

Mapleton City Planning Commission Staff Report

Meeting Date: June 13, 2013

Item: 5

Applicant: Dennis Gore

Location: 2975 S 1600 W

Prepared by: Sean Conroy, Community Development Director

Public Hearing Item: Yes

Zone: A-2

REQUEST

Consideration of a request for a variance to reduce the required frontage for a parcel located in the Agricultural-Residential (A-2) Zone.

BACKGROUND AND PROJECT DESCRIPTION

The applicant owns two parcels that total 6.08 acres with approximately 359 feet of frontage on 1600 West. The southern parcel is developed with a single family residence that was constructed in 1984. The northern parcel is used for agricultural purposes. When the building permit was issued for the residence, the property was a single six acre parcel. The property was subsequently subdivided by recording a deed with the Utah County Recorder. Since the subdivision did not go through the Mapleton City subdivision process, the two parcels are not considered legal lots of record.

The A-2 Zone requires a minimum of two acres per unit with at least 200 feet of frontage on a City road. In order to facilitate a two lot subdivision, the applicant is requesting a variance from the frontage requirements to allow one lot with 159 feet of frontage. The applicant has indicated that the front portion of the northern parcel does not receive irrigation water and is not productive as agricultural land. The granting of the variance would allow a home to be built on this portion of property. See attachment "1" for more information on the requested variance.

EVALUATION

Variance: If the property were to be properly subdivided, one lot could meet the 200 foot frontage requirement, leaving the other lot with approximately 159 feet of frontage. Mapleton City Code Chapter 18.84.360 outlines the criteria for considering variance requests. These criteria are outlined below followed by a staff response.

H. The planning commission may only grant a variance to waive or modify the requirements of a land use ordinance as applied to a parcel of property if:

(1) literal enforcement of the ordinance would cause an unreasonable hardship, as defined in Utah Code section 10-9a-702, for the applicant that is not necessary to carry out the general purpose of the land use ordinances;

Response: The frontage requirements do not place an unreasonable hardship on this property. There are options (discussed below) that would allow the owner to develop at least two lots without the need for a variance.

(2) there are special circumstances, as defined in Utah Code section 10-9a-702, attached to the property that do not generally apply to other properties in the same zone;

Response: The applicant argues that the special circumstance associated with this parcel is its inability to receive irrigation water, and therefore be used for agricultural purposes. While not having irrigation water clearly makes it difficult to raise crops, there are any number of other ways to utilize the property for other agricultural purposes.

As far as the lack of frontage, there are numerous properties throughout the City with similar frontage challenges. In order to meet City frontage requirements, it is not uncommon for property owners to construct new roads to provide the necessary frontage. There does not appear to be any special or unique circumstances associated with this lot that would justify the granting of the variance.

(3) granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;

Response: The property is already used for both residential and agricultural purposes. The granting of the variance is not required to continue to enjoy these uses.

(4) the variance will not substantially affect the general plan and will not be contrary to the public interest; and

Response: Staff notes that if the variance is granted it would not substantially affect the general plan or create a significant public interest conflict for this particular parcel. However, it may allow for other property owners to request similar variances that in the long-term could undermine the general plan and the public interest.

(5) the spirit of the land use ordinance is observed and substantial justice done.

Response: Staff would be concerned that the granting of a variance in this instance would make it difficult to deny future variance requests under similar circumstances. Substantial justice would not be done if this lot was allowed without the minimum frontage whereas others have been required to install street improvements to meet City standards.

Alternative Options: The following options would allow the applicant to develop at least two lots without the need for a variance:

- Purchase one Transferable Development Right (TDR). The use of TDR's reduces the minimum lot size from two acres to one acre and the minimum frontage requirement from 200 feet to 125 feet.
- Install a road through a portion of the property to provide the necessary frontage to allow a second lot.
- Acquire property from an adjacent parcel to comply with the frontage requirements.

STAFF RECCOMENDATION

Deny the application.

