

CITY OF NORTH SALT LAKE  
LAND USE APPEAL AUTHORITY  
DECEMBER 18, 2019

**FINAL**

Glenn Bronson called the meeting to order at 5:00 p.m.

STAFF PRESENT: Sherrie Llewelyn, Community Development Director; Glenn Bronson, Appeal Authority/Hearing Officer; Kurt Imig, Code Enforcement Officer; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: Paul Hunter, Rosemarie Hunter, Ashley Dausilio, Elisa Love, residents.

1. CASE N19-02382. PAUL HUNTER AT 1095 NORTH REDWOOD ROAD-  
VIOLATION OF CITY CODE SECTION 4-2-2

Sherrie Llewelyn reported that a citation was issued November 19<sup>th</sup>. The property at 1095 North Redwood Road was in violation of **code 4-2-2 (E) Real property to be kept clean and secured.** The property had uncontrolled weeds, over six feet tall, within the property boundaries between the property line and the sidewalk as well as within the adjacent park strip. She clarified that the property owner, Paul Hunter, was required to mow these weeds to provide a fire break. The code enforcement officer inspected the property on October 24, 2019, November 14, 2019 and December 9, 2019 and found that no action had been taken to abate the weeds. On December 5, 2019 Mr. Hunter filed a request for hearing with an appeal challenging the responsibility of the property owner to maintain the growth and height of weeds within the park strip and street edge as that property was within the City owned right of way. Mrs. Llewelyn said that City ordinance 4-2-2 (E)(1) required the property owner to maintain their property “including adjacent park strips, alleys and street edges,” and also ordinance 4-2-2(F) provides that the weeds shall not exceed six (6) inches in height and on properties greater than five acres the required cutting may be limited to the cutting of fifteen (15) foot fire break around all buildings and the perimeter of the property. The City has requested an order imposing a civil penalty and a requirement that the weeds be removed by March 20, 2020. A photograph, from November 26<sup>th</sup>, was presented which showed that the weeds were still overgrown on the property as of that date.

The City’s code enforcement officer, Kurt Imig, notified the property owner, Paul Hunter of the code violation on August 28, 2019. A notice of violation was issued on November 11<sup>th</sup> and was delivered to Mr. Hunter via personal delivery.

Glenn Bronson asked if the notice of violation was personally delivered to Mr. Hunter. Kurt Imig replied that the notice was delivered via US Mail and text message.

Paul Hunter commented that he did receive the notice of violation in the mail. He said that a neighbor complained due to concern about potential fires. Mr. Hunter said it was to his benefit to have a fire break. He said that when he spoke with the fire department he was told that April was the best time for removal so he was surprised to receive a notice with a ten day removal timeframe.

Paul Hunter also said he did not know he was responsible for the City owned right of way and he felt the code should be more clear. He commented that it would take time to clear the weeds.

A map of the parcels was shown and Glenn Bronson clarified the area that was part of the citation with Mr. Hunter.

**Glenn Bronson determined that the property owned by Paul Hunter was in continued violation of City Code section 4-2-2 related to the upkeep and weed maintenance. Paul Hunter was ordered remove the weeds within the park strip, the area between the sidewalk and fence line, and an area 15 feet wide around the perimeter of the property as a fire break. The civil penalty of \$200 may be waived provided that compliance is reached prior to March 30, 2020.**

2. CASE N19-01013. ELISA LOVE & CHAD TERRY AT 71 EAST 250 NORTH-  
VIOLATION OF CITY CODE SECTION 4-2-2; 10-1-42; AND 10-6-21

Sherrie Llewelyn reported that Kurt Imig inspected the property at 71 East 250 North on December 17, 2019 and found the property to be in an improved state with trash removed from the property. Two violations remained regarding the lean-to structure and pallets nailed to the fence which created a violation of the maximum fence height of six feet. The City requested an order of abatement authorizing the City to enter the property and abate the remaining violation with a civil penalty of \$500 that would be waived if compliance was met prior to December 31, 2019.

