



AMERICAN FORK CITY
AMENDED BOARD OF ADJUSTMENT AGENDA
September 15, 2026 – 6:00 P.M.

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF ADJUSTMENT

NOTICE is hereby given that the Board of Adjustment of American Fork City, Utah will meet on Wednesday, September 15th, at the American Fork City Public Works Complex, 275 East 200 North, American Fork, at 6:00 p.m. The items listed below will be discussed, and anyone interested is invited to participate and provide a comment.

BOARD OF ADJUSTMENT MEETING

1. Call to Order
2. Approve Minutes from the 02.12.2025 meeting
3. SCHEDULED ITEM
 - A. Robyn and Joshua Fairbanks have submitted an application for a review and action on a request for a variance for the property located at 156 South 300 East, American Fork, Utah 84003.
 1. Board of Adjustment discussion and motion on the item.
 - B. Tony and Renee Rhoton have submitted an application for a review and action on a request for an appeal for the property located at 160 North 100 East, American Fork, Utah 84003.
 1. Applicant to present.
 2. Staff to present.
 3. Board of Adjustment discussion and motion on the item.
4. Other Business

ADJOURNMENT

5. Adjourn

To send public comments to Board of Adjustments members, email mwhite@americanfork.gov.

Melissa White
Development Project Coordinator
Development Services
American Fork City

Dated September 9, 2026

*Indicates an amended item

1 BOARD OF ADJUSTMENT

2 American Fork City

3 February 12, 2025 ○ 6:00 PM

4 American Fork Public Works ○ 275 East 200 North ○ American Fork UT 84003

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6 Board Members Present: Mary Street, Scott Williamson, Mike Privett, Reid Shelley, Bridgette Nelson

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8 City Staff Present: Andrew Baxter, Building Plan Inspector
9 Melissa White, Development Project Coordinator
10 Cody Opperman, Planner II

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12 Others present: Collin Lambourne, Rachel Lambourne, Aaron Weiss, Shannon Sirkel, Heather Eoff,
13 Andrew Eoff

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15 BOARD OF ADJUSTMENT MEETING

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17 1. Call to Order

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19 This meeting of the Board of Adjustment of American Fork City, having been properly noticed,
20 was called to order at 6:00 p.m.

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22 Introductions were made by the Board and the meeting began.

23 2. Approve Minutes from 12.11.2024.

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25 **MOTION:**

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27 **Mike Privett motioned to approve the 12.11.2024 minutes. Reid Shelley seconded the motion.**

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29 Aye -
30 Mary Street
31 Mike Privett
32 Scott Williamson
33 Reid Shelley
34 Bridgette Nelson

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36 The motion passed.

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38 3. Scheduled Items

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40 Collin Lambourne has submitted an application for a review and action on a request for a variance for a
41 property located at 190 North 300 East, American Fork, Utah 84003.

42 **Board Discussion:**

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44 Andrew Baxter presented the staff report. Mr. Baxter noted that Dan Loveland is out of town but
45 confirmed that all conditions for this variance have been met.

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47 Mary Street asked the applicant, Mr. Lambourne, to discuss the proposed project and variance with the
48 Board members.

Mr. Lambourne shared context and background information not included in the circulated document. Their family moved into a historic pioneer-era house four years ago and have encountered safety concerns due to the steep stairs—both the homeowner and their child have experienced falls. To address this, they are considering a rear addition to the house to allow for a safer stair design.

During planning, they discovered complications with the land documentation. Specifically, the property titles were historically sold as portions of subdivision lots rather than full lots, creating a legal and administrative issue. The goal is to resolve this documentation issue and vacate the subdivision to utilize the property's setback more effectively.

Ms. Street confirmed that Mr. and Mrs. Lambourne own two lots, but the Board would only be discussing the lot located at 190 North 300 East.

Mr. Lambourne noted that the variance request is necessary due to the unique configuration of the property. The lot consists of two parcels: a small 10 by 48-foot parcel that is part of the subdivision, and the main parcel—where the house is located—which is not within the subdivision. This discrepancy in parcel designation is the technical basis for the variance request.

Mr. Lambourne again confirmed that the property currently consists of two separate parcels. The plan is to combine these into a single lot to meet development requirements. However, a variance is needed because the combined lot is 73 feet wide, which is 2 feet short of the 75-foot minimum width required by code. The variance request is specifically to address this 2-foot deficiency. Ms. Street thanked the applicant for the clarification.

City Planner Cody Opperman confirmed that the applicant attempted to go through the subdivision process to consolidate and clean up the property. However, the combined lot is slightly under the city's zoning requirement of 75 feet in width—measuring only 73 feet. As a result, a 2-foot variance is requested. If approved, the applicant will proceed through the Development Review Committee (DRC) process to finalize the lot consolidation. Once consolidated, the property will meet all zoning requirements except for the width.

Mr. Baxter also clarified that the long-term goal is to combine the two parcels into a single lot. However, the current request is solely for a variance to allow a 73-foot frontage, which is 2 feet short of the 75-foot minimum required in the R4-7500 zoning district. The lot consolidation will be addressed in a future step.

Heather Eoff, a neighbor to Mr. and Mrs. Lambourne, inquired whether the current variance request is related to the ongoing issue of aligning the subdivision line with the property line—an issue that has been in discussion for over a year.

Mr. Lambourne explained that the variance request is a necessary first step toward vacating the subdivision. The goal is to prevent the creation of a derelict parcel—specifically, the 10 by 48-foot piece—by combining it with the main 73 by 100-foot lot. Approval of the variance will allow the applicant to proceed with vacating the subdivision and legally combining the two parcels. This future step will involve coordination with neighboring property owners.

Ms. Street questioned the procedural requirements for vacating a subdivision. Specifically, whether the process involves filing an amended plat or creating a new subdivision.

Mr. Opperman confirmed that the 10 by 48-foot parcel is the only portion of the property within the existing subdivision. To proceed, the applicant must vacate that subdivision. Once vacated, the two parcels can be consolidated into a single lot. This process involves amending the current subdivision and filing a new subdivision plat for the combined property.

It was questioned whether or not amending the Karen Dell subdivision affected the neighboring properties.

Mr. Opperman confirmed that, according to the Utah County parcel map, the property lines will remain consistent with their current alignment. The eastern portion of the applicant's property still aligns with a 75-foot width, matching the existing parcel map layout.

A neighboring resident noted that the proposed variance does not appear to affect their property. Mr. Lambourne confirmed this, stating there is no exchange of land or title involved in the application. Any such action would require a formal title deed, which is not part of the current request.

Ms. Street requested that the meeting proceed with a review of the staff report. It was noted that each item would be addressed individually, with an opportunity for questions following each section. Ms. Street also indicated a desire to clarify certain points for personal understanding during the discussion.

Ms. Street requested Mr. Baxter to review the staff report regarding the variance request. Mr. Baxter explained that, per the applicable guidelines, all six conditions must be met to grant a variance; failure to meet even one condition is grounds for denial and summarized the following notes.

Would granting the variance change the intended use of the property?

Required Answer: No

Building Official Comment: No. The property remains residential.

Are there special circumstances unique to the property that do not apply to others in the same zone?

Required Answer: Yes

Building Official Comment: Yes. The property is a non-conforming lot.

Do these circumstances cause an unreasonable hardship by denying use of the property that others in the same zone enjoy?

Required Answer: Yes

Building Official Comment: Yes. The rear parcel is unusable without the variance.

Is the variance essential to a substantial property right possessed by other property owners?

Required Answer: Yes

Building Official Comment: Yes. The variance allows the small parcel to be combined with the non-conforming lot.

Will granting the variance substantially affect the goals of the general plan or be contrary to the public interest?

Required Answer: No

Building Official Comment: No. Combining the parcels makes the rear lot usable without affecting the public interest.

Is the spirit of the land use ordinance observed, and is the board being fair to all involved?

Required Answer: Yes

Building Official Comment: Yes. The lot remains residential with no impact on neighboring properties.

Ms. Street clarified that the Board of Adjustment has the authority to grant variances but must do so in accordance with the law. She noted that all legal requirements must be met, and the staff report indicates that those conditions have been satisfied in this case. She invited board members to ask questions or share thoughts with staff or the applicant before proceeding.

Reid Shelley, Mike Privett, and Bridgette Nelson each expressed that the variance request appeared straightforward and reasonable, and agreed it made sense to update the County records accordingly.

Ms. Street referred to the 10-foot strip as a “nuisance strip,” noting it is essentially unused land that logically should be added to the applicant’s property. She confirmed that the property lines with neighboring lots would remain unchanged. She then asked staff to confirm whether neighboring property owners are notified due to potential impacts on mortgage lenders, who may need to be informed of any amended or vacated plats that could affect their collateral.

Cody Opperman explained that title reports include details such as easements located on the property. Once the final and amended plat applications are completed, any easements will be officially recorded with Utah County and made publicly accessible.