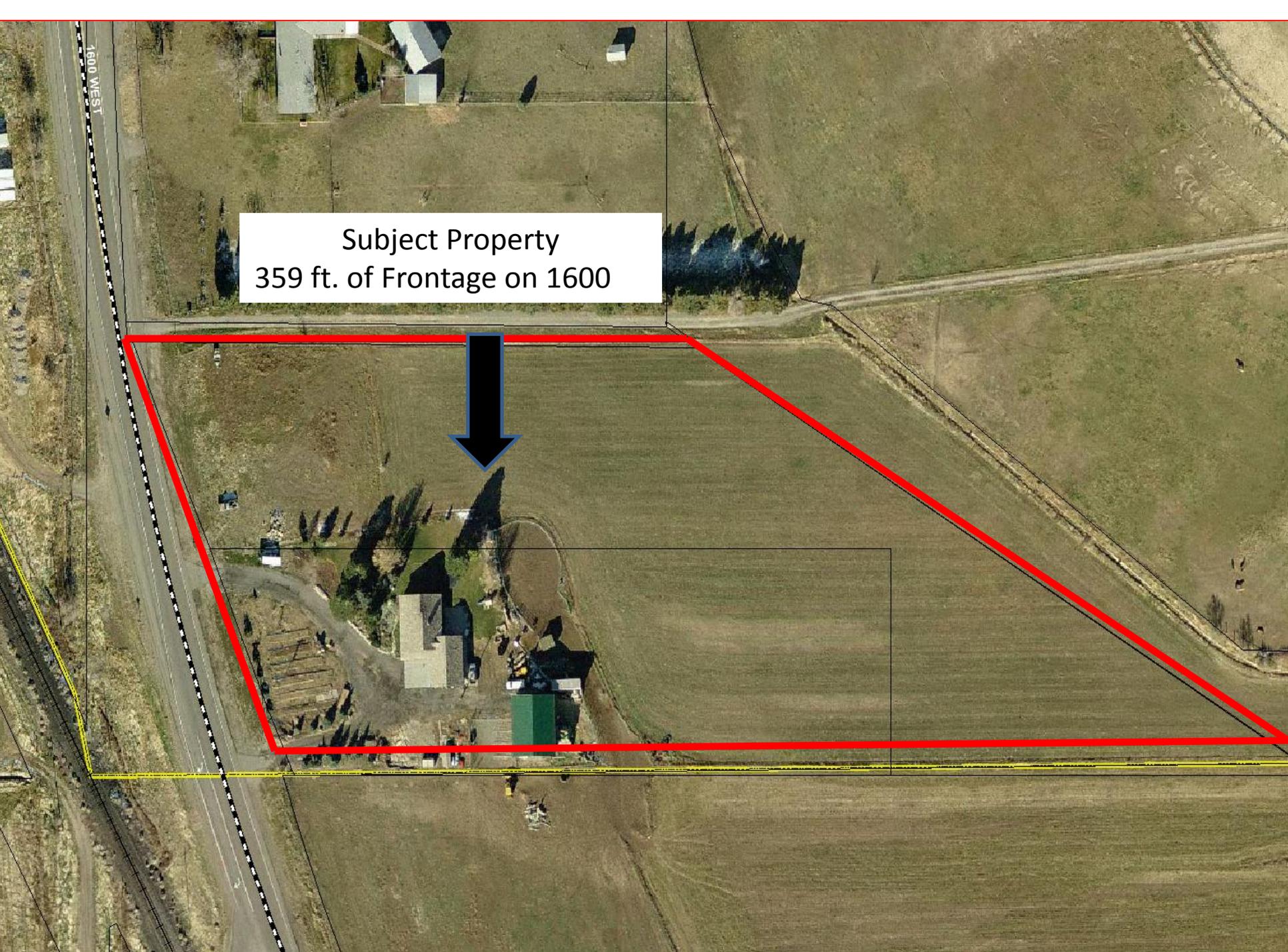
ATTACHMENTS

1. Application Materials.

Subject Property
359 ft. of Frontage on 1600



1600 WEST





A. Dennis Gore
2975 S 1600 W
Mapleton, Ut 84664
801-489-6615

April 18, 2013

Mapleton City-Planning Department/Commission, Board of Adjustments:

I currently own two parcels of land. One that is 2.5 acres with 200ft of frontage, that my home sits on, parcel # 27:033:0057. The other parcel is mainly used to grow alfalfa. It is 4.6 acres with 158ft of frontage, parcel #27:033:0079, aka # 27:033:0218. The entire front part of this particular parcel (roughly 1 acre, including all of the 158ft of frontage) is just a field of weeds. It is not able to receive irrigation. Every year I pay taxes for it but it sits useless, as a field of dried weeds and rocks. The remainder of the 4.6 acres is able to receive irrigation and grows crops. If a home was to be built on this front part and the rest left in crops it would then allow this part of the land to be useful, and would improve the visual aesthetics of the land. In order for this to be achieved I approached the city to find out what I would need to do. It was at this time that I found out that I didn't have enough frontage to meet zoning requirements of 200ft. What value does this property have if it can not receive irrigation to grow crops or enough pasture to sustain livestock, or enough frontage to build on it? Especially when all other properties around me are able to fulfil use of their land in one of the ways mentioned above. Which is why I am applying for this variance.

