



## **PLANNING COMMISSION AGENDA**

Thursday, May 28, 2026 at 6:00pm  
125 West Community Center Way (400 North), Mapleton, Utah 84664

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**The order of agenda items is subject to change at the discretion of the Planning Commission Chair.**

6:00 p.m. Call to order: Pledge, Invocation, and Introductions/Announcements.

### **Consent Item**

*Items on the consent agenda are routine in nature and do not require discussion or independent action. Members of the Commission may ask that any items be considered individually for purposes of Commission discussion and/or for public comment. Unless that is done, one motion may be used to adopt all recommended actions.*

1. Planning Commission Meeting Minutes – April 23, 2026.

### **Public Hearings**

2. Consideration of a request to amend the General Plan Land Use Designation from “Low Density Residential” to “Park” and to rezone from Residential-Agricultural (RA-1) to Open Space and Parks (OS-P) for a one-acre parcel located at 34 South Troy Street to accommodate a private cemetery.
3. Consideration of amendments to Mapleton City Code (MCC) section 18.84.410 regarding requirements for accessory dwelling units and section 18.84.460 regarding the process for land use appeals.

### **Action Item**

4. Consideration of a variance to reduce the required setback to accommodate a swimming pool at 2023 West Sunrise Ranch Drive. The applicants are Michael and Jessica Christiansen.

### **PUBLIC COMMENT MAY BE ACCEPTED AT THE DISCRETION OF THE CHAIR**

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the meeting/hearing should notify April Houser at the Community Development Office, at Mapleton City, 125 West 400 North, Mapleton UT 84664, or by phone, 801-489-6138, giving at least 24 hours notice. Signature on this document certifies that it was posted in the City Office on 5/19/26.

THIS AGENDA SUBJECT TO CHANGE WITH A MINIMUM OF 24 HOURS NOTICE  
(Last Modified May 19, 2026)

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**April Houser**, Executive Secretary

**Item:**  
2

**Date:**  
5/28/26

**Applicant:**  
Wendell Gibby, Maple Bench  
LLC

**Location:**  
34 S Troy St

**Prepared By:**  
Sean Conroy, Community  
Development Director

**Public Hearing:**  
Yes

**Zone:**  
RA-1-C

## Attachments

1. Application information.

## REQUEST

Consideration of a request to amend the Future Land Use Map of the General Plan from “Low Density Residential” to “Parks” and to rezone approximately one acre of land from Residential-Agricultural Cluster (RA-1-C) to Open Space and Parks (OS-P).

## BACKGROUND & DESCRIPTION

The applicant is the developer of the Maple Bench Estates subdivision. Lot 18 of the subdivision is 1.7 acres in size lot located at 34 South Troy Street. The applicant is proposing the following:

- Subdivide lot 18;
- The eastern .7 of an acre would remain a residential lot;
- The western 1-acre would become a private family cemetery;
- Amend the Future Land Use Map of the General Plan from Low Density Residential to Parks and change the zoning from RA-1-C to OS-P for the western one acre to allow for the cemetery with 110 plots.

## EVALUATION

Rezone decisions are legislative actions. The Planning Commission and City Council have broad discretion when acting on legislative matters, provided it can be reasonably debated that the action taken (to approve or deny) will promote or protect the general welfare of the community.

Mapleton City Code Section 18.12.010.B provides the following list of guidelines to be used in reviewing rezone requests:

1. *Public purpose for the amendment in question.*
2. *Confirmation that the public purpose is best served by the amendment in question*
3. *Compatibility of the proposed amendment with general plan policies, goals, and objectives.*
4. *Potential adverse effects to the city by creating "leapfrog" development or areas away from the existing "core" or center of the city.*
5. *Potential of the proposed amendment to hinder or obstruct attainment of the general plan's articulated policies.*
6. *Adverse impacts on adjacent landowners.*
7. *Verification of correctness in the original zoning or general plan.*
8. *In cases where a conflict arises between the general plan map and general plan policies, precedence shall be given to the plan policies.*

**General Plan:** The Future Land Use Map of the General Plan designates the subject property as “Low Density Residential”. This designation encourages residential densities of one unit per acre. The applicant is requesting to amend the Future Land Use Map to “Parks”. The parks designation is intended for

properties proposed as public or private parks, cemeteries, or other open space amenities. If the Planning Commission is supportive of the private cemetery proposal, the "Parks" designation is appropriate for the site.

Relevant goals from the Land Use Element include:

*Goal 1: Preserve and enhance Mapleton's rural atmosphere and agricultural history through careful planning and the preservation of open space.*

*Goal 3: Ensure land uses are compatible and/or utilize adequate buffers to enhance compatibility.*

The main question for the Commission to consider is whether a private cemetery is compatible with the surrounding residential development.

**Zoning:** The Mapleton Bench Estates subdivision was approved in the RA-1-Cluster zone. This zone allows for lots as small as a ½ acre provided the average density in the zone is not less than one unit per acre. The applicant's proposal to reduce the size of one of the residential lots would still comply with the minimum standards of the zone provided the new lot is at least a half an acre in size with at least 125 feet of frontage.

The OS-P zone is the only zone in the City that allows for a private cemetery as a conditional use. If the City Council approves the rezone to OS-P, the applicant would then be required to return to the Planning Commission to obtain a conditional use permit for the cemetery.