In response to Ms. Street’s question about the type of easements involved, Mr. Opperman clarified that they are standard utility easements. These typically include five feet on the sides and rear of the property, and ten feet along any right-of-way. He noted that the city engineer may require larger easements in special cases. Ms. Street confirmed that these easements would only affect the applicant’s property, and Mr. Opperman agreed.

Mr. Lambourne addressed a neighboring property owner, explaining that as part of the future step to vacate the subdivision, there is a question regarding the placement of a new utility easement. Currently, the existing easement extends 10 feet into his property due to the original subdivision layout. He suggested the possibility of adjusting the easement to five feet on either side of the existing fence line, which would better reflect the current property division.

Ms. Street asked whether the neighboring property currently has a five-foot public utility easement on their side of the property or if one does not exist.

Mr. Lambourne explained that as part of his application, he communicated with CenturyLink regarding a utility line running through the neighboring backyard. CenturyLink acknowledged the presence of their line within the fence line; however, the actual easement is located on Mr. Lambourne’s property. This indicates the utility was installed without a formal easement in place. The board then paused briefly to clarify parcel boundaries.

Using the County Map displayed on the screen, Mr. Lambourne explained that due to discrepancies in how the property titles were sold, the Eoff’s own 70 feet of Lot 1 and 5 feet of Lot 2, leaving a 10-foot strip. The existing fence marks this boundary. He noted that the CenturyLink utility line currently runs along the fence line, not within the designated easement. As part of the application, he proposed relocating the easement to align with the actual location of the utility line during the subdivision amendment process.

Cody Opperman offered to display the current Utah County parcel map to illustrate the recorded property lines. He noted that the map shows some misalignment, particularly with a derelict parcel on the east end. He pointed out that Ms. Eoff’s property line appears to border this area and invited her to correct him if that was inaccurate.

Ms. Street asked whether the discussion involved two nuisance or derelict strips. Mr. Lambourne clarified that the land was purchased as a single piece but is recorded under two separate titles. The current application pertains only to the property at 190 North 300 East.

Ms. Street asked whether the County had updated the public records. Mr. Baxter confirmed they had not and noted that both lots shared the same serial number.

Ms. Street summarized the situation, confirming that the applicant is incorporating a 10-foot strip into their lot and requires a variance because the resulting lot is 73 feet wide instead of the required 75 feet. She noted that this is common in older blocks in American Fork. The adjustment will help clean up subdivision descriptions and utility easements, without affecting existing fence lines or neighboring property ownership. The applicant confirmed this understanding. Addressing the neighbors, Ms. Street acknowledged their agreement, calling it a positive sign.

Ms. Eoff expressed concern that amending the subdivision might lead to unintended consequences, such as the imposition of a homeowners association (HOA). Ms. Street clarified that the city does not have the authority to create an HOA; such an arrangement would require voluntary agreement among all property owners in the subdivision.

Mr. Lambourne raised a question about how the subdivision amendment would affect property titles, specifically transitioning from partial ownership of two lots to a single, redefined lot. He suggested this would likely require coordination with a title company.

Mr. Opperman explained that once the amended final plat is recorded with Utah County, the updated subdivision and lot configurations will be reflected in the public records. He demonstrated how the current parcel map shows the property as not being part of a subdivision, but once recorded, it will be listed under the appropriate amended plat (e.g., Coddington or Karen Dell B). Mr. Lambourne confirmed that his property would be part of the Coddington plat, while neighboring lots to the east would remain in Karen Dell Plat B.

Mr. Opperman again clarified that the final name of the amended plat will depend on the naming convention chosen during the recording process. It may be titled something like "Karen Dell Plat B Amended" or "Karen Dell Plat A Amended." Mr. Lambourne noted that his parcel would be a parcel of one for the Coddington subdivision.

Ms. Street asked if there were any final comments from staff, board members, or visitors. Hearing none, she stated that the request, as outlined, meets all necessary requirements and made a motion to approve the variance.

MOTION:

Mary Street moved to grant a variance request for the property located at 190 North 300 East, American Fork, Utah 84003.

Bridgette Nelson seconded the motion.

Aye -
Mary Street
Scott Williamson
Mike Privett
Reid Shelley
Bridgette Nelson

The motion passed.

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4. Other Business

None

5. Adjourn.

A motion was made to adjourn by Mike Privett. It was unanimously approved. The meeting was adjourned at 6:28 p.m.

Melissa White
Development Project Coordinator

Unapproved

**AMERICAN FORK CITY
BOARD OF ADJUSTMENT**

MEETING DATE: September 15, 2026
STAFF: Dan Loveland; Cody Opperman

AGENDA TOPIC: Review and action on a request for a variance for the property located at 156 S 300 E, American Fork, Utah 84003.

BACKGROUND INFORMATION		
Location:		156 S 300 E
Applicants:		Robyn and Joshua Fairbanks; Julie Smith
Existing Land Use:		Residential Medium Density
Surrounding Land Use:	North	Residential Medium Density
	South	Residential Medium Density
	East	Residential Medium Density
	West	Residential Medium Density
Existing Zoning:		R2-7500
Surrounding Zoning:	North	R2-7500
	South	R2-7500
	East	R2-7500
	West	R2-7500

Background

To grant a variance, all conditions must be met. To deny a variance, you only need to be lacking on one condition.

1. Would granting the variance change the intended use of the property? **(The answer must be NO.)**
 - a. **No. The current property (Parcel ID: 02:013:0053) is shown to have a single-family home on the property. The proposed subdivision would still have the single-family home on a smaller lot with the creation of additional lots on the rear of the parcel.**
2. Are there special circumstances attached to the property that do not generally apply to other properties in the same zone? **(The answer must be YES.)**
 - a. **No. The current property (Parcel ID: 02:013:0053) has an existing single-family home that is under the regulations of the R2-7500 Residential Zone. The R2-7500 Residential Zone allows subdivisions if they meet the applicable requirements for the subdivision they are proposing. The current proposal does not meet the requirements of**

the R2-7500 Residential Zone as all lots within the subdivision must meet the minimum requirements for a one-family dwelling lot. The minimum width requirement for a one-family dwelling in the R2-7500 Zone is 75 feet. The 75 feet of lot width cannot be met with the current property as the lot width along 300 East is 63.78 feet.

3. Do those circumstances in (2) cause an unreasonable hardship on the applicant, denying use of the property, that others in the same zone enjoy or that he/she has a right to expect? **(The answer must be YES.)**
 - a. **No. This subdivision proposal is a self-imposed hardship. The current property (Parcel ID: 02:013:0053) has an existing one-family dwelling. The lot is continuously being used as what a single-family home would entail. The proposed subdivision of the property is required to follow the requirements of the R2-7500 Zone, which is a requirement for all properties located within that zone. It is not a requirement that the property owners subdivide their property.**
4. Is the variance essential to a substantial property right possessed by other property owners? **(The answer must be YES.)**
 - a. **No. The property can be continued as a single-family home as it is currently being used without the proposed subdivision. The property is currently developed as a single-family home within a residential zone and can be continued as a single-family home.**
5. Will granting the variance substantially affect the goals of the general plan or be contrary to the public interest? **(The answer must be NO.)**
 - a. **Yes. Appealing the decision will substantially affect the goals of the general plan and be contrary to the public interest as the proposed subdivision does not meet the requirements of the R2-7500 Residential Zone. All properties located within the R2-7500 Residential Zone are subject to those requirements. Appealing the decision to allow a subdivision that does not meet the minimum requirements of a one-family dwelling would affect how the City follows their overall land use regulations and growth throughout the City.**
6. Is the spirit of the land use zoning ordinance observed and is the Board being fair to all involved? **(The answer must be YES)**
 - a. **No. The proposed subdivision does not meet the minimum requirements for one-family dwelling lots. All lots must meet the minimum requirements of the R2-7500 Residential Zone. The minimum**

width requirement for all lots within the proposed subdivision must be 75 feet and the proposal does not meet that requirement.

Section 17.2.303 Powers of Board

The Board of Adjustment shall have the following powers:

- A. The power to grant variances from the terms of the land use ordinances, subject to compliance with the terms and conditions set forth herein and the provisions of Section 10-9a-702, Utah Code.
- B. The power to hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the administrative official in the enforcement of this code, subject to compliance with the terms and conditions of this code and the provisions of Sections 10-9a-703 through 10-9a-708, Utah Code Annotated, 1953, as amended.

