

**MAPLETON CITY**  
**PLANNING COMMISSION MINUTES**  
August 11, 2016

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**PRESIDING AND CONDUCTING:** Vice-Chairman Murray

**Commissioners in Attendance:** Therin Garrett  
Justin Schellenberg

**Staff in Attendance:** Sean Conroy, Community Development Director

**Minutes Taken by:** April Houser, Executive Secretary

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Vice-Chairman Murray called the meeting to order at 6:30pm. Therin Garrett gave the invocation and Justin Schellenberg led the Pledge of Allegiance.

*Items are not necessarily heard in the order listed below.*

**Item 1. Planning Commission Meeting Minutes – July 14, 2016.**

**Motion:** Commissioner Garrett moved to approve the July 14, 2016 Planning Commission Minutes.

**Second:** Commissioner Schellenberg

**Vote:** Unanimous

**Item 2. Consideration of a request for a Conditional Use Permit to operate an existing single-family residence as a short-term vacation rental located at 1255 South and 1500 East in the Agricultural-Residential A-2 Zone. The applicants are David and Michele Broadbent.**

The applicant has asked to continue this item.

**Motion:** Commissioner Schellenberg moved to continue the request for a Conditional Use Permit to operate an existing single-family residence as a short-term vacation rental located at 1255 South and 1500 East in the Agricultural-Residential A-2 Zone.

**Second:** Commissioner Garrett

**Vote:** Unanimous

**Item 3. Consideration of an ordinance amending Mapleton City Code Chapters 18.48 and 18.52 amending the development standards for the Residential (R-2) and Residential (R-3) Zoning Districts.**

Item continued.

**Motion:** Commissioner Garrett moved to continue the ordinance amending Mapleton City Code Chapters 18.48 and 18.52 amending the development standards for the Residential (R-2) and Residential (R-3) Zoning Districts as proposed.

**Second:** Commissioner Schellenberg

**Vote:** Unanimous

**Item 4. Consideration of a request for a sport court fence in excess of 6' in height at 386 North 1100 West.**

**Sean Conroy**, Community Development Director, went over the Staff Report for those in attendance. This lot is in the Mapleton Fields subdivision. The applicant is building a sports court, and would like to fence to contain the area around it. It is a considerable distance from other residences, and staff is in support of this.

The Eatoughs were in attendance. The fence will be 10' tall around the sports court, with a gate facing toward their home. No objections have been received to the City. It will be a black coated chain link fence. Any fence over 6', no matter what the location is, would require Planning Commission approval.

**Motion:** Commissioner Garrett moved to approve a request for a sport court fence in excess of 6' in height, but not to exceed 10' in height to enclose the sport court at 386 North 1100 West.

**Second:** Commissioner Schellenberg

**Vote:** Unanimous

**Item 5. Consideration of an appeal to a zoning verification determination of 'not a zoning lot' and a request for the granting of "nonconforming" status for property at approximately 628 East 1600 South.**

**Sean Conroy**, Community Development Director, went over the Staff Report for those in attendance. The property is owned by the Swanson's. The current home is on a .50 acre lot, with a flag lot shaped parcel just under 2 acres in size behind it. The lots were illegally split in 1980, with a recorded deed at the County. The lots when split did not meet the A-2 Zone in 1980, nor under current zoning ordinances. The owners have appealed the Zoning Verification in hopes to be able to build on the vacant parcel. Sean went over what legal non-conforming status means. Staff is not supportive of the applicant's request. When you look at the intent of the non-conforming statute, the intent is to provide a remedy for the property owner that wants to continue to use, maintain and/or repair a home or other primary structure, that through no fault of their own is on an illegal lot. The word structure is likely intended to mean a primary structure other than accessory structures. There are no permits on file for the accessory structure. All of the adjacent property owners have lots that are 2 acres or more in size. **Commissioner Schellenberg** stated

that if it was given legal non-conforming status, the vacant parcel would not have the required frontage.

**Sandy Swanson**, the applicant, disagrees with staff. He feels the lots were all created illegally in this area in 1971. In 1980 the developer subdivided off the ½ acre parcel where the home is. They bought the property in 2002. Their intent the entire time was to build a home on the back parcel. He felt his Zone Verification letter he received deemed a home or legal accessory structure as reason for non-conforming status. Staff feels the accessory structure was constructed in 1987 without a permit on file, therefore it would not be considered legal. Sean again went over what legal non-conforming status means for those in attendance. The ordinance does say the Planning Commission may determine the status of the property. There are likely other properties in town that could try to get similar approvals if this were approved, therefore Staff does not feel it is something possible of legal non-conforming status. Commissioner Schellenberg does not feel like a new lot was the purpose of legal non-conforming status, and would agree with staff's recommendation.

**Motion:** Commissioner Schellenberg moved to uphold the determination of “illegal lot,” for Utah County Parcel #'s 27:034:0024 and 27:034:0038 and deny appeal. Grant “nonconforming” status to the subject parcels only if re-combined into the 2.4 acre parcel that existed in 1971 (Utah County Recorder Entry 7136-1971).

**Second:** Commissioner Garrett

**Vote:** Unanimous

**Item 6. Adjourn.**

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April Houser, Executive Secretary

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Date