

MILLCREEK CITY LAND USE

**APPEAL OF DENIAL-
MISAPPLICATION OF LOT
COVERAGE STANDARDS,
AMBIGUOUS CODE REFERENCES,
ARBITRARY ADMINISTRATIVE
ACTION, AND REQUEST FOR
IMMEDIATE APPROVAL AND FEE
REMIBURSEMENT FOR PROPERTY
LOCATED AT 3652 AURORA CIRCLE
MILLCREEK UTAH**

MILLCREEK BRIEF/MEMORANDA

File No. _____

Hearing Officer
J. Richard Catten

STATEMENT OF THE CASE

A. Facts.

1. On or about November 10, 2025, Joe Romero (“Romero”) applied (“Application”) for a residential addition (“Addition”) to his home located at 3652 Aurora Circle, Millcreek, Utah (“Property”). The original site plan submitted with the building permit showed an addition of 721 square feet and a 349-square-foot demolition and rebuild (see Exhibit “A”). On January 23, 2026, Romero submitted a revised site plan for a Neighborhood Compatibility Modification (“NCM”), showing an Addition of 658 square feet (see Exhibit “B”). Note: Romero has not submitted a revised plan with respect to the January 23, 2026, site plan for a building permit.

2. The Millcreek Building Department referred the Application to the City planning department (“Planning”) for land use review and approval.

3. Planning informally notified Applicant of denial because, among other things, there appeared to be inaccurate measurements and scale concerns. Planning staff (“Staff”) requested an amended plan to accurately reflect, among other things, the lot size and building coverage.

4. On November 17, 2025, Staff changed the status of the building permit from pending to “needs work” and “denied” the permit.

5. On November 18, 2025, Romero and staff discussed the lot coverage requirement and options to move forward.

6. Subsequently, there were numerous emails and phone conversations regarding the lot coverage requirements, including Romero's allegations of improper application of the Millcreek code and non-responsiveness.

7. On January 5, 2026, the Staff, the Planning Director, and the Romero held a Teams meeting to discuss lot coverage requirements and other related issues.

8. Subsequently, there were additional emails and phone conversations regarding, among other things, the lot coverage requirements.

9. Later in January, Romero submitted a proposal ¹showing lot coverage of 36.9% ($3,721/10,062 = 36.9\%$, see Exhibit "F"). This proposal would exceed the maximum allowed lot coverage in the R-1-8 zone as set forth in Millcreek Code of Ordinances Table 18.36-2, a highlighted copy is reproduced below.

10. On January 23, 2026, Romero submitted a Neighborhood Compatibility Modification ("NCM") application ("NCM Application") (see Exhibit "E") to modify lot coverage limitations pursuant to Millcreek's Zoning Code Section 18.36.040 (Spatial requirement for Single-Household Residential), to facilitate the Addition.

11. The NCM Applications stated that the "current lot coverage [note this is total lost area] (per land survey) is 10,062" square feet, and the "current lot coverage (per land survey) is 3,188" square feet (the 3,188 appears to be an error because it does not include the 658 square foot addition resulting in proposed lot coverage of 3,864 and a lot coverage of 38.4% calculated as follows $3,864/10,062 = 38.4\%$ which exceeds both limitation² of the NCM).

12. On January 30, 2026, the Planning Director determined that Romero did not meet the approval criteria for an NCM lot coverage exception, and based on the information submitted, the Application was denied. Specifically, the Planning Director found that (i) the Property is located within the R-1-8 zone, which allows a maximum lot coverage of 33% of total lot area, (ii) the total lot area of the Property is 10,062 square feet and the **current** lot coverage of the Property is 3,063 SF, approximately 30.4% of the Property being covered, (iii) the Romero's Addition would result in a lot coverage of 36.9%, (iv) the proximate neighborhood includes eighteen (18)

¹ This proposal identifies a covered patio and includes the patio in the lot coverage calculations that Romero later argues should not be include in the lot coverage calculations.

² There are two limitations in the NCM with respect to the R-1-8 of 38% and the 1.15 times the average coverage of the proximate neighborhood. The 1.15 limitation is contained in the Table Notes of Table 18-34-which Applicant appears to have ignored.

properties, (v) only one property within the proximate neighborhood exceeds the R-1-8 lot coverage limitation, (vi) as set forth in Table 18.36-4 of Section 18.36.090 of the Millcreek Code, in no case shall the lot coverage exceed 38% or 1.15 times the average coverage of proximate neighborhood lots or parcels, and (vii) the proposed addition would exceed 1.15 times the average coverage of proximate neighborhood lots or parcels and therefore would not be allowed as set forth in Millcreek Code of Ordinances 18.36.080 E.

13. On February 5, 2026, Romero filed an appeal to the January 30, 2026, decision, and on February 16, submitted a supplemental Memorandum to Formal Appeal of Denial (collectively “Memo”). The Memo appears to argue that (i) the City misapplied Title 18 of its Land Use Code, (ii) improper imposition of the NCM process, while admitting the NCM process was unnecessary “because surrounding lot coverage averages (25–27%) would not permit approval under the 1.15 multiplier and 33% maximum lot coverage cap” and the City determined this outcome before requiring the formal NCM application, (iii) the City’s conduct was arbitrary and capricious because it relied on non-existent or expanded ordinance language, ignored express Title 18 exclusions, used rough GIS estimates instead of stamped surveys and scaled plans, violated principles of statutory interpretations, applied inconsistent lot size calculations and forced costly and unnecessary procedural process despite clear evidence of its likely denial outcome thereby improperly depriving Romero of a lawful permit, (iv) caused financial harm requesting reversal of the permit denial, a determination that the NCM process was improperly required causing avoidable financial harm, irreparable financial damages, and uncoverable project delays including licensed surveyor fees, supplemental land use application fees, and appeal costs, and anticipates increased construction costs caused by delay, and (v) staff conclusion that the front porch did not qualify as an “open porch” exclusion under Title 18 because it was covered by a roof structure integrated into the building mass. Romero asserts that under principles of administrative fairness, he requests that the Appeal Authority reverse the denial of Permit No. 252009 and approve the original plans, rejection was not in good faith, determine that the NCM process was improperly required, order fee reductions or reimbursement of costs associated with the survey, NCM process, additional applications, and appeal and further requests written findings specifying the exact Title 18 language relied upon, legal authority for expanding lot coverage definitions, the evidentiary basis for favoring GIS estimates over stamped plans, whether the licensed survey materially changed calculations, whether the NCM was legally required, whether equitable reimbursement is justified.

14. Also on February 5, 2026, Romero filed a Request for an Advisory Opinion (“Request”) with the Office of the Property Rights Ombudsman, making similar claims as set forth in this Appeal. On March 19, 2026, the Office of the Property Rights Ombudsman notified the City of the Request.

B. Standard of Review.

Utah Code Section 10-20-1105³ provides that the appellant (in this case Romero) has the burden of proving that the land use authority (in this case the January 30, 2026, Decision) erred. Utah Code Section 10-20-1107 (1) says, among other things, that “a municipality may, by ordinance, designate the scope of review of factual matters for appeals” Utah Code Section 10-20-1107 (3) says that “the appeal authority shall determine whether the record on appeal includes substantial evidence for each essential finding of fact” and Section 1107 (4) says that “the appeal authority shall determine the correctness of the land use authority’s interpretation and application of the plain meaning of the land use regulations... and apply the land use regulation to favor a land use application.” Pursuant to these statutory authorizations, the City enacted Chapter 19.92 of the Millcreek Code. Millcreek Code section 19.92.040 (B) provides that appellant (in this case Romero) shall have the burden of proceeding and repeats the statutory directive that Romero has the burden of proving the City erred and Subsection (C) says that the “appeal authority shall determine the correctness of a decision of the land use authority in its interpretation and application of land use regulation based solely on the record (factual matter shall not be review de novo).” As a result, Romero bears the burden of proceeding and proving the City erred, and the Land Use Authority reviews the Decision for correctness based solely on the record, applying the land use regulation in favor of sustaining the January 30, 2026, decision.

C. Law.

The following are ordinances at issue herein.

Table 18.36-2, Spatial Requirement for the Single-Household (R-1) Zones, establishes a maximum lot coverage of 33% of the total lot area.

Table 18.36-2 Spatial Requirements for the Single-Household Residential (R-1) Zones								
Zone	Min. Lot or Parcel area (A)	Min. Lot or Parcel width (B)	Min. Front Setback (C)	Residential Use Min. Side Setbacks on interior Lots or Parcels (D)	Residential Use Min. Side Setbacks on corner (E)	Civic/Institutional and Non-Residential Use Min. Side Setback	Min. Rear Setback (F)	Max. Lot or Parcel Coverage
R-1-3	3,000 sq ft	25'	20'	5' (unless attached to a dwelling on	20'	20'	15'	40%

³ Refence is made to the new citation caused by the renumbering and amendment of the Utah State Legislature in the 2025 Special Session 1.

				an abutting lot or parcel)				
R-1-4	4,000 sq ft	25'	20'	5' (unless attached to a dwelling on an abutting lot or parcel)	20'	20'	15'	40%
R-1-5	5,000 sq ft	25'	20'	5' (unless attached to a dwelling on an abutting lot or parcel)	20'	20'	15'	35%
R-1-6	6,000 sq ft	60'	25'	8'	20'	20'	15'	35%
R-1-8	8,000 sq ft	65'	25'	8'	20'	20'	15'	33%
R-1-10	10,000 sq ft	80'	30'	10'	20'	20'	15'	31%
R-1-15	15,000 sq ft	80'	30'	10'	20'	20'	15'	25%
R-1-21	21,000 sq ft	100'	30'	10'	20'	20'	15'	25%

MCZ 18.97 defines “Lot or Parcel Coverage” as the measurement of land use intensity that represents the portion of a lot or parcel occupied by the principal building and all accessory buildings, but excluding all other impervious improvements such as sidewalks, driveways, **uncovered patios, uncovered decks, and open porches**” (emphasis added).

MCZ 18.97 defines “Building as a **roofed structure, supported by columns** or walls, used for shelter meeting requirements of the Building Code and all the requirements of this title” (emphasis added).

MCZ 18.97 defines Proximate Neighborhood to “mean the lots within a 200’ radial distance from the subject property boundary, as measured from the nearest property lines”.

