

CITY OF NORTH SALT LAKE  
LAND USE APPEAL AUTHORITY  
DECEMBER 16, 2021

**FINAL**

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

STAFF PRESENT: Glenn Bronson, Appeal Authority/Hearing Officer; Sherrie Pace, Community Development Director; Sandra Halladay, Code Enforcement Specialist; Mackenzie Bennett, Planner.

OTHERS PRESENT: none.

1. CASE E4987-2021, AUDREY K. JAMES AND ROBERT L. DONOHOE AT 166 NORTH ACORN DRIVE-VIOLATION OF CITY CODE SECTION 10-6-6(3)(a) (REQUEST FOR ABATEMENT ORDER AND CIVIL PENALTY)

Sandra Halladay stated that she did not have additional information to add to the written staff report and associated case file materials.

Glenn Bronson commented that the City previously issued a notice of violation as a separate document, and it was not contained within the materials submitted for review. Sherrie Pace responded that the City sent a courtesy letter first and surmised that it was not contained in the file. She explained that it was confusing to have both notices entitled "citation" so the first notice became a courtesy letter.

Glenn Bronson spoke on the discrepancies of the wording for the notice of violation that was in the file. He explained that it referenced a "notice of violation" but the document was entitled "administrative citation". Sherrie Pace replied that staff intended the administrative citation to be the notice of violation. She then presented the courtesy letter that had been sent via mail to the property owner on September 29, 2021.

Glenn Bronson asked if the courtesy letter was sent certified mail with a requested return receipt. Sandra Halladay responded that the letter was not sent certified mail; however, the Administrative Citation & Notice of Hearing was sent by certified mail, but no receipt of delivery had been received by the City.

Glenn Bronson expressed concern that the property owner may not have received proper notification. He said before a fine could be issued or an individual be held in violation that due process must occur. Mr. Bronson explained that it was important that the property owner was served and that they received the notice.

Glenn Bronson then asked in regard to how the Administrative Citation & Notice of Hearing was delivered. Sandra Halladay replied that the file contained the certified mail receipt with the tracking information. She stated that she personally mailed the Notice of Hearing via certified mail to the proper address.

Glenn Bronson asked if Sandra Halladay had spoken with the property owner since the notice was mailed. Sandra Halladay responded that she had not spoken to the property owner since mailing the notice. She clarified that she did speak to the property owner prior to December 2, 2021, when the notice was mailed. The correspondence with the property owner was done through email within the last two months.

Glenn Bronson requested a copy of the certified mail receipt. City staff proceeded to obtain this receipt and tracking information.

Sandra Halladay explained that when the recipient received the letter a green card would be sent back to the City. She said the green card was not received in this instance. Glenn Bronson replied that it appears that there is no evidence to show that the property owner had received the Administrative Citation & Notice of Hearing and thus had not received proper notice of the hearing.

**Glenn Bronson denied without prejudice the request for violation. He said this was not based on merit but the lack of evidence of service. Mr. Bronson explained that there was not enough evidence to show that the property owner was served notice at this time. He commented that one of the options to remedy this included personally serving the property owner.**

Glenn Bronson closed the hearing and requested that if the City wanted to pursue the request for abatement and civil penalty that the property owner be properly noticed.

## 2. ADJOURN

Glenn Bronson adjourned the meeting at 5:13 p.m.

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

  
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Linda Horrocks, City Recorder