

# Tooele City Board of Appeals

April 8, 2003

Minutes

**Board Attendees:** Steve Bunn, Bob Childs, Barry Formo, Ken Spence, Tony Flippo, Randy Gochis

**Staff Attendees:** Cary Campbell, Community Development Director/Building Official  
Doug Bayly, Assistant City Attorney  
Susan Howard, Office Administrator  
Larry McFarland, Fire Chief  
Andrea Cahoon, Contract Secretary

Minutes prepared by Andrea Cahoon.

Chairman Bunn called the meeting to order at 5:30 P.M.

1. Property Located at 155 North Broadway, Tooele, Utah, belonging to Derrell Westbrook Found by Building Official to be Dangerous Under the Provision of Section 302 of the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, as Adopted by Tooele City.

Chairman Bunn stated that this property is owned by Derrell Westbrook. Mr. Campbell explained that Chapman, an interim owner, signed a quit claim deed back to Mr. Westbrook and recorded it. Roger Baker saw the deed and stated that the property had been returned to Mr. Westbrook.

In as much as the applicant won't be here, Mr. Bunn asked to postpone the hearing. Mr. Formo asked that they hear a proposal from the Building Official about a continuance of the hearing.

Mr. Campbell stated that Mr. Westbrook, or his representatives weren't present and he asked that the Board consider postponing the meeting to a day chosen by the Board, preferably in the next week if possible. The appellant had given a letter to Mr. Campbell stating that he is not available on Tuesdays or Wednesdays. This letter is included as Exhibit A.

Mr. Formo entered into the record section 501.3 (of the 1997 Abatement of Dangerous Buildings), which was titled "Scheduling and Noticing Appeal for Hearing." It states:

As soon as practical after receiving the written appeal, the board of appeals shall fix a date, time and place for the hearing of the appeal by the board. Such date shall not be less than 10 days nor more than 60 days from the date the appeal was filed with the building official. Written notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appellant by the secretary of the board either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.

Mr. Campbell stated that the board should establish a date at this point. Mr. Formo said that 10 days out is Friday, April 18<sup>th</sup>, 2003. Ms. Howard stated that was the Friday before Easter. Mr. Bunn felt that they didn't need to worry about the 10 days because they had already noticed it properly for the hearing being held that night. This was to give Mr. Westbrook an opportunity to appeal in person and answer any questions that may be brought up.

The Board felt that a Thursday would be better and discussed the date of Thursday, April 17, 2003 to reconvene. Mr. Bayly asked that the notice be hand delivered to Mr. Westbrook first thing on Wednesday morning.

**Mr. Formo moved to reconvene the extension of this hearing on April 17<sup>th</sup>, 2003 at 5:30 p.m., being the second Thursday from this date.** Mr. Gochis seconded the motion. All members present voted, "Aye."

2. Adjournment

The motion on item one effectively recessed this meeting until April 17<sup>th</sup>, 2003 at 5:30 p.m.

Approved by: \_\_\_\_\_

Date: \_\_\_\_\_