MZC 18.36.090 provides as follows:

18.36.090 Neighborhood Compatibility Modification (NCM)

The Neighborhood Compatibility Modification (NCM) allows modified standards for one or more spatial standards, based on the compatibility of the proposed residential development application with other properties/dwellings in the proximate neighborhood. The Planning Director may approve an NCM request at the time of site plan submittal, provided the following conditions are met:

1. Evidence. Compliance with the corresponding neighborhood conditions must be established by a survey from the proximate neighborhood, defined as a 200-foot radial distance from the property boundary. Survey submitted must be completed by a surveyor licensed to practice in the State of Utah.
2. Submittal. NCM requests shall be submitted on a separate form and shall include an additional review fee as set forth in the Millcreek Consolidated Fee Schedule.
3. Permissible Modifications. Building height, setbacks, and lot or parcel coverage modifications may be accommodated if the request does not exceed the allowances set forth in Table 18.36-4 of the NCM Standards.
4. Non-Permissible Modifications. Building envelope, mass and scale, and accessory structure modifications do not qualify under the NCM.

Table 18.36-4 NCM Standards						
<i>Zone</i>	<i>(H)</i>	<i>Lot or Parcel Coverage</i>	<i>Front Setback</i>	<i>Side Setback</i>	<i>Rear Setback</i>	<i>Max Height</i>
R-1-3	33'	40% (1)	The average of all lots or parcels within the proximate neighborhood that fronts to the same	Combined side yard shall be at least twenty-five percent (25%) of the lot or parcel width, and no less	The average rear yard setback that are on six lots or parcels of the applicant’s choice within the proximate neighborhood,	The maximum building height that may be approved by the Planning Director or designee under the NCM standards is the
R-1-4	33'	40% (1)				
R-1-5	33'	40% (1)				

R-1-6	33'	40% (1)	street, road, or right-of way.	than five feet (5') on each side.	and no less than 15'	lesser of: 3. Three feet plus the average maximum ridge height of residential structures that are on six lots or parcels of the applicant's choice that are within the proximate neighborhood; and 4. The maximum height of the zone specified in column (H) of Table 18.36-4 NCM Standards.
R-1-8	33'	38% (1)				
R-1-10	35'	36% (1)				
R-1-15	37'	30% (1)				
R-1-21	37'	30% (1)				

5. Table Notes.

1. Lot or parcel coverage for all lots or parcels may not exceed 1.15 times the average coverage of proximate neighborhood lots or parcels.

ARGUMENT

This is a land use appeal pursuant to Utah Code Section 10–20–1101 et seq. Statutorily, such land use appeals are circumscribed (i) factually based solely on the record and whether the record includes substantial evidence for each essential finding of fact and (ii) legally based on the correctness of the land uses authority interpretation and application of the plain meaning of the land use regulations and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application.

1. **The January 30, 2026, Decision is factually supported by Substantial Evidence, and the Applicant has Failed to Satisfy His Burden of Showing Otherwise.**

The Decision must be supported by “substantial evidence in the record.” *Pen & Ink, LLC*,

2010 UT App 203, ¶ 16 (citations omitted) see also Utah Code section 10-20-1107. Since this is an administrative matter, substantial evidence is defined as “that quantum and quality of relevant evidence that is adequate to convince a reasonable mind to support a conclusion.” *Bradley v. Payson City*, 70 P.3d 47, 52 (Utah 2003) (citations omitted). Substantial evidence has also been defined as “more than a ‘scintilla’ of evidence ... though ‘something less than the weight of the evidence.’” *Grace Drilling Co. v. Board of Review*, 776 P.2d 63, 68 (Utah App. 1989). Substantial evidence does not contemplate comparing and weighing opposing evidence to determine the side of the issue with the best or most convincing evidence or to substitute the court’s judgment for that of the municipality. See *Springville Citizens v. Springville*, 979 P.2d 332, 337 (Utah 1999); see also *Fox v. Park City*, 2008 UT 85, ¶ 11, 200 P.3d 182; *M & S Cox Invs., LLC v. Provo City Corp.*, 2007 UT App 315, ¶ 36, 169 P.3d 789. Utah Courts have ruled that “[i]t is incumbent upon the party challenging the findings or decision to marshal all of the evidence in support thereof and show that despite the supporting facts, and in light of conflicting or contradictory evidence, the findings and decision are not supported by substantial evidence.” *Save Our Canyons v. Bd. of Adjust. of Salt Lake Co.*, 2005 UT App 285, ¶ 16, 116 P.3d 978 (citing *Patterson v. Utah County Bd. of Adjustment*, 893 P.2d 602, 604 n.7 (Utah Ct. App. 1995)). Applicant has failed to marshal the evidence and to meet his burden of proving that the City erred.

Even though Applicant has failed to meet his burden, the January 30, 2026, Decision is supported by substantial evidence. Specifically, such evidence includes but is not limited to the following:

- (i) The Application submitted on November 10, 2025, contained several inaccurate measurements. Several length dimensions were identified as inaccurate by simply calibrating the staff’s measuring software to the scale on the building permit plans (see Exhibit “C”). Staff took informal (accurate, not precise) measurements on the GIS map (<https://millcreekut-arcgis-experience-dev.netlify.app/>) and scrutinized the recorded subdivision plat to compare and contrast. A large margin of error was identified, but because staff do not have the tools to measure precisely, they asked Applicant to provide a survey (professionally stamped by a surveyor) that shows the Property's current size. The Applicant also identified lot coverage as impervious surface on the Application. The definition of lot coverage was explained to the Applicant to ensure the correct dimensions were obtained. Based on estimated measurements of the submitted information, the Applicant showed 53% lot coverage, well over the maximum limitation of 33%.
- (ii) The subdivision plat that included the Property from the Salt Lake County Records’ office (see Exhibit “D”) was analyzed. Staff compared the Property's length dimensions and verified that the dimensions submitted with the building permit were inaccurate.

- (iii) The neighborhood compatibility modification application, which included an analysis and map of properties/dwellings in the proximate neighborhood (see Exhibit “G”) and a spreadsheet calculating lot coverage of the proximate neighborhood (see Exhibit “H”).
- (iv) The Applicant submitted a land survey and an appeal of the remainder of the plans for approval of the Neighborhood Compatibility Modification (see Exhibit “E”).

Applicant has not satisfied his burden and made no effort to “marshal all the evidence” that supported his assertions: *Patterson*, 893 P.2d at 605. In fact, Applicant admitted that he does not satisfy the NCM requirements. Since Applicant failed to meet his burden and the City has demonstrated that it has substantial evidence to support the January 30, 2026, Decision, Applicant’s appeal should be dismissed.

2. The Decision is Based on the Plain Meaning of the Land Use Regulations.

Applicant argues that the City misinterpreted its own ordinances. To determine whether a municipality correctly interpreted and applied its ordinance to a development application, a court will follow established rules of statutory construction. *Foutz v. City of South Jordan*, 2004 UT 75, ¶ 8, 100 P.3d 1171. Because local governments possess a certain degree of specialized knowledge about their ordinances, Utah courts afford “some level of non-binding deference to the interpretation advanced by the local agency.” *Carrier v. Salt Lake County*, 2004 UT 98, ¶ 28, 104 P.3d 1208. However, the courts retain the ultimate authority to determine whether a local government’s interpretation of an ordinance is correct. *Id.* Interpretation begins with an analysis of the ordinance’s plain language. *Carrier* 2004 UT 98 ¶ 30, 104 P.3d 1208. The primary goal of interpretation is “to give effect to the legislative intent, as evidenced by the plain language, in light of the purpose the statute was meant to achieve.” *Foutz*, 2004 UT 75, ¶ 11, 100 P.3d 1171 (emphasis added). In doing so, it is presumed that the legislative body used each word advisedly. *Selman v. Box Elder County*, 2011 UT 18, ¶ 18, 251 P.3d 804. “When the plain meaning of the statute can be discerned from its language, no other interpretive tools are needed.” *Id.* Interpretative tools include reading “the plain language of the statute as a whole and interpret its provisions in harmony with other statutes in the same chapter and related chapters.” *Miller v. Weaver*, 2003 UT 12, ¶ 17, 66 P.3d 592 (quotation and citation omitted). The Courts strive to construe statutes in a manner that renders “all parts thereof relevant and meaningful.” *Perrine v. Kennecott Mining Corp.*, 911 P.2d 1290, 1292 (Utah 1996). It is also important to recognize that zoning ordinances should be strictly construed in favor of allowing a property owner’s desired use since such ordinances are in derogation of an owner’s use of land. See *Carrier* 2004 UT 98 ¶ 31, 104 P.3d 1208

Applicant argues that the City misinterpreted the definition of “open porch,” and that if the porch portion of his house were excluded, he would satisfy the 33% lot or parcel coverage limitation. The Lot and Parcel Coverage definition provides that Lot and Parcel Coverage is “the measurement of land use intensity that represents the portion of a lot or parcel occupied by the principal **building** and all accessory buildings.” MCZ 18.97 defines “[b]uilding as a **roofed structure**, supported by **columns** or walls, used for shelter, meeting the requirements of the Building Code and all the requirements of this title.” The patio at issue is a roofed structure supported by columns and therefore part of the principal building and should be included in the Lot or Parcel calculations. Allowing a roofed pouch to be excluded from lot coverage requirements would be inconsistent with the definition's intent because, once covered, it is part of the building. Furthermore, the plain meaning of the definition is that it is part of the building and supported by columns; it is not an open porch excluded from the lot coverage calculation.

Applicant also argues that the City misinterpreted the measurement for “lot coverage.” Applicant asserts that MCZ 18.36 “consistently depicts measurements taken to the exterior wall of the building and not including overhangs, eaves, and unenclosed architectural features.” Measurements from exterior walls are used for setback purposes, not for lot coverage. MCZ 18.97 defines “Lot or Parcel Coverage” as the measurement of land use intensity that represents the portion of a lot or parcel occupied by the principal building and all accessory buildings, but excluding all other impervious improvements such as sidewalks, driveways, **uncovered patios, uncovered decks, and open porches**” (emphasis added). Because buildings are roofed structures, the City measures the lot or parcel coverage from the edge of the roof, because the roof, by definition, is part of the building that occupies the lot or parcel. Any other measurement would be inconsistent with the intent of the definition because, among other things, the roof coverage is used in managing stormwater and drainage calculations, environmental, and heat island mitigation. Furthermore, the plain meaning of the definition is that it is part of the building and supported by columns; it is not an open porch excluded from the lot coverage calculation. Excluding a roofed structure is inconsistent with the plain meaning of the definition.