Section 17.4.206 R-2-7,500 And R-2-7,500 (O) Residential Zone

Sec 17.4.206 R-2-7,500 And R-2-7,500 (O) Residential Zone

1. Intent. The R-2-7,500 residential zone has been established for the purpose of providing a place where one and two-family dwellings on individual lots can be constructed having attractively landscaped yards and a favorable environment for family life. The R-2-7,500 Overlay (O) is established to provide additional development options for those wishing to live on separate, smaller lots; with densities as permitted under the "two-family dwelling" option as found in the zone, but without the requirement of a common wall between residences. Somewhat smaller lots and dwellings are characteristic of this zone than are characteristic of the R-1-7,500 residential zone. Duplexes and other types of two-family dwellings are also characteristic of this zone as are planned unit developments. High density apartment houses and commercial and industrial uses are not permitted in this zone.
2. Permitted uses. The following buildings, structures, and uses of land shall be permitted upon compliance with requirements set forth in this code.
 1. One-family dwellings (conventional construction and manufactured housing) and two-family dwellings (conventional construction only), all subject to the provisions of Section 17.5.129.
 2. Customary residential accessory buildings and structures.
 3. The growing of field crops and fruit.
 4. Machinery sheds used for storing equipment and supplies used in connection with agricultural and construction activities performed on the premises.
 5. Utility lines.
 6. Accessory signs in accordance with the applicable provisions of Section 17.5.128.

7. Public and parochial schools and grounds.
 8. Public agency parks and playgrounds.
 9. Public buildings and grounds not including storage yards and repair shops.
 10. Hospitals.
 11. Churches, not including temporary revival tents or buildings.
 12. Household pets.
 13. Fences, walls, and hedges.
 14. Accessory apartments subject to the requirements of Section 17.5.134 of this code.
3. Conditional uses. The following buildings, structures, and uses of land shall be permitted upon compliance with the applicable requirements of this code and after approval has been given by the designated review agency.
1. Home occupations subject to provision of Section 17.5.123 of this code.
 2. Temporary uses subject to the provisions of Section 17.5.122 of this code.
 3. Planned unit developments and residential condominium projects subject to the applicable provisions of Section 17.7.501 of this code.
 4. Residential facility, subject to the standards and conditions set forth under Chapter 17.15 of this code.
 5. Pre-schools and child care nurseries - quasi-public, subject to the standards and conditions set forth under Section 17.6.111.
 6. Pre-schools and child-care nurseries - residential, subject to the following:
 1. The number of children in attendance shall not exceed ten at any one time.
 2. The use and facilities appurtenant thereto shall comply with and shall have been approved as a home occupation; and
 3. The submission of copies of permits or approvals from the state department of human services or other recognized approval agency or evidence of imminent approval by such agency (when such approval is required by state law or regulation).
 7. Foster care homes, containing not more than two non-related foster care occupants.
 8. Low power radio service antenna facilities, subject to the provisions of Section 17.6.112 of this code.
 9. Private home/charter schools, subject to the provisions of Section 17.6.113.
 10. Senior housing projects, subject to the provisions of Section 17.7.506.
4. Lot area, width and depth requirements. The minimum area, width and depth requirements for a zoning lot shall be as follows:

Use	Minimum Area (in sq. ft.)	Minimum Width (at minimum setback line)	Depth of Lot (in ft.)
One-family dwellings	7,500	75	100
One-family dwellings in the *R-2-7,500 (O)	6,000 *2 acres minimum project size	45	100
Two-family dwellings	12,000	90	100

Churches	2 acres	250	none
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5. Location requirements.

1. Main buildings. All dwellings and other main buildings and structures shall be set back in accordance with the following:

1. Front setback. All dwellings and other main buildings shall be setback not less than thirty feet from the front lot line which abuts on any existing or proposed public street, except that a portion of a dwelling may project up to five feet into the required front setback area, provided that the width of the projecting portion shall not exceed thirty percent of the width of the dwelling.
2. Side setback—Interior lots. All dwellings and other main buildings including any attached garage or similar structure shall be set back not less than eight feet from either side lot line and the combined total distance of the two side setbacks shall be not less than eighteen feet, except that where a garage or carport is attached to the side of a dwelling, the minimum required setback for such garage or carport may be reduced to not less than six feet, as measured from the lot line to the closest part of the building, and the combined required distance of the two side setbacks shall be not less than fourteen feet. All dwellings and other main buildings in the R-2-7,500 (O), including any attached garage or similar structures shall be set back not less than six feet from either side lot line and the combined total distance of the two side setbacks shall be not less than fourteen feet.
3. Side setback—Corner lots—Side abutting a street. All dwellings and other main buildings shall be set back not less than twenty feet from the side lot line which abuts on any existing or proposed public street.
4. Rear setback—Interior lots. All dwellings and other main buildings and structures shall be set back not less than twenty-five feet from the rear lot line, except that a portion of a dwelling may project up to five feet into the required rear setback area, provided that the width of the projecting portion shall not exceed fifty percent of the total width of the dwelling.
5. Rear setback—Corner lots. All dwellings and other main buildings shall be set back not less than twenty-five feet from the rear lot line, except as follows: (i) a portion of a dwelling may project up to five feet into the required rear setback area, provided that the width of the projecting portion shall not exceed fifty percent of the total width of the dwelling, or (ii) where a garage is attached to the rear of the dwelling, the required rear setback for said garage may be reduced to not less than twelve feet, as measured from the rear lot line to the closest part of the garage, or (iii) a portion of a dwelling may project up to fifteen feet into the required rear setback area, provided that the width of the projecting portion shall not exceed fifty percent of the total width of the dwelling and the rear area of the corner lot abuts a side setback of an adjacent lot.

6. Building requirements.

1. Height of dwellings. The maximum height of any dwelling shall be thirty-six feet, measured in accordance with the criteria set forth under Section 17.5.130, as may be modified by the following:
 1. Chimneys, flag poles, television antennas, and similar ancillary structures not used for human occupancy shall be excluded in determining height.
 2. The building inspector may approve a dwelling having a greater maximum height, provided, that the dwelling will be set back from all appurtenant lot lines (or footprint lot boundaries where applicable) a distance two feet for each additional foot of dwelling height.
 2. Size of dwelling. Each dwelling shall have a minimum building footprint area of not less than nine hundred square feet for a one-family dwelling or one thousand five hundred square feet for a two-family dwelling, not including any portion of the footprint area occupied solely by a garage, carport, porch, breezeway or similar area not used as a living area.
 3. Width of dwelling. The minimum width of a dwelling shall be twenty feet, as measured from the outside wall at the narrowest point of the first story, exclusive of any garage, porch, shed or similar area not considered as living area. The width shall be considered the lesser of the two primary dimensions.
 4. Corner clearance for driveways. Any driveway providing access to a corner lot shall adhere to the standards as set forth in Figure 17.5.110-B, entitled "Minimum Standards for Corner Clearance of Residential Driveways."
7. Special provisions. Special provisions shall apply in this zone in order to protect its essential characteristics.
1. The space required around buildings and structures shall be kept free from refuse and debris.
 2. All buildings used for human occupancy shall be furnished with a public water supply and shall be constructed in accordance with the adopted building, plumbing, electrical, fire prevention and similar codes.
 3. All buildings and uses within this zone shall comply with all applicable supplementary development standards as set forth in this code.
 4. At least seventy percent of the area contained within a required front yard or side yard adjacent to a street shall be landscaped.

FINDINGS OF FACT

The board cannot approve this request for a variance due to the following:

1. The current property (Parcel ID: 02:013:0053), does not qualify as a nonconforming lot of record as the lot was created through consolidation in 2021. Through the consolidation, the current property does not meet the minimum requirements of Section 17.4.206 R-2-7,500 And R-2-7,500 (O) Residential Zone for a one-family dwelling.

2. The proposed subdivision does not meet the requirements of Section 17.4.206 R-2-7,500 And R-2-7,500 (O) Residential Zone for single-family lots within the zone.
 - a. The minimum lot width of 75 feet must be followed for all lots being created.

ZONING - NONCONFORMING USE DETERMINATION

Development Services | 275 E 200 N, American Fork, UT 84003



July 16, 2026

Robyn and Joshua Fairbanks

Josh4@gmail.com

cc: Julie Smith, Property Owner Representative | julielynnsmith5@gmail.com

The Development Services Department of American Fork City has provided the following information for your request of a Non-Conforming Lot on the property located at **156 South 300 East, American Fork, UT 84003**:

- **Parcel ID:**
 - o 02:013:0053
- **Current Zoning of Subject Property:**
 - o Residential Zone (R2-7500) – [Section 17.4.206 R-2-7500 And R-2-7500 \(O\) Residential Zone](#).
- **Non-Conforming Uses Requested:**
 - o Nonconforming Lot located at 156 S 300 E.
- **Determination of Non-Conforming Status:**
 - o The lot identified above has been found to not have existed before the implementation of the land use regulations for the R2-7500 Zone. Parcel ID: 02:013:0053 does not qualify as a non-conforming lot.
 - o The creation of the lot with Parcel ID: 02:013:0053 was on December 8, 2021, through consolidation of the rear yard of historic Parcel ID: 02:013:0021 and Parcel ID: 02:013:0020. This information can be found on the historical parcels of Utah County Parcel Map and with the recorded warranty deed with the entry number of 157729:2021.
 - o Parcel ID: 02:013:0053 does not meet the requirements of the R2-7500 Residential Zone.
 - The parcel has a frontage width of 63.78' along 300 East, which does not meet the minimum 75' lot width (at minimum setback line) for a single-family home found in [Section 17.4.206 R-2-7500 And R-2-7500 \(O\) Residential Zone](#).
 - Parcel ID: 02:013:0053 cannot be subdivided as the existing home and lot frontage cannot meet the minimum requirement of 75' of lot width (at minimum setback line) for a single-family home.