**Concept Plan:** Lot 18 includes a significant slope from east to west. The eastern portion of the lot sits substantially higher than the western portion of the lot. The concept plan shows the residential lot on the upper eastern portion and the new private cemetery on the lower western portion. The cemetery would be accessed by a 20-foot-wide private lane that comes off of Troy Street and also provides access to two other residential lots. An 11-stall parking area is proposed that would also serve as the emergency vehicle hammer-head turnaround. Eight additional parking spaces are proposed at the end of the private drive.

**Traffic/Parking:** A small private cemetery would likely result in only a few interments per year. Daily or weekly visitations is expected to be minimal, and the proposed parking would be more than adequate. However, it certainly is possible that events like a grave site service could result in more vehicles than could be parked on site. No parking will be allowed for the private lane for fire access purposes, so overflow parking would likely take place along the public street. Troy Street is sufficiently wide to handle vehicles parking on one or both sides of the road, but it could result in a temporary inconvenience to the neighboring property owners from time to time. If approved, the City should anticipate occasional overflow parking along Troy Street during cemetery services.

**State Law:** Utah Code title 8 establishes operational and record keeping requirements for cemeteries, including the following:

- A cemetery plat must be recorded;
- Each purchaser of a lot shall receive a certificate of burial right;
- Transcripts of lot sales shall be recorded semiannually;
- The establishment of a \$25,000 endowment care trust fund prior to beginning operation;
- A portion of each lot sale shall be deposited in the endowment fund; and
- Endowment care funds are placed with an independent trustee.

**Trail Easement:** When the Maple Bench Estates subdivision plat was recorded, it included a trail easement to the City that runs along the north end of lot 18. It appears that some of the grading that the applicant has done

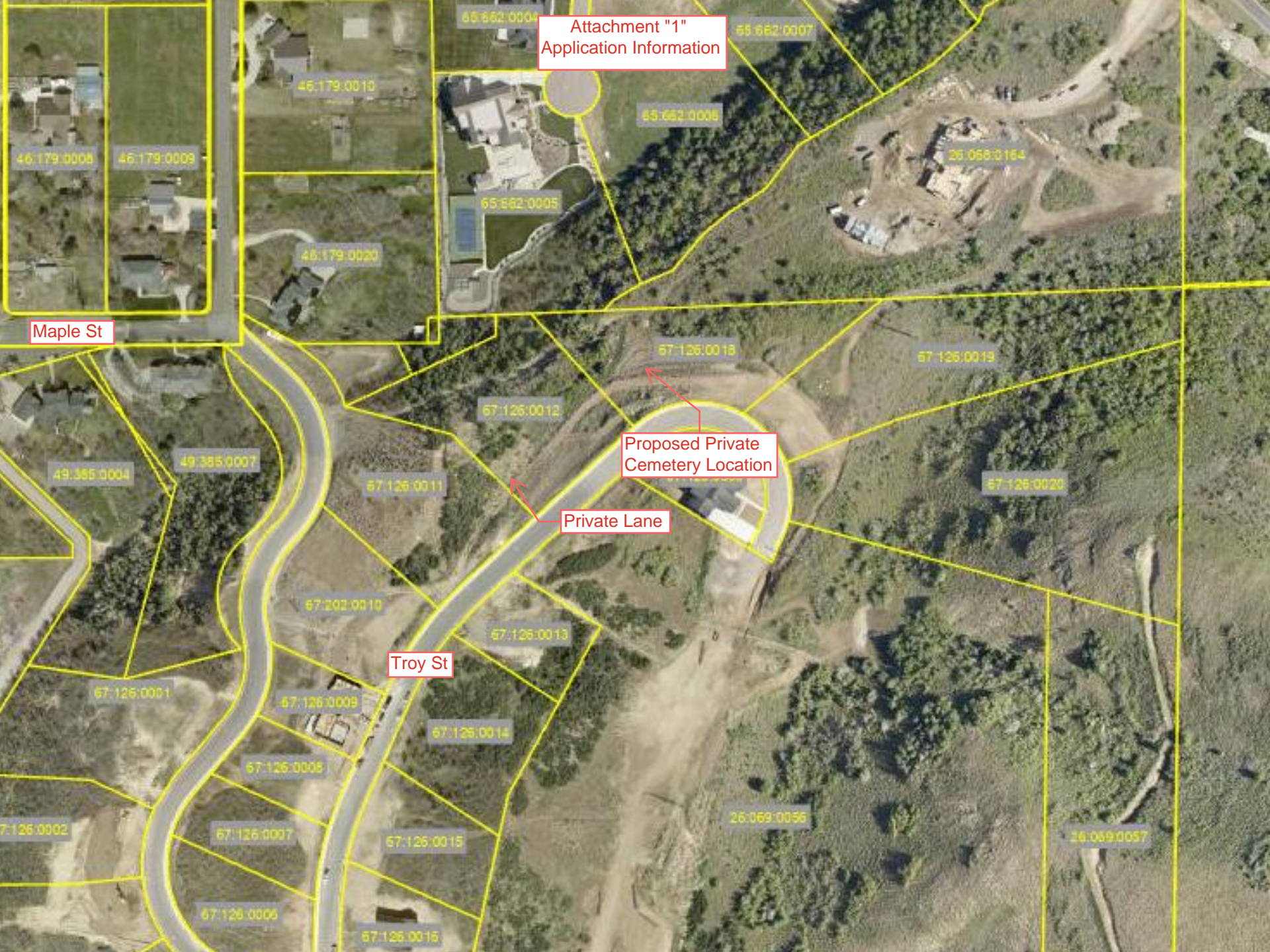
has impacted the City's trail easement. Prior to final rezone approval, the applicant will either need to restore the trail easement to its original condition or grant a revised easement that is acceptable to the City.