Applicant also argues that, since Title 18 is unclear on the calculation of lot coverage, overhangs and eaves should be excluded from lot coverage limitations. He then cites to MCZ 18.36.060, which provides that dormers and gables may project beyond the building envelope, are non-habitable architectural elements, and are excluded from lot coverage calculations. Applicant failed to recognize that MCZ 16.36 deals with building heights, not lot coverage. Building height limitations are distinct from lot coverage limitations. Height limitations are intended to protect light, air, and solar access, public safety, and emergency response (taller buildings require more complex fire suppression systems, structural standards, and emergency access), and limiting height helps control population density, traffic generation, and demand on infrastructure without relying solely on lot size, lot coverage, or setbacks.

Setbacks, height limits, and lot coverage work together to regulate building placement, scale, and intensity, protecting light, air, privacy, open space, stormwater management, and neighborhood character while ensuring development aligns with public safety and infrastructure

capacity. Applying the Applicant's arguments would limit the relevance and meaningfulness of each of these parts and disrupt the delicate balance among them.

3. The Decision is Correct, and Applicant Has Failed to Show Otherwise.

The January 30, 2026, Decision is correct. The correctness standard means this Appeal Authority "decides the matter for itself and does not defer in any degree to the trial judge's [in this case, the January 30, 2026, Decision] determination of law." *State v. Pena* 869 P.2d 932 (citing *State v. Deli*, 861 P. 2d 431, 433 and *Kennecott Crop v. State Tax Comm'n*, 858 P.2d 1381, 1383). It is clear that the Decision is correct, that the Applicant has failed to meet his burden of proof, and that the Appeal should be dismissed.

3. Applicants' Arguments That Are Not Relevant or Beyond the Scope of the Appeal Authority's Jurisdiction/Authority.

Applicant argues and request that (i) the City caused financial harm requesting reversal of the permit denial, a determination that the NCM process was improperly required causing avoidable financial harm and project delays including licensed surveyor fees, supplemental land use application fees, and appeal costs and anticipates increased construction costs caused by delay, (ii) determine that the NCM process was improperly required, order fee reductions or reimbursement of costs associated with the survey, NCM process, additional applications, and (iii) requests written findings specifying the exact Title 18 language relied upon, legal authority for expanding lot coverage definitions, the evidentiary basis for favoring GIS estimates over stamped plans, whether the licensed survey materially changed calculations, whether the NCM was legally required, whether equitable reimbursement is justified. The Land Use Authority does not have the authority to enter money judgments or the equity power to grant remedies beyond monetary damages. Since the requests are beyond the scope and authority of the Land Use Authority, they should all be ignored.

CONCLUSION

Applicant fails to meet his burden because he cannot show that the Decision is not supported by substantial evidence or is incorrect. Accordingly, the City respectfully requests that this Land Use Authority affirm the Decision.

DATED this 11th day of April 2026

BREMS LAW.

s/ John Brems
John Brems
City Attorney

CERTIFICATE OF SERVICE

I hereby certify that, on this 11th day of April 2026, I caused to be served a true and correct copy of the foregoing Millcreek's Brief via email to the following:

Rich Catten, richardcatten@yahoo.com

Francis Lilly, Millcreek City Planning Director, flilly@millcreek.us

Joe Romero, joe@rthreegroup.com

_____ s/ John Brems

EXHIBIT B

DRAWING INDEX

ARCHITECTURAL PLANS	
SD1_0	SITE PLAN, COVER SHEET AND DRAWING INDEX
A1_0	DEMOLITION PLAN
A1_1	NEW MAIN LEVEL FLOOR PLAN
A1_2	NEW 2ND LEVEL FLOOR PLAN
A1_3	NEW ROOF PLAN
A2_1	EXTERIOR ELEVATIONS
A2_2	EXTERIOR ELEVATIONS
A3_1	BUILDING & WALL SECTIONS
A4_1	FIREPLACE ELEVATIONS / SECTION / DETAILS
STRUCTURAL PLANS	
S1_0	FOOTING AND FOUNDATION PLAN
S1_1	MAIN LEVEL FLOOR FRAMING PLAN
S1_2	ROOF FRAMING PLAN
S3_1	STRUCTURAL DETAILS
MECHANICAL / PLUMBING PLANS	
M1_1	MAIN LEVEL MECHANICAL PLAN
ELECTRICAL / PLUMBING PLANS	
E1_1	MAIN LEVEL ELECTRICAL PLAN

SYMBOL LEGEND

- 1 KEY NOTE
- T.O. LANDING
ELEV. 100'-0"
- A WINDOW CALL OUT
- 101 DOOR CALL OUT
- 1 ACCESSORY NOTE
- TYP.
DETAIL CALL OUT
- 2
A3.2 BUILDING SECTION
- 2
A3.2 ELEVATION CALL OUT

PROJECT TEAM

OWNER / DRAFTER / DESIGNER: JOE AND JENNIFER ROMERO
3652 AURORA CIRCLE
SALT LAKE CITY, UTAH 84124
(801) 808 - 0063

STRUCTURAL ENGINEER: DANY TREMBLAY, PE
CANYONS STRUCTURAL CONSULTING
940 EAST ELM AVE
SALT LAKE CITY, UTAH 84105
(801) 486-6848

GENERAL INFO.

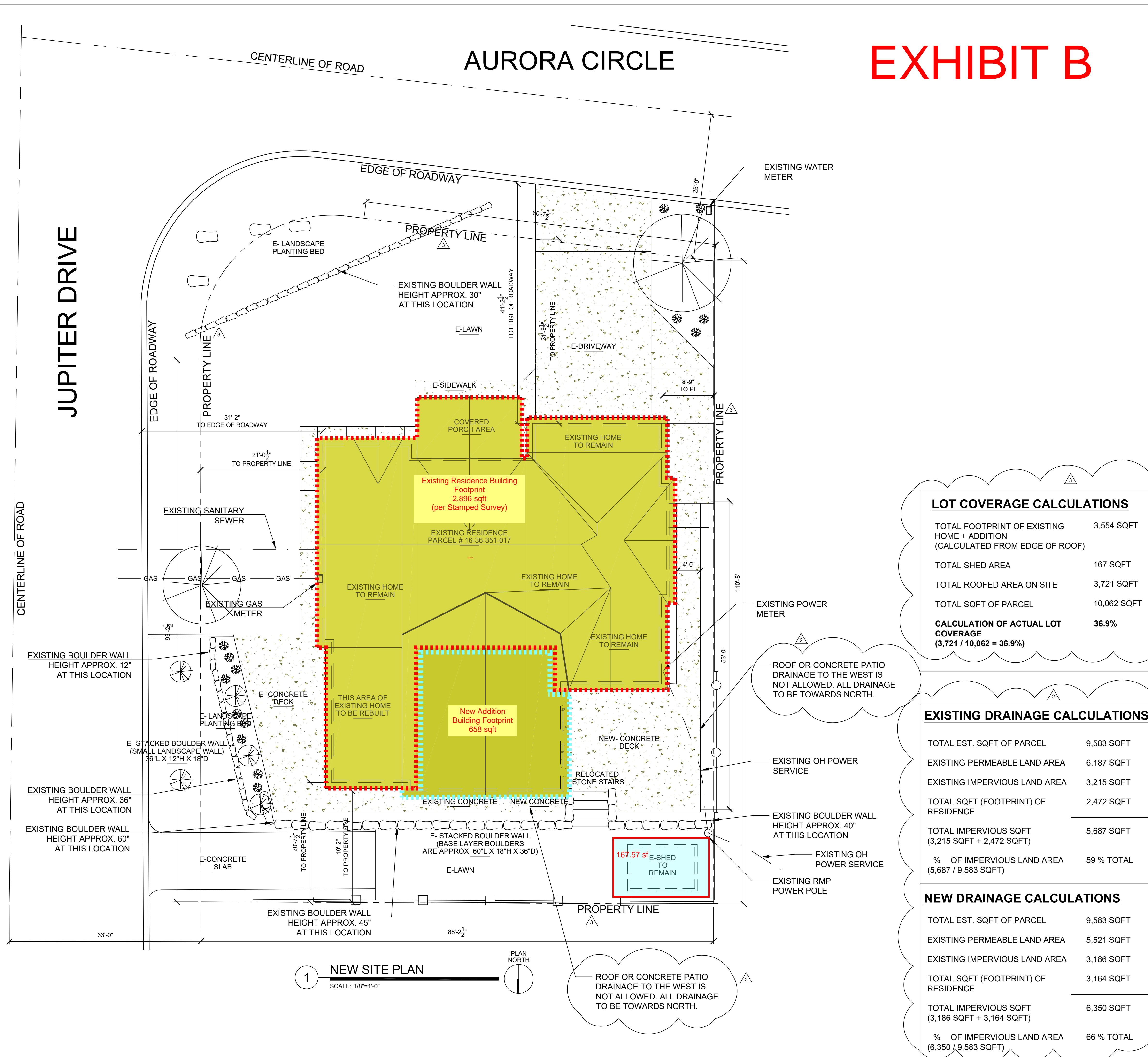
CODE: 2021 INTERNATIONAL RESIDENTIAL CODE
ZONING: R1-8

ROMERO RESIDENCE ADDITION
3652 AURORA CIRCLE
SALT LAKE CITY, UTAH 84124

Rev #	Date	Description
1	11-5-2025	PERMIT SET
2	11-12-2025	ENGINEERING PLAN REVIEW RESPONSE
3	1-23-2026	P&Z PLAN REVIEW RESPONSE