To the best of our knowledge, all information provided above is current as of the date of issuance by the Development Services Department of American Fork City, UT 84003.

Kindest Regards,

Cody Opperman – Senior Planner
Planning and Zoning Division
Development Services Department

American Fork City

Colby Opperman

Map of Current Zoning on Subject Property:

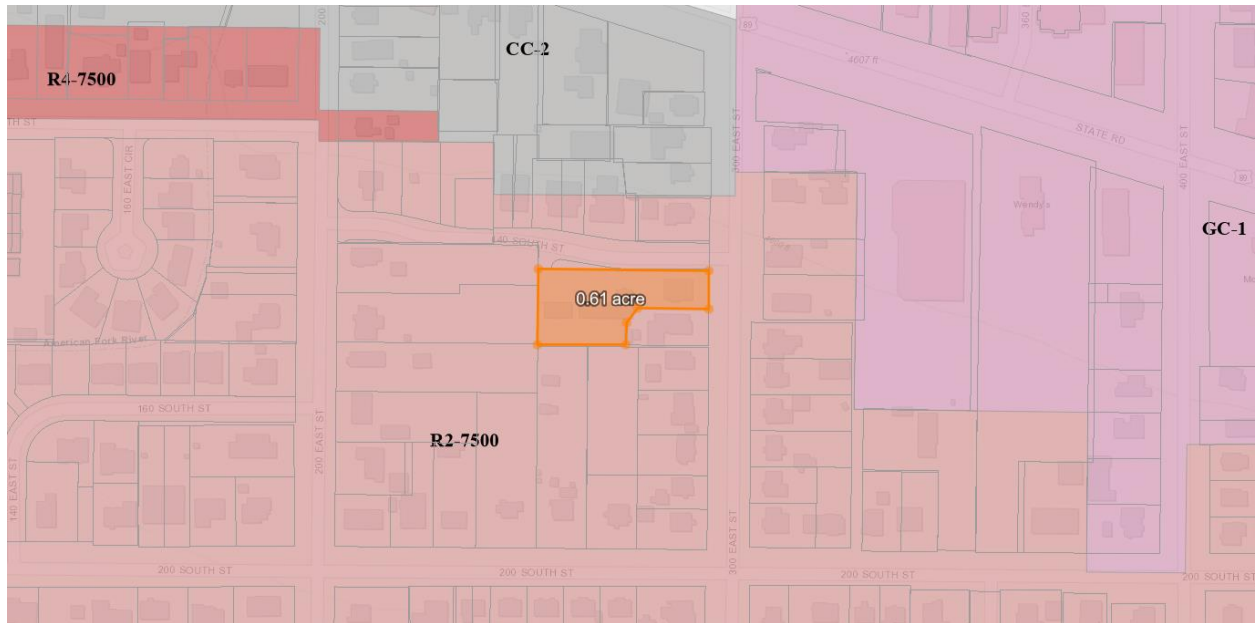


Figure 1: Parcel ID: 02:013:0053 in the R4-7500 Zoning.

Julie Smith, Applicant

182 S. Orem Blvd.

Orem, UT 84058

801-368-9552

Julielynnsmith5@gmail.com

August 13, 2026

American Fork Board of Adjustment

Development Services Department

275 East 200 North

American Fork, UT 84003

Re: Variance Request - Existing Lot Width

Property Address	156 South 300 East
Utah County Parcel ID	02:013:0053
Current Zoning	R2-7500
Required Minimum Lot Width	75 feet
Existing Lot Width	63.78 feet
Requested Variance	11.22 feet

Honorable Members of the Board of Adjustment:

Please accept this letter, together with the accompanying exhibits and site plan, as a formal request for an ordinance variance for the property located at 156 South 300 East in American Fork, Utah.

EXHIBIT A.

The property is located within the R2-7500 Zone, which requires a minimum lot width of 75 feet. The existing lot is 63.78 feet wide, making it 11.22 feet narrower than the current minimum-width requirement.

Accordingly, I am requesting a variance of 11.22 feet from the 75-foot minimum lot-width requirement so that the existing 63.78-foot lot width may be recognized for purposes of developing the rear portion of the property.

The requested variance arises from the existing and historical dimensions of the parcel. The lot existed with its current width before the present R2-7500 zoning standards were applied, and the existing home was constructed on the property when it was already a legal lot of record. The requested relief is therefore intended to address an existing physical condition of the property rather than to create a new nonconforming lot.

To assist the Board in evaluating this request, the following addresses the five variance criteria set forth in Utah Code § 10-9a-702.

1. Unreasonable Hardship

Strict enforcement of the current 75-foot minimum lot-width requirement creates an unreasonable hardship that is not necessary to carry out the general purpose of the R2-7500 Zone.

The subject property has an existing width of 63.78 feet and has historically existed in this configuration. Because the lot was created and developed before the current minimum-width standard applied, the dimensional deficiency is an existing condition of the land rather than a condition created by the Applicant.

Literal application of the current 75-foot width requirement would prevent the orderly development of the remaining rear portion of the property despite the parcel's historical status and existing configuration.

The hardship is not based solely on financial considerations or a self-created condition. Rather, it results from the property's established dimensions and the application of current zoning standards to an older lot of record.

2. Special Circumstances

Special circumstances exist that are unique to this parcel and do not generally apply to other properties within the R2-7500 Zone.

The property has an existing frontage and lot width of 63.78 feet, which predates the current 75-foot minimum-width standard. This historical lot configuration creates a physical constraint that is specific to the property.

As reflected in the accompanying exhibits, other properties along 300 East also demonstrate smaller historical lot frontages and development patterns that differ from modern subdivision standards. The subject parcel's existing dimensions therefore reflect the established development pattern of the area rather than a newly created condition. EXHIBIT B

3. Substantial Property Rights

Granting the requested variance is necessary to allow the Applicant to enjoy a substantial property right possessed by other property owners in the same zoning district and surrounding neighborhood.

Nearby properties have been developed with residential uses and similar neighborhood-scale building footprints. Denial of the requested variance would prevent the subject property from being reasonably developed because of an existing dimensional condition that predates the current zoning requirement.

The requested variance would allow the property to be used in a manner generally consistent with residential development rights available to surrounding property owners. EXHIBIT C

4. General Plan and Public Interest

Granting the requested variance would not adversely affect the American Fork General Plan or the public interest.

The proposed development is residential in nature and is intended to remain compatible with the character and scale of the surrounding neighborhood. The proposed development is not anticipated to create unreasonable traffic, safety, or neighborhood impacts.

The variance would allow orderly use of the property while maintaining the residential purpose and character of the R2-7500 Zone.

5. Spirit of the Ordinance and Substantial Justice

The requested variance is the minimum dimensional adjustment necessary to address the property's existing width.

The Applicant is not seeking to create a new 63.78-foot-wide lot. Rather, the request concerns recognition of the property's existing historical width for purposes of developing the remaining portion of the parcel.

Granting an 11.22-foot variance from the 75-foot minimum-width requirement would preserve the overall purpose of the zoning ordinance while allowing reasonable and equitable use of an existing lot of record.

For these reasons, I respectfully request that the Board of Adjustment approve a variance reducing the required minimum lot width from 75 feet to the property's existing width of 63.78 feet, a variance of 11.22 feet, for purposes of the proposed development.

Thank you for your time and consideration of this application. I am available to answer any questions and to provide any additional documentation the Board may require in connection with the application or public hearing.

