



# HIGHLAND CITY APPEAL AUTHORITY MINUTES

## Wednesday, March 11, 2025

**Appeal Officer Craig Call**

**Electronic Meeting: <https://us02web.zoom.us/j/84009690384>**

### **10:00 AM CALL TO ORDER**

The meeting was called to order at 10:01 am. The meeting agenda was posted on the Utah State Public Meeting Website at least 24 hours prior to the meeting.

Present: Appeal Officer Craig Call, City Attorney/Planning & Zoning Administrator Rob Patterson, City Recorder Stephannie Cottle, Jonathan Myres, Dan Dansie

#### **1. VARIANCE VA-26-01**

Variance Hearing – Trustee Sunny Myres and the Mohonk Revocable Trust Agreement Dated November 5, 2008, owner of the property located at 11738 N Sunset Hills Drive, Highland, UT, regarding a request to reduce the applicable side setback for a home addition.

Appeal Officer Craig Call welcomed those in attendance and stated that he has reviewed the materials provided by Highland City and Mr. Dansie.

Dan Dansie from Kirton & McConkie, representing Mr. Myres, provided a brief background on the variance request. The applicant, Mr. Jonathan Myres, is requesting a variance to the side setback to allow for an addition at the property located at 11738 Sunset Hills Dr, Highland, UT. Mr. Dansie continued that the property is in the R-140 zone, which accommodates large lots with large homes. He stated that this variance would be consistent with other properties in the area and showed examples of other properties who have structures closer to their property lines than the current setbacks allow. He reviewed that a variance is granted under the conditions of the Land Use, Development, and Management Act (LUDMA) which states that five criteria must be met before a variance may be granted. (UCA 10-20-1102(2)(a)). Mr. Dansie indicated that Highland City has agreed that this request meets criteria four and five, which are related to the general plan, public interest, and the spirit of the land use; however, there is disagreement about whether the variance request meets the first three criteria. He proceeded to share the reasons why he believes this variance meets the first three criteria.

##### **1. Unreasonable Hardship:**

The applicant faces hardship because the property cannot be fully developed consistent with neighboring R-140 homes without a variance. The proposed addition requires reducing the side setback from 15 feet to 10 feet. Multi-garage homes are common in the zone, making the request typical, and the addition cannot be accommodated without the variance.

##### **2. Special Circumstances Attached to the Property:**

The property is shaped in a wedge and because of the configuration the existing home had to be positioned on the lot to preserve equal distance on the setbacks. If the property was a rectangle or square, the home could have been placed to allow for the proposed addition.

### 3. Substantial Property Right

Homes in this zone are generally large, and structures built within the 15-foot side setback are not uncommon. Similar proximity to property lines is typical in the area. Other individuals in this zone enjoy this substantial property right.

Mr. Dansie concluded that this is a de minimis request, the criteria for the variance have been met, and requested that the variance be granted.

Rob Patterson, Highland City Attorney/Planning & Zoning Administrator, discussed the differences between a main dwelling and accessory building, including the required setbacks. He discussed the flexibility that the city offers with allowing main dwellings to encroach 5' into the setback for 30% of the side of the building. He stated that in the examples provided by Mr. Dansie, they were mostly accessory buildings. Mr. Patterson confirmed that in the examples provided that were main dwellings, their building plans met the 15' side setback. He stated that the zoning approval for Mr. Myres neighbor was also for a 15' setback; however, it is unclear whether that was followed. Highland City opposes this variance and Mr. Patterson stated that if this variance was approved there would be many other property owners that would request the same types of variances. Mr. Patterson showed a picture of Mr. Myres proposed addition with the allowable 5' encroachment and explained the area that would be allowed for the addition and still comply with Highland City code. He said that developing is a substantial property right, but he doesn't see the addition being a property right itself. Mr. Patterson stated that the other criteria were explained in the written materials and to be brief, he would not be discussing those; however, he doesn't believe this variance meets the criteria of state or local law and should be denied.

Dan Dansie stated that he appreciated Mr. Patterson's explanation regarding the difference between main and accessory dwellings. He showed more examples of properties where accessory buildings were built into the setback. He argued that Mr. Myres has a substantial property right to develop like others have been allowed, and the variance process is the proper way to protect that property right.