Job #
CAD File
Drawn
Date 9-8-2025
Owner #
Ins. #

SITE PLAN, COVER SHEET AND DRAWING INDEX
SD1_0
Sheet of Sheets



LOT COVERAGE CALCULATIONS

TOTAL FOOTPRINT OF EXISTING HOME + ADDITION (CALCULATED FROM EDGE OF ROOF)	3,554 SQFT
TOTAL SHED AREA	167 SQFT
TOTAL ROOFED AREA ON SITE	3,721 SQFT
TOTAL SQFT OF PARCEL	10,062 SQFT
CALCULATION OF ACTUAL LOT COVERAGE (3,721 / 10,062 = 36.9%)	36.9%

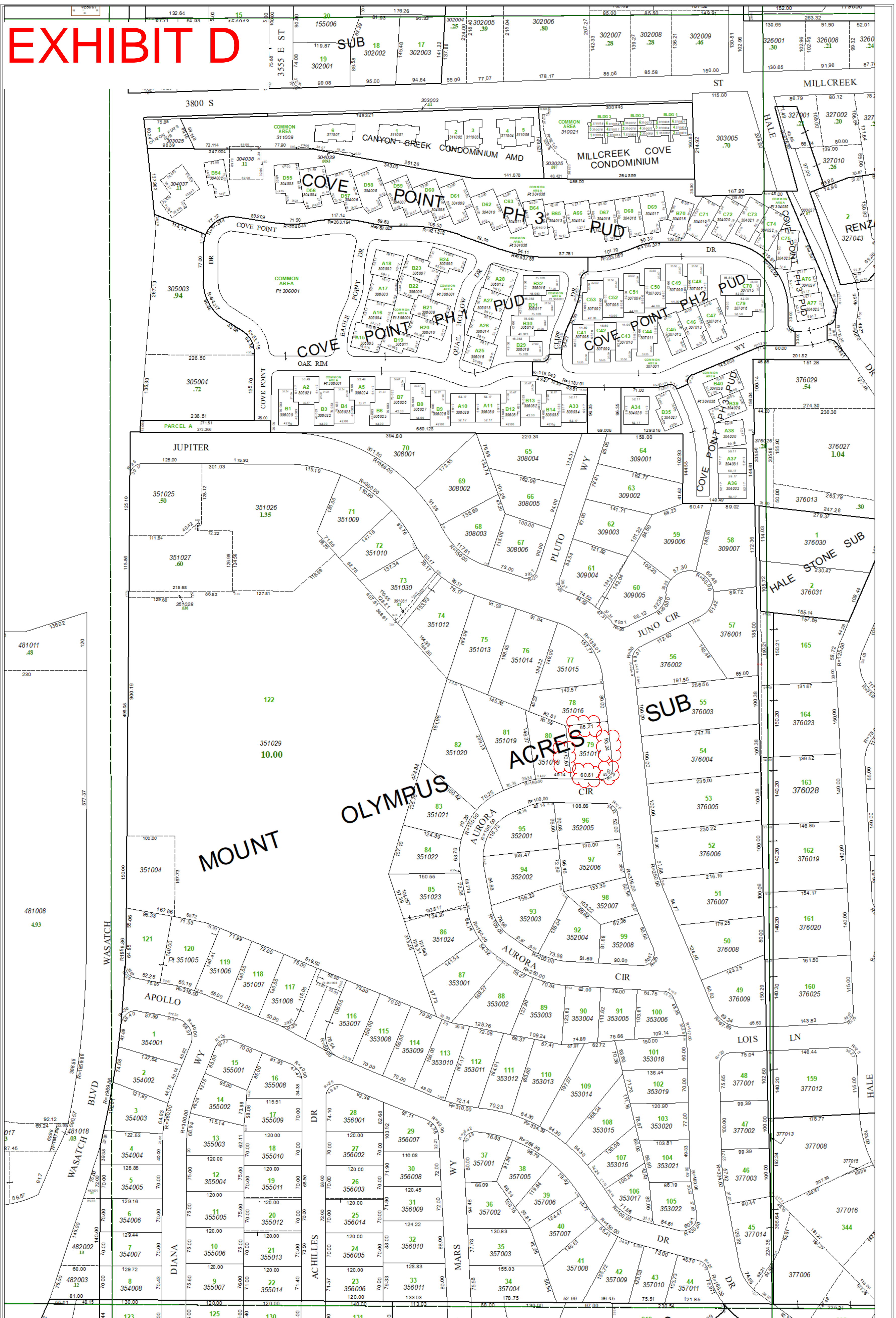
EXISTING DRAINAGE CALCULATIONS

TOTAL EST. SQFT OF PARCEL	9,583 SQFT
EXISTING PERMEABLE LAND AREA	6,187 SQFT
EXISTING IMPERVIOUS LAND AREA	3,215 SQFT
TOTAL SQFT (FOOTPRINT) OF RESIDENCE	2,472 SQFT
TOTAL IMPERVIOUS SQFT (3,215 SQFT + 2,472 SQFT)	5,687 SQFT
% OF IMPERVIOUS LAND AREA (5,687 / 9,583 SQFT)	59 % TOTAL

NEW DRAINAGE CALCULATIONS

TOTAL EST. SQFT OF PARCEL	9,583 SQFT
EXISTING PERMEABLE LAND AREA	5,521 SQFT
EXISTING IMPERVIOUS LAND AREA	3,186 SQFT
TOTAL SQFT (FOOTPRINT) OF RESIDENCE	3,164 SQFT
TOTAL IMPERVIOUS SQFT (3,186 SQFT + 3,164 SQFT)	6,350 SQFT
% OF IMPERVIOUS LAND AREA (6,350 / 9,583 SQFT)	66 % TOTAL

EXHIBIT D



As of 04/26/2021, the SLCO Recorder's office will begin a full transition to electronically-generated Tax Plats. For parcel information regarding historic parcels, prior Tax Plats may need cross-referenced. This Tax Plat is not intended to represent actual physical properties. In order to establish exact physical boundaries, a survey of the property may be necessary. Parcel numbers are for tax reference purposes only and are subject to change.



Prepared and published by
Salt Lake County Recorder
Rashelle Hobbs
2001 S. State Street #N1-600
Salt Lake City, Utah 84190
385-468-8145
recorder.slco.org



W 1/2 SW 1/4 Sec 36 T1S R1E
SALT LAKE COUNTY, UTAH

7/19/2023

Scale 1"=100'
0 100' 200'
Feet

16-36-31

6	7	8	9	10	11	12	6	5	4	3	2	1
13	14	15	16	17	18		7	8	9	10	11	12
19	20	21	22	23	24		13	14	15	16	17	18
25	26	27	28	29	30		19	20	21	22	23	24
31	32	33	34				25	26	27	28	29	30
							31	32	33	34	35	36

Area Section Page



LAND USE AND DEVELOPMENT APPLICATION

Property Address	Parcel No.
Name of Project	Project Size in SF
Please describe your request. Add additional pages if necessary.	

Administrative

- ADU Approval
- Change of Use
- Conditional Use
- Eligible Facility Request
- Minor Site Plan Amendment
- Reasonable Accommodation
- Sign Permit
- Site Plan
- Temporary Use

Subdivisions

- Condominium
- Lot Line Adjustment
- Major Subdivision
- Minor Subdivision
- Parcel Line Adjustment
- PUE Vacation

Other

- General Plan Amendment
- Rezone
- Text Amendment
- Noncomplying Expansion
- Nonconformity Determination
- Variance
- Zoning Compliance Letter
- Other: _____

PLANNING REVIEW PERIOD

Each application is subject to a planning review period. Upon payment of all applicable fees and submission of a complete land use application for an approval that requires a public meeting, planning staff will have a review period of fifteen business days to review the application for substantial compliance with all the requirements of applicable ordinances before scheduling the application for the first public meeting or hearing. If staff requires additional information, clarification or an updated application submittal as part of their review, the time to provide the additional information, clarification, or submittal will be in addition to the review period. Staff will schedule your application at the first available public meeting after the review period concludes.

January 23, 2026

Mr. Francis Lilly
Planning Director
Millcreek City
3330 South 1300 East
Millcreek, Utah 84106

Mr. Carlos Estudillo
Planner II
Millcreek City
3330 South 1300 East
Millcreek, Utah 84106

Subject: **Request for Deviation from General Standards based on Neighborhood
Compatibility Modification (NCM) Regarding Lot Coverage**

Dear Mr. Lilly & Mr. Estudillo,

This letter and supporting documentation are to request approval for a deviation from Millcreek General Zoning Standards outlined in **18.35- Single-Household Residential (R-1) Zones** and more specifically **18.36.040 Spatial Requirements** concerning Lot Coverage, which may be considered per **18.36.090 – Neighborhood Compatibility Modification (NCM)** of Millcreek’s zoning ordinances. The NCM section states the Planning Director may approve an NCM request provided specific requirements are met. This letter, along with Attachment “A” is intended to provide sufficient documentation for this request to be approved.

Applicant:	Joe Romero
Parcel:	16-36-351-017
Address:	3652 Aurora Circle
Zone:	R-1-8
Building Permit #:	252009

BACKGROUND INFORMATION:

18.36.040 Spatial Requirements state that the maximum lot or parcel coverage for an R-1-8 Zone shall not exceed 33%.

18.36.090 Neighborhood Compatibility Modification (NCM) allows an increase in lot or parcel coverage not to exceed 38%, if approved.

- The table below outlines the requirements for the NCM submission along with the increased lot of parcel coverage allowance.

18.36.090 Neighborhood Compatibility Modification (NCM)

The Neighborhood Compatibility Modification (NCM) allows for modified standards from one or more of the spatial standards based upon the compatibility of the proposed residential application with other properties/dwellings in the proximate neighborhood. The Planning Director may approve an NCM request at time of site plan submittal provided the following conditions:

- A. Evidence. Compliance with the corresponding neighborhood conditions must be established by a survey from the proximate neighborhood, defined as a 200-foot radial distance from boundary. Survey submitted must be completed by a surveyor licensed to practice in the State of Utah.
- B. Submittal. NCM requests shall be submitted on a separate form and shall include an additional review fee as set forth in the Millcreek Consolidated Fee Schedule.
- C. Permissible Modifications. Building height, setbacks and lot or parcel coverage modifications may be accommodated if the request does not exceed the allowances as set forth in Table Standards.
- D. Non-Permissible Modifications. Building envelope, mass and scale, and accessory structure modifications do not qualify under the NCM.

