

Minutes of the Bicknell Planning & Zoning Commission

Tuesday May 30, 2023, 7:00 - 9:00 pm
Bicknell Town Hall, 64 West 100 North Bicknell UT

Welcome and Call to order @ 7:00 : Ellen Anderson

Roll Call: Ellen Anderson, Gregg Anderson, Tony Jackson, Katie McDonald, JaCee Johnson and Jim Dudleston present. Rhett Jackson was absent.

Approval of minutes: Gregg made a motion to approve the minutes of May 2, 2023 and Katie seconded the motion. The minutes were unanimously approved.

Ellen welcomed all those in attendance.

First on the agenda was Sherie Blackburn; She stated that she wanted to build a garage attached to her home. She said that the original home is probably one of the oldest homes in Bicknell. It has been added on but she has never changed the current line of the home toward the property line to the north. The location of the intended addition is on the existing basketball court and will be setback 14 feet from the original home. She also said that the garage will help her with the flooding issue and that every year she gets flooded. She had John Taylor with her who had spent a lot of time at the courthouse and talked to a surveyor. She had a packet for everyone to show that she did have the required setback. She then gave her building permit application to Ellen, handed out the packets and turned the time over to John.

John began by talking about the original town plat, the measurement by 'links' and the fact that the town was divided up from 2-40 acre parcels. Each street needed to be 130 links wide and each lot would be 221 feet 1 ¼ ". He also mentioned that there were some "half" streets in town. One on the north, one on the west side and the road the clinic is on. John then stated that he had found a survey marker and showed it to Jim and it is what they call a 40 marker and assumes when the town was originally divided, they started from the center and worked out in both directions. John then went on to say that fences today have little or nothing to do with where the survey lines are. John went on to say that if you started at the 40 marker he found and measured 221'1.25" and drew a line there and then continued south 85 feet, you're going to see that the street is dramatically larger than 85 feet. So, who owns that? So starting with that, he has now contacted Rodney Torgersen who gave what he calls a 'recommendation'. The last page in the packet was his recommendation. What he is saying is that from

the existing fence, if we go down closer to 400 west where the line between Sherie and Michael & Kade properties. If you measure off of there 6'9" then come up to where the block wall is and measure off 8' 6" you have a straight line across here. That is what I based what I have set up down here and it shows that Sherie has 24 feet of setback.

Gregg had a question; Is Rod the one that did the latest survey mark at the bottom of Main street for Nancy Noble? John said yes but said that there wasn't any rebar marked on Main. Both Gregg and Jim stated that they had found the rebar with cap at the south end of the fence along Main.

John then stated that Rod's recommendation states that Sherie's lot is 233.7 in depth. Gregg and Ellen both stated that lots in Bicknell are supposed to be 221'. The county maps show it as being 221.1' so how do you get more? John stated that he didn't want any more. John then went over and described the other photos in the packet showing the house, the side step where the garage will be set back to and a photo of a tape measure showing the step is 14' back from the corner of the house. The next photo is showing where 10' is to a 2x4. "Then we came across the street and we're showing it is 88 feet. Then John went back to what Rod's recommendation was and he said the property line to the north was 3' south of the fence. From there you measure 85 feet.

Ellen brought up the fact that the 40 marker or section lines in general don't always line up with property lines on the county maps. Some are up to 12 feet off. Ellen than asked John; From Sherie's property line, what is the setback to the new garage? John replied 24 feet.

Tony then asked if Rod was still coming to do the survey and John said it would be 4 to 6 weeks. Tony then mentioned that he has had his property surveyed twice and there is a 4 to 5 foot difference. He also asked that if the 24 feet were there or not, are we battling something that isn't a big deal? The new garage will be 14 feet further back than the existing house and it's not blocking any views.

Gregg brought up that it is easy to say it is 14 feet further back but legally we have to follow the ordinance. Ellen said we can't just say what does it matter, it isn't blocking any view.

Jim brought up Section 12 of the ordinance dealing with Nonconforming buildings where it says; "a building or structure nonconforming as to height, area or yard regulations may be added to or enlarged or moved to a new location on the lot upon variance authorized by the Town Council ". So that tells me that an existing building which has been

grandfathered in as to setbacks can be enlarged with a variance issued by the town council.

John said he feels that they don't need a variance because they meet the 24 foot setback.

Ellen thanked John for the information and packet and asked the Planning and Zoning Commission for their comments; Katie thanked John for the history of the survey and said that he'd brought up some good points as to where the lines are and who is responsible for their accuracy. Tony asked John if Rod could send his recommendation directly to the Town Council saying this is what he plans to do? If we say it is good with us and approve it, it will still be up to the Town Council to give final approval. Tony then asked again if, based on the drawing the surveyor sent, they had the 24 foot setback? And the response from Sherie was "yes".