**RECOMMENDATION OPTIONS**

The Commission may consider the following options:

- 1) Recommend approval of the rezone as proposed to the City Council.
- 2) Recommend approval of the rezone with changes to the City Council.
- 3) Continue the application with a request for changes and/or additional information.
- 4) Recommend denial of the rezone to the City Council.

Attachment "1"  
Application Information



Maple St

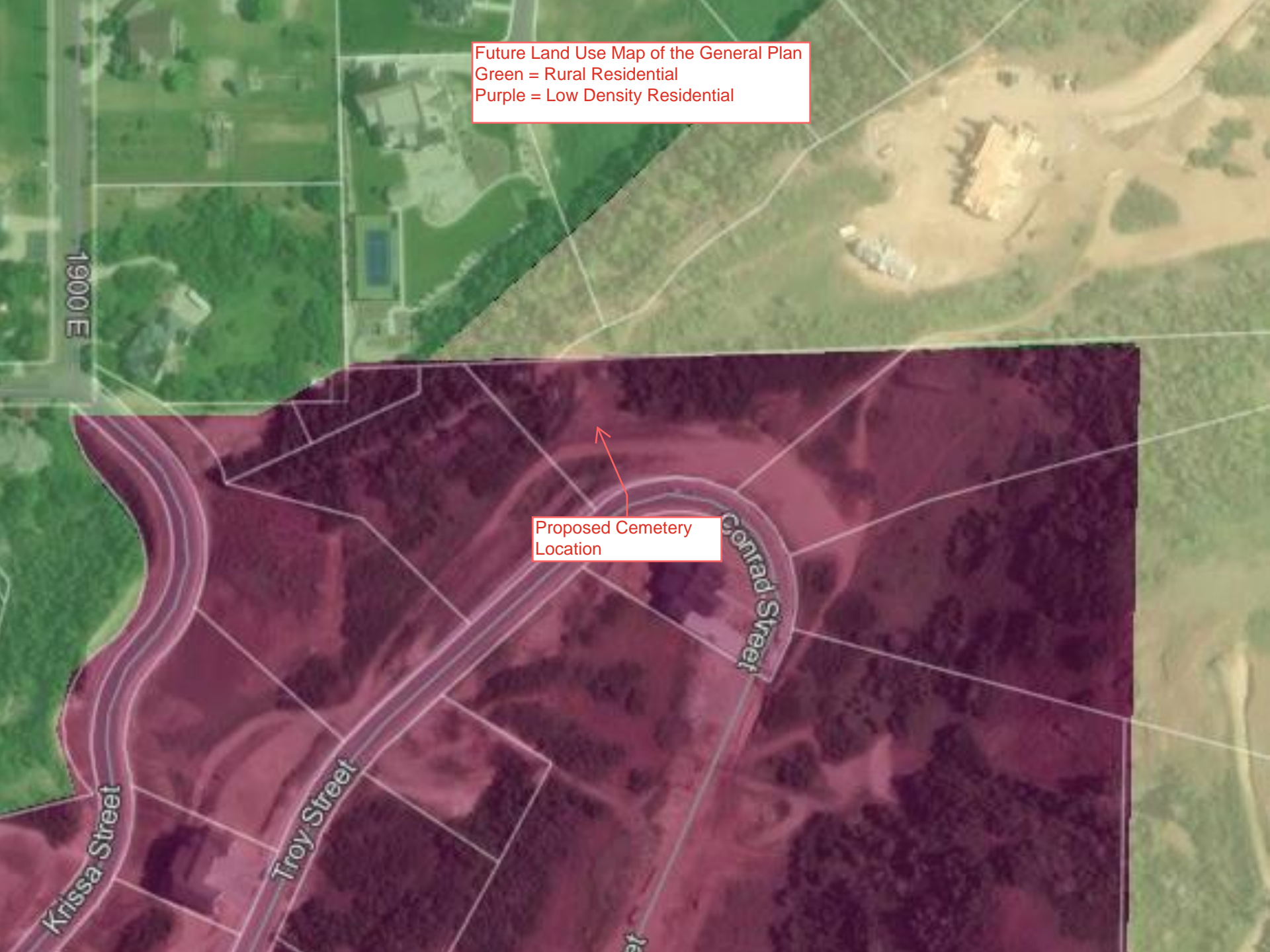
Proposed Private  
Cemetery Location

Private Lane

Troy St

Future Land Use Map of the General Plan  
Green = Rural Residential  
Purple = Low Density Residential

Proposed Cemetery  
Location



To the Mapleton City Planning Commission,

I would like to respectfully submit a proposal for a private family cemetery located on the northern edge of our property on the Mapleton Bench. It is intended to be only for direct lineal descendants or ancestors. It is located on a relatively flat bench about a hundred feet below the crest of the hill. It is not currently visible by any adjacent homes. In fact, there are no residents currently adjacent to it. While none of us can predict our exit from life, we can certainly predict that we will exit. My 93-year-old mother-in-law is likely to be the first beneficiary. I would like to make a few points.