Zone	(H)	Lot or Parcel Coverage	Front Setback	Side Setback	Rear Setback	Max Height
R-1-3	33'	40% (1)	The average of all lots or parcels within the proximate neighborhood that fronts to the same street, road, or right-of-way.	Combined side yard shall be at least twenty-five percent (25%) of the lot or parcel width, and no less than five feet (5') on each side.	The average rear yard setback that are on six lots or parcels of the applicant's choice within the proximate neighborhood, and no less than 15'	The maximum building height that may be approved by the Planning Director or designee under the NCM standards is the lesser of: 3. Three feet plus the average maximum ridge height of residential structures that are on six lots or parcels of the applicant's choice that are within the proximate neighborhood; and 4. The maximum height of the zone specified in column (H) of Table 18.36-4 NCM Standards.
R-1-4	33'	40% (1)				
R-1-5	33'	40% (1)				
R-1-6	33'	40% (1)				
R-1-8	33'	38% (1)				
R-1-10	35'	36% (1)				
R-1-15	37'	30% (1)				
R-1-21	37'	30% (1)				

As noted above, the enclosed Attachment "A" includes the following required submittal documents for the Planning Director's consideration:

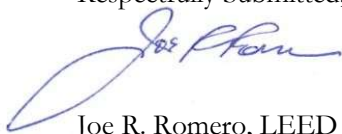
- AFFIDAVIT – Property Owner – Signed and Notarized
- Sheet SD1_0A showing Existing Site Plan (without proposed addition) including Lot Coverage Calculations
- Updated Sheet SD1_0 showing Site Plan along with Proposed Lot Coverage Calculations (including addition)
- Elements Land Surveying Lot Coverage Analysis Plan with Lot Coverage calculations for (16) parcels within 200 Feet of Subject Property.
 - This plan has been stamped by Utah Licensed Surveyor, Chad Anderson #7736336

FINDINGS:

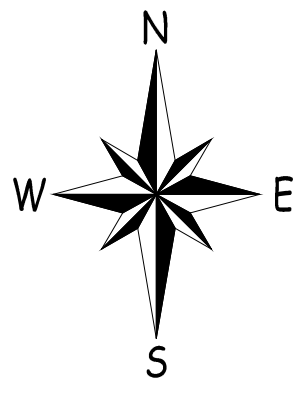
- Deviation from the maximum of 33% lot coverage standard is permissible, if approved by the Planning Director and via the NCM process.
- The applicant has filed separate application and paid additional fees in compliance with requirements
- The applicant has provided sufficient evidence to support approval and increase in lot coverage to 38%
- The Land Survey evidence provided by applicant has been provided by Licensed Professional Land Surveyor who has “stamped” their survey supporting this request.
- The average Lot Coverage of Buildings under roof for all lots (per land survey) 3,188 sqft.
- The applicant's current Lot Size (per land survey) is 10,062 sqft
- The applicant is proposing a Total lot coverage of 3,721 sqft
- The applicant is proposing a lot coverage of 36.9% with the new addition.

If there are any questions related to the documentation provided, please do not hesitate to contact me at your convenience.

Respectfully Submitted,



Joe R. Romero, LEED AP

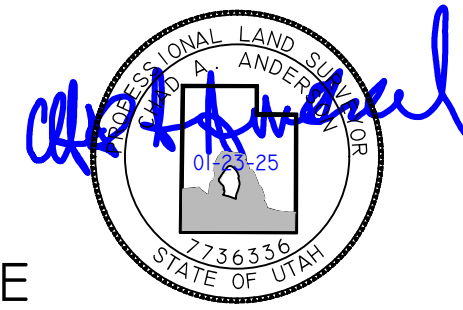


SYMBOL LEGEND	
	SUBDIVISION PLAT
	MEASURED ROOF COVERAGE

SURVEYOR'S CERTIFICATE

I, CHAD A. ANDERSON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 7756336, AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I HEREBY CERTIFY THAT I HAVE MADE A SURVEY OF THE HEREON DESCRIBED PARCEL AND THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY.

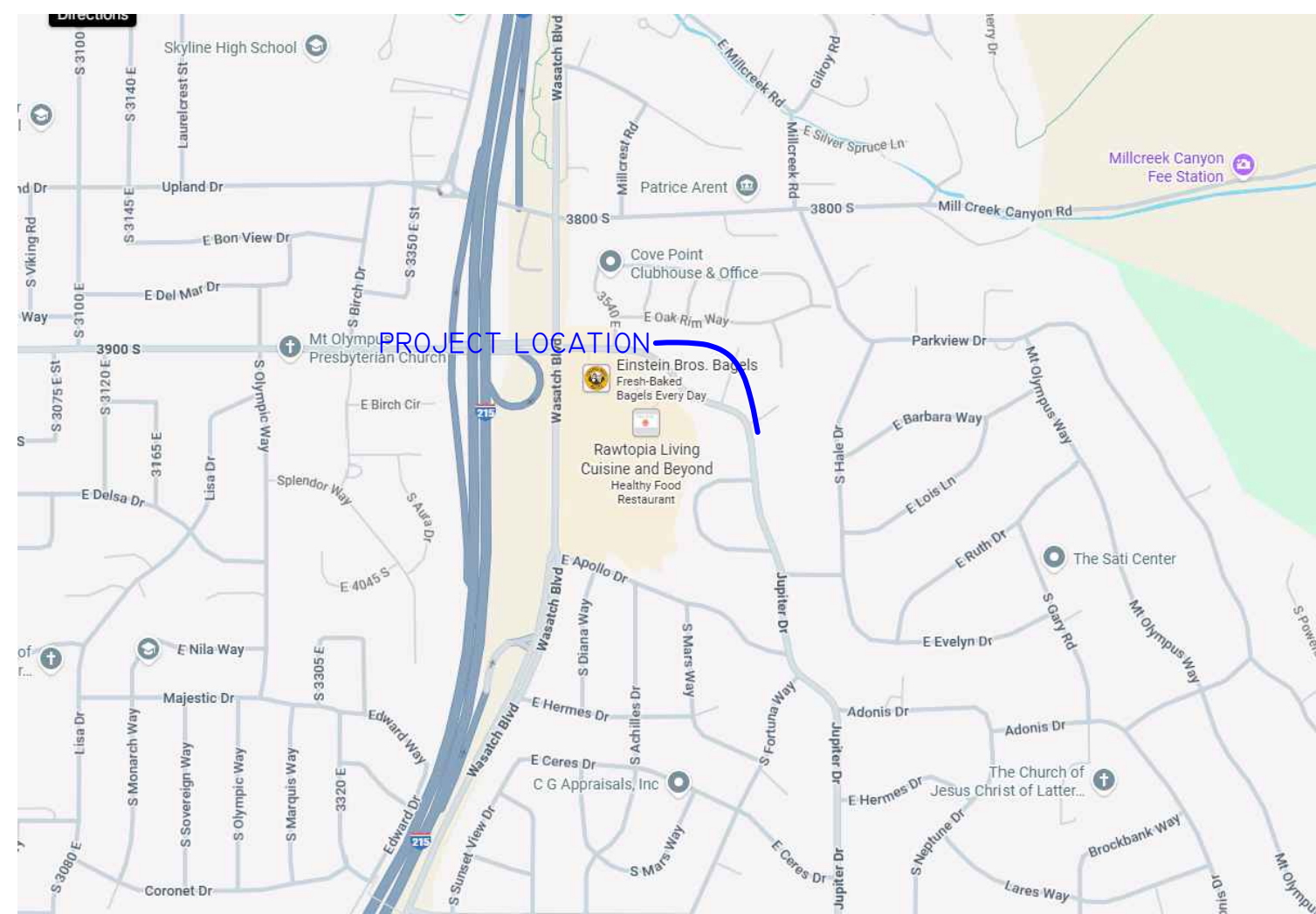
CHAD A. ANDERSON - PLS _____ DATE _____



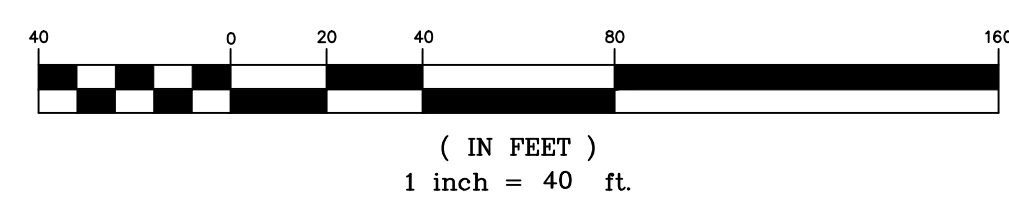
SURVEYOR'S NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO INFORMATION ON THE AREA OF THE SUBJECT LOTS THAT IS COVERED BY STRUCTURES (WITH A ROOF). WE FOUND MULTIPLE PROPERTY CORNER MARKERS ONSITE TO ENSURE THE PLAT WAS CORRECTLY LOCATED. AERIAL CONTROL POINTS WERE SET AND THE SITE WAS FLOWN WITH A DRONE TO PROVIDE AN ACCURATE AERIAL OVERLAY WHERE WE WERE ABLE TO MEASURE THE ROOF COVERAGE FOR EACH LOT.

