

Cedar City Board of Adjustments Minutes
June 3, 2019

The Cedar City Board of Adjustments held a meeting on Monday, June 3, 2019 at 5:15 p.m. in the City Council Chambers, 10 North Main Street, Cedar City, Utah

PRESENT: Chairperson Ann Powell, John Ashby, Phil Schmidt, Jill Peterson, Janet McCrea, City Planner Don Boudreau, Building Inspector Drew Jackson, Assistant City Attorney Randall McUne, City Recorder Onjulee Pittser.

OTHERS PRESENT: D. Bruce Kuykendall, Shane Chuning

EXCUSED: Joe Sanders, Roger Thomas.

CALL TO ORDER: Ann called the meeting to order at 5:16 p.m. The Pledge of Allegiance was led by John Ashby.

APPROVAL OF MINUTES: Motion to approve the minutes from the May 6, 2019 meeting by Jill. Second by Phil; vote unanimous to approve.

APPROVAL OF FINDINGS OF FACT: Motion to approve the Findings of Fact from May 6, 2019 by Phil, Second by John; vote unanimous to approve.

REQUEST FOR A VARIANCE ON THE SETBACK FOR FENCING ON A PROPERTY LOCATED AT 599 NORTH 800 WEST/ROGER WILLIAMS. Bruce Kuykendall, owner of Diamond K – We're building a home on Temple Cove. I hired Brent Carter to stick the feathers in to set corners on the setback. But the snowstorm and my guys went up and mucked out the feathers. When Shane Chuning my concrete guy came out, he pulled off back a sidewalk and we ended up being 9-inches off just for the fireplace, which was 6-ft. wide and pop-out for the garage was 12-ft. wide. The rest of the home is beyond the setback. It's a brick home so we have a 3" shelf for the brick. I had Brent come back and we were 8-inches off at one and 9-inches at the other end of the setback. **Ann:** And the foundation has been poured, right? **Bruce:** It's been poured and framed. **Ann:** And it's just right there. We have had this problem before. **Bruce:** I'm on a home builder's board as well as a grading contractor. When I build the homes, the setbacks are different. The property corners are in different spots. Our site map we submitted, I would do what Shane did and go right to back of sidewalk. If we started putting them in and marking lines, from my past history, our site maps were more detailed. Sometimes it's the pin out on the curb, sometimes it's back of sidewalk, other times it's a foot back. In this case it was 9-inches and one end and 8-inches at the other. We don't submit grading plans here we just do site maps, in this case my draftsman from Hurricane. Now I'm using Reliant Engineering and I'm making sure we're showing the property lines in our site map, back of curb, and show where the water meter is. It helps if we do that up front. **Phil:** I talked to Drew and I said we either have to have all the builders go to class and get a water card before touching the water system. We don't like these situations. We had one a few months ago. Nobody wants to take accountability for it, but we need to come up with something to make sure this doesn't happen. I talked to Roger and said I think the homebuilders need to have a class because they're different and the thing that's tough is if we let one go then our hands are tied. You guys need to do something that this gets fixed. **Bruce:** I'd really like to do that. **Phil:** You and Drew and your homebuilders.

