

City Council Staff Report

Subject: Board of Adjustment (BOA) Appointments
Author: Laura Newberry, Planner I
Date: January 15, 2019
Type of Item: Administrative



Summary Recommendations

Based on City Council's direction, staff recommends that the City Council reappoint Hans Fuegi to serve on the Board of Adjustment, with the board member term ending in June 2023.

Executive Summary

There is one (1) Board of Adjustment (BOA) vacancy available for appointment. Staff received one application from Hans Fuegi, who is eligible for reappointment. Staff is recommending the City Council reappoint Hans Fuegi for a term ending in June 2023.

Background

In order to avail the City of the powers provided in Chapter 9 of Title 10 of the Utah Code (1953, as amended), there is hereby created a Board of Adjustment, which shall consist of five (5) members. There shall also be one non-voting alternate to vote when a regular member is absent. Members shall be appointed by the Mayor with the advice and consent of the City Council. The Council may fix per diem compensation for the members of the Board of Adjustment by resolution, based on necessary and reasonable expenses for meetings actually attended. All members of the Board of Adjustment shall reside within the City limits, and are deemed to have resigned if they move their residence from the City limits. The Board of Adjustment was created pursuant to the Utah Code with the following authority:

(A) The Board of Adjustment shall hear and decide:

- (1) Appeals from zoning decisions applying Title 15, Land Management Code;
- (2) Variances from the terms of the Land Management Code.
- (3) Appeals and call-ups of Final Action by the Planning Commission at the request of the City Council for City Development.
- (4) Appeals of Final Action by the Planning Staff on Historic District Design Review applications when the Historic Preservation Board takes part in the review and Final Action.
- (5) Appeals of Final Action by the Historic Preservation Board on Determination of Significance applications.

(B) The Board of Adjustment shall make determinations regarding the modification of Non-Conforming Uses and shall hear appeals on the determination of Non-Conforming or Non-Complying status by the Director of the Planning Department, as provided in Title 15, Chapter 9.

Analysis

Staff noticed the one (1) Board of Adjustment vacancy on the City's website, through the Park Record, as well as posting the vacancy at City Hall from June 27, 2018 through July 25, 2018. The application period was reopened on September 12, 2018 and closed again on September 21, 2018. Staff received an application from Hans Fuegi, who is eligible for reappointment. Based on City Council's direction, Staff is recommending City Council reappoint Hans Fuegi for another term on the Board of Adjustment, ending in January 2024.

Department Review

City Manager, Legal Department, and Planning Department

Alternatives

- The City Council may approve the recommended reappointment to ensure a fully staff and legally constituted Board of Adjustment.
- The City Council may deny the recommended reappointment and make an alternative appointment or reopen the recruitment process.
- The City Council may continue the appointment to a future date.

Recommendation

Based on City Council's direction, staff recommends that the City Council reappoint Hans Fuegi to serve on the Board of Adjustment, with the board member term ending in June 2023.