Kurt Imig reported that on December 17, 2019 he viewed the property and the majority of the back, side and front yards were cleaned except for one small area. He presented a photograph of the lean-to structure next to the garage. which was assessed and found to be out of compliance by the City's building inspector. Mr. Imig also spoke on the eight foot wall which was in violation of the maximum fence height of six feet.

Glenn Bronson commented that the eight foot wall was not part of the original citation. He said that as the resident was not notified or cited, at this time, for the fence that he could only take action on the debris on the property.

Elisa Love commented that they could lower the fence to be in compliance with City code.

**Glenn Bronson determined that as the majority of the debris had been cleared from the property he would order Elisa Love to remedy the problem with a civil penalty of \$500 that would be waived if compliance was met by December 31, 2019.**

Elisa Love asked for an extension due to the holiday season.

Sherrie Llewelyn clarified that the fence and lean-to were building code issues and not part of the original citation. Kurt Imig stated that there was still some material/debris on the property.

Glenn Bronson asked Elisa Love if she would be able to remove the debris from the property by December 31, 2019. Elisa Love replied affirmatively.

**Glenn Bronson amended his decision and ordered that Elisa Love remove the debris by December 31, 2019 or a civil penalty of \$200 would be assessed. This penalty would be waived if compliance was met by December 31, 2019. He stated that if Ms. Love failed to remove the debris by that date then he would issue an abatement order for the debris to be removed by the City with the cost to be paid by Ms. Love in addition to the civil penalty.**

Glenn Bronson then stated that the City would cite Elisa Love for the fence and lean-to if they were not brought into compliance with the City code.

3. CASE N19-01854. ASHLEY JEAN DAUSILIO (TENANT) AT 22 SOUTH 300 EAST-VIOLATION OF CITY CODE SECTION 4-2-2; 10-1-42

It was found that Ashley Dausilio was not present.

**Glenn Bronson determined that he would grant the City what they were requesting as Ms. Dausilio was not present.**

4. ADJOURN

Glenn Bronson adjourned the meeting at 5:34 p.m.

At 5:35 p.m. Ashley Dausilio entered the council chambers.

5. RECONVENE

At 5:35 p.m. Glenn Bronson reopened the meeting to discuss Case N19-01954.

Sherrie Llewelyn reported that since the November 20<sup>th</sup> code enforcement meeting some progress had been made on the property; however, Kurt Imig had been unable to inspect the property despite efforts to schedule a visit with Ms. Dausilio. The City is now asking for an

abatement order to clean up the property and charge the cost to the property owner in addition to a \$500 civil fine.

Kurt Imig reported that he was able to perform an inspection of the property one hour ago. He presented photographs from December 17<sup>th</sup> and 18<sup>th</sup>. These images included areas that had been cleared as well as areas that still needed additional work including the storage area under the deck, the wood pile in the rear yard, the patio, and the backyard. Mr. Imig also showed photographs of the areas which had been cleared including the walkway area to the back door.

Ashley Dausilio commented that there was still work to be done.

**Glenn Bronson determined that as Ashley Dausilio could not continue to meet with the City forever that a civil penalty of \$500 would be assessed if the property was not cleared by December 31, 2019. He stated that if Ms. Dausilio failed to remove the debris by that date then he would issue an abatement order for the debris to be removed by the City with the cost to be paid by Ms. Dausilio in addition to the civil penalty.**

**Glenn Bronson amended his order to extend the date for clean up to January 30<sup>th</sup>, 2020 with a civil penalty of \$500 to be assessed if the property was not cleared by that date. If the property was cleared by January 30, 2020 the fee would be waived, otherwise the City would remediate the property and Ashley Dausilio would be responsible for the cost of the cleanup in addition to the \$500 fine.**

Glenn Bronson asked Ashley Dausilio if she understood the order. Ashley Dausilio responded affirmatively.

6. ADJOURN

Glenn Bronson adjourned the meeting at 5:47 p.m.

Approved as directed and reviewed by Administrative Law Judge, Glenn Bronson.

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Minutes Secretary

  
Recorder