Maybe nobody will get a building permit until they get that card saying they went to class with the number and Drew could make a spot on the building permit and write that on your form or you'll have to give it to engineers. A lot of site plans don't show much. Bruce: Roger agreed that we need to do something. **Phil:** That's not us. It's you guys. **Bruce:** I'm more than willing to work at it. Shane's been here pouring concrete. I and my clients have been in the neighborhood and seen homes right from their home and there are some at 24 and some at 25. It's something that we really need to work on. We're at 9-inches in just in 16-feet of the structure of an 80-foot long home. It just ruins everything. If I would have known, I would have slid it back. When I excavate the footing zones, its 3-foot deep and 10-foot wide. So, we have room to move. **Phil:** I hope you do. **Bruce:** I promise I will do what I can do to work at it. **Phil:** I hope you do something because all of us do not like this problem. And really it should not happen. We had one that was 3-feet off. At some point, we have to draw the line and say either we have a setback, or we don't. **Drew:** We recommend a survey and that's what Bruce did. I understand that those survey pins were washed out. I do think he made a good effort by getting that surveyed. It's too bad that they were washed out. **Bruce:** I wouldn't put the load on the City inspector, but when we're doing the foundation checks, the foundation is poured, but the stem wall sets inside that. We're pouring a 2-foot footing and then an 8-inch or a 10-inch stem wall. **Phil:** I don't think you pull off it. You don't pull a tape, do you? **Drew:** We'll take a look and try to get it as close as we can. **Phil:** Do you measure it? **Drew:** In this case with feathers up, with surveyor, no. We rely on the surveyor because that's the professional. **John:** If pins are down because of snow, would that prompt to re-establish it? **Drew:** When the inspector was there, the pins were up, so maybe they got moved. **Bruce:** It's a 9-inch section for 16-foot total of the home. From here on out, now that I switched my guy from Hurricane wasn't up to snuff with what we do. Normally, majority of my homes are on acreage and up on the golf course we're setting them back. It wasn't intentional, it wasn't lack of professionalism, it was cold weather might have got bumped around. Pop-out for the fireplace is hanging out there and the 12-foot pop-out on the garage is hanging out there. **Shane:** Shane Chuning with Seabuilt - Just on the articles and the way it's written, the only thing mentioned is the 1'-foot off of the back of sidewalk, in terms of putting a fence up, staying clear of that. That's where the clarification is interpreted. I have half of my builders that say 25-feet and others saying 26-feet. I think that's where the clarification needs to narrow that down in the setbacks. It is, supposedly in Cedar, 1-foot back of sidewalk. **Drew:** We'll take a look at the ordinance reads specifically but my understanding is in reference to property line. I think that's the term they use. I don't think they use anything of back of sidewalk. Sometimes people insinuate that back of property is sidewalk. My recommendation for 14 years is to get a professional to shoot it in. **Shane:** And that's part of the problem. **Ann:** You're not the first people that have come in. **Janet:** This is the 3rd one isn't it? **Shane:** It's probably been lax for so long and now they're enforcing it. A lot of people aren't aware of it. Everybody assumes it's back of sidewalk. A good portion of the GC's I work for will tell you 25-foot back of sidewalk. **Bruce:** If it's an older area, you don't have the property corners there. I always look at those nails at top of curb to know that's my side alignment and if the City has a 5-foot easement it's there and the property begins. **Phil:** Bulloch put all the nails in the sidewalk, Platt puts rebar 1-foot back. **Randall:** The way the ordinance is written is just purely from property line. **Phil:** Some people put in 6-foot sidewalks; some are 5-foot. **Randall:** The easiest way is to say, "property line", and each person building these know where that is. We expect them to know it for the 3 other sides. I guess in the end the only difficulty is education. **Phil:** The apartments that Quantum built there's a 3-foot grass space and then sidewalk. They're all different. I think that's why they did the ordinance that they did. The property line is property line. All over town, the sidewalks are different places all over. **Bruce:** What may solve the problem and not put the burden on you is if our plat maps would start at back of curb, show the sidewalk, the width, show where the PL is in reference to that. Most of these have a line. We're not sure it's the PL because it's not marked