Literal enforcement of the 200ft frontage would deem the front acre of the parcel completely useless. It does not receive any irrigation and therefore can not be used to grow crops, or enough pasture to sustain livestock. Without enough frontage the property can not be used to build a home. The property will forever lose value as all other properties around it are able to grow crops, sustain livestock, or accommodate building. This is a problem unique to this parcel as only part of the parcel is unable to receive irrigation. Making only the front part of the parcel (the part with all the frontage) completely useless.

The front part of this parcel is on the main highway. Visible to lots of people as they drive through Mapleton. As it sits useless it brings no enjoyment to myself, passer-byes, or the city. Allowing the variance, and the building of a home on this front part of the parcel, leaving the back of the parcel in crops, would make the land useful, bring enjoyment through the visual aesthetics of a home rather than dried weeds, and increase the cities tax base by bringing another home and family into the community.

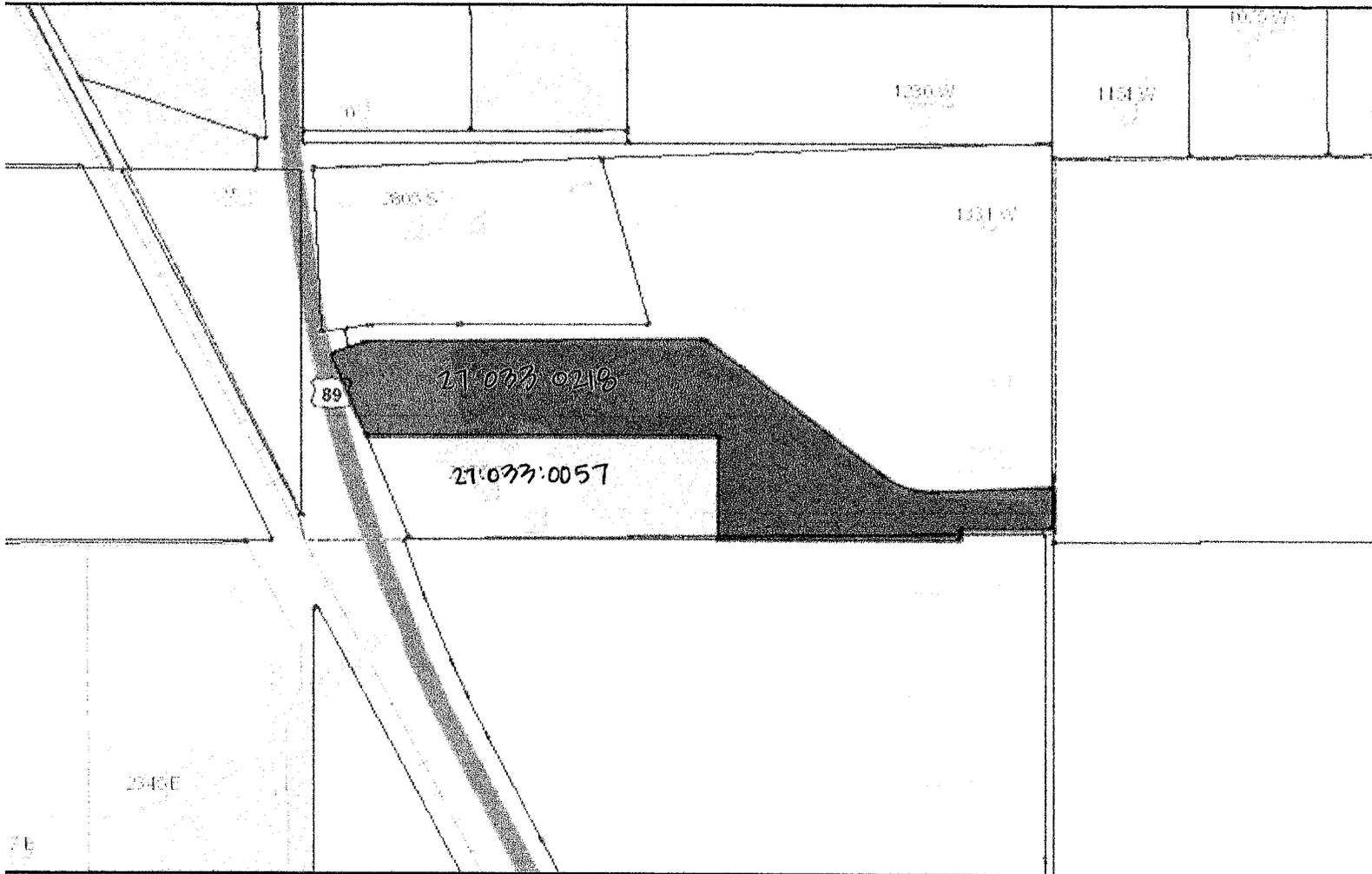
All other factors of the A2 zone are met with more than the minimum acreage (a total of 4.6 acres). This will not be increasing the density or straying from the general plan as 4.6 acres would be enough acreage for 2 homes. The parcel would be used to accommodate a home and agriculture as outlined in the A2 zone. Allowing the variance and the building of a home would be in keeping with all other properties in the area. As they also have homes and either livestock or crops. Without the variance this front part of the parcel will remain useless and unattractive to all.