VICINITY MAP



GRAPHIC SCALE



LOT#	LOT AREA	COVERED AREA	% COVERED
51	19,747	3,333	16.88%
52	22,408	2,924	13.05%
53	23,462	4,198	17.89%
54	24,340	3,214	13.20%
55	25,218	4,896	19.42%
56	16,847	3,465	20.56%
75	16,919	2,767	16.36%
76	17,426	2,309	13.25%
77	12,290	1,927	15.68%
78	11,098	2,818	25.39%
79	10,062	2,896	28.78%
80	9,725	3,280	33.73%
81	17,479	3,989	22.82%
82	23,769	3,222	13.56%
94	13,877	3,465	24.97%
95	12,334	3,058	24.79%
96	10,573	2,409	22.79%
97	11,533	3,055	26.49%

LOT COVERAGE ANALYSIS

SALT LAKE COUNTY
IN THE SOUTHWEST 1/4 OF SEC 36, T1S, R1E, SLB&M

JOE ROMERO

MOUNT OLYMPUS ACRES

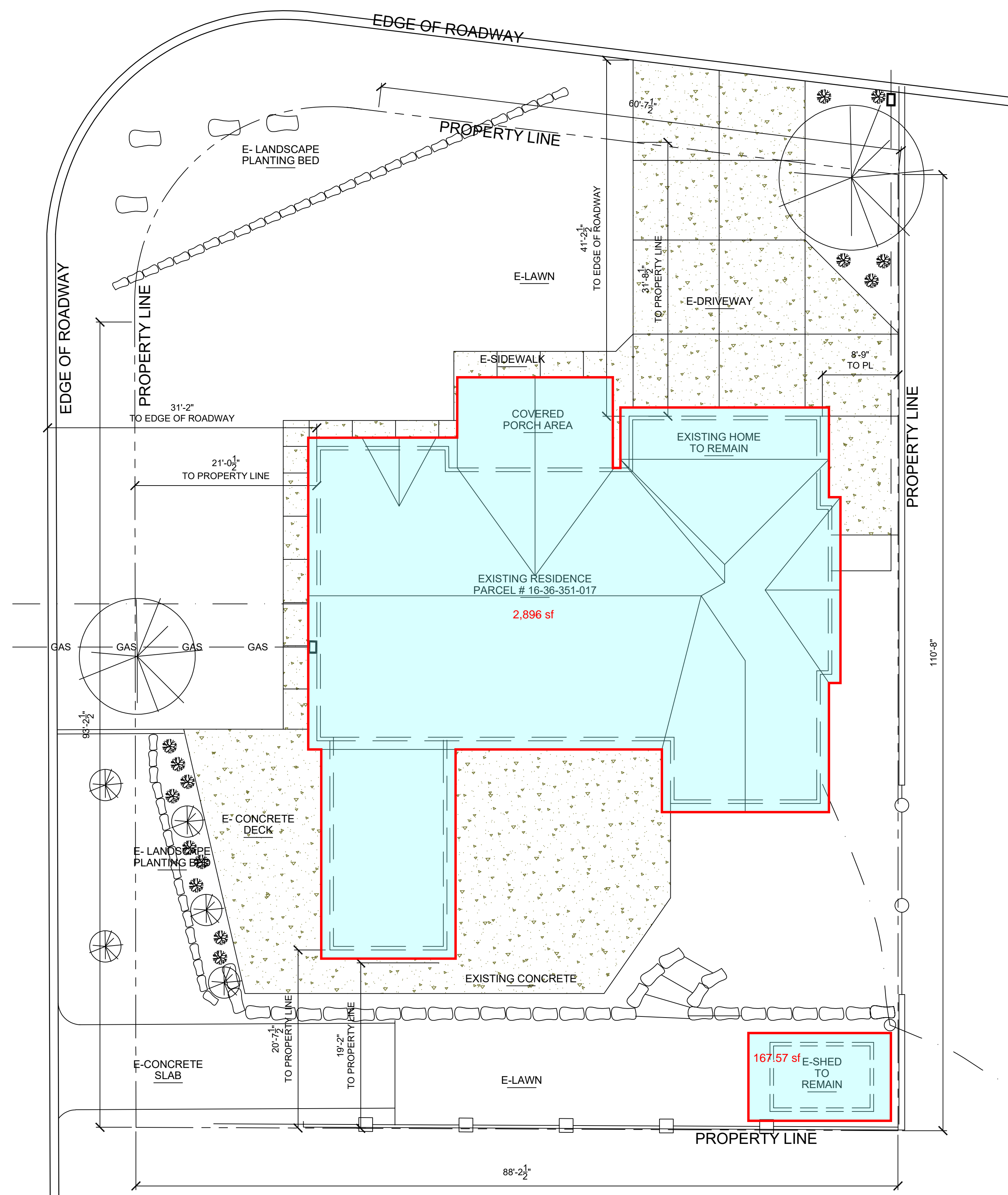
PROJECT NO.
26-01-028

SHEET
1 OF 1

PREPARED FOR:

AURORA CIRCLE

JUPITER DRIVE



**EXISTING CONDITIONS
LOT COVERAGE CALCULATIONS**

TOTAL FOOTPRINT OF EXISTING HOME (PER LICENSED, STAMPED SURVEY)	2,896 SQFT
TOTAL SHED AREA	167 SQFT
TOTAL ROOFED AREA ON SITE	3,063 SQFT
TOTAL SQFT OF PARCEL	10,062 SQFT
CALCULATION OF ACTUAL LOT COVERAGE (3,063 / 10,062 = 30.4%)	30.4%

1 **EXISTING SITE PLAN
LOT COVERAGE CALCULATIONS**
SCALE: 1/8"=1'-0"

**ROMERO RESIDENCE ADDITION
3652 AURORA CIRCLE
SALT LAKE CITY, UTAH 84124**

Rev #	Date	Description
3	1-8-2026	P&Z PLAN REVIEW RESPONSE

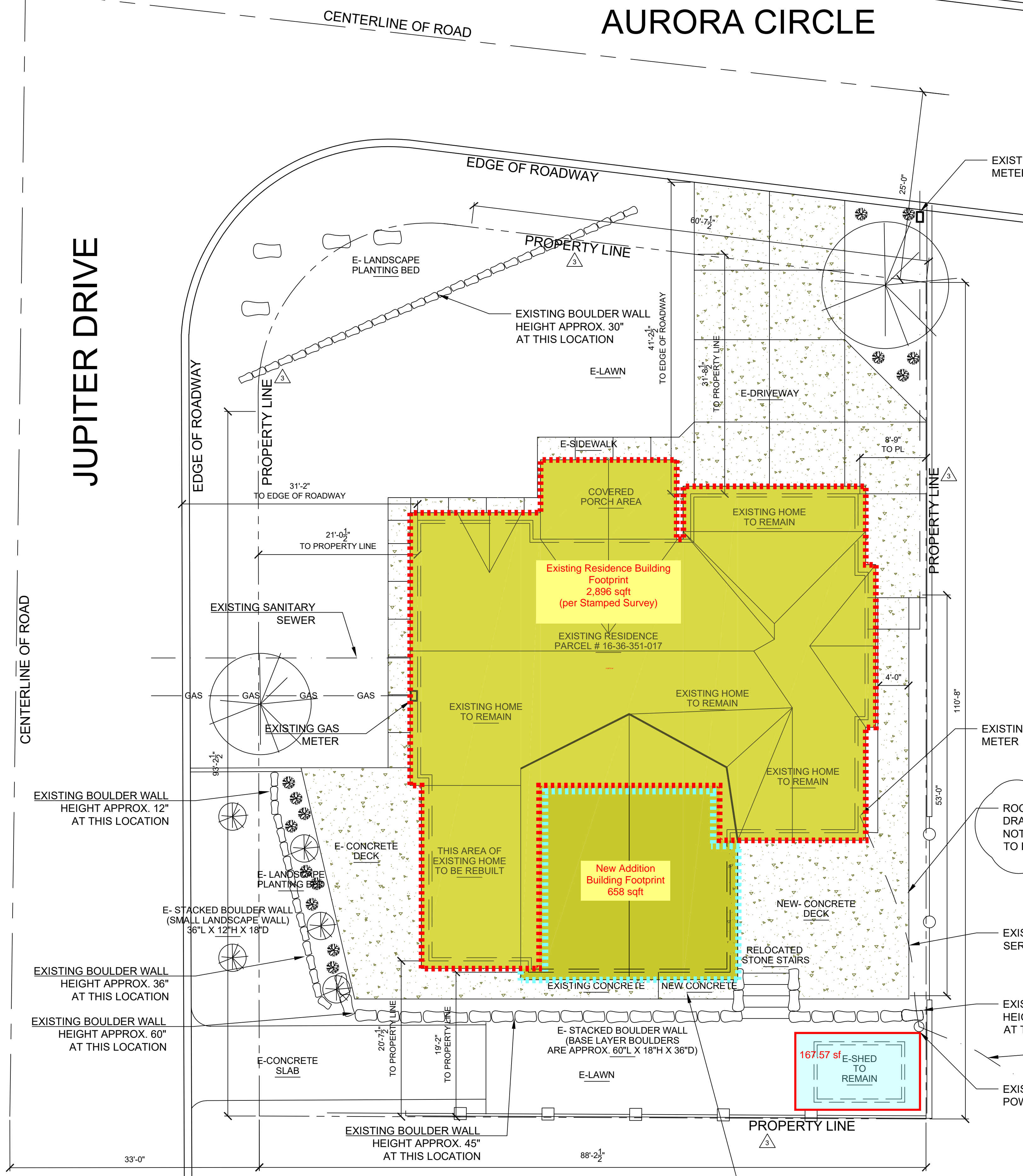
Job #
CAD File
Drawn
Date 9-8-2025
Owner #
Ins. #

EXISTING
CONDITIONS
SITE PLAN

AURORA CIRCLE

JUPITER DRIVE

CENTERLINE OF ROAD



1 NEW SITE PLAN
SCALE: 1/8"=1'-0"

LOT COVERAGE CALCULATIONS

TOTAL FOOTPRINT OF EXISTING HOME + ADDITION (CALCULATED FROM EDGE OF ROOF)	3,554 SQFT
TOTAL SHED AREA	167 SQFT
TOTAL ROOFED AREA ON SITE	3,721 SQFT
TOTAL SQFT OF PARCEL	10,062 SQFT
CALCULATION OF ACTUAL LOT COVERAGE (3,721 / 10,062 = 36.9%)	36.9%

EXISTING DRAINAGE CALCULATIONS

TOTAL EST. SQFT OF PARCEL	9,583 SQFT
EXISTING PERMEABLE LAND AREA	6,187 SQFT
EXISTING IMPERVIOUS LAND AREA	3,215 SQFT
TOTAL SQFT (FOOTPRINT) OF RESIDENCE	2,472 SQFT
TOTAL IMPERVIOUS SQFT (3,215 SQFT + 2,472 SQFT)	5,687 SQFT
% OF IMPERVIOUS LAND AREA (5,687 / 9,583 SQFT)	59 % TOTAL