Jonathan Myers expressed his appreciation for Mr. Patterson's diagram. He stated that they tried to design the addition to comply with Highland City code but were unable to come up with a workable solution. The flexibility that the city offers would still not accommodate any large vehicles or oversized trailers. He also noted that this addition helps him to be compliant with Highland City codes related to on-street parking. Mr. Myers stated that he had spoken with his neighbors who are all in favor of this addition. He concluded that he would hate to be penalized because he chose to go through the variance process.

Craig Call noted that both the Utah Court of Appeals and the Utah Supreme Court have addressed variance matters and that the variance process is not favored by the courts. He explained that the statutory language creates internal conflict by referencing both comparative property rights and highly site-specific criteria. Case law establishes that variances may be granted only when inherent conditions of the property itself justify the request, not based on surrounding properties. He stated that, under this precedent, he does not have the authority to grant the variance in this case. He emphasized his reluctance to override standards set by the legislative body and indicated that any broader policy adjustments are within the City Council's purview. A written opinion will be issued within the next few days.

The meeting ended at 10:42 am.

## **ADJOURNMENT**

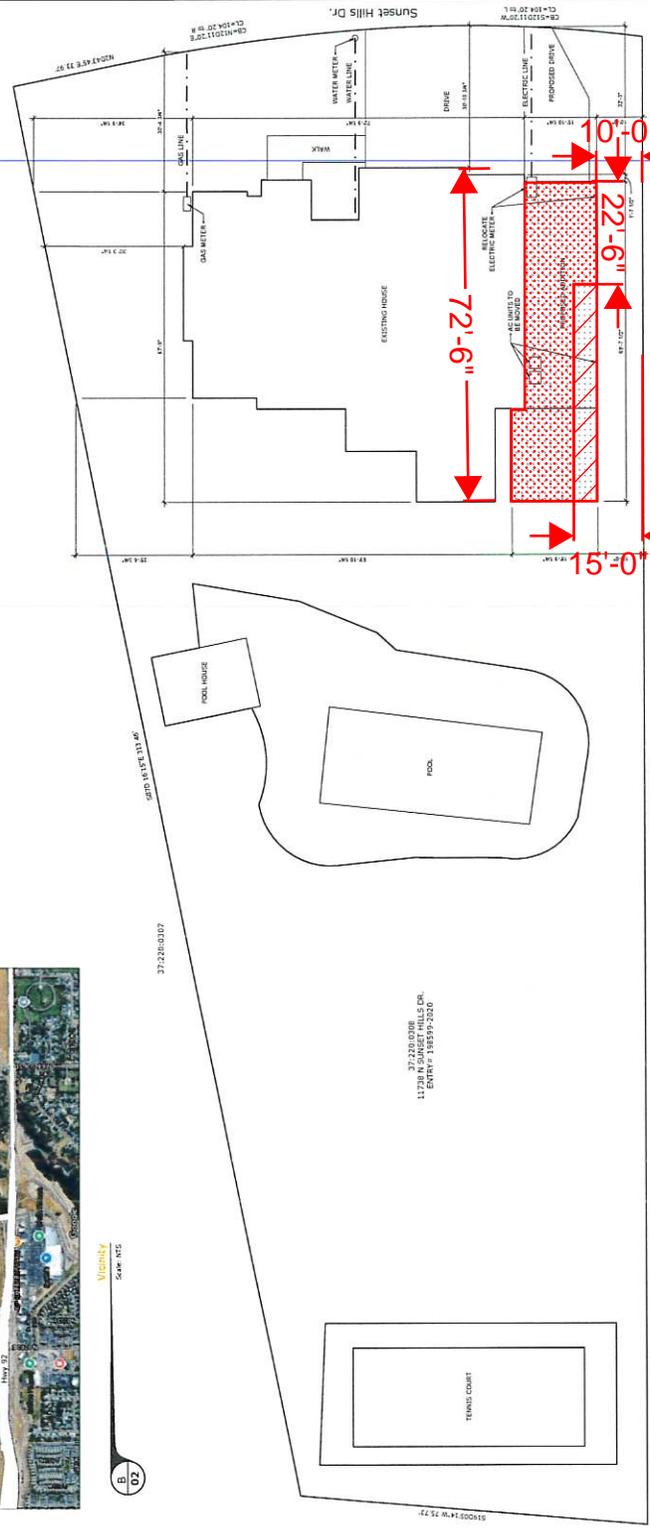
I, Stephannie B. Cottle, City Recorder of Highland City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on March 11, 2026. This document constitutes the official minutes for the Appeal Authority Meeting.

A handwritten signature in blue ink, appearing to read 'Stephannie B. Cottle', with a stylized flourish at the end.

Stephannie B. Cottle, CMC|UCC  
City Recorder

<b>02</b>	<b>a</b>
<b>DRAWN BY</b> DCT	<b>DESCRIPTION</b> Site Plan
<b>PROJECT NO.</b> 245.178	<b>PROJECT</b> 11738 Sunset Hills Drive
<b>ISSUE</b> RM.D.D.Y	<b>RE-ISSUE</b> RM.D.D.Y
<b>CLIENT</b> Milbrook Builders 11738 Sunset Hills Drive Highland, UT	
1377 S. 740 W 801.672.5537	

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<b>02</b>	<b>A</b>
<b>Site Plan</b> Scale: 1"=10'	<b>377220-0299</b>
<b>377220-0307</b>	<b>377220-0307</b>
<b>377220-0308</b> 11738 S SUNSET HILLS DR ENTER # 18889-2020	
<b>377220-0309</b>	

Vicinity  
Scale: NTS

Scale: 1"=10'

37:214:0220

**HIGHLAND DR**  
HIGHLAND

Value: \$0 -- 4.05 acres  
Entry# 90624-2004

S89°30'25"E 75.83  
CB-S73°20'03"E  
CL=45.95 to L  
CB-N28°48'42"E  
CL=71.17 to L

S0°30'00"W 218.26  
N0°30'00"E 218.26

N10°41'22"W 203.30

S10°41'22"E 203.30

830ft

37:214:0210

HARRIS, RUSSELL LEROY and ERIKA ...  
6607 W SUNSET HILLS DR - HIGHLAND  
Value: \$1,251,500 -- 0.73 acres  
Entry# 79008-2025

N89°48'08"E 180.14 S89°51'16"W 169.76

65:219:0055

BROWN, CHRIS A and KATHERINE M...  
6642 W NORMANDY WY - HIGHLAND  
Value: \$1,658,400 -- 0.5 acres  
Entry# 70203-2015

Unit	Feet
Distance	8.30 ft



Sent from my iPhone

CL=163.59 to L

CB=S77°10'26"E  
CL=167.44 to R

CB=N77°10'26"W  
CL=167.44 to L

HIGHLAND  
S

N7°48'48"E 199.98  
S7°48'48"W 199.98

**37:305:0602**  
NNAH, JAMES and KENDAL...  
6723 W WOODLEAF CT - HIGHLAND  
Value: \$1,650,100 -- 0.71 acres  
Entry# 37408-2024

N17°50'29"E 211.71

**7.10ft**

**37:305:0601**  
GORRELL, KEL  
6697 W WOOD  
Value: \$1,590,6

no liability is assumed for any inaccuracies, incorrect data or variations from an actual survey.

W WOODLEAF CT

New measurement

CB=N87°05'10"W  
CL=163.59 to L

CB=S77°10'26"E  
CL=167.44 to R

CB=N77°10'26"W  
CL=167.44 to L

CB=S69°  
CL=87.29

...  
F CT - HIGHLAND  
- 0.7 acres  
(MORE)

N7°48'48"E 118.98  
S7°48'48"W 199.98

**37:305:0602**  
NNAH, JAMES and KENDAL...  
6723 W WOODLEAF CT - HIGHLAND  
Value: \$1,650,100 - 0.71 acres  
Entry# 37408-2024

10.10 ft

N17°50'29"E 211.71

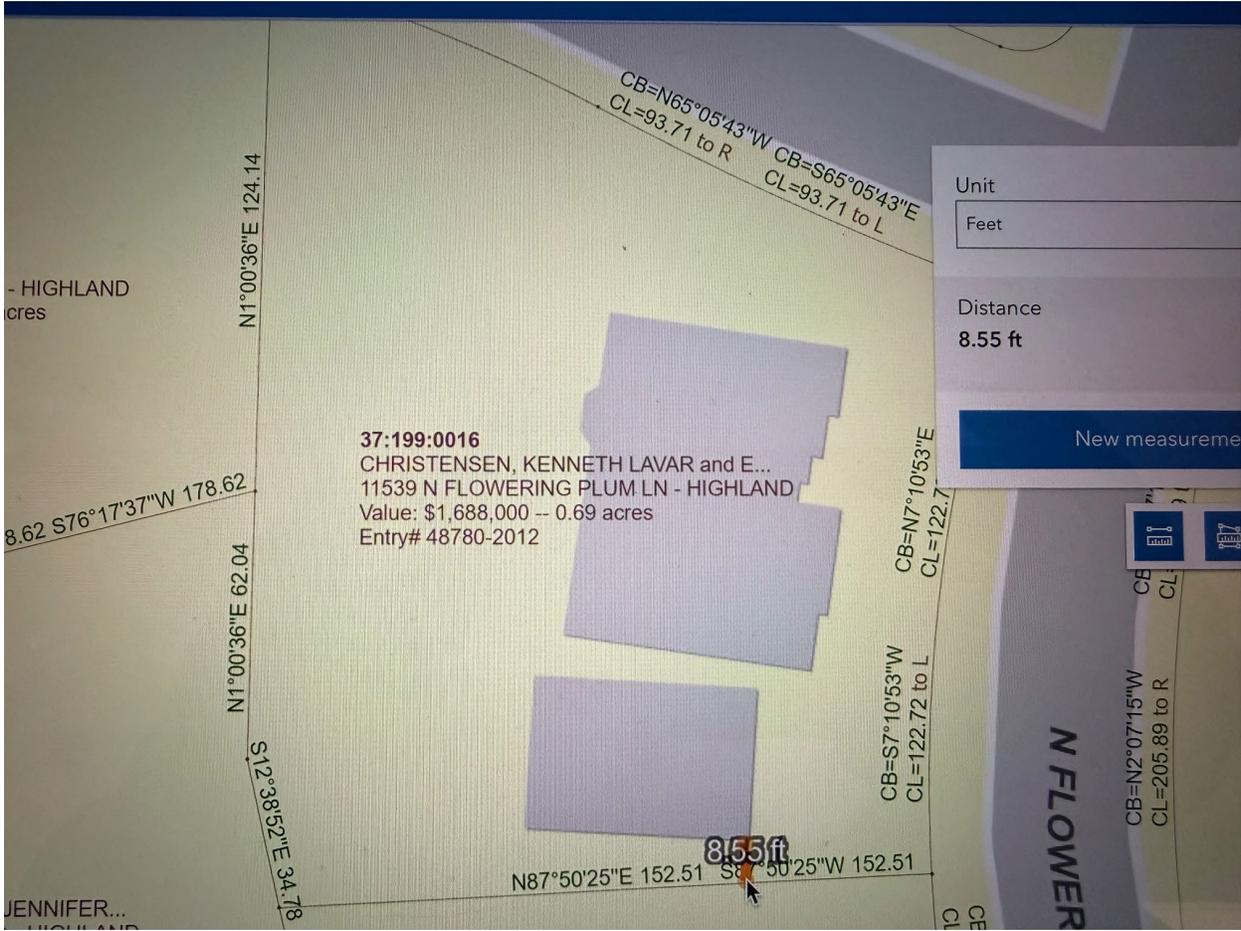
**37:305:0601**  
GORRELL, KELSON E and AI  
6697 W WOODLEAF CT - HI  
Value: \$1,590,600 - 0.91 acre

only and no liability is assumed for any inaccuracies, incorrect data or variations from an actual survey. 133751-2020 P





CAUTION: EXTERNAL



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