1. This is a very modest project. Initially, we looked at utilizing the parcel of ground that I own just south of the City pond and just east of Eagle Rock. That area would have held far more gravesites (about 1000). However, after reviewing this with Sean Conroy and after several site visits, I selected the more remote bench area with a much smaller footprint shown on the design.
2. The anticipated density in the next 40 years is also very modest. Aside from my mother-in-law, my wife, and myself, we have five children; with a life expectancy of another 40 to 50 years. Thus, for the foreseeable future, this will mostly be grass and trees.
3. As per state law, we will provide a trust that can maintain this cemetery in perpetuity. We have already invested heavily, (i.e., hundreds of thousands of dollars), to provide a secondary water system that is fed from a well located near the base of Maple Mountain.
4. We chose this spot in part because a trail easement exists around about half of the property perimeter, which makes it less desirable for a typical homeowner.
5. As part of the proposal, and at Sean Conroy's suggestion, we have included enough parking area for 20 vehicles. I would also note that when we built this subdivision, the City mandated only a 28-foot-wide roadway. However, it was my opinion that homes in this area might have extended families and that traffic, parking, etc., could be occasionally challenging on hillside roads. Thus, at my own expense, we developed the roads to be 40 feet wide, which provides significant additional street parking.
6. The proposed cemetery plan is for about one hundred plots. I would assume that not all my descendants would choose to be buried there. Thus, a reasonable assumption is that it would take more than one hundred years to fill. In any case, it will remain a serene, secluded, green area of the city and an appropriate use of my property in this area.

Sincerely,



Wendell A. Gibby, M.D.



**Item:**

3

**Date:**

5/28/26

**Applicant:**

Mapleton City

**Location:**

N/A

**Prepared By:**

Sean Conroy, Community  
Development Director

**Public Hearing:**

Yes

**Zone:**

N/A

**Attachments**

1. Draft ordinance.
2. Correspondence.

**REQUEST**

Consideration of amendments to Mapleton City Code (MCC) section 18.84.410 regarding requirements for accessory dwelling units and section 18.84.460 regarding the process for land use appeals.

**BACKGROUND & DESCRIPTION**

Each year the State Legislature meets during the General Legislative Session to review proposed bills. When bills get passed, cities often have to make amendments to their city codes to be consistent with changes to state law. This year HB 477 updated requirements regarding detached accessory dwelling units (ADUs), and SB 284 made changes to how cities can handle land use appeals. Below is a summary of amendments staff is proposing to address these new bills.

**Accessory Dwelling Units (ADUs):** The City's current ADU ordinance limits detached ADUs to lots of ½ an acre or larger. According to HB 477, cities must now allow ADUs on any lot of ¼ acre or larger. The primary purpose of the proposed change is to promote detached ADUs as another tool to address housing availability throughout the state. The proposed amendments make this conforming change (see ~~strikeout~~ and underline in attachment "1"). Detached ADUs would still have to comply with all other regulations related to detached accessory structures.

Two other issues related to ADUs have been raised by members of the public to be discussed by the Planning Commission and City Council. These are summarized below:

- 1) The current ordinance establishes a maximum size limitation of 1,000 square feet for detached ADUs on lots of ½ and acre to one acre, 1,200 square feet for lots of two to three acres, and 1,400 square feet for lots larger than three acres, or 40% of the size of the main dwelling, whichever is smaller.

A property owner is requesting that the City eliminate the 40% limitation. In their case, their main residence is only 1,500 square feet, so the maximum size of a detached ADU would only be 600 square feet. The 40% requirement was established to help ensure that the ADUs remain ancillary in nature to the main dwelling. However, staff does see how a property owner could be penalized simply for having a smaller main dwelling. Staff could be supportive of eliminating the 40% limitation.

- 2) State law allows cities to prohibit internal ADUs in certain zones of the city if the area is less than 25% of the total residential land

area of the City. The City has chosen to prohibit ADUs in Harvest Park and any lots in the R-1-B (high density) zones. The primary reason for the prohibition was the limited parking and small lot sizes and the concern that ADUs could increase congestion problems. A property owner has asked that the City reconsider the ADU ban in Harvest Park.

The initial ban on ADUs in Harvest Park was supported by the Harvest Park HOA. Staff are reluctant to recommend removing the ban unless the HOA is supportive of the request.

**Appeal Authority:** The City's appeal process currently includes the following:

- Land use decisions made by staff can be appealed to the Planning Commission.
- Planning Commission decisions can be appealed to the City Council.

SB 284 indicates that the City Council can no longer be designated as an appeal authority. Therefore, staff is proposing the following (see attachment "1"):

- Appoint an appeals hearing officer that has a background in land use law.
- Appeals of staff and/or Planning Commission decisions would be reviewed by the hearing officer.

### **RECOMMENDATION**

Recommend approval of the proposed amendments to the City Council and provide a recommendation on the following questions:

- Should the City eliminate the 40% size limitation for detached ADUs?
- Should the City eliminate the prohibition of ADUs in Harvest Park and the R-2-B zones?

Attachment "1"

(changes shown in strikeout and underline)

18.84.410: OWNER OCCUPIED ACCESSORY APARTMENTS:

A. Purpose and Intent: This ordinance is intended to implement Utah Code Section 10-21-3 ~~10-9a-511~~ and the goals and policies of the Mapleton City Moderate Income Housing Element of the General Plan, which encourage providing opportunities for a variety of housing options at all income levels including accessory apartments.

