

**MAPLETON CITY**  
**BOARD OF ADJUSTMENT MINUTES**  
December 18, 2008

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**PRESIDING AND CONDUCTING:** Chairwoman Joyce Clifton

**Members of the Board in Attendance:** Ted LeBeau  
Boyd Adams  
Edie Swan (Alternate)

**Members not in Attendance:** Michael Parry  
Kent Taylor (Alternate)

**Staff in Attendance:** Cory Branch, Planning Director

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

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**Call to order**

Chairwoman Clifton called the meeting to order at 6:30p.m. Don Little offered the invocation and Patricia Ellis led the Pledge of Allegiance.

**Item 1. Patricia & Gary Ellis appeal a Staff decision to require a hallway next to a garage connection to a second kitchen / bedroom area as a condition for the issuance of a building permit. The subject property is located generally at 1140 West 2620 South, in the A-2 (Agricultural-Residential) Zone.**

**Cory Branch**, Planning Director, went over the Staff Report for those in attendance. The Ellis' have been meeting with staff member, Matthew Brady, in regards to their building permit and appeal request. The topic of discussion this evening is in regards to an interior connection. Mapleton City Code, 18.84.415: SECOND KITCHENS PERMITTED, is the one in reference this evening. The applicant is proposing a Second Kitchen Agreement at this time. The hallway would be staff's recommendation in order to meet the Second Kitchen Ordinance requirements. **Member Adams** asked what specific ordinance the current proposal does not meet. Cory stated that there is no proposed interior access into the current detached barn area which the applicant wants to remodel into living space. If the Board denied the applicant's request this evening, they do have the option to appeal the Accessory Apartment Ordinance to the City Council, or to request a text amendment regarding the definition of "Interior Connection" to the Planning Commission and City Council.

**Patricia Ellis**, applicant, stated that their residence is on 2 ½ acres. They want to remodel the current barn for their daughter who is a single mother of 3 children. The applicant's feel their proposal is the most logical way to do this. Mrs. Ellis feels that they are meeting the city code, as did their architect at Joe Carrick designs. The current city code, to the applicants, does not

specify that an internal connection cannot be through a garage. They do not feel that if they install an enclosed hallway that it will change the way they go from the home to the current barn area. Patricia and Gary Ellis are trying to find an affordable way to help with their daughter's needs. They already have all of the utilities to the barn, and have no intention of ever renting out the proposed remodel in the future. The applicants are willing to sign any agreements the city requires in order to assure they are only going to do what they have proposed. The Ellis' have a water problem in their area, which is why they did not want to do this second kitchen in the basement of their home. They also did not install any window wells on the front portion of the home, which is why they do not feel it is livable area. Mrs. Ellis stated that the proposed breezeways are enclosed, and feels there are homes all over Mapleton that are like this. She understands that down the road someone else may have different ideas for the property, but that could happen to anyone. The applicant understands that this is not an ideal situation, but feels this maintains the integrity of the property.

**Chairwoman Clifton** opened the Public Hearing. **Don Little**, neighbor to the Ellis', stated that he feels the applicants should be able to do what they are proposing. They have a beautiful home with a nice brick barn, and Mr. Little felt that the city should issue the applicants a variance in allowing them a larger accessory apartment than what the current ordinance would allow. He feels all the proposed breezeways are excessive. No additional comments were given and the Public Hearing was closed.

**Member Adams** stated that what the applicants are proposing does make sense, and feels that what the applicants are being asked to do in regards to a hallway will not add to the value of their home. It was felt by the Board that the Ellis' met the requirements for a Second Kitchen, since the current code regarding this was vague. Member Adams also feels both the Accessory Apartment and Second Kitchen Ordinances need to be worked over.

**Motion:** Member Clifton moved to approve Patricia & Gary Ellis's appeal of a Staff decision to require a hallway next to a garage connection to a second kitchen/bedroom area as a condition for the issuance of a building permit. The subject property is located generally at 1140 West 2620 South, in the A-2 (Agricultural-Residential) Zone, directing staff to look at amending the Second Kitchen Agreement to better define this portion of the code.

**Second:** Member Swan

**Vote:** Unanimous

Member Swan moved to adjourn the Meeting at 7:55p.m.

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April Houser, Executive Secretary

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Dated:

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Joyce Clifton, Board Chairwoman

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Dated:

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Cory Branch, Planning Director

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Dated: