

TOWN OF PAYSON
BOARD OF ADJUSTMENTS
MINUTES OF THE PUBLIC MEETING
JULY 11, 2007

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| A | Chairman Schwartz called the duly posted and published Public Meeting of the Board of Adjustments to order at 3:00 p.m. in the Town Hall Council Chambers. | Meeting Time & Place |
| B | ROLL CALL: Brenda Cornell, Wayne Donnay, Roger Schwartz, Robert Sumegi (telephonically), and Ken Wagner. ABSENT: Jason Phillimore and Peter Pingel. | Roll Call |
| C | STAFF PRESENT: Ray Erlandsen, Zoning Administrator; Tim Wright, Deputy Town Attorney; and Chris Floyd, Secretary. | Staff Present |
| D | Ken Wagner moved, seconded by Brenda Cornell, that the roster of officers be re-elected for another one-year term; motion carried 5-0. (Chairman – Roger Schwartz; Vice-Chairman – Brenda Cornell) | Election of Officers |
| E | CONSENT AGENDA: Wayne Donnay moved, seconded by Brenda Cornell, that the consent agenda be approved as presented; motion carried 5-0. Approved on the Consent Agenda were the minutes of October 18, 2006, pages 213-215. | Consent Agenda |
| F | <p>SCHEDULED HEARING (S):</p> <p>ZA-4-07 Zoning Appeal</p> <p>Filed by: Terra Capital Group, Inc.,
 Stephen Carder, representative</p> <p>Location: 2009 N. McLane Road & 215 W. Houston
 Mesa Road</p> <p>Purpose: A zoning appeal of a decision of the
 Zoning Administrator regarding an
 interpretation of the Unified Development
 Code requiring a primary use to be
 established before an accessory use would
 be allowed. In this case, the allowance of
 livestock in a R1 zoning district would not
 be allowed until a primary use of a
 residence is established.</p> | <p>ZA-4-07
2009 N. McLane
Road and 215 W.
Houston Mesa
Road</p> |
| G | Tim Wright, Deputy Town Attorney, reviewed what the Board had in their packets and what they were being asked to do, which was to review the Zoning Administrator's determination. He stated that the Board could affirm it, reverse it, or modify the Zoning Administrator's determination. Mr. | Packet Information |

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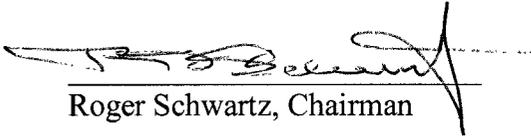
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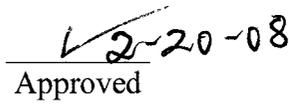
Wright suggested that the Board proceed by allowing the Zoning Administrator to explain his position, ask him any questions the Board may have, and then allow Terra Capital's representative to explain their position.

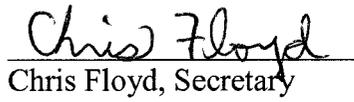
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| A | Chairman Schwartz stated that he had reviewed the Unified Development Code (UDC) pertaining to this and it appeared to him that the proper determination was made. | Chairman Schwartz Speaks |
| B | Ray Erlandsen, Zoning Administrator, summarized how he came to his determination based on the UDC. | Staff Report |
| C | The Board asked questions, which were answered by staff. | Questions Asked |
| D | Mike Horton stated that it was their contention that the R1 zoning itself establishes the primary use. Mr. Horton asked the Board if they had ruled on this type of appeal or usage before, which Chairman Schwartz answered no. Mr. Horton then asked Mr. Erlandsen if he had made this type of ruling before, which Mr. Erlandsen replied no. Mr. Horton commented then this ruling is universally and accurately applied throughout the Town of Payson, which Mr. Erlandsen replied to the best of his knowledge. | |
| E | Chairman Schwartz stated that he found numerous references in the UDC that very clearly indicates that before any other use can take place a single-family residence must be on the property. He felt that Mr. Erlandsen's determination was correct. | Chairman Comments |
| F | Wayne Donnay asked if the UDC was correct and should it even be questioned. Tim Wright, Deputy Town Attorney, replied that the UDC was applicable. He said the first level on how it is interpreted is the Zoning Administrator and his determination could be appealed to this Board. | UDC Applicable |
| G | Ken Wagner moved, seconded by Wayne Donnay, to affirm Ray Erlandsen's decision concerning this matter; motion carried 5-0. | Motion to Uphold Decision |

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- A There being no further items on the agenda, Chairman Schwartz adjourned the meeting of the Board of Adjustments at approximately 3:20 p.m. Adjournment


Roger Schwartz, Chairman


Approved


Chris Floyd, Secretary