B. Exemptions: The provisions of this section do not apply if only family members, as defined under section 18.08.010 of this title, are residing at the residence.

C. Owner occupied: Either the primary dwelling unit or the accessory apartment shall be occupied by a full-time resident property owner as shown on the Utah County tax assessment rolls. No more than one accessory apartment is permitted per lot.

D. Internal accessory apartments (dwelling units), as defined in Utah Code Annotated § 10-21-101 ~~Section 10-9a-511.5~~, are allowed in all residential zones except for the SDP-1 and R-2-B zones, with the following limitations:

1. Lot size: The lot shall be a legal lot of record of six thousand (6,000) square feet in size or larger.

2. Appearance:

a. The creation of an internal accessory dwelling unit shall not be designed in a manner that changes the appearance of the primary building as a single-family dwelling.

b. An entrance or exit to or from the apartment shall be on either the side or rear of the dwelling.

E. Detached Buildings: An accessory apartment, as defined in Utah Code Annotated § 10-21-101, may be permitted in a detached building with the following limitations:

1. The property must be at least eleven thousand ~~twenty one thousand seven hundred and eighty~~ (11,000 ~~21,780~~) square feet in size or larger.

2. The maximum interior floor area of the accessory apartment shall not exceed forty percent (40%) of the square footage of primary dwelling or the following, whichever is less:

a. One thousand (1,000) square feet for lots between eleven thousand ~~twenty one thousand seven hundred and eighty~~ (11,000 ~~21,780~~) square feet and eighty-seven thousand one hundred and nineteen (87,119) square feet.

b. Twelve hundred (1,200) square feet for lots of between eighty-seven thousand one hundred and twenty (87,120) square feet and one hundred and thirty thousand six hundred and seventy nine (130,679) square feet.

c. Fourteen hundred (1,400) square feet for lots of three acres and larger.

3. The front wall of the detached structure shall be located at least ten (10) feet behind the front wall of the primary dwelling on the property.

4. The detached structure shall comply with § 18-84-230 of this title.

F. Parking: Parking shall be provided in accordance with the following standards:

1. A single-family dwelling with an owner-occupied accessory apartment shall provide at least one (1) off-street parking stall designated for use by the accessory apartment in addition to the required off street parking required for the single-family dwelling.

2. The designated parking stall may not be located within a garage unless at least two (2) other parking stalls within a garage are available for the primary dwelling unit. The designated parking stall also may not be located directly behind a required parking stall for the primary dwelling unit.

3. Not more than one of the designated parking stalls may be located within:

- a. The front yard setback; or
- b. Side yard setback that is adjacent to a street.

4. A parking stall designated for use by the accessory apartment under this section shall be paved with asphalt or concrete, or be a hard surface material that will not generate dust or allow mud to be tracked onto City streets.

G. Application: Prior to construction or occupancy of an accessory apartment, a property owner shall submit an application with the information required on the official "accessory apartment permit" application maintained by the Community Development Department.

H. Application fees: At the time of application, the applicant shall pay the accessory apartment administrative fee as adopted in the official fee schedule of the Community Development Department.

I. Addressing: An owner-occupied accessory apartment will not be given a new address by the City. Single-family dwellings with owner-occupied accessory apartments can refer to mail to its accessory apartment by the same address as the primary dwelling and refer to the main address as "A" and the accessory apartment address as "B." (Ord. 2008-14, 8-6-2008, eff. 9-24-2008; amd. Ord. 2011-11, 7-19-2011, eff. 8-14-2011; Ord. 2021-20, 8-4-2021; Ord. 2023-03, 4-12-2023; Ord. 2025-03, 3-19-2025)

(Changes shown in ~~strikeout~~ and underline)

**18.84.460 Appeals**

A. Creation. There is hereby created and established by the City Council an Appeals Hearing Officer to act as an Appeal Authority pursuant to Utah Code.

B. Appointment. The Appeals Hearing Officer shall be appointed as follows:

1. The Appeals Hearing Officer shall be appointed by the Mayor with the advice and consent of the City.
2. The Appeals Hearing Officer shall be appointed for a term of three (3) years and thereafter may be appointed for succeeding one-year terms.
3. The Appeals Hearing Officer shall, as a minimum, have such training and experience as will qualify them to conduct administrative or quasi-judicial hearings regarding land use, land development, and regulatory codes dealing with issues related to land use.
4. The Mayor may remove the Appeals Hearing Officer at any time and for any reason with the advice and consent of the City Council.
5. The Mayor may, from time to time and with the advice and consent of the City Council, appoint an Appeals Hearing Officer pro tempore on a temporary basis when necessitated by the absence, unavailability, incapacity, conflict of interest or disqualification of the regularly appointed Appeals Hearing Officer. Each Appeals Hearing Officer shall, as a minimum, have qualifications which are similar to the regularly appointed Appeals Hearing Officer.

C. Powers and Duties. The Appeals Hearing Officer is acting as the Appeal Authority for the City to hear and decide appeals of a land use decision by the designated land use authority applying a land use ordinance, or from a fee charged in accordance with Utah Code Annotated § 10-20-904. Appeals may not be filed for the enactments of a land use regulation.