as property line and we're out there digging for corners to get the corners reset. **Phil:** I would think on mylar they would show that. That's the one that will be recorded by the County. **Drew:** It is. **Phil:** The engineers that are drawing stuff up, that's an omission on their part. I would venture to say that the mylar's got the property line on it. **Randall:** I would assume so since they're dedicating the rest of it to us. It would be weird to not have the description dedicating it to us include what they're giving to us. **Phil:** Most of the time the engineers are not going to pull on mylars too often. Also, on mylars, it should be stated if you have soils that are good or bad. That doesn't get transferred too often to the building planners. **Bruce:** Normally, it's the draftsmen that's preparing the site maps. Where I come from, it's the civil engineer. He's putting everything down there for us. It shows all the way to center line of street, the width of your street, curb, gutter, sidewalk, and where the PL is. **Phil:** If you could get plans like that, I would appreciate that. It all comes down to a money thing. Engineers are tight on budget; they're fighting for the job. They need to keep the price down so they can do as little as possible. Someone's going to have to do something and say this is what has to be on here so that everybody does it, not just one. If one guy goes to that much detail, he's going to be a lot higher than the other one. **Bruce:** If it's a requirement from the City that we show center line on in, then there's no room for error. **Phil:** You're in a position to make that happen. **Bruce:** I like Drew and I like to work with him. I'll do whatever it takes. **Drew:** We have tried that before. We went to the CEO of the home builders and expressed our concern and we didn't get a positive result. **Phil:** You have people now, a little bit change of guard taking interest. **Bruce:** I could get the board to go with me on that. No problem. **Drew:** That would be fantastic. Surveyed in, let them stamp it. Done. **Phil:** Shane has something more than a drawing off the paper to pull off of. Not all lots are straight. **Ann:** But tonight, we have to deal with this. We have five questions we need to go through and make sure we can answer and be good with them. The first one says, "Literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not carried out for the general purpose of the zoning ordinance." We have to come up with a hardship that's not financial; that somehow happened on your property that hasn't happened on anyone else's. Personally, I feel that he has done due diligence, had the surveyor come out and looked at the flags. **Janet:** Randall gave us a legal opinion for the last 2 that we've had this year and surveyors are considered as principles in getting this done? **Randall:** If they're sub-contractors are in privy of contract generally, that's going to be viewed the same as if it's them. If you remember the 2 we had with Tim Watson, his whole fence was 3-feet off for 100-feet or for a long distance. Perfectly straight, just off. It does become that kind of a struggle. **Phil:** What did we end up doing with Tim? **Randall:** It was denied. **Ann:** He was denied. **Phil:** What ended up happening? **Drew:** Nothing yet. **Randall:** As far as I know, he's been working with Tyler Romeril, the City attorney, to come up with what I refer to as the "oops" ordinance. Setting some boundaries as to when can we view an "oops" by the applicant. If we run into the five if it's self-imposed, we're done. Look for something where we find these minor errors; maybe come up with some similar questions, but these are set by state statute. We have to come up with some other mechanism even if it came through here. **Phil:** If we give this one a variance, and Tim Watson hears about this, he'll be right back in here the next minute. He was saying he had it surveyed, and things happen. They're saying we have it surveyed, if we variance this Tim's gonna hear about it and we will be in court. **John:** Can we install an Act of God clause in this? **Ann:** Not today. **John:** That sounds like where we are. It's quite different than Tim's, even though he had it surveyed. **Randall:** You at least have an explanation as to why these pins moved. **Ann:** And we didn't with Tim. **John:** Who's to factor in the situation they're dealing with here? They had it all done; snow, a little bit of slippage and assumed everything was where it was surveyed initially and proceeded with that. **Randall:** That becomes the only danger. He had an Act of God that he had no control over. The question is whether or not the board feels that's enough to take responsibility to have it rechecked or having somebody who saw the pins before and saying those were 9-inches, 12-

inches back from sidewalk before. **John:** We have to deal with these situations that aren't similar, even though we have to deal with variances as they're proposed to us. We can't lump it all together. It puts us in an awkward and unfair spot. Puts them in an unfair spot because they followed all the rules. **Ann:** Tim could say the same thing. And the guy who built the duplex and the garage was too far, and that is where it makes it difficult for us. If we do it for one, we have to do it for everybody. **John:** That's my exact point. **Ann:** Do you take it into account the measurements, that it's a smaller section? **Randall:** Technically, this board does not create precedent the same way a court does where you are bound by the reasoning of a previous board. Nobody on this board is the same as what it was 15 years ago. The flip side of that is the standard the courts live by, which is arbitrary and capricious. If you make a yes here and no here, can they understand the logic that makes sense in a legal standard for saying yes to one and no to another and here's why. If the court can look at that as say that reasoning makes sense, great. They don't have to agree they would have gotten to the same result. The judge can say it's not enough themselves, but if it has a logical and legal basis, they can support it because it's not arbitrary and capricious. That's your question. Can you separate this incident from the previous ones? **John:** In my mind we can. **Phil:** I disagree with that. I have survey stakes all the time that get pulled, who knows how. We have to verify it, we have to put them back, we have to check. I understand what you're saying but I don't think that's a legitimate enough reason to go to court. That's not our problem. **Bruce:** In the past City Council meetings and, just like Randall was saying, there's a case by case basis. I've lost stakes and I have to put them back in there or I pull from one from the other and I use a metal tape to put it back in. We're talking a subdivision where you drive in, and it's 16-feet that sticks out there that's 9-inches out, it's a brick mortar and 3 other inches. Case by case basis really has to be looked at. I agree with Mr. Ashby. I could go out right now and find a lot of homes that are in the setbacks. I don't want to have to out there and get a lawyer. That's not what it's about and that's not what I'm threatening. There is gross negligence, there is reasoning. You won't be able to tell driving by. And to have to go and tear it all out. **Phil:** Is it Fixable? **Bruce:** It's fixable, but it's tear it down in the front just for that 9-inches and 16-feet. **Ann:** I remember someone had the same problem. The Rehkop's home that had a little overhang. **John:** With Tim's, kids came and pulled the stakes, we were assuming. **Janet:** We didn't know. He was just speculating. **John:** We're talking about how many feet for that fireplace? **Bruce:** It's a total of 16-feet. 12-foot on the garage and 6-foot on the fireplace. **Ann:** Both together are a total of 16-feet. A little here and little there. **Phil:** You were saying something that happened earlier. What happened there? **Ann:** He was a little off. He was his own general contractor and it was the same thing. He'd called the City and they said measure from this to this and he did and that was wrong. We're back to this confusion of exactly where do we measure from? **Bruce:** I have a couple of instances where I've worked with the City. I'm going 18' down to get to a sewer that Phil put in. Find that lateral. They were off 12-feet. It cost me 3 extra days shoring moving the shoring over. Yesterday I'm digging for a lateral they say I have on 900, but there's no lateral there. I dug everywhere. **Phil:** The best way to do that is to have Randy use a camera and verify. He knows where it is. **Bruce:** Send a camera. That's the step now after we dug to China and they don't believe there's a sewer lateral there. I don't know if we can send a camera down the water line, but we're going to do it with sewer. Even if there was one, it's an old ductal line that will have to come out. **John:** I'm coming down on the side of not setting precedence, but just being logical and practical. We need to construct a hard, fast rule for everything constructed from this point on, regardless. That to me does not make any sense. **Janet:** The precedent is if we grant the variance this time, and we've had 2 this year, it would be hard to tell Tim what the difference is between his and this one. In both cases, we don't know how stakes got moved. **John:** That's exactly my point. There's obviously a difference just by virtue of what we're dealing with. We're dealing with entire property lines. We're talking about 2 set outs. **Ann:** We're talking a little set back rather than many, many feet. He was 3-feet off, not 9-inches. **Janet:** Where

do we draw the line? What is a little and what is a lot? I don't want to go to court and say this is my arbitrary decision. I agree with Phil. **John:** I think it's based on a set of circumstances that are legally understandable. **Ann:** What was it? **Randall:** I found it. This was in 2016. Bradley and Cindy Rehkop. They had requested variance of the setback for a grand total of 1-foot, 6-inches from the actual property line. And this is what's included in the Findings of Fact: "The applicants believe from conversations with City staff that the 25-feet that was measured from the edge of the sidewalk rather than the property line is set by ordinance, which in this case is 1-foot closer to the house than the edge of the sidewalk. Due to construction issues, the building was placed within 24-feet and 6-inches from the sidewalk edge, which now means that the building has encroached 1-foot and 6-inches into the minimum front set back. Due to the curve of the road and the design of the house, only a small portion of the home encroaches into the required front set back." That was the reasoning taken in that case. **Phil:** He was told by the City and was given wrong information.

Randall: That has been a common theme on some of the ones in the past. If it's government caused, it's something we've said is not self-imposed. When the government is not involved in the decision making, the board has generally said no. **Phil:** What are your thoughts on this, Randall? **Randall:**

You don't create precedence, but we have to make sure if this is arbitrary or capricious. We have to distinguish between prior decisions as to why are we making this now as to why were we making it then. Now this board could say that this decision was made by previous board; we think they were wrong but we're going to go a different way. You can say that. You're able to do that in a way courts cannot. If you think your decisions you made in November/December were sound at that time, that's what we'll need that distinction. The distinction I'm hearing from John is the measure of the act of god kind of idea and Phil doesn't think it's adequate because we don't want that to be the new rule, even if it's not a precedent but a new theory that losing pins you're ok to guesstimate at that point.

