

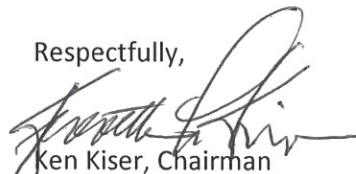
North Ogden City Council
505 East 2600 North
North Ogden, Utah 84414

Honorable Mayor and City Council Members;

During the August 1, 2012 meeting of the North Ogden City Planning Commission, the members (all present) heard a request from the City Council regarding the city zoning ordinance, suggesting a change to the Appeal Authority for Variances to the zoning ordinance. At present, the Appeal Authority is the Justice Court Judge. The Justice Court Judge replaced the North Ogden City Board of Adjustment as the Appeal Authority about two years ago. The Planning Commissioners discussed this issue and heard from Commissioner Residori, having served as a Board of Adjustment member prior to his appointment to the Planning Commission. He felt that the guidelines are very restrictive and leave little room for a citizen board to consider the reasonableness of applications if the application cannot be interpreted as meeting the guidelines provided by Utah State Statute. The inability of a Board of Adjustment to consider other factors the guidelines provide by State law in the decision making process, leave little but legal facts to determine if a variance should be granted, which is best decided by the Administrative Court Judge. The need for some legal training and advice provided by the city attorney to a newly appointed Board of Adjustment was also discussed.

The Planning Commission unanimously recommended that the Administrative Court Judge be retained as the Appeal Authority for zoning ordinance variances in North Ogden City.

Respectfully,



Ken Kiser, Chairman
North Ogden City Planning Commission