D. Process. Appeals shall follow the process described below.

1. Decisions made by the land use authority may be appealed to the Appeals Hearing Officer by filing a notice of appeal in writing with the City Recorder. All valid appeals shall be filed within ten (10) business days of the date of action and shall include payment of the required filing fees as established by City Council resolution.
2. Within thirty (30) days of receipt of a valid appeal, the Appeals Hearing Officer shall set a date and time for the appeal hearing. The hearing date shall be scheduled no later than one hundred and twenty (120) days from the date the appeal was filed unless agreed to by the appellant.

3. The Appeals Hearing Officer may only allow the following people to speak during the appeal hearing:
  - a. The appellant or the appellant's representative;
  - b. The land use applicant or the land use applicant's representative; and
  - c. The City's representatives.
4. All hearings are considered de novo without deference to the land use authority's determination of the factual matters.
5. The Appeals Hearing Officer shall act in a quasi-judicial manner and:
  - a. Determine the correctness of the land use authority's interpretation and application of the plain meaning of the land use regulations; and
  - b. Interpret and apply a land use regulation to favor a land use applicant unless the land use regulation plainly restricts the land use application.
6. If the appellant is a land use applicant, the appellant has the burden of proving that the land use authority's decision is illegal or is not supported by substantial evidence. If the appellant is an adversely affected party, the appellant has the burden of proving that the land use authority's decision is illegal, or that the factual findings are clearly erroneous.

E. Stay Of Proceedings Pending Appeal: An appeal stays all proceedings in furtherance of the action appealed from, unless the Appeals Hearing Officer certifies after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would cause eminent peril of life or property. In such case proceedings shall not be stayed otherwise than by restraining order which may be granted by the district court on application and notice and on due cause shown.

F. Judicial Review of the Appeal Hearing Officer's Decision: Any person aggrieved by any decision of the Appeals Hearing Officer may have and maintain a plenary action for relief therefrom in any court of competent jurisdiction; provided petition for such relief is presented to the court within thirty (30) days after the final decision by the Appeals Hearing Officer.

G. Variances: Variance requests shall be reviewed by the Planning Commission in accordance with § 18.84.360 of this title.

**18.84.460: APPEALS:**

~~—A. Appeals To The Planning Commission: Decisions made by the Community Development Director or other official enforcing the provisions of this chapter may be appealed to the Planning Commission by filing a notice of appeal in writing with the Planning Commission~~

~~Secretary. All valid appeals shall be filed within ten (10) business days of the date of action and shall include payment of the required filing fees as established by City Council resolution.~~

~~1. Such notice of appeal shall set forth specifically the ground or grounds upon which such appeal is taken, and the name, address and signature of the appellant.~~

~~— 2. Within ten (10) business days after receipt of a valid appeal the Planning Commission Secretary shall set a date for public hearing at which the appeal shall be considered by the Planning Commission. All appeals shall be set for the next regular Planning Commission meeting unless insufficient time exists for public notice as established by State Code.~~

~~— B. Appeals To The City Council: Decisions made by Planning Commission to approve or deny projects or appeals may be appealed to the city council by filing a notice of appeal in writing with the city recorder. All valid appeals shall be filed within ten (10) business days of the date of action and shall include payment of the required filing fees as established by city council resolution.~~

~~— 1. Such notice of appeal shall set forth specifically the ground or grounds upon which such appeal is taken, and the name, address and signature of the appellant.~~

~~— 2. Within ten (10) business days after receipt of a valid appeal the city recorder shall set a date for public hearing at which the appeal shall be considered by the city council. All appeals shall be set for the next regular city council meeting, unless insufficient time exists for public notice as established by state code.~~

~~— C. Stay Of Proceedings Pending Appeal: An appeal stays all proceedings in furtherance of the action appealed from, unless the community development director, planning commission or city council certifies after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would cause eminent peril of life or property. In such case proceedings shall not be stayed otherwise than by restraining order which may be granted by the district court on application and notice and on due cause shown.~~

~~— D. Judicial Review Of City Council's Decision: Any person aggrieved by any decision of the city council may have and maintain a plenary action for relief therefrom in any court of competent jurisdiction; provided petition for such relief is presented to the court within thirty (30) days after the final decision by the city council.~~

Lorena Hutchings  
2201 West 325 South  
Mapleton, Utah  
lorenahutchings09@gmail.com  
801-368-5714

April 14, 2026

Mapleton City Council  
Subject: Request to Amend ADU Zoning Ordinance - Eliminate 40% Size Restriction

Dear Mayor Garrett and Members of the City Council,

I am a resident and property owner in Mapleton and am writing to formally request that the Council amend the current Accessory Dwelling Unit (ADU) ordinance to eliminate the limitation restricting ADUs to 40% of the size of the primary dwelling.

While I support the city's goals of maintaining neighborhood character, this restriction presents unnecessary barriers to creating much-needed housing.

We are planning to build an ADU of approximately 800–1,000 sq. ft. for my mother to reside in, which we feel is necessary for her to live comfortably. However, we have learned that under the current ordinance, the ADU is limited to 600 sq. ft. because our main home is 1,520 sq. ft.

Our home sits on a 0.48-acre lot, which is significantly larger than most in the area. Given this extra space, we have more than enough room to accommodate a larger ADU without impacting the surrounding environment or density.