Sincerely,



Julie Smith

Applicant

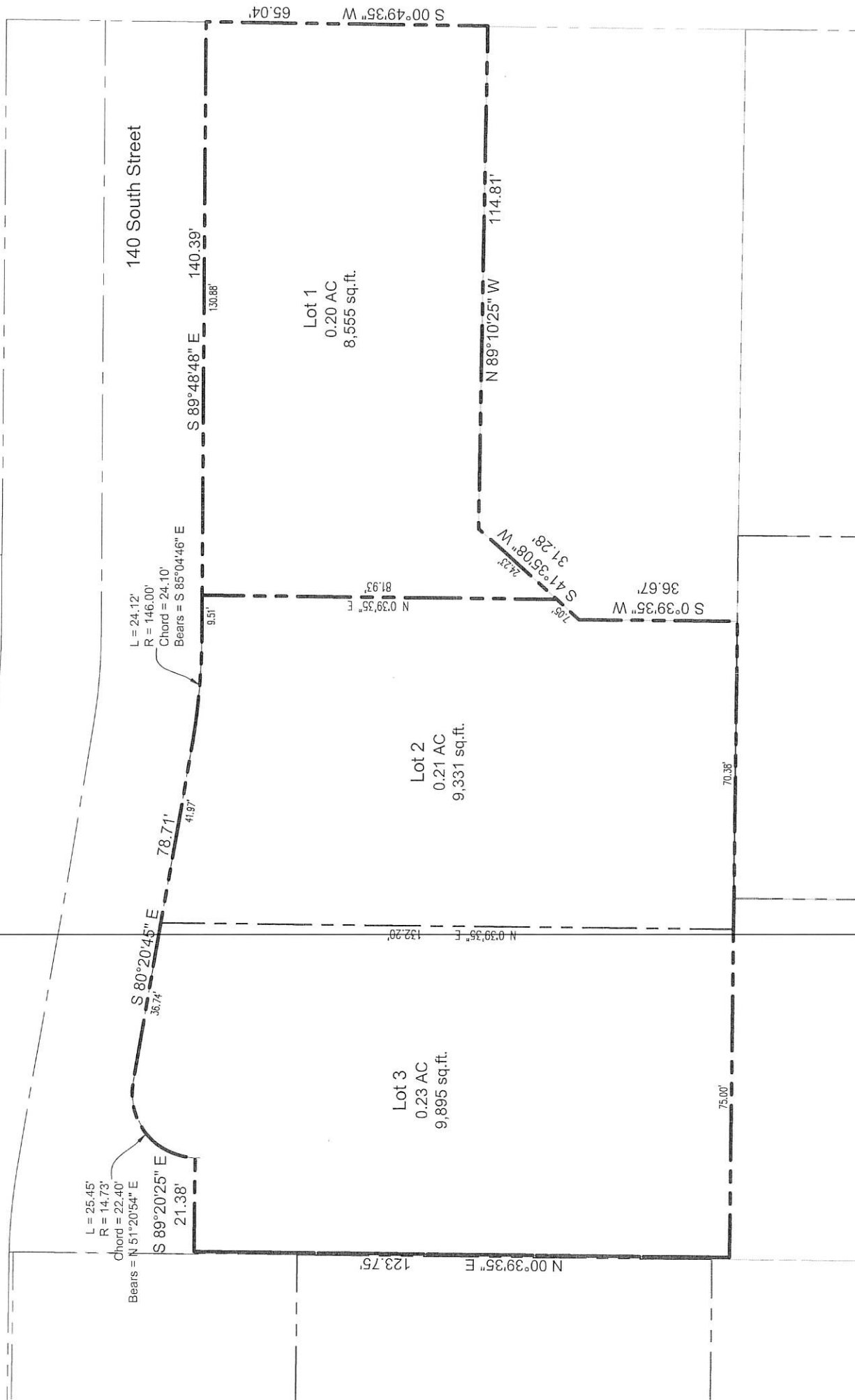


EXHIBIT A

LOCATION OF PARCEL

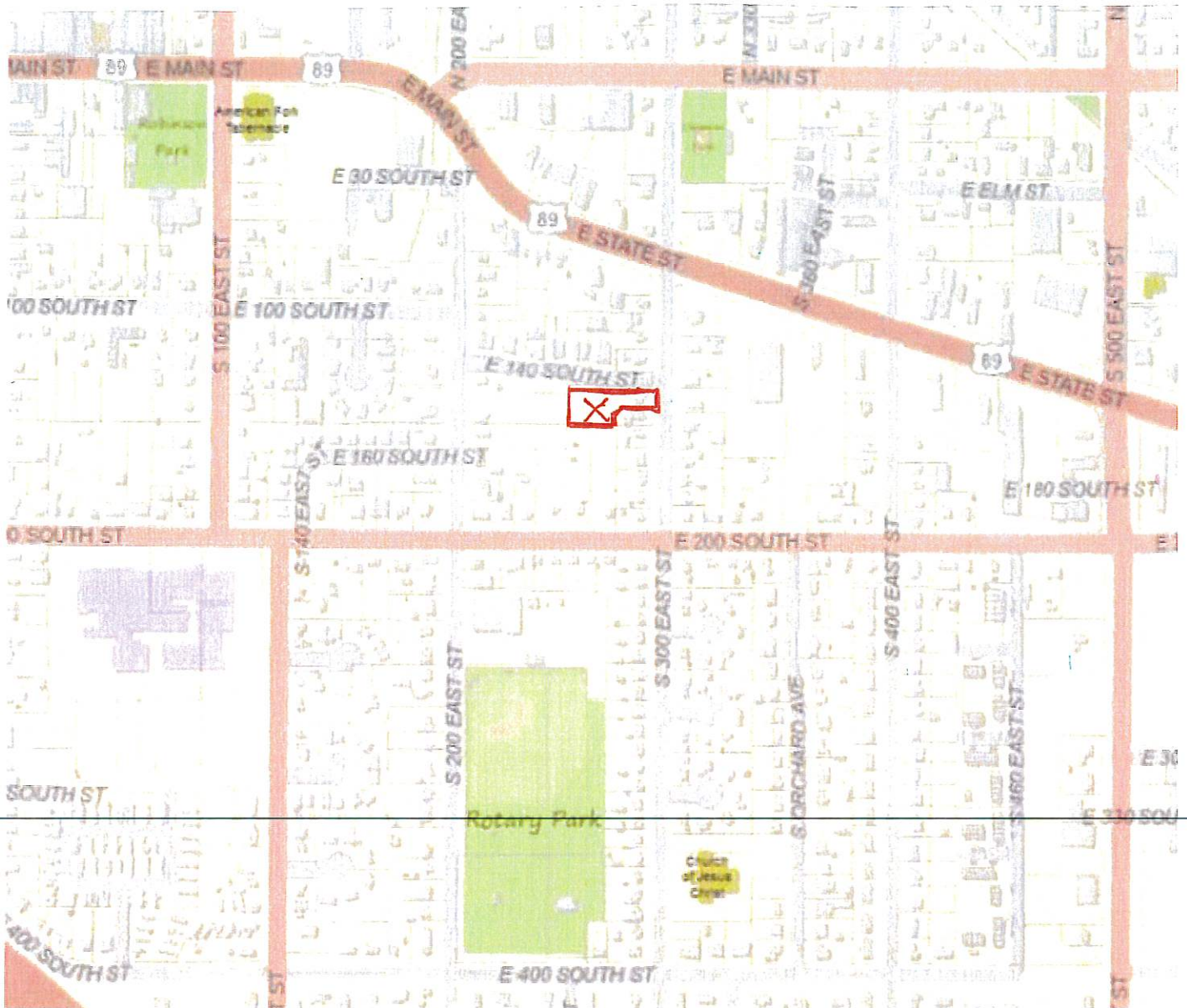
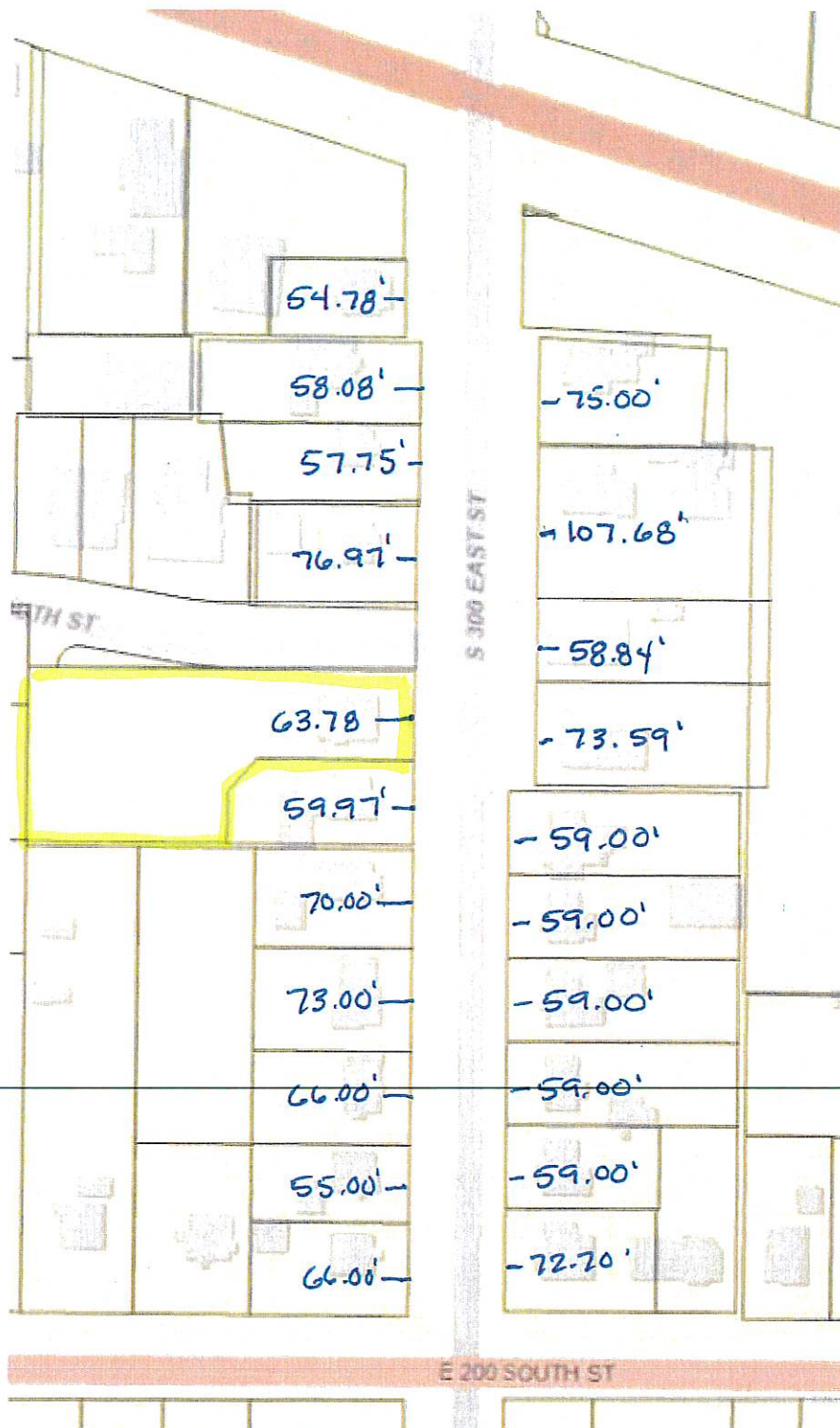
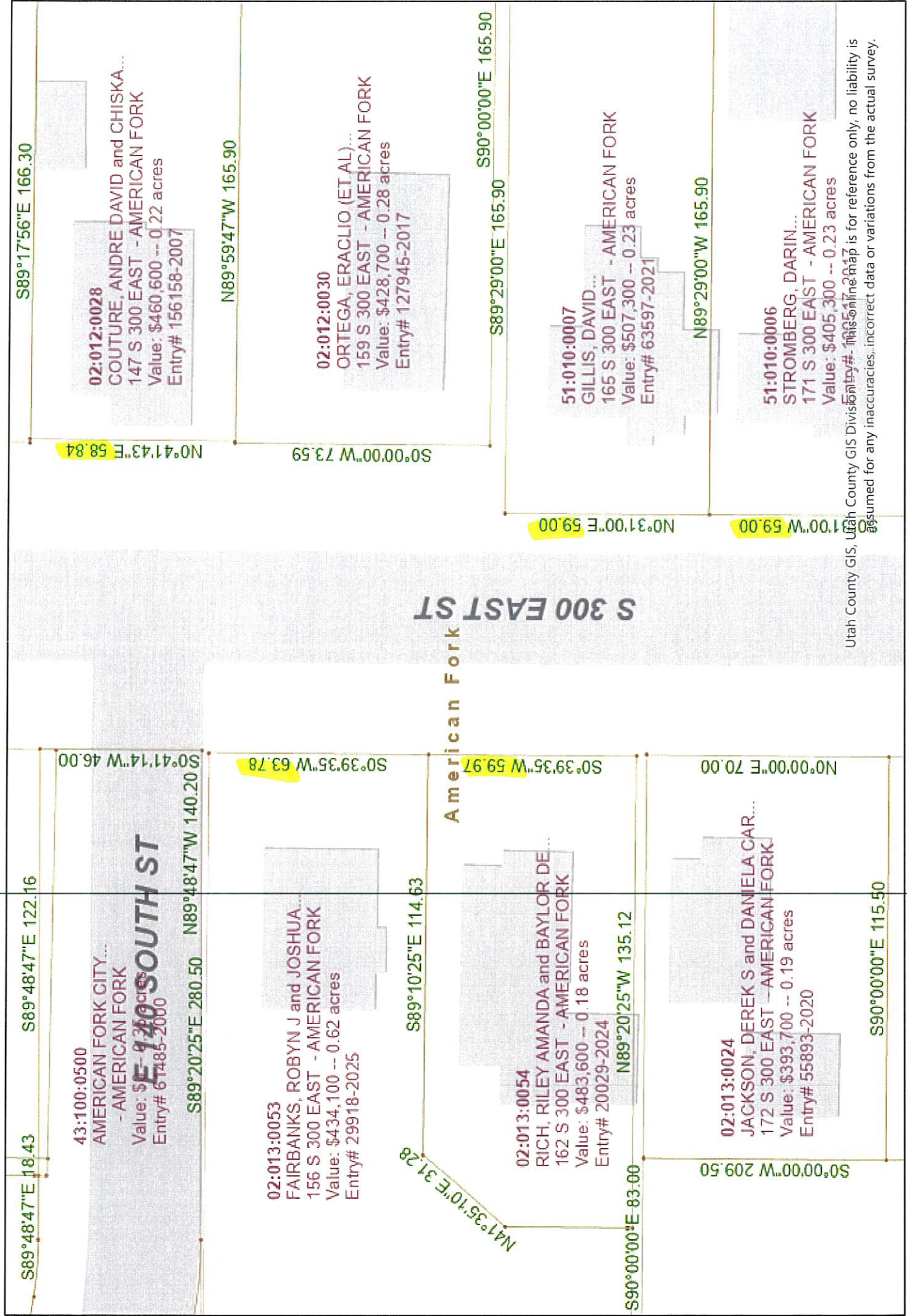