NEW DRAINAGE CALCULATIONS

TOTAL EST. SQFT OF PARCEL	9,583 SQFT
EXISTING PERMEABLE LAND AREA	5,521 SQFT
EXISTING IMPERVIOUS LAND AREA	3,186 SQFT
TOTAL SQFT (FOOTPRINT) OF RESIDENCE	3,164 SQFT
TOTAL IMPERVIOUS SQFT (3,186 SQFT + 3,164 SQFT)	6,350 SQFT
% OF IMPERVIOUS LAND AREA (6,350 / 9,583 SQFT)	66 % TOTAL

DRAWING INDEX

ARCHITECTURAL PLANS	
SD1_0	SITE PLAN, COVER SHEET AND DRAWING INDEX
A1_0	DEMOLITION PLAN
A1_1	NEW MAIN LEVEL FLOOR PLAN
A1_2	NEW 2ND LEVEL FLOOR PLAN
A1_3	NEW ROOF PLAN
A2_1	EXTERIOR ELEVATIONS
A2_2	EXTERIOR ELEVATIONS
A3_1	BUILDING & WALL SECTIONS
A4_1	FIREPLACE ELEVATIONS / SECTION / DETAILS
STRUCTURAL PLANS	
S1_0	FOOTING AND FOUNDATION PLAN
S1_1	MAIN LEVEL FLOOR FRAMING PLAN
S1_2	ROOF FRAMING PLAN
S3_1	STRUCTURAL DETAILS
MECHANICAL / PLUMBING PLANS	
M1_1	MAIN LEVEL MECHANICAL PLAN
ELECTRICAL / PLUMBING PLANS	
E1_1	MAIN LEVEL ELECTRICAL PLAN

SYMBOL LEGEND

- 1 KEY NOTE
- T.O. LANDING
ELEV. 100'-0"
- A WINDOW CALL OUT
- 101 DOOR CALL OUT
- 1 ACCESSORY NOTE
- TYP.
DETAIL CALL OUT
- BUILDING SECTION
- ELEVATION CALL OUT

PROJECT TEAM

OWNER / DRAFTER / DESIGNER: JOE AND JENNIFER ROMERO
3652 AURORA CIRCLE
SALT LAKE CITY, UTAH 84124
(801) 808 - 0063

STRUCTURAL ENGINEER: DANY TREMBLAY, PE
CANYONS STRUCTURAL CONSULTING
940 EAST ELM AVE
SALT LAKE CITY, UTAH 84105
(801) 486-6848

GENERAL INFO.

CODE: 2021 INTERNATIONAL RESIDENTIAL CODE
ZONING: R1-8

ROMERO RESIDENCE ADDITION
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SALT LAKE CITY, UTAH 84124

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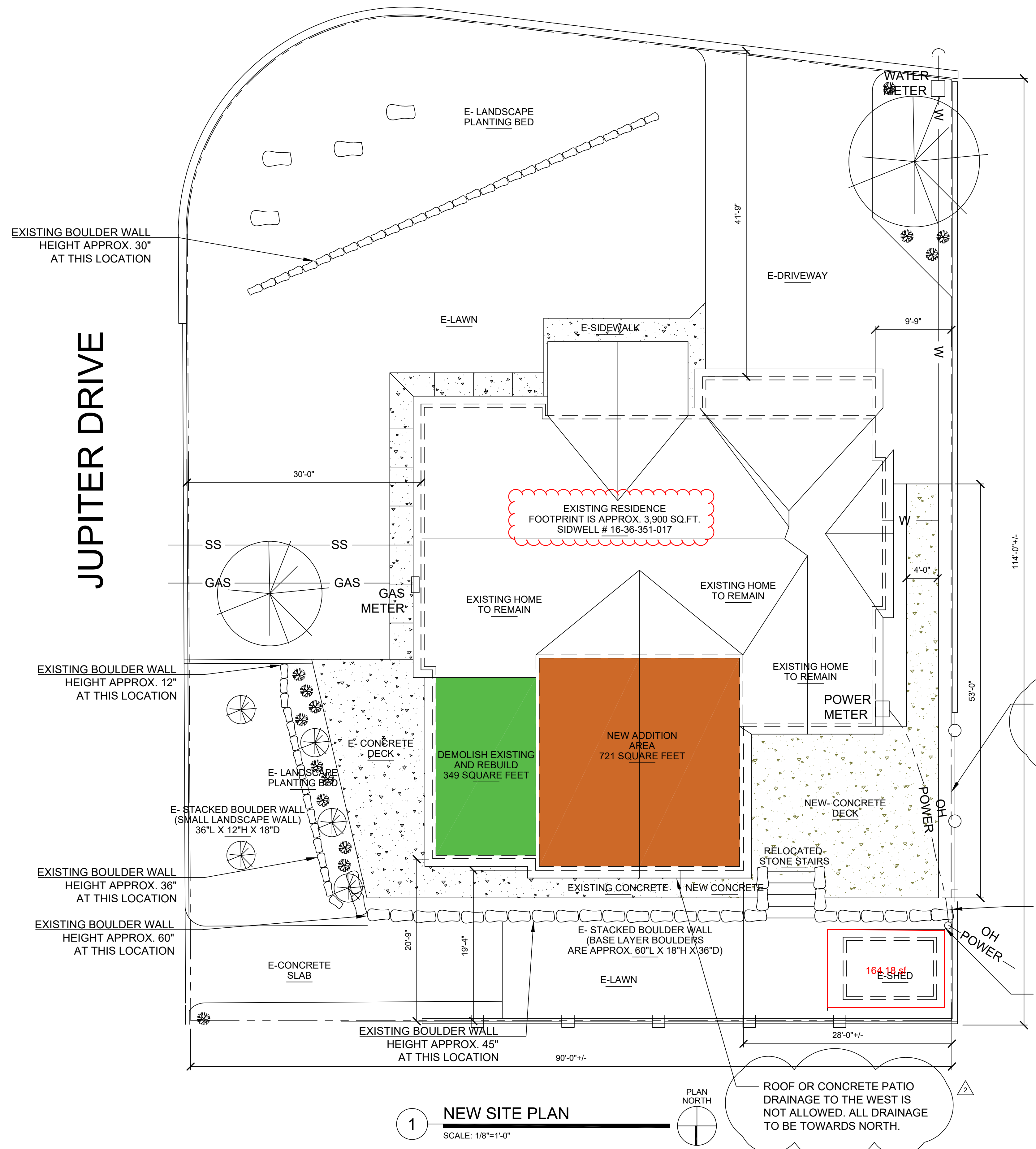
Job #
CAD File
Drawn
Date 9-8-2025
Owner #
Ins. #

SITE PLAN, COVER SHEET AND DRAWING INDEX

SD1_0
Sheet of Sheets

EXHIBIT C

AURORA CIRCLE



9,583 SF X 33% = 3,163 SF
(maximum lot coverage allowed)

3900 (existing residence) +
721 (new addition) + 349
(rebuild) + 164 (shed) =
5134 SF = 53%

EXISTING DRAINAGE CALCULATIONS

TOTAL EST. SQFT OF PARCEL	9,583 SQFT
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ELEV. 100'-0"
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- TYP.
DETAIL CALL OUT
- 2 A3.2 BUILDING SECTION
- 2 A3.2 ELEVATION CALL OUT

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Rev #	Date	Description
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Job #	Drawn	Checked
CAD File	9-8-2025	
Owner #		
Ins. #		

SITE PLAN, COVER SHEET AND DRAWING INDEX

SD1_0
Sheet of Sheets

EXHIBIT F

DRAWING INDEX

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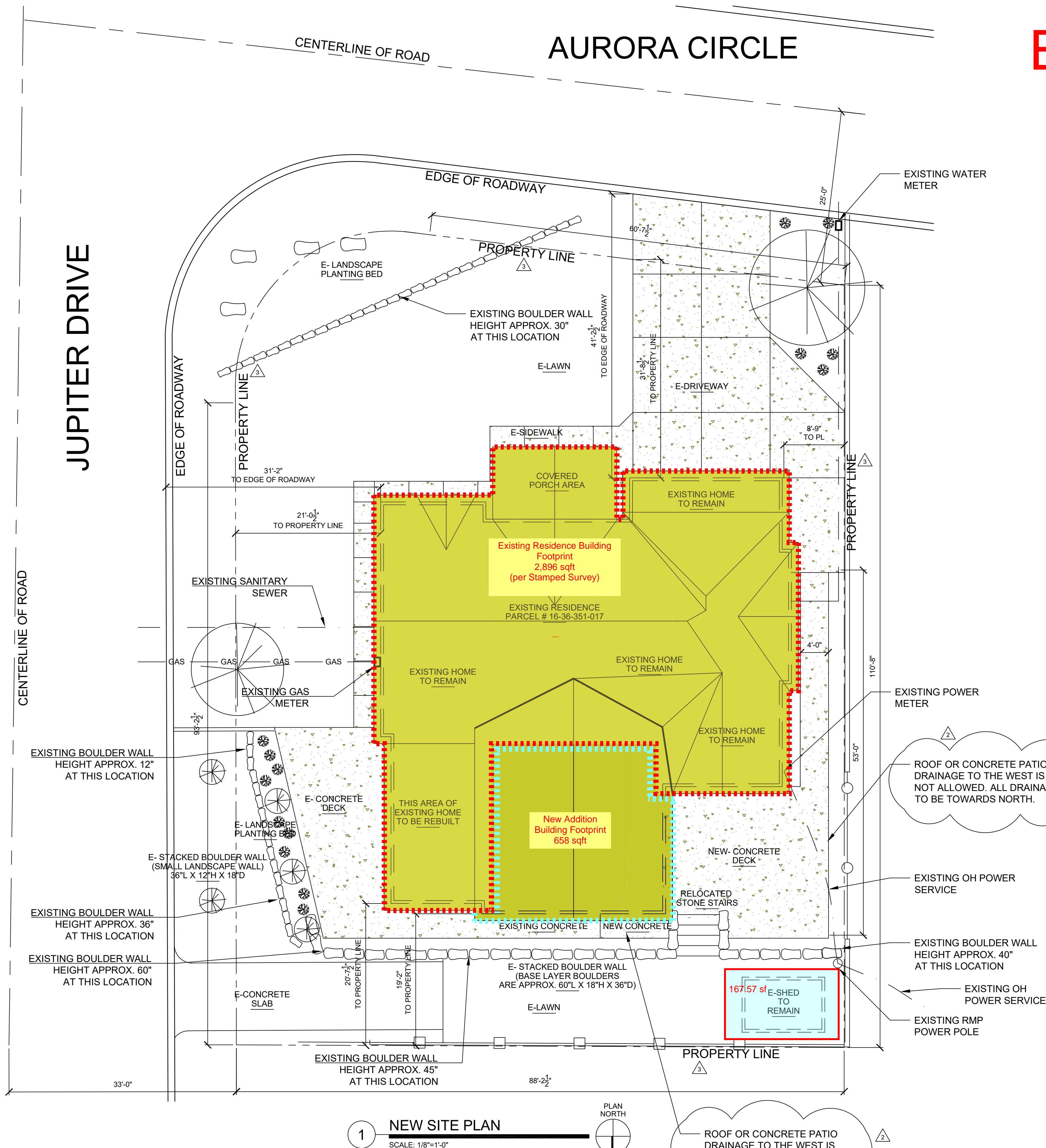
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SD1_0
Sheet of Sheets