Many state and regional jurisdictions are moving toward maximum square footage caps (e.g., 800-1000 sq ft) rather than restrictive percentage-of-lot formulas, which disproportionately penalizes owners of smaller, older homes.

I strongly believe that by updating this restriction to a reasonable, fixed square-footage maximum rather than a percentage, we can unlock the potential for responsible density without sacrificing the feel of our neighborhood.

If this ordinance can not be changed I would like to request a reconsideration or an exception based on our specific property.

Thank you for your time, consideration, and service to our community.

Sincerely,  
Lorena Hutchings

**Item:**  
4

## **REQUEST**

Consideration of a variance to reduce the required eight-foot setback to accommodate a swimming pool at 2023 West Sunrise Ranch Drive.

**Date:**  
5/28/2026

## **BACKGROUND & DESCRIPTION**

**Applicant:**  
Michael & Jessica Christiansen

The subject property is a corner lot and has frontage on Sunrise Ranch Drive and Santa Fe Dr. The lot is approximately 17,000 square feet in size and is developed with a single-family dwelling, a sports court and other outdoor landscaping amenities.

**Location:**  
2023 W Sunrise Ranch Dr

The applicant is proposing to install a swimming pool in the southeast corner of the lot. The applicant is proposing a setback of ten feet from the east property line and a setback of six feet from the south property line. The ordinance requires a minimum of an eight-foot setback, so the applicant is requesting a two-foot variance for the south property line setback.

**Prepared By:**  
Jeni Crookston, Planner

**Public Hearing:**  
No

## **EVALUATION**

**Zone:**  
SDP-2

The review of variance requests is subject to Utah Code Section 10-20-1102 and Mapleton City Code (MCC) 18.84.360. The requirements for granting a variance are intentionally strict to avoid undermining the land use ordinance. Staff has included the standards from MCC section 18.84.360 below followed by a brief response.

**Attachments**  
1. Application information

The Planning Commission may only grant a variance to waive or modify the requirements of a land use ordinance as applied to a parcel of property if:

- 1. Literal enforcement of the ordinance would cause an unreasonable hardship, as defined in Utah Code section 10-9a-702, for the applicant that is not necessary to carry out the general purpose of the land use ordinances;***

**Response:** The subject property is comparable in size to the adjacent neighbors and other parcels in Sunrise Ranch and throughout the City. Literal enforcement of the ordinance requiring at least an eight-foot setback does not preclude the construction of a swimming pool. The applicant could shift the location of the pool and/or adjust the dimensions of the pool in order to meet the requirements of the code. There does not appear to be an unreasonable hardship being caused by the ordinance.

***2. There are special circumstances, as defined in Utah Code section 10-20-1102, attached to the property that do not generally apply to other properties in the same zone;***

Response: The most common examples of "*special circumstances*" include irregular lot shape, steep slope or other topographic challenges. This parcel does not have any irregular features or topographic challenges. The limited backyard space has more to do with how the home was positioned on the lot and the use of most of the usable back/side yard area as sports court than any special circumstance associated with the lot itself.

***3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;***

Response: The property right in question is the ability to construct a swimming pool. Swimming pools are allowed in the SDP-2 zone. It has not been demonstrated that a swimming pool that complies with the City code cannot be built on the site.

***4. The variance will not substantially affect the General Plan and will not be contrary to the public interest; and***

Response: The request does not substantially impact the General Plan. However, the zoning standards are adopted to protect the public interest and there does not appear to be any valid reason to grant a variance to the zoning standards.

***5. The spirit of the land use ordinance is observed and substantial justice done.***

Response: This finding is only required if the Commission determines that a variance is warranted.

**Public Utility Easement:** There is a ten-foot-wide public utility easement that runs along the south property line. If the Commission determines that a variance is warranted, the applicant would have to also receive approval from the utility companies for placement of the pool within the easement.

**Ordinance:** Most cities require setbacks of between five to ten feet for swimming pools. If the Commission is interested in exploring a smaller setback for pools, the Commission could direct staff to work on a proposal. If that was the direction of the Commission, the applicant could wait to move forward until the City Council determined whether an amendment would be appropriate that may allow the pool closer than currently permitted.

**RECOMMENDATION**

Deny the variance.

