

SANPETE COUNTY BOARD OF APPEALS MEETING

July 15, 2025, 10:00 AM

Sanpete County Courthouse, 160 North Main, Suite 101, Manti, Utah

Present are: Commission Chair Scott Bartholomew, Commissioners Mike Bennett and Jim Cheney. County Attorney Kevin Daniels and County Clerk Linda Christiansen.


Meeting is called to order by Commission Chair Scott Bartholomew.

10:00 AM KEVIN MERRITHEW REQUEST A VARIANCE FOR POTENTIAL APPROVAL OF A PRIVATE GRASS STRIP TO BE USED TO LAND SMALL AIRCRAFT ON HIS PRIVATE PROPERTY.

Kevin Douglas Merrithew is present. Kevin Merrithew is the property owner of lot 61 in Big Hollow Subdivision and he is present today to request an exemption for his grass airfield. Steven Jenson reports that Mr. Merrithew wants to land his private bush plane on his lot in the amended Big Hollow Subdivision. Mr. Jenson provided the Commissioners with a packet of information in regards to the request. The packet documents are as listed: tax information, definition of airports, heliports and landing fields in the land use ordinance, land use classification matrix (the only zones that allow for an airport are BC/IZ/PF), zoning map that shows the location of the property, subdivision plat, plat map of lot 61 and an aerial map. Mr. Merrithew's lot is approximately 21 acres. Commissioner Cheney states the area looks like a motocross track; Mr. Merrithew states it has been used for that purpose. James Richins, Code Enforcement Officer has been to the property. Commissioner Bartholomew expresses concerns in regards to an airplane landing in a residential area and the noise it will cause. Mr. Merrithew disagrees; he states all of the neighbors are his friends and they are in favor of the plane landing on his property. Mr. Merrithew explains he and five friends own approximately 250 acres in the area. He also states he has talked to owners in the area and no one has an issue with him landing the plane on his lot. Mr. Merrithew is before the Commission because he wants to do it the legal way and if lot ownership changes he does not have issues down the road. Commissioner Bartholomew questions Steven Jenson as to what is the legal way to permit Mr. Merrithew to land his plane on his lot. Mr. Jenson explains he would need to apply for a zone change. If a zone change is granted in one of the three zones that allow for it, it would be a permitted use of the property. The zone change application will need to be presented to the Planning and Zoning Board and then final approval would go through the Commissioners. Mr. Merrithew gives his explanation as to why the Planning and Zoning Board will deny him a zone change to commercial in the middle of a residential area. Mr. Merrithew expresses concerns in regards to a commercial zone because it would not allow him to build additional residential buildings. He feels rezoning limits him to what he can do on his property and he is not going to go that direction. Mr. Merrithew explains he does not fit the definition that Mr. Jenson presented because he is not "and"; he is not trying to build structures or use the property in a commercial way. Mr. Merrithew states he researched the ordinance and there is nothing that can stop him from landing on grass. Mr. Merrithew explains by doing a simple AI Google search it would reveal the Land Use Matrix is not legally binding; it is simply a spreadsheet and a way to organize data. Commissioner Bartholomew suggests inviting the County Attorney to the meeting to address some of his concerns. Mr. Merrithew would prefer not to, that is why he is before the Commission. He doesn't want to go

commercial, he wants an exemption to avoid a zone change. Mr. Merrithew states it is silly for the Commission to grant an exemption because if it is granted he can build a giant commercial runway on a recreational property. He states he applied for a conditional use permit because it makes more sense to him. Mr. Merrithew explains if a conditional use permit is granted, the County can specify it is for non-commercial purposes, not for profit and designate appropriate flying times for noise control. Commissioner Cheney reviewed the ordinance and there is no option for a conditional use permit. Commissioner Cheney also did a simple Google search and received different results than Mr. Merrithew. His search found that you must comply with local zoning laws which would require Mr. Merrithew to apply for a zone change with Planning and Zoning. Until Mr. Merrithew goes through the correct processes it is not allowed. Currently Mr. Merrithew's plane is stored in Nephi but he is building a hanger in Spanish Fork. Commissioner Bartholomew agrees with Commissioner Cheney. Commissioner Bartholomew also has concerns that the landing strip is located in the middle of a subdivision and even though the current owners are ok with it does not mean it will stay that way. Commissioner Cheney suggests Mr. Merrithew explore options as to how to make this work. Mr. Merrithew states zoning won't let him do things that he wants. Commissioner Cheney clarifies that when he refers to zoning it is the zoning office, not the Planning and Zoning Board. Commissioner Cheney is referring him to the Planning and Zoning Board. Motion is made by Commissioner Cheney for Kevin Merrithew to get with Steven Jenson to apply for the Planning and Zoning Commission to discuss possible zone changes or explore ways to put a landing strip on his property. Commissioner Bennett questions whether or not the request for a variance should be addressed in the motion. Motion is made by Commissioner Cheney to deny the variance that has been brought before the Commission by Kevin Merrithew and request he make application with Steven to further discuss with the Planning and Zoning Commission as to how he can get a landing strip on his property. The motion is seconded by Commissioner Bennett, and the motion passes. Mr. Merrithew does not understand what the motion meant. The commissioners explained they denied his request and he needs to make application to meet with the Planning and Zoning Board. Motion is made by Commissioner Cheney to adjourn. The motion is seconded by Commissioner Bennett, and the motion passes.

The meeting is adjourned at 10:24 A.M.

ATTEST: 
Linda Christiansen
Sanpete County Clerk

APPROVED: 
Scott Bartholomew
Commission Chair