



HIGHLAND CITY APPEAL AUTHORITY

Wednesday, April 3, 2024

Approved April 10, 2024

Highland City Council Chambers, 5400 West Civic Center Drive, Highland UT 84003

Appeal Officer Craig Call

10:00 am CALL TO ORDER

The meeting was called to order at 10:01 am. The meeting agenda was posted on the Utah State Public Meeting Website at least 24 hours prior to the meeting.

Present: Appeal Officer Craig Call, City Attorney/Planning & Zoning Administrator Rob Patterson, Public Works Administrative Assistant Gretchen Homer, Applicants Shane and Alicia Westra

1. APPEAL

Variance Hearing – Shane and Alicia Westra Backyard Fence

Craig Call, the appeal authority for Highland City, presided over a single item on the agenda: a variance request by Shane and Alicia Westra. Mr. Call introduced himself as an attorney with experience in land use matters and explained that his role was to make a decision in a manner consistent with how a court would rule, following quasi-judicial procedures outlined by Utah law.

Mr. Call disclosed that he had only reviewed materials provided by the Westra's, including the variance request application, a summary in response to the application, and a plat map. He mentioned driving by the property before the hearing but clarified that he had no additional information beyond what was in the materials. The burden of proving the appropriateness of the variance rested on the Westra's as the applicants. Mr. Call invited them to address any aspects of the request not covered in the provided materials, acknowledging the thoroughness of the documentation.

The Westra's stated they did not have any additional information to present other than what was in the provided materials.

Rob Patterson, serving as both City Attorney and Planner, referenced Highland City Development Code, Section 3-612(3)(a)(ii). This code stipulated that fences must have a minimum setback of 14 feet from the back of the curb and all sides that abut a street. However, it allowed for a reduction of the setback to the property line if the fence is 66% open and is at least six (6) feet from the back of the curb.

Mr. Patterson provided background information on the cul-de-sac. He mentioned that the street was originally a through street as designated in Pinnacle Estates plat A and B. However, subsequent developments, such as the

Sienna Subdivision and the Mountain Ridge Subdivision, had different circulation patterns, leading to the current situation where the cul-de-sac served as a temporary turnaround.

Expressing the city's position, Mr. Patterson stated that the code was not intended to prevent a fence in the Westra's situation. He highlighted that the code was primarily aimed at corner lots or double-fronted lots, whereas the Westra's property faced a unique circumstance of backing onto a cul-de-sac. Mr. Patterson indicated that while the matter was somewhat subjective, the city's code was not intended to apply in the manner it was being interpreted in this case.

In conclusion, Mr. Patterson expressed the city's lack of opposition to the variance request, stating that if deemed appropriate by the hearing officer, the city would be supportive of the decision.

Appeal Authority Craig Call opened the public hearing. There were no public comments.

Mr. Call said that he would be granting the variance and will prepare a written statement of the decision.

The meeting adjourned at 10:06 am.

ADJOURNMENT

I, Stephannie Cottle, City Recorder of Highland City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on April 3, 2024. This document constitutes the official minutes for the Appeal Authority Meeting.



Stephannie Cottle, CMC
City Recorder