EXHIBIT B

EXISTING FRONTAGES OF PARCELS ALONG 300 EAST



Incorrect data or variations from an actual survey.



[illegible]

EXHIBIT D

HISTORY OF PARCEL

Parcel 02-013-0020 address 156 S 300 East

Home was built around 1904-1917 – to be known as Parcel **1**

Parcel 02-13-0021 address 162 S. 300 East

Home was built around 1904-1917 – to be known as Parcel **2**

2002 Parcel 1 and Parcel 2 was purchased by Alex Peterson

2005 Robyn Peterson (Robyn Fairbanks) was added to the title of Parcel 1 and Parcel 2

1999-2001 Jon and Ruth Scholes developed Jon Scholes Plat A, Amended, on the North side of 140 South – North of Parcel 1.

2008 as required by AF City - sidewalk that runs parallel to our driveway on the north side of the Parcel 1 was installed

2017 the small strip of property on the Northwest side of our property was purchased from Ruth Scholes – Parcel 43-100-0004 or Lot 4, Plat A, Jon Scholes Amended Subd.- to be known as Parcel **3**

September of 2021 a lot line adjustment was made between Parcel 1 and Parcel 2 - Warranty Deed Entry 157729-2021, adding a portion of Parcel 2's rear yard to Parcel 1.

Note: does not affect the frontages of Parcels 1 and 2.

September of 2021, the Lot line adjustment creates two new parcel numbers – Parcel 1 (plus the rear of Parcel 2) becomes Parcel 02-013-0053 – To be known as Parcel **4**. Parcel 2 with the home on 300 East becomes Parcel 02-013-0054 – To be known as Parcel **5**.