In other areas acts of god are an absolute defense. Do we want to say every developer needs to redo that? And if we say every developer needs to re-put the pins back in because something knocks it out whether if its Tim Watson not knowing or in this case we do know most likely why, if we expect them to put pins in then we probably don't want to start not creating variances on that basis. **Phil:**

The pins were placed it's a straight lot. He could have easily measured from back sidewalk to the pin before anything happened. Should have known what that was just in case that does happen. **Bruce:**

The surveyor comes out and doesn't go onto the property. **Phil:** Did he put rebar in, or did he put in whiskers? **Bruce:** Whiskers. We put 40 whiskers in to just start the footing and when we were done with the footing, we came in with additional pins on top of concrete to set every corner. The home I

designed has a lot of angles to it. It was a gore lot. **Shane:** Even when they're surveying those whiskers, some were off by 4-inches and those were surveyed. **Bruce:** If a guy steps next to it in the mud it's gonna move 4-5 inches just walking in there. **Shane:** It's not like it was pulled. They were still there. **Phil:** What I'm seeing now is a lot of submit contractors are going total station and having

to put control out there on the job site you have to use total stations to shoot them in. **Janet:** What does total stations mean? **Phil:** Basically, it's for setting lines. It will pull line, and grade and basically, it's for setting lines and you can troll over and to verify and check elevations. It's a surveying

instrument. They're expensive and you have to know how to run them. **Adam:** They're about \$10,000. **Phil:** MS concrete does total stations all the way through. Everything is shot with a total station and it's on the money. **Bruce:** When we build a house, we have a good set of plans. I have

them designed by a good engineer, a structural engineer. I design every house I built. I've got some complicated angles that I put to them because I want to grab the views. If my plans are good, my

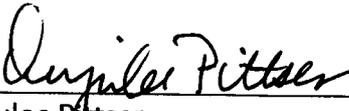
lumber bid's good. If we don't request a site map that will take this problem away and don't show the street side of what's going on. A project I did in Washington Fields area, both sides of the road had to be shown. Here it's a guy sitting in Hurricane drawing a site map and if you look at this, it

looks to me like the property line's a foot beyond where he's saying. **Phil:** I think in Cedar City, site plans are not evaluated right, Drew? **Drew:** We look for setbacks, looking for that number. It's not a

grading plan. **Phil:** Commercial buildings from Cedar City are not looked at either and you can go down to look at that million-dollar doghouse and it's in a pit. **Bruce:** There's houses all over this town are below top of sidewalk. Why not go to the high point of the center line? **Phil:** That's a problem you'll have to deal with. **Bruce:** It's odd that we don't have that in place but we're enforcing it. **Phil:** The ordinance is in place, whether or not you have it drawn on your plan that's your deal. **Bruce:** That's where we need to get together. I'd like to pull the tape right there and then when we do the footing inspection. I'd rather move the forms before I pour and frame. **Ann:** I'm afraid we can't get past #1. It sounds like you can do stucco. You have another option. That's another thing we have to look at. **Bruce:** I can't really use stucco. I have to use thin brick, but can I get a 3-inch variance? If I don't go with a full block and I do it with thin block, do the veneer on it and still have the same look, I could pull it back and cut the stem wall. **Phil:** If we do that what's the difference between that and Tim's? **Randall:** It depends at what point we get stopped. If we're stopping at the self-imposed, it's not going to matter how much the variance is, whether it's 3-inches or 3-feet. If you were past that stage, now looking at what we're weighing as the hardship versus enforcement. You can consider that. At that point, you can say if someone asks for 3-feet of a variance and another asks for 3-inches, then our hardship calculations may change. I don't think from a legal point of view it makes any difference if you're asking self-imposed. It's self-imposed regardless. If you can't get past that question the amount of the variance isn't going to change your legal question. **Ann:** Is someone ready to make a motion? **Phil:** It's a tough deal. I do hope you go to the housing board and get this done. This is our third one. The problem I see is we have a hard case before this one and if it goes to court a variance is a variance. It is or it isn't. **Bruce:** What warrants a variance? **John:** We have an ordinance, we have rules, established by City code. **Ann:** Question #2 says there are special circumstances attached to this property that no one else has. Is there something special about this property? Which we had. The lot was a funky shape and he had one setback because of it. Things like that we have to take into consideration. **John:** Was there a distinguishable slope? **Ann:** You have all this property and you could have, and you wish people would do it. I know people come in and see us to break the rules, but we also have a very narrow window that we can do that, but at some point, we have to draw the line. **Bruce:** But what would warrant a variance? **Randall:** There's different ones we've gone through. When we go through. You go through the 5 questions and we have to, as part of question #1, there are 2 they run into a lot. One is self-imposed and the other is financial. It's not a basis to do it on money. And you have to go through the five. When we've granted them in the past, they've been based on something that is just out of the person's control. **Phil:** Power line are out of their control. **Randall:** We've had 200 N. where the State of Utah came in 20-30 years ago and took 5 feet. Now we have all these people that have nowhere to put their front landscaping, which we require. All these things were not caused by the applicant. And even then, we have to go through these 5 questions and ask if they meet them all. By Utah law, the default is no. We start out by saying we have ordinances for a reason and if we don't like the ordinance the group supposed to handle this is City Council. Then we send you back to City Council and ask them. This board has a very narrow authority that's set by state law. We have no ability to override that. It all comes down to whether or not your facts fit those 5. **Bruce:** What's giving me heartburn is a little selective enforcement. I can go out now and find 15-20 buildings that are well within the setbacks. **Ann:** And that's where you approach City Council and let them know. We have had people come in here and go to City Council and had things change. We don't have that ability. We have to go by what we've got. We don't make these decisions lightly. We feel like this was somebody's mistake, unfortunately, and that's why we cannot get past #1. **Drew:** On the roof pitch issue, that's an association rule, not City ordinance. That wouldn't be enforced by our office. **Ann:** We had someone who wanted to close-in their garage and half of the neighbors had done it illegally. We know there's people out there. Unless someone wants to go around and write tickets,

but it's a little town. Those people have not come to see us. **John:** And that's a shame because that penalizes you. **Bruce:** I can go out here and find another 30-40 easily within eyesight we have one at 24. **Ann:** Again, approach your City Council and say this is a problem. **Bruce:** I'll work with you and respect where you guys are and look forward with working with Drew. Hopefully we can get some good plat maps going. Not that we have to have engineered grading plans. I engineer all of my lots. That's what they're paying me for. **Ann:** We still have not made a motion. **Janet:** I'll make a motion to deny the request for the variance at 236 S. Temple, because we cannot identify an unreasonable hardship as it looks to be self-imposed. **Phil:** I'll second that. Vote unanimous. **Phil:** go to the homebuilders get this problem fixed. **Bruce:** I'd love to. I'd hate to see anybody else get in this. In the end we're all on the same team. **Randall:** Did you want to say anything on Tyler Whittwer? Are we tabling that until we get back? **Ann:** We're tabling Tyler Whittwer.

ADJOURN: The meeting adjourned at 6:09 p.m.



Onjulee Pittser
Executive Assistant

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ACTION OF THE BOARD OF ADJUSTMENTS

1. The Board of Adjustments received a petition from Diamond K Builders seeking a variance from the front setback requirement found in Cedar City Ordinance 26-III-2(F)(2), to allow for a building to remain nine inches (9") into the front setback at a property located at 236 S Temple Cove Dr, Cedar City, Utah.
2. The Board of Adjustments determines the matter presented in this request for a variance is within its jurisdiction to review as set forth in Cedar City Ordinance 26-IX-2(A)(3).
3. The Board of Adjustments makes the following findings of fact, to wit:
 - a. The Petitioner constructed a home on this property with the result being that a portion of the home is nine inches (9") into the front setback of twenty-five feet (25').
 - b. The Petitioner originally had the building location surveyed and marked, but, due to heavy snowfall, the markers were removed to clear up the snow.
 - c. The Petitioner did not have the markers replaced, but rather, a subcontractor merely measured twenty-five feet (25') from the sidewalk, which is approximately one foot (1') off from the actual front property line.
 - d. As the Petitioner did not have the markers replaced and a subcontractor of the Petitioner failed to measure from the correct location, the alleged hardship is self-imposed, and, thus by definition, cannot constitute an unreasonable hardship.
4. Based on the findings of fact above, the Board of Adjustments denies the petition of Diamond K Builders seeking a variance from the front setback requirement found in Cedar City Ordinance 26-III-2(F)(2), to allow for a building to remain nine inches (9") into the front setback at a property located at 236 S Temple Cove Dr, Cedar City, Utah.

Hearing on this matter was advertised on or about the 27th day of May, 2019.

Hearing on the matter was held on 3rd day of June, 2019. The following members of the Board were present and voted for the denial of the variance: Ann Powell, Jill Peterson, Phil Schmidt, John Ashby, and Janet McCrea.

DATED this 3rd day of July, 2019.

~~Ann Powell~~, Chair *Janet McCrea for Ann Powell*
Cedar City Board of Adjustments

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