



**PLEASANT GROVE CITY
APPEAL AUTHORITY MEETING MINUTES
CITY HALL CONFERENCE ROOM
70 SOUTH 100 EAST
PLEASANT GROVE, UTAH
WEDNESDAY, SEPTEMBER 18, 2024**

PRESENT: Craig Call, Esq., Land Use Hearing Officer
Jacob Hawkins, City Planner
Daniel Cardenas, Community Development Director
Aaron Wilson, City Engineer
Christina Gregory, Planning & Zoning Assistant

Hearing Officer, Craig Call, called the meeting to order at 2:06 p.m. and announced that the hearing was being recorded.

**1. Public Meeting: Variance from City Code Section 10-9B-7-C: Yard Requirements for Corner Lots in Single-Family Residential Zones
(Scratch Gravel Neighborhood)**

Public meeting to consider a request from Angela Kelson for a variance from City Code Section 10-9B-7-C: Yard Requirements for Corner Lots in Single-Family Residential Zones. The applicant is requesting to adjust the required setbacks for corner lots from a public right-of-way. The property is located at 1080 East 900 South in the R1-9 (Single-Family Residential) Zone.

Hearing Officer Call reported the applicant was not present and that there is a question about whether the applicant had been notified. He clarified that he would be okay to proceed with the hearing as everything would be recorded verbatim and so there should not be any prejudice. If the decision is against the interest of the applicant, then he will hold and ensure we have agreement with the applicant to go ahead and enter a decision based on what was heard or might be provided if we request more information.

Director Cardenas stated that the item had been noticed as a public meeting and not a public hearing. Officer Call clarified that by using the words public hearing that he did not mean the public could comment or participate, it is common to refer to legal proceedings as a hearing.

Director Cardenas presented an aerial map and oriented Officer Call that this item is located along the south boundary line of Pleasant Grove City. For the purposes of the meeting, he referred to the future street to be named 1000 South. There is a public right away or street going east to west and the City has made efforts for the continuation of that road, but there is a section of the road that has not been completed. This road has always been in the Master Plan for Pleasant Grove City and for Lindon City so it has been on the books for quite some time. It is very important to

1 have that connectivity. In the past, as Lindon City approved a subdivision along their northern
2 boundary line, they retained ownership of a portion of land with the intent of building the future
3 road. Pleasant Grove City wants to continue the road as well. There has not been a lot of action
4 to build the road because that typically happens at the time of development.

5
6 Right now, the residents to the north of the proposed road named 1000 South, have deep lots. The
7 zone is R1-9 (Single-Family Residential) which means the lot sizes need to be at least 9,000 square
8 feet. The properties to the north of the proposed road have lot sizes of about an acre each; which
9 is plenty of land to be subdivided. When the City receives a subdivision application, Staff checks
10 on the acreage and the Vicinity Plan to know where the roads are going to be. The City wants to
11 be certain we can provide road connectivity and also water, sewer, and utilities to future residents.

12
13 As the Kelsons tried to develop, we checked their proposed development against the acreage and
14 then against our Vicinity Plan. The City has a Vicinity Plan and has an idea on how the City
15 should be developed. The previous Vicinity Plan was displayed which showed how the area north
16 of 1000 South could be developed. This plan was no longer feasible since homes have been built
17 since its approval. The City proposed a new Vicinity Plan that removed the cul-de-sacs and
18 provided three new ways to connect from 900 South to 1000 South. Staff had proposed this change
19 after reviewing the location of the existing homes and City Council adopted it.

20
21 One of the roads going north and south, that the City created with the update to the Vicinity Plan,
22 is too close to the existing structure on the Kelson's property. By the City creating the requirement
23 for a road next to the Kelson's property, we have created a corner lot. Our setbacks for this corner
24 lot are 10 feet from the south and east property lines. Setbacks for structures abutting a public
25 right away are 25 feet from the property line; for this lot that would be on the north and west
26 property lines. However, because of the dimensions needed for the road, the road will need to be
27 pushed closer to the structure leaving only a setback of 10 feet and not 25 feet.

28
29 Staff cannot make these types of determinations; our job is to require 25 feet. However, Staff
30 believes it is in the best interest of the City and the neighbors to be able to put the road as proposed.
31 Therefore, the applicant is requesting a 15 foot reduction of the 25 foot setback from the existing
32 structure to the future right of way to 10 feet. This gives the City connectivity north to south and
33 will also help the applicant since they can now have three lots. The applicant's proposal, with the
34 support of Staff, is for a reduction of the setback from 25 feet to 10 feet from the west property
35 line only for the existing structure. Any new structure that is built will be required to meet the
36 established setbacks.

37
38 The Staff Report was displayed showing the proposed subdivision plat. Director Cardenas
39 reiterated that the variance that was requested would only apply to the existing house and any new
40 structures would have to meet the established setbacks. The City needs the public right away or
41 street equal to 56 feet in width to bring utilities to the area. Officer Call asked if the property
42 would be entitled to approval to create a subdivision with two flag lots if the road was not on the
43 City's Vicinity Plan. Director Cardenas shared that the City recently changed the code, which was
44 pending legislation for quite some time as Staff worked on a new flag lot ordinance, to allow for
45 only one flag lot now. In this case, the applicant would not be able to do two lots as flag lots.
46 Officer Call asked if there was an application in place before the change in the law. Director

1 Cardenas confirmed that an application was not in place prior to the ordinance change. He
2 mentioned that it is in the best interest of the City to require the public right away; to do the flag
3 lot will be very complicated from the logistics of the engineering to provide for utilities and to
4 provide for drainage. City Engineer, Aaron Wilson, added that there have been lengthy discussions
5 between Engineering and Community Development on issues with flag lots. The changes made
6 to the flag lot ordinance were more of a clarification that backwards downhill flag lots do not meet
7 the code requirements. Director Cardenas mentioned that doing a flag lot would be very
8 complicated. If the City allowed for a flag lot development, the applicant would avoid the
9 installation of 1000 South. The City has opposed a flag lot development since day one since the
10 City wants to provide the connectivity to 1000 South. The City is making an effort, and working
11 with the applicant, to purchase the area needed for the road (APN 14:049:0206) from the applicant.
12 Director Cardenas stated that Lindon City already did their part when they approved the
13 subdivision named S AND P, PLAT A. The road for 1000 South has always been on the plans.
14

15 Officer Call asked to see the previous Vicinity Plan which had cul-de-sacs. City Planner, Jacob
16 Hawkins, oriented Officer Call on the location of the applicant's property on the previous Vicinity
17 Plan. Director Cardenas explained that even if the applicant wanted to do a flag lot, the previous
18 Vicinity Plan would've required them to do a cul-de-sac. For the applicant to proceed with a flag
19 lot development, they would've needed to receive a legislative approval from the City Council to
20 amend the Vicinity Plan. The Vicinity Plan was amended and the one with cul-de-sacs is not on
21 the books anymore.
22

23 Officer Call made a decision to allow the variance.
24

25 The Appeals Hearing adjourned at 2:22 p.m.
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28

29 — SEE DECISION —

30 Craig Call, Hearing Officer
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34 Christina Gregory, Planning & Zoning Assistant
35

36 9/24/2024
37 Date Approved