JaCee made a motion that we approve the application. The motion was seconded by Jim. Ellen then stated that we have a motion and second that we recommend approving the application to the Town Council. A Roll Call Vote followed: Jim yea, Tony yea, Ellen yea, Gregg yea, Katie yea, JaCee yea. Ellen stated that it has been moved and passed that we recommend to the town board that they approve the application.

Next item on the agenda is a building permit application from Kade Blackburn:

Kade stated that his request is to move a previously approved construction of a building to the other side of the road.

The application had a crude sketch of the property and building but no dimensions and there was no plot plan or building plans submitted. Gregg said we are going to need a drawing showing setbacks. Kade said they have a 35 feet setback in the front and 25 on the other side. A back corner of the property with no road was 4 feet.

Ellen said that Kelsey had called her with some information from Eric, the inspector. Eric had said that he does need a new building permit with measurements and building plan and that he needs to reassess it. The fees will be adjusted based on the fact that a previous permit had been issued for the old location. Even though it is the same building, because it is a commercial building, it has to go case by case and Eric needs to reassess it. Another concern from Eric is that it is now near the highway and he needs to make sure it doesn't block the view from the surrounding roads.

Kade said to be 100% he needed to call Marcus. He'd gotten the number of a guy with the State to talk to about easements along the highway.

Ellen then read from the Building Permit Application Process; "The plan must be verified by the person constructing it, Applications with plans will be referred to the Building Inspector." You will need, before you go to Town Council, touch base with Eric. He will review the plans, check for safe vision and those types of things.

Gregg made a motion that if they meet setbacks, we approve it.

Kade asked if Eric came over and said everything is OK then we're good? Gregg said that they still need to take a drawing with accurate measurements showing setbacks to the Town Board.

Katie seconded the motion. Ellen stated that Gregg had made a motion and Katie had seconded that as long as the Inspector, Eric approves and setbacks are met that we recommend approval of the application to the Town Council. A roll call vote followed: JaCee yea, Katie yea, Gregg yea, Ellen yea, Tony yea, Jim yea.

Next on the agenda is Business:

Jim brought up the fact that at the first Planning and Zoning meeting of 2023 when Steve was presiding, we'd been given a handout of a letter Steve had written to the Governor's Office of Economic Opportunity. The letter listed the 3 projects and stated that Planning and Zoning would be an independent body to provide oversight to their successful completion. Jim stated that he hadn't received any detail on the projects and some were in progress or completed. What is our responsibility with these?

Ellen said that we are the Town Boards appeal authority and the Town Board is our appeal authority and that we just have each other's backs.

Jim stated that we should probably have at least a high level view of what is supposed to take place so we're informed as to the status. Even a copy of the RFP would help.

Katie had a business item also dealing with the way we schedule. Currently there are only 2 days between Planning and Zoning and the Town Council meetings. That doesn't give people much time to get things done between the two. Katie's suggestion is that maybe next year we could look at doing Planning and Zoning a week and 2 days ahead of the Town Council.

Ellen took notes and we'll look at this when the year gets closer.

Next on the agenda was building permit and variance permit workflows

Jim had created a building permit process sheet showing the steps taken to get a building permit and Ellen had done the same for the Variance process. The idea is to make these available to the Town Office personnel and the public as they come in for an application. The goal is to hopefully enlighten the public so they have the application filled out with plans and drawings completed prior to showing up at Planning and zoning expecting final approval. Another advantage is that if the application packet was turned in to the Town and forwarded to Planning and Zoning prior to the monthly meeting, members would have time to review the application prior to meeting time.

One change to the Building Permit process is that the ordinance currently says that the application will go to the building inspector and then go to the planning and zoning commission. That doesn't seem to happen. The proposed change to the ordinance is to have the application go to the Planning and Zoning and then go to the building inspector.

Katie suggested that we change "Workflow" in the title to "Process" and Jim suggested that we have a footnote that says for full details see the building and zoning ordinance.

Next on the agenda was the review of Ordinance 07-2020.

Section 2: DEFINITIONS

- Added Variance
- Added Clear View Area

Section 7: APPLICATION AND PLANS

Wording was changed to have plans submitted to Planning and Zoning and then to the Building Inspector.

Section 14: FENCES AND WALLS

B. Clear View Area Requirements section was added to include Street Intersections/Corner Lot, Major Roads and Driveways.

Section 15: ZONES

Instead of Commercial having no letter and Residential having (B) which makes 1,2 and 3 below only pertain to (B); We renumber so A. is Commercial, B. is Residential, C is Minimum land space, D is Trailer Homes and E is Domestic Animals.

“But not large-scale farming.” was taken out of the Residential Agricultural Zone description.

There was a lot of discussion on 2. Trailer Homes and on 3. Domestic Animals with no general consensus. It was decided that this would be our starting point at our next work meeting.

It was decided that we would have a work meeting on Tuesday Jun 13th at 7:00 to try and finish up the ordinance.

A motion was made to adjourn the meeting at 9:10. The motion was seconded and unanimously approved.