner Bliesner asked if Mr. Anderson was intending to build two homes. Mr. Anderson said the intent was never to have one big lot. The intent was to donate a building lot so that his children could have their own house and property. Mr. Anderson

said they already knew this land could not be subdivided. Commissioner Bliesner asked why they couldn't subdivide. The City Planner said they had enough land but they didn't have proper access. Commissioner Bliesner asked if there would be a way to qualify access to the house by a private lane. The City Planner said Nibley didn't allow private lanes; they did allow single access gravel driveways that were limited to the residential estate zone. Commissioner Lawver recalled that after the initial discussion with Mr. Anderson, he wasn't under the impression that where the house would be built was to be subdivided off. Mr. Anderson said they wanted to put one house on the back of the lot with access to one road. Commissioner Bliesner and the City Planner discussed the cost that would be associated with subdividing the lot and bringing the lot's access up to Nibley City ordinance.

The Planning & Zoning Commission discussed the master road plan and the continuation of 800 west. The City Planner said she would be supportive of the applicants getting a variance for a single access gravel road with the understanding that the intent was for the Planning & Zoning Commission and City Council to allow the gravel road under the subdivision ordinance that was being proposed. The City Planner gave directions to Mr. Anderson. Commissioner Lawver asked for clarification on who had variance authority. The City Planner said under the new subdivision ordinance they would have to do a boundary line adjustment for the building lot. Commissioner Davenport asked the City Planner to specify the variance the applicant would request. The City Planner said they would request a variance to allow a single access driveway to apply to their situation because the city had created a circumstance where it was not possible, without violating other city ordinances, to access the property that was legally subdivided prior to implementation of current zoning. She said the city changed the ordinances which made it impossible to have sufficient frontage.

Commissioner Bliesner suggested the applicant plan now for the eventual build out of the gravel road to a private road or driveway and to make sure the lot size would meet the minimum lot size should the property ever subdivide. Commissioner Lawver suggested they plan for eventual build out when platting the house they intend to build at the back of the lot.

Commissioner Bliesner made a motion to recommend that the variance authority approve a variance to allow a single access driveway on the proposed (Brian Anderson's) lot. Commissioner Green seconded the motion.

Commissioner Davenport said he wanted to see the variance in writing. He wanted to see what he was approving on paper. Commissioner Davenport said he didn't feel comfortable voting for something he couldn't see.

Commissioner Bliesner made a motion made a motion to amend that if the variance for this property was granted then; the property will come back to Planning & Zoning Commission for final review. The motion died due to lack of second.

The City Planner reviewed the five criteria for a variance. Commissioner Bliesner reiterated that the variance was just for the exception on the gravel drive.

The motion passed 3-1; with Commissioner Bliesner, Commissioner Green, and Commissioner Lawver in favor. Commissioner Davenport abstained from voting.

Accessory Building Permit

Consideration of a building permit for a 28' x 24' accessory building located at 2370 Spring Hollow Circle (Applicant: Kirk Earl)

Mr. Kirk Earl was present at the meeting. The City Planner said the applicant was proposing to have the accessory building 10 ft. from his house, 10 ft. off the side, and 2 ft. off the back of his property. Commissioner Lawver asked if there was a utility easement on the lot. The City Planner said there was a 10 ft. utility easement at the back of every building lot. Commissioner Bliesner said he had done some research and that he had been advised that the city shouldn't allow any permanent buildings to be put in the utility easement. The City Planner said there needed to be a change to Nibley City ordinance. The City Planner said the application met all Nibley City setback requirements and said she recommended approval of the accessory building permit. Mr. Earl asked about a 10 ft. buffer of property behind his fence which was between his property and the railroad.

Commissioner Bliesner made a motion to approve a building permit for a 28' x 24' accessory building located at 2370 Spring Hollow Circle with the condition that the building is not built in the property utility easement. Commissioner Davenport seconded the motion.

The City Planner showed the property plat to Mr. Earl and demonstrated the 10 ft right-of-way on the back of his property.

The motion passed unanimously 4-0; with Commissioner Bliesner, Commissioner Davenport, Commissioner Green, and Commissioner Lawver all in favor.

Staff Reports

Commissioner Bliesner discussed the Malouf property plan that was recommended to City Council. He read motions from the minutes and discussed that they needed to be clearer when making motions.

There was general consent to adjourn at 8:20.