

MINUTES OF THE HUNTSVILLE TOWN COUNCIL MEETING
Thursday, July 28, 2022
Ogden Valley Library Auditorium
131 South 7400 East, 5:00 p.m.

Name	Title	Status
Richard L. Sorensen	Mayor	Phone
Bruce Ahlstrom	Council Member	Present
Kevin Anderson	Council Member	Present
Sandy Hunter	Council Member	Present
Artie Powell	Council Member	Present
Beckki Endicott	Clerk	Present
William Morris	Legal Counsel	Excused

Citizens: None

1-Mayor Pro Temp Kevin Anderson welcomed those in attendance. There is a full quorum present.

2-Discussion and/or action on appointments to the Appeals & Variance Board. TCM Artie gave some background on being a member of the Variance Board. The Variance Board needs two members. Both TCM Artie Powell and TCM Bruce Ahlstrom have served on the Variance Board for a long period of time. The candidates for this position need to be willing to read and study about variances and how each case is individually applied. The point was emphasized that a variance could not be granted solely based on economic circumstances.

Beckki reviewed the Huntsville Town Code for the Appeals Committee. She reviewed the number of members on the committee, terms, vacancies and having Town Council representatives. The code in 15.5.2.E which states that a TC member should be at the appeal hearing to explain the decision of the Town Council.

TCM Anderson asked if the current matter before the appeals committee had been heard at the Planning Commission and Town Council. TCM Hunter explained that the letter received by Tom Freeman’s attorney asked for a determination of a buildable lot. It cited 15.5.4.C which states, “The Huntsville Town Appeal Authority may make determinations regarding the existence, expansion, or modification of nonconforming uses under the Huntsville Town Land Use Titles.”

The letter is addressed to the appeals authority chair. TCM Hunter stated the code says, “may make determinations” not “should make determinations.” The code seems to imply the appeal authority could make the determination or they could decide to send the applicant back to the Planning Commission to submit for a Land Use Permit. This would be denied based on the lack of frontage on a public road and a lot that is less than three acres. TCM Ahlstrom pointed out that the Freeman’s can only ask for a Variance right now, not an appeal. There is nothing to appeal because they have not applied for anything. The only thing that the appeals authority could consider is a variance. The variance rules would need to be applied to this case. The Freeman’s have not applied for a variance. They have applied for a determination of a nonconforming lot.

There was a discussion about the definition of a nonconforming lot. TCM Anderson stated under the state code that a lot that is nonconforming is a lot that at one time was legally conforming. Through changes of the law over time the lot keeps the same use becomes legally nonconforming. At some time, the lot was legal as zoned. The Town Council discussed more of the history of the parcels in question. The parcels were created in Weber County and not annexed into Huntsville Town until 2015. The Town Council discussed whether the parcels in question were ever legally conforming.

TCM Anderson stated the Huntsville Town Appeals Board could entertain whether they wanted to make a determination on the status of the parcels. The Town Council needs to make appointments to the committee to reconstitute the board.

Several names were suggested by Town Council members. The names were reviewed for experience and circumstances that would let them serve at this time. Mayor Sorensen stated he had the chance to visit with all the TC members to receive their input. He called and asked James Truett and Brent Ahlstrom if they would be willing to serve on the Appeals Board.

TCM Artie Powell motioned to appoint Brent Ahlstrom and Jim Truett to the Variance Board. TCM Hunter seconded the motion.

There was a suggestion to amend the motion to reflect the name of the committee as the Appeals Authority.

TCM Artie Powell amended his motion to appoint Brent Ahlstrom and Jim Truett to the Huntsville Appeals Authority. TCM Hunter seconded the motion. For votes Aye. TCM Bruce Ahlstrom abstained. Motion passed. Votes are reflected below.

VOTES	AYE	NAY	ABSTAIN	EXCUSED
Mayor Richard L. Sorensen	X			
CM Bruce Ahlstrom			X	
CM Kevin Anderson	X			
CM Sandy Hunter	X			
CM Artie Powell	X			

TCM Hunter suggested all Town Council members study the proposed A-3 ordinance that both the Planning Commission and Town Council have been revising. The A-3 zone is mentioned in the Development Agreement with Sage. She also suggested looking over the Development Agreement prior to their next meeting.

TCM Sandy Hunter motioned to adjourn the meeting. TCM Ahlstrom seconded the motion. All votes Aye.

Meeting Adjourned at 5:32 p.m.

Becki Endicott

Becki Endicott, Huntsville Town Clerk