March of 2024 Parcel 5 is deeded to Amanda & Baylor Rich

October of 2024 Parcel 4 is deeded to Robyn Fairbanks

EXHIBIT E

PARCEL MAP YEAR 2000

PRIOR TO LOT LINE ADJUSTMENT

SHOWING PARCELS 1, 2 & 3



EXHIBIT E

PARCEL MAP YEAR 2000

PRIOR TO LOT LINE ADJUSTMENT

SHOWING PARCELS 1, 2 & 3

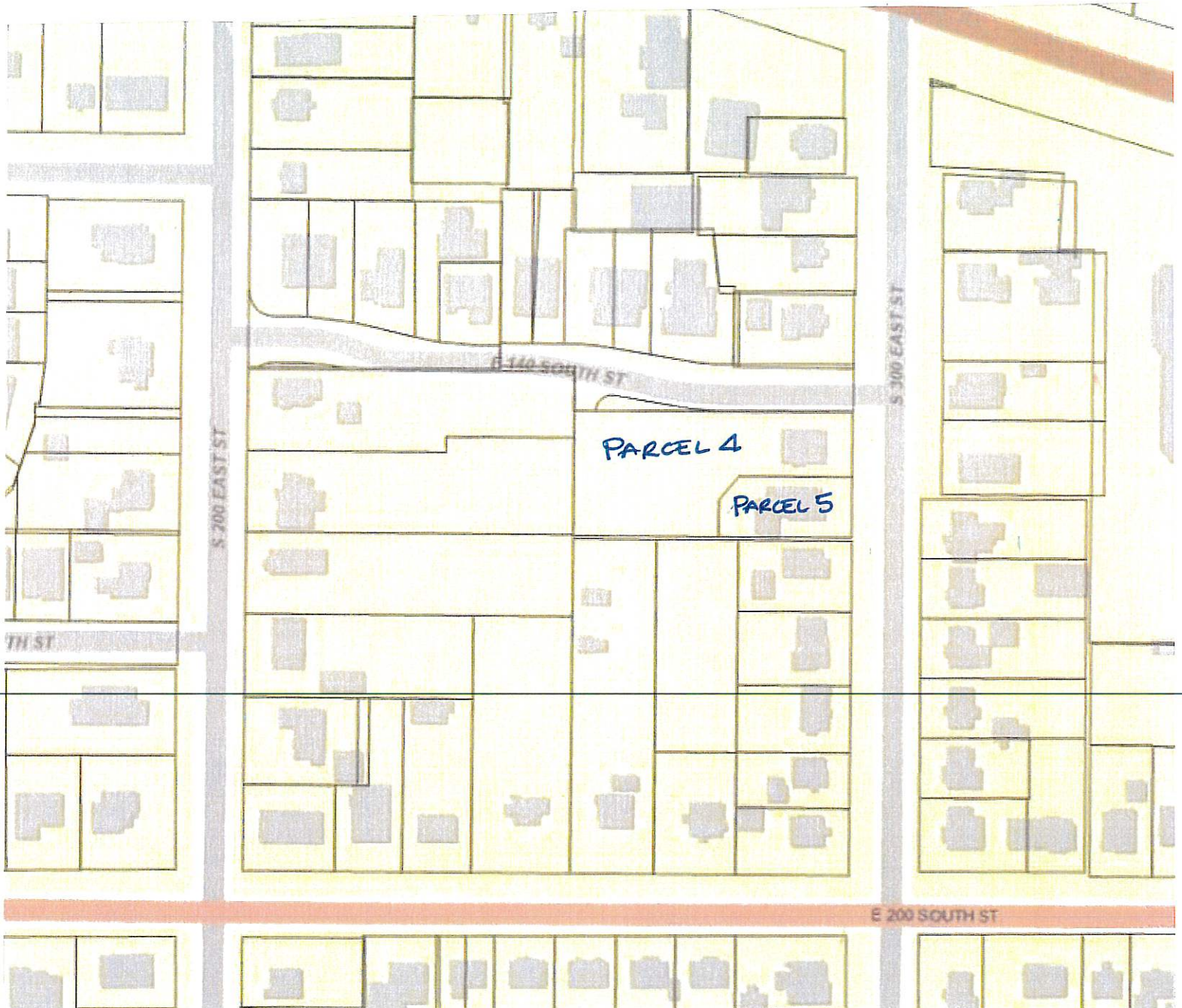


EXHIBIT F

CURRENT PARCEL MAP

SHOWING LOT LINE ADJUSTMENT

SHOWING PARCELS 4 & 5



**AMERICAN FORK CITY
BOARD OF ADJUSTMENT**

MEETING DATE: September 9, 2026
STAFF: Dan Loveland; Cody Opperman

AGENDA TOPIC: Review and action on request for an appeal for the property located at 160 North 100 East, American Fork, Utah 84003.

BACKGROUND INFORMATION		
Location:		160 North 100 East
Applicants:		Tony and Renee Rhoton
Existing Land Use:		Residential High Density
Surrounding Land Use:	North	Residential High Density
	South	Residential High Density
	East	Residential High Density
	West	Residential High Density
Existing Zoning:		R4-7500
Surrounding Zoning:	North	R4-7500
	South	R4-7500
	East	R4-7500
	West	R4-7500

Background

To grant a variance, all conditions must be met. To deny a variance, you only need to be lacking on one condition.

1. Would granting the variance change the intended use of the property? **(The answer must be NO.)**
 - a. **Yes. The current property is zoned as the R4-7500 Residential Zone. The Zone has the ability to provide one-family dwellings, two-family dwellings, three-family dwellings, four-family dwellings and multi-family dwellings as long as they meet the applicable requirements set forth in the R4-7500 Zone. The current width of the lot is 74.25 feet in accordance with the Utah County Parcel Map. To provide a two-family dwelling, the property must have a minimum width of 90 feet. As the current property does not meet the applicable R4-7500 Residential Zone requirements for a two-family dwelling, a two-family dwelling cannot be provided. This would change the intended use of the property from a single-family dwelling to a two-family dwelling.**

2. Are there special circumstances attached to the property that do not generally apply to other properties in the same zone? **(The answer must be YES.)**
 - a. **No. All properties located within the R4-7500 Residential Zone are subject to the R4-7500 Residential Zone requirements. No natural circumstances on the property are preventing it from being developed or utilized for the same extent and character of the lot.**
 - b. **All single-family properties can have an Accessory Apartment within the existing home. A single-family home with an accessory apartment may have separate utility meters, but it is not a requirement. Accessory apartments are required to have a separate address.**
3. Do those circumstances in (2) cause an unreasonable hardship on the applicant, denying use of the property, that others in the same zone enjoy or that he/she has a right to expect? **(The answer must be YES.)**
 - a. **No. This is a self-imposed hardship. The property can continue to be used as a single-family home. To be a two-family dwelling, it must meet the requirements of the R4-7500 Residential Zone.**
4. Is the variance essential to a substantial property right possessed by other property owners? **(The answer must be YES.)**
 - a. **No. The property can continue to be used as a single-family home just as all the properties that do not meet the minimum requirements of a two-family dwelling.**
5. Will granting the variance substantially affect the goals of the general plan or be contrary to the public interest? **(The answer must be NO.)**
 - a. **Yes. Appealing the decision will substantially affect the goals of the general plan and be contrary to the public interest as the two-family dwelling does not meet the requirements of the R4-7500 Residential Zone. All properties located within the R4-7500 Residential Zone are subject to those requirements. Appealing the decision to allow a two-family dwelling that does not meet the minimum requirements of a of the R4-7500 Zone would affect how the City follows their overall land use regulations and growth throughout the City.**
6. Is the spirit of the land use zoning ordinance observed and is the Board being fair to all involved? **(The answer must be YES)**
 - a. **No. The current property does not meet the requirements of the R4-7500 Zone for a two-family dwelling.**

Section 17.2.303 Powers of Board

The Board of Adjustment shall have the following powers:

- A. The power to grant variances from the terms of the land use ordinances, subject to compliance with the terms and conditions set forth herein and the provisions of Section 10-9a-702, Utah Code.
- B. The power to hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the administrative official in the enforcement of this code, subject to compliance with the terms and conditions of this code and the provisions of Sections 10-9a-703 through 10-9a-708, Utah Code Annotated, 1953, as amended.

Sec 17.4.302 R-4-7500 Residential Zone

- 1. Intent. The R-4-7500 residential zone has been established for the purpose of providing a place where apartment houses can be constructed on individual lots as well as one-, two-, three-, and four-family dwellings and planned unit developments. Commercial and industrial uses are not permitted.
- 2. Permitted uses. The following buildings, structures, and uses of land shall be permitted upon compliance with requirements set forth in this code.
 - 1. One-family dwellings (conventional construction and manufactured housing), and two-family dwellings (conventional construction only), all subject to the provisions of Section 17.5.129.
 - 2. Multiple family dwellings (more than three dwelling units) - conventional construction only, all subject to the provisions of Section 17.5.129. Provided however, that no structure shall contain more than twelve dwelling units.
 - 3. Customary residential accessory buildings and structures.
 - 4. The growing of field crops and fruit.
 - 5. Machinery sheds used for storing equipment and supplies used in connection with agricultural and construction activities performed on the premises.
 - 6. Utility lines.
 - 7. Home occupations subject to provisions of Section 17.5.123 of this code.
 - 8. Accessory signs in accordance with the applicable provisions of Section 17.5.128.
 - 9. Public and parochial schools and grounds.
 - 10. Public agency and parks and playgrounds.
 - 11. Public buildings and grounds not including storage yards, repair shops, or hospitals.
 - 12. Churches; not including temporary revival tents or buildings.

