

**SANPETE COUNTY COMMISSION
BOARD OF APPEALS MEETING**

August 5, 2025, 10:00 AM

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

Present are: Commission Chair Scott Bartholomew, Commissioner Mike Bennett and Jim Cheney. County Clerk Linda Christiansen.

Meeting is called to order by Commission Chair Scott Bartholomew.

**JONNIE CARTER IN REGARDS TO A LAND USE VARIANCE: REQUEST DISCUSSION AND
POTENTIAL APPROVAL OF A 2-ACRE LOT IN A 5-ACRE REQUIRED AREA; ROAD, POWER AND
WATER ALREADY PRESENT.**

Jonnie Carter, Dallin Carter and Collin Carter are present. Jonnie Carter addresses the Commission. Jonnie Carter explains that he has a piece of property that they built on between Sterling and Manti. The Carter's started the building process in 2023 and prior to that they had very little knowledge of land use ordinances and law. When they came in to talk to the County in regards to building, Gary Mitchell was the Zoning Administrator. According to Mr. Carter, they discussed their plans to build with Mr. Mitchell and he explained to them the property was grandfathered and one home could be placed on a quarter-acre or half acre lot. Mr. Carter can't recall the exact acreage allowed at that time. And then the rest of the property would be split into five-acre parcels to meet the acreage requirement. Mr. Carter's understanding was that this would allow the Carter's four building permits. Rather than splitting the property in that manner, the Carter's began with Dallin building a home on five acres. The second home was built by Jonnie's son, Landon which is also located on a five-acre parcel. Currently, Jonnie and his wife Rebecca are building on the other five-acre parcel. Their original plan was to build four homes on the property. Due to the five-acre minimum, Collin is unable to build a home. They would like to get a variance to be able to do so; they have frontage, power and water. They thought rather than fight it in the beginning, they would wait until they got to a point that Collin could get his lot. Commissioner Bennett inquires as to how many acres they have; Jonnie Carter responds 15.45. Steven Jenson states the original grandfathered piece purchased by Dallin Carter was only 12.97 acres. Dallin Carter states the boundary is 15.45 acres but they did not buy any more land. Steven Jenson questions whether Jonnie Carter filed a quiet title of additional acreage and they agreed they did. Dallin Carter's argument is the boundary lines of the property were established with the fence, not necessarily the legal description. Steven Jenson explains the definition of a grandfathered parcel. According to the zoning ordinance, a grandfathered parcel only applies to a parcel that does not have to go through the subdivision process if it has not been split since 1981. Dallin Carter states it may be their mistake of not understanding but the way they understood it was the footprint of the home could be established on any size lot needed for the first home but the rest had to be on five acres. Commissioner Bartholomew states as long as he has been a Commissioner that area has been a five-acre minimum area. Discussion ensues in regards to how a grandfathered lot affects building on less acreage. County Clerk Linda Christiansen worked in the building department previously and she explains that the grandfather clause only applies if someone has a parcel that has been in the same configuration since October 1981 and it doesn't meet the minimum acreage requirement, one house could be built. Commissioner

Bartholomew inquires whether or not they can purchase additional acreage to meet the five-acre minimum. Jonnie Carter gives explanation of the surrounding properties surrounding and there is one property that is feasible. Jonnie Carter states he could look into it. Commissioner Bartholomew expresses concern in regards to granting a variance when others have been denied for similar requests. Jonnie Carter states variances in Spring City and Indianola have been given according to former Building Official Tracy Christensen. Mr. Carter is not aware of the names or specific details because he is unable to verify with Mr. Christensen. The Carter's are suggesting taking two acres from Landon's lot to give to Collin reducing Landon's lot to three acres. Commissioner Bartholomew emphasizes the potential of issues for the County if such a variance was granted. Commissioner Bartholomew raises the question as to whether that area could be rezoned. Commissioner Bennett inquires to the possibility of breaking the parcels into 3 four-acre parcels and deed Collin the remaining 3.45. Discussion ensues with different acreage scenarios. Commissioner Bartholomew questions whether the County will continue to make exceptions for all of the proceeding variance requests.

Commissioner Cheney explains he understands there are non-conforming lots that may not meet the zoning requirements or frontage standards. Commissioner Bartholomew states they bought the property knowing they could not meet the acreage requirement but the Carter's state they were misled by the previous Zoning Administrator. Jonnie Carter states he spoke with Gary Mitchell and he can ask him to verify what he told the Carter's. Commissioner Bartholomew welcomes the idea and asks Jonnie Carter to have Mr. Mitchell come in and talk to the Commissioners. Discussion ensues as to the benefits of having Gary Mitchell speak to the Commission on the Carter's behalf. Commissioner Bartholomew wants to hear what Mr. Mitchell has to say but he also wants to consult with legal counsel. Commissioner Bennett inquires as to when Collin would like to start building. Jonnie Carter states he is a ways out but they need to get it figured out. Commissioner Bennett states, in his opinion, he would be ok with the 3 four-acre lots and a 3.45-acre lot for Collin. Commissioner Bennett explains he has dealt with similar situations in Mayfield and it should be reviewed case by case.

Commissioner Bartholomew suggests purchasing the acreage needed. Commissioner Cheney suggests applying for a zone change with Planning and Zoning; there is a lot of growth in the area and other property owners may want a smaller acreage requirement to build a home on their farm property. Steven Jenson explains the potential time frame and processes in order to apply for rezoning. It would take approximately three months. Commissioner Bennett agrees that may be the best option. Jonnie Carter revisits the conversation in regards to Gary Mitchell and whether a sworn affidavit would be sufficient. Commissioner Bartholomew would like to talk to him. Jonnie Carter agrees there are options; buy more ground, rezone or talk to Gary. County Clerk Linda Christiansen mentions, if Landon and Dallin's lots are split they will have to go through the process to amend a subdivision. They are aware of that fact and are willing to do whatever is necessary to make it happen. Steven Jenson questions, if the County were to propose a rezone, what acreage should be suggested or would it be an extension of the buffer zone? If not, the proposal of a different acreage amount of a 3 or 4-acre zone does not exist therefore an approval of an exception in the ordinance would have to be made for a spot zone approval. Jonnie Carter agrees that other property owners in the area would benefit from a reduced acreage requirement. The County zoning map is reviewed to see which buffer zone (Manti or Sterling) is closer to potentially propose an extension of the buffer zone.

Commissioner Bennett reviews the four options going forward; extension of the buffer zone from Sterling (if the city is in agreeance), rezone of the whole area, Gary and purchasing additional land. Jonnie Carter states he would like the testimony of Gary on the record.

Jonnie Carter will speak to the mayor of Sterling. Jonnie Carter questions whether the city has to provide services to the properties located in the buffer zone and the answer is no. Jonnie Carter mentions the road grid should be a concern to the cities more than services and Linda Christiansen verifies that is one thing the cities should be checking is to make sure a new home is not in the way of future road or utility service extensions. Motion is made by Commissioner Bennett to table the Carter variance. The motion is seconded by Commissioner Cheney, and the motion passes.

Motion is made by Commissioner Bennett to adjourn. The motion is seconded by Commissioner Cheney, and the motion passes.

The meeting is adjourned at 10:35 A.M.

ATTEST: 
Linda Christiansen
Sanpete County Clerk

APPROVED: 
Scott Bartholomew
Commission Chair