Sincerely,



A. Dennis Gore

270330218





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Email: mail@strawberrywater.com

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Vice President

Jeremy Sorensen
General Manager
Secretary/Treasurer

April 29, 2013

To Whom It May Concern:

At the request of Dennis Gore, we have researched Strawberry Water Users Association records according to the information given to us. Our records show the following Strawberry Valley Project (SVP) Water in the name of Arthur Dennis and Virginia F. Gore, located in the: SW COR SEC 22, T8S, R3E, SLM County Tax ID: 27:033:0057

SVP Serial # 1549.001 appurtenant to .65 acres 1.30 acre feet

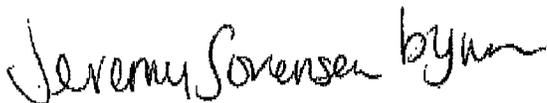
We are enclosing a drawing which shows the description of the parcel highlighted in pink, and the land where the SVP Water is appurtenant is hatched in blue with the identifying SVP Serial Number. There is no SVP Water appurtenant to the portion of the parcel in white tax ID 27:033:0079.

This water is appurtenant and transfers with the warranty deed when it is recorded. A recorded copy of the warranty deed must be sent to our office, SWUA, P.O. Box 70, Payson, UT 84651, to transfer the shares on Strawberry Records. There is a \$40.00 transfer fee per Tax ID.

This water is delivered through the East Bench Canal Company. Their Secretary is J. Merrill Hallam, 801-798-3936. You may want to contact them for delivery and assessment information.

If you have any questions, please contact our office.

Very truly,


Jeremy Sorensen, Manager

Enclosure

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BOARD of DIRECTORS

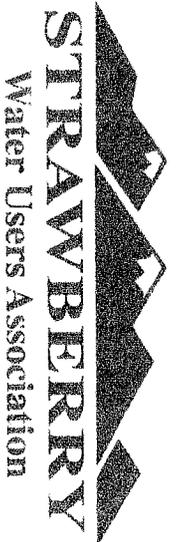
Kevin Anderson Wm. Garry Brown Calvin Crandall Dan Ellsworth Quentin Francom J. Merrill Hallam Blair R. Hamilton T. Guy Larsen
Kelly B. Lewis Robert W. McMullin Scott Phillips Robert Riding Dale T. Rowley C. Neil Sorensen Jesse W. Warren Dan R. Williams

DENNIS GORE

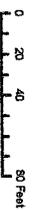
27-033-0079

T8S R3E
Section 22

DENNIS
GORE
(1549.001)
27-033-0057



Legend	
	Right of Way Area
	200' Buffer
	200' Buffer, 200' Buffer, 200' Buffer
	City
	Water Right
	Pipeline
	Irrigation Canal
	Road
	Boundary
	Section 22
	Section 22
	Section 22



Dennis Gore