13. Household pets.
 14. Fences, walls, and hedges.
 15. Accessory apartments subject to the requirements of Section 17.5.134 of this code.
3. Conditional uses. The following buildings, structures, and uses of land shall be permitted upon compliance with the applicable requirements of this code and after approval has been given by the designated review agency.
1. Temporary uses, subject to the provisions of Section 17.5.122 of this code.
 2. Planned unit developments and residential condominium projects, subject to the applicable provisions of Section 17.7.401 of the Code.
 3. Mobile home parks, subject to the applicable provisions of Section 17.6.103 of this code.
 4. Residential facility, subject to the standards and conditions set forth under Chapter 17.15 of this Code.
 5. Historic building conservation projects, subject to the applicable provisions of Section 17.7.701 of this code.
 6. Pre-schools - Child care nurseries subject to the approval of a site plan in accordance with the provisions of Section 17.6.111.
 7. Rest homes, subject to the approval of a site plan in accordance with the provisions of Section 17.6.101.
 8. Foster care homes, containing not more than two non-related foster care occupants.
 9. Low power radio service antenna facilities, subject to the provisions of Section 17.6.112 of this code.
 10. Private home/charter schools, subject to the provisions of Section 17.6.113.
 11. Senior housing projects, subject to the provisions of Section 17.7.506.
4. Lot area, depth and width requirements. The minimum area, width and depth requirements for a zoning lot within the zone shall be as follows:

Use	Minimum Area (in sq. ft.)	Minimum Width (at minimum setback line)	Depth of Lot (in ft.)
One-family dwellings	7,500	75	100
Two-family dwellings	12,000	90	100
Three-family dwellings	17,000	100	100
Four-family dwellings	20,000	110	100
Multiple family dwellings	20,000 for first four units, plus 3,000 sq. ft. for each unit above four.	110 ft. for first four units plus 10 ft. for each unit above four.	100
Churches	2 acres	250	none

5. Location requirements.

1. Main buildings. All dwellings and other main buildings and structures shall be set back in accordance with the following:

1. Front setback. All dwellings and other main buildings shall be setback not less than thirty feet from the front lot line which abuts on any existing or proposed public street, except that a portion of a dwelling may project up to five feet into the required front setback area, provided that the width of the projecting portion shall not exceed thirty percent of the width of the dwelling.
2. Side setback—Interior lots. All dwellings and other main buildings including any attached garage or similar structure shall be set back not less than eight feet from either side lot line and the combined total distance of the two side setbacks shall be not less than eighteen feet, except that where a garage or carport is attached to the side of a dwelling, the minimum required setback for such garage or carport may be reduced to not less than six feet, as measured from the lot line to the closest part of the building, and the combined required distance of the two side setbacks shall be not less than fourteen feet.
3. Side setback—Corner lots—Side abutting a street. All dwellings and other main buildings shall be set back not less than twenty feet from the side lot line which abuts on any existing or proposed public street.
4. Rear setback—Interior lots. All dwellings and other main buildings and structures shall be set back not less than twenty-five feet from the rear lot line, except that a portion of a dwelling may project up to five feet into the required rear setback area, provided that the width of the projecting portion shall not exceed fifty percent of the total width of the dwelling.
5. Rear setback—Corner lots. All dwellings and other main buildings shall be set back not less than twenty-five feet from the rear lot line, except as follows: (i) a portion of a dwelling may project up to five feet into the required rear setback area, provided that the width of the projecting portion shall not exceed fifty percent of the total width of the dwelling, or (ii) where a garage is attached to the rear of the dwelling, the required rear setback for said garage may be reduced to not less than twelve feet, as measured from the rear lot line to the closest part of the garage, or (iii) a portion of a dwelling may project up to fifteen feet into the required rear setback area, provided that the width of the projecting portion shall not exceed fifty percent of the total width of the dwelling and the rear area of the corner lot abuts a side setback of an adjacent lot.

6. Building requirements.

1. Height of dwellings. The maximum height of any dwelling shall be thirty-six feet, measured in accordance with the criteria set forth under Section 17.5.130, as may be modified by the following:

1. Chimneys, flag poles, television antennas, and similar ancillary structures not used for human occupancy shall be excluded in determining height.
 2. The building inspector may approve a dwelling having a greater maximum height, provided, that the dwelling will be set back from all appurtenant lot lines (or footprint lot boundaries where applicable) a distance two feet for each additional foot of dwelling height.
2. Size of dwelling. Each dwelling shall have a total living area of not less than seven hundred fifty square feet for each dwelling unit in the building. Each dwelling unit shall contain not less than six hundred square feet of living area.
3. Width of dwelling. The minimum width of a dwelling shall be twenty feet, as measured from the outside wall at the narrowest point of the first story, exclusive of any garage, porch, shed or similar area not considered as living area. The width shall be considered the lesser of the two primary dimensions.
4. Corner clearance for driveways. Any driveway providing access to a corner lot shall adhere to the standards as set forth in Figure 17.5.110-B, entitled "Minimum Standards for Corner Clearance of Residential Driveways."
7. Special provisions. Special provisions shall apply in this zone in order to protect its essential characteristics.
 1. The space required around buildings and structures shall be kept free from refuse and debris.
 2. All buildings used for human occupancy shall be furnished with a public water supply and shall be constructed in accordance with the adopted building, plumbing, electrical, fire prevention and similar codes.
 3. All buildings and uses within this zone shall comply with all applicable supplementary development standards as set forth in this code.
 4. At least seventy percent of the area contained within a required front yard or side yard adjacent to a street shall be landscaped.
 5. Planting plans shall be required in connection with four-family and other multiple dwellings as set forth in Section 17.5.121.
 6. Prior to the issuance of a building permit for any residential structure containing five or more dwelling units, a site plan shall be submitted to and approved in accordance with the provisions of Section 17.6.101.

FINDINGS OF FACT

The property does not meet the requirements of Section 17.4.302 R-4-7500 Residential Zone for a two-family dwelling.

The property meets the requirements of Section 17.5.134 Accessory Apartments.

Renee & Tony Rhoton
160 N 100 E
American Fork, UT 84003
801-492-1842
ReneeRhoton@gmail.com

August 19, 2026

Cody Opperman, Planner II
Planning and Zoning Division
Development Services Department
American Fork City
75 E. 200 N., American Fork, UT 84003

American Fork City Board of Adjustment
c/o American Fork Public Works Department
275 East 200 North
American Fork, Utah 84003

RE: Notice of Appeal — Zoning Verification Letter dated July 1, 2026 (Parcel ID 02:039:0006, 160 North 100 East, American Fork, UT 84003)

Dear Mr. Opperman and Members of the Board of Adjustment,

Under American Fork City Code Section 17.2.304, we are filing this Notice of Appeal to challenge the decision in the Zoning Verification Letter sent to us on July 1, 2026. That letter determined that our home's basement unit is an "Accessory Apartment" rather than a legal duplex, and found that our property does not have legal nonconforming duplex status.

Why we're appealing: We believe this decision doesn't take into account over 30 years of the City's own actions and records showing our property has been treated as a duplex. This includes utility bills that have consistently charged us duplex rates, a separate address the City assigned to the basement unit, and direct statements from City employees — both by phone and in person — telling us we had a "grandfathered" duplex status that we would lose if we switched our utility billing. We've laid out these facts in detail in the attached Summary of

Request, which we're submitting along with our Board of Adjustment Application, and we ask that it be considered part of this appeal.

On timing: We asked the City about the appeal process by email on August 3, 2026 — well within the 45-day window described in Section 17.2.304. We didn't receive a response explaining the appeal process until August 10, 2026, because the responding staff member was out on vacation. We're filing this appeal as soon as possible after receiving that information, and we respectfully ask that the Board treat this filing as timely, or find good cause for the filing date given the delay in the City's own response.

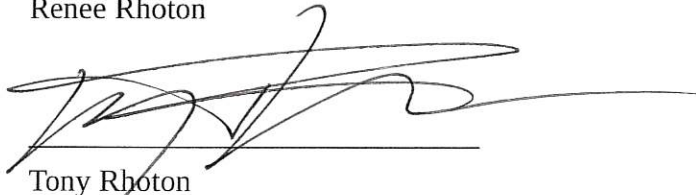
As provided in Section 17.2.304, we ask that the officer who made this decision promptly send the Board of Adjustment all the records and documents related to the July 1, 2026 determination, and that our appeal be scheduled for the Board's next available meeting.

Thank you for your time and consideration. Please reach out to us at the phone number or email above if you have any questions or need anything further from us.

Sincerely,

A handwritten signature in black ink, appearing to read "Renee Rhoton", written over a horizontal line.

Renee Rhoton

A handwritten signature in black ink, appearing to read "Tony Rhoton", written over a horizontal line.

Tony Rhoton

SUMMARY OF REQUEST

Attachment to Board of Adjustment Application

Applicants: Renee & Tony Rhoton — Property: 160 North 100 East, American Fork, UT 84003

Parcel ID: 02:039:0006 | Zone: R4-7500

What We're Asking For

We are appealing the Development Services Department's July 1, 2026 Zoning Verification Letter, which determined that our basement unit is an "Accessory Apartment" and that our property does not have a legal duplex use. We are asking the Board of Adjustment to find that our property has an established, legal nonconforming duplex use, based on the City's own decades-long treatment of the property, described below.

The Facts

- **We've owned this home since 1996, and it was already a duplex.** Our family purchased the property in 1996. It was already set up and functioning as a duplex, with a separate basement dwelling unit, at the time we bought it, and it has been used that way continuously for approximately thirty years.
- **The City gave the basement unit its own address.** The basement unit was assigned a separate address by the City, through then-City-employee Ron Morrill. We understand a "Ron Morrill