Attachment "1"  
Application Information

Applicant's lot

Proposed location of the pool



**Describe requested variance:**

We respectfully request a variance allowing a residential swimming pool setback of 6 feet from the property line rather than the required 8 feet at the property located at 2023 West Sunrise Ranch Dr. \*\*1. Literal enforcement of the ordinance would create an unreasonable hardship\*\* Because of the unique shape and layout of our lot, complying with the full 8-foot setback requirement makes it very difficult to place a functional residential pool within the usable backyard space. This request is not simply based on preference, but on the physical layout and limitations of the property itself. We are only requesting a small adjustment of 2 feet. \*\*2. Special circumstances apply to this property\*\* The configuration and usable area of our lot create challenges that do not apply to many other properties in the same zone. The layout of the property limits reasonable placement options while still maintaining functional use of the backyard. In addition, when this ordinance was originally established, 1/2-acre lots were a more common standard in Mapleton. Current lot layouts and subdivision patterns often involve smaller usable backyard areas, which can create unique challenges for properties like ours while still maintaining the character and intent of residential development. \*\*3. The variance is necessary for the enjoyment of a substantial property right\*\* Residential swimming pools are a common improvement and amenity enjoyed by many homeowners throughout the area and within similar residential zones. Without the requested variance, the physical limitations of the property would make it extremely difficult to reasonably enjoy a residential improvement that is commonly permitted and enjoyed by other homeowners. \*\*4. The variance will not negatively affect the General Plan or public interest\*\* The requested variance is minor and will not negatively impact neighboring properties, public safety, drainage, utilities, easements, visibility, or the character of the neighborhood. The pool will comply with all other applicable fencing, safety, and building requirements. Additionally, nearby municipalities throughout Utah County, including Springville, Payson, Provo, Orem, American Fork, and Lehi, commonly allow residential pool setbacks ranging from approximately 3 to 5 feet. While we understand Mapleton has its own standards, these surrounding ordinances demonstrate that a 6-foot setback remains reasonable and consistent with accepted residential planning and safety practices within the area. \*\*5. The spirit of the ordinance is observed and substantial justice done\*\* The purpose of setback ordinances is to maintain safety, proper spacing, neighborhood compatibility, and orderly development. Our request still meets those goals while also allowing reasonable use of the property despite its physical constraints. Granting this modest variance would preserve the intent of the ordinance while avoiding unnecessary hardship caused by strict application under the specific circumstances of this property. Even with the requested variance, the proposed setback would remain more restrictive than many surrounding municipalities and would continue to provide appropriate separation between properties.

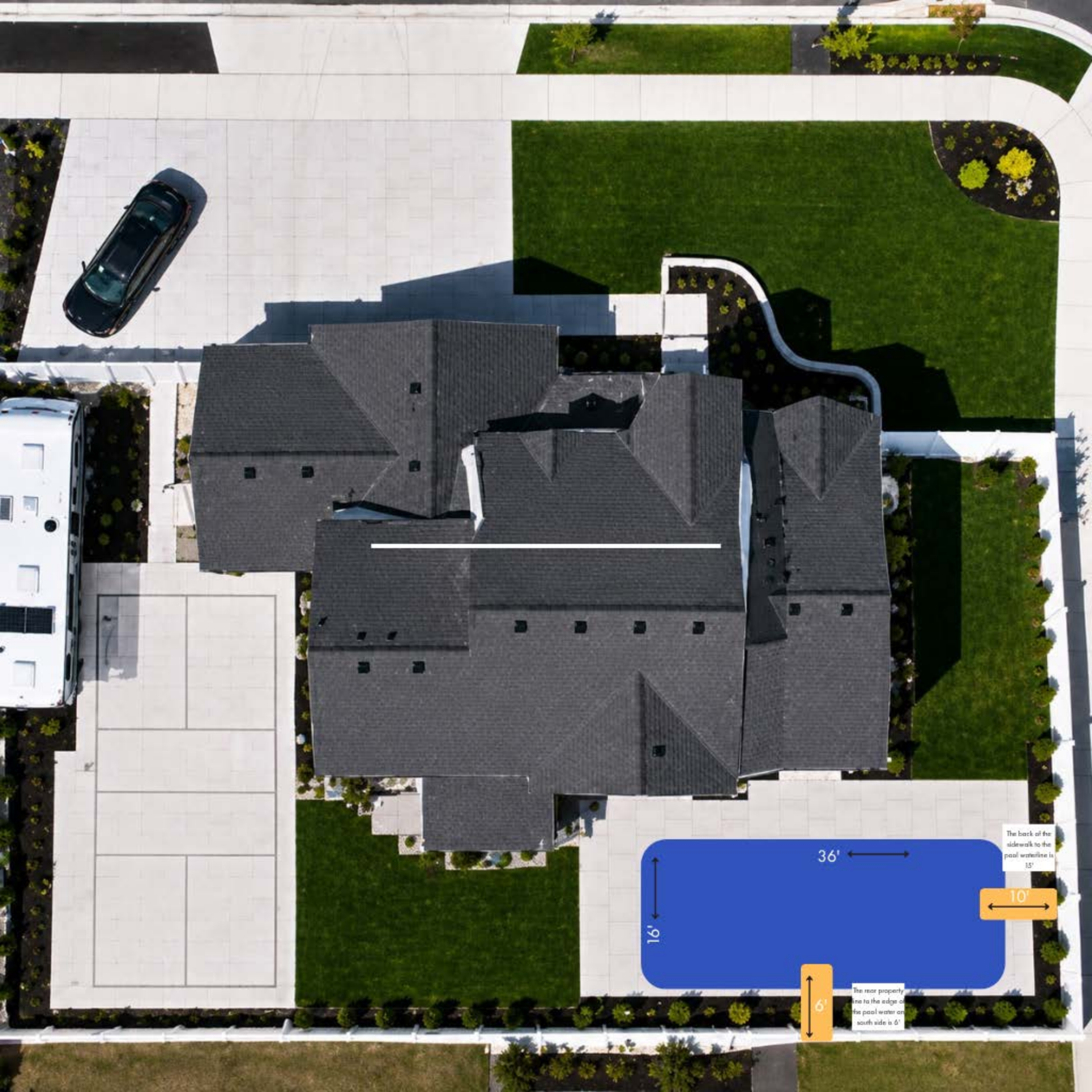
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**Applicant's Signature:**

Michael Christiansen

**Date**

05/14/2026



16'

36'

The back of the sidewalk to the pool waterline is 15'

10'

6'

The rear property line to the edge of the pool water on south side is 6'