AURORA CIRCLE

JUPITER DRIVE



LOT COVERAGE CALCULATIONS

TOTAL FOOTPRINT OF EXISTING HOME + ADDITION (CALCULATED FROM EDGE OF ROOF)	3,554 SQFT
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NEW DRAINAGE CALCULATIONS

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1 NEW SITE PLAN
SCALE: 1/8"=1'-0"



ROOF OR CONCRETE PATIO DRAINAGE TO THE WEST IS NOT ALLOWED. ALL DRAINAGE TO BE TOWARDS NORTH.

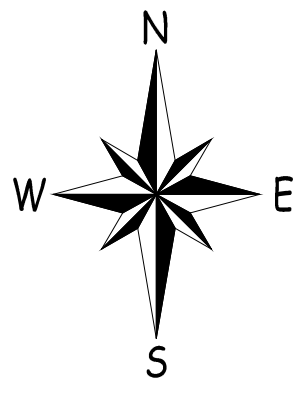


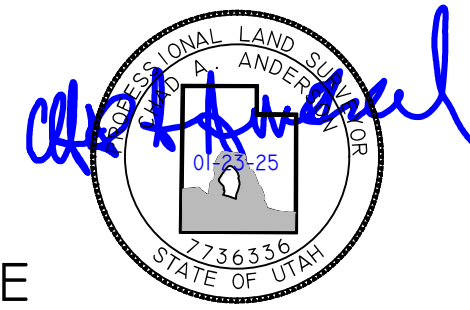
EXHIBIT G

SYMBOL LEGEND	
	SUBDIVISION PLAT
	MEASURED ROOF COVERAGE

SURVEYOR'S CERTIFICATE

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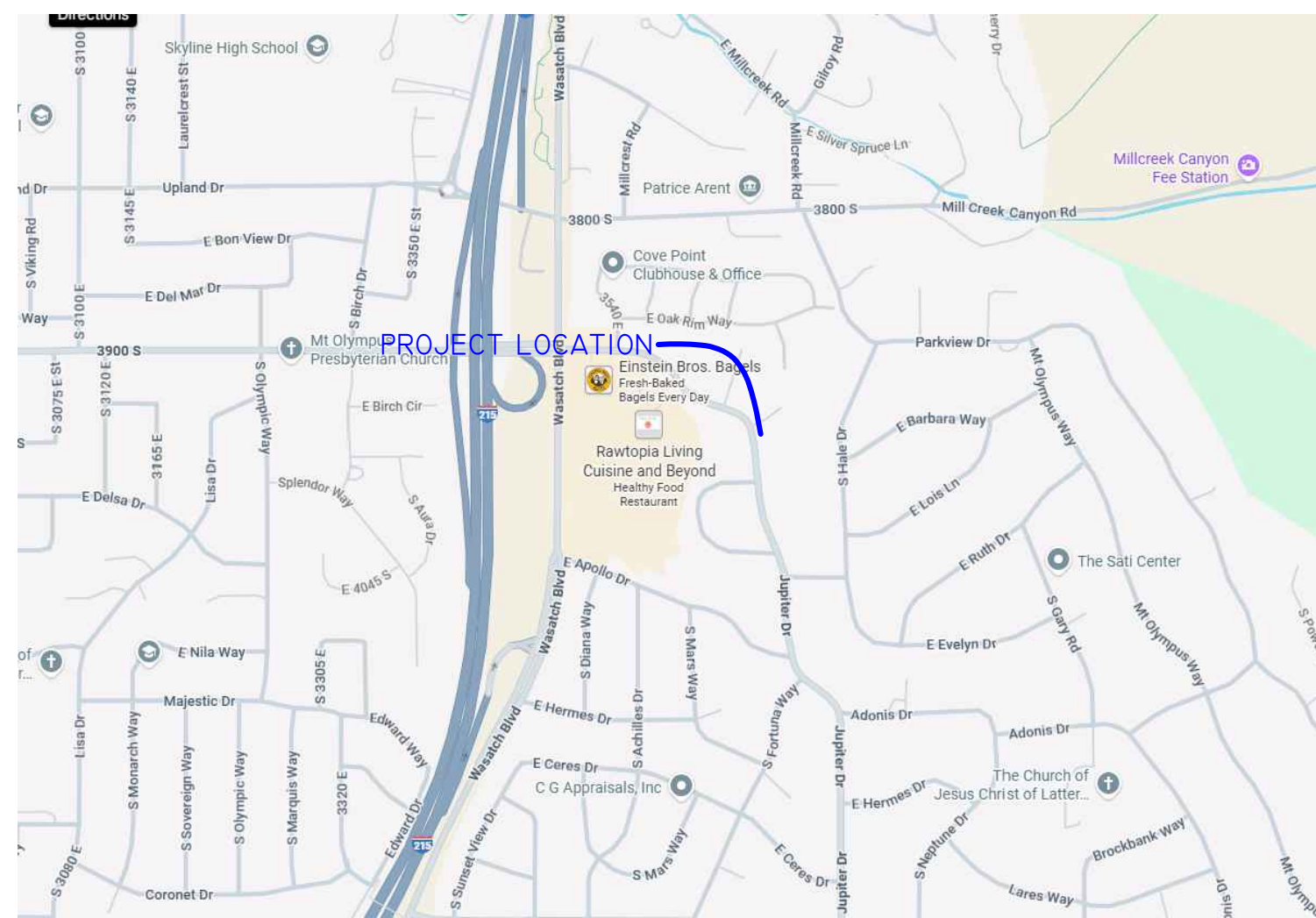
CHAD A. ANDERSON - PLS _____ DATE _____



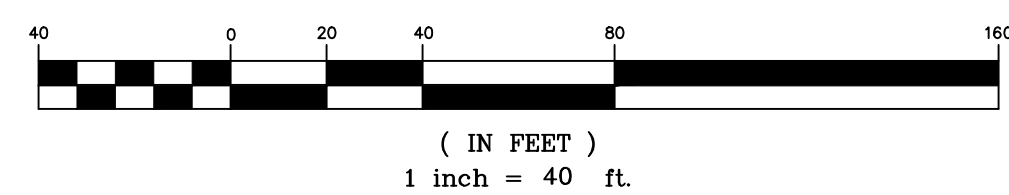
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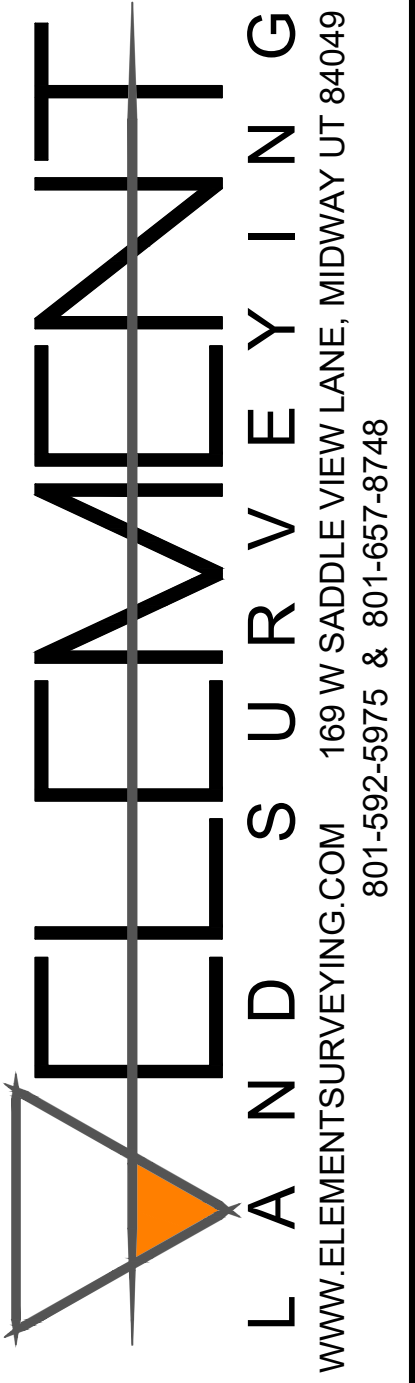
VICINITY MAP



GRAPHIC SCALE



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LOT COVERAGE ANALYSIS
SALT LAKE COUNTY
IN THE SOUTHWEST 1/4 OF SEC 36, T1S, R1E, SLB&M

PREPARED FOR:
JOE ROMERO

PROJECT:
MOUNT OLYMPUS ACRES

PROJECT NO.
26-01-028

SHEET
1 OF 1

EXHIBIT H

LOT #	LOT AREA (sf)	COVERED AREA (sf)	% COVERED
51	19747	3333	16.88%
52	22408	2924	13.05%
53	23462	4198	17.89%
54	24340	3214	13.20%
55	25218	4896	19.42%
56	16847	3465	20.56%
75	16919	2767	16.36%
76	17426	2309	13.25%
77	12290	1927	15.68%
78	11098	2818	25.39%
79	10062	2896	28.78%
80	9725	3280	33.73%
81	17479	3989	22.82%
82	23769	3222	13.56%
94	13877	3465	24.97%
95	12334	3058	24.79%
96	10573	2409	22.79%
97	11533	3055	26.49%
Average Lot or Parcel Coverage			20.53%