

Providence City Appeal Authority Meeting
May 1, 2014, 6:00 p.m.
Providence City Office Building
15 South Main, Providence, Utah 84332

Appeal Authority: Herm Olsen, Chair; Mary Hubbard; Ryan Leonhardt

Pre-meeting Overview

- Meeting to discuss appeals by Chris and Sandra Checketts.
- Chair H. Olsen gave each participating party 5 minutes to briefly explain their position.
 - Appellant, Chris Checketts, stated that Providence City gave him permission to build a building to house his countertop business. He said he invested a lot of time and energy to build the building. When a few neighbors complained about his business, he said he remedied noise issues and tried to keep his business nice and clean. Mr. Checketts asserted he is not hurting anyone, has been upfront with the City from the beginning, and has not hidden anything. He also stated that if the City forces him to close his business it would be devastating to his family and finances.
 - Chris Daines, counsel for Appellants, spoke about many procedural issues that he requested the Appeal Authority resolve before it makes its decision on the Checketts' appeals.
 - Providence City Attorney, Craig Call, stated that the City has not been hostile to the Checketts as evidenced by the conditional use permit its Land Use Authority granted the Checketts in 2011. Even when neighbors appealed the City's decision to the district court, the City's participated in that case as more or less as a neutral. Mr. Call said that the City has looked at what has happened since that court case and indicated that the actions the City has taken are proper. He also said that it is the appellant's burden to show error in the City's decisions, and that the City will provide evidence for the record that supports the decisions it made.
- Chair H. Olsen indicated that in a recent decision related these appeals the court found that certain neighbors has a protected property interest and therefore the Appeal Authority would hear from the attorneys representing those parties.
 - Lyle Fuller, counsel for Robert Bissland and Laura Fisher, stated that his clients are concerned about a commercial business in a residential neighborhood, which they do not believe is compatible with the look and feel of the neighborhood. His clients agree with and support the City's decision that the business is not legal.
 - Joseph Chambers, counsel for Kent and Pat Frandsen, represented that the Checketts' neighbors have not done anything relating to the Checketts' estoppel claims. Mr. Chambers also noted that allowing a manufacturing business in a residential area is a safety concern.

Recess

Chair H. Olsen proposes ten minute recess. M. Hubbard and R. Leonhardt agree to ten minute recess.

Agenda

- Appeal Authority will discuss two appeals filed by the Checketts regarding their business at 920 East Canyon Road in Providence Utah. These were discussion items only, not action items.
- Discussion led by Chair H. Olsen:
 - Parties may proffer evidence from witnesses during next Appeal Authority meeting with full opportunity to supplement record.
 - No decisions made tonight.
 - City to coordinate meeting within two weeks where a decision on the appeals may be rendered.
 - Parties to provide Appeal Authority copies of the relevant Providence City ordinances in effect on June 14, 2011, as well as Utah Code sections in effect on that date.
 - The parties may provide additional beneficial information and proffer additional evidence at next meeting.
 - Parties may supplement proffers they make during the next meeting ten days after the meeting.
 - Input from neighbors within 300 feet is more relevant than from people who live three miles away.
 - City will assign someone other than Skarlet Bankhead to receive proffers from the parties.
 - Appeal Authority will ask the parties questions as they arise.
 - Parties should proffer whatever evidence they deem appropriate, even if the same evidence has been submitted by other parties.
 - Next meeting will be continuation of this meeting and is tentatively set for **May 21, 2014**. The Appeal Authority may or may take action during the next meeting.
 - Supplemental proffers after May 21 meeting due **June 3, 2014**.
 - City will ask City Council to stay enforcement and notify the parties of the City's decision by **May 14, 2014**.
 - Mr. Fuller may provide argument why his clients have standing to participate by **May 8, 2014**.
 - All documents submitted are available to the public and should be submitted in PDF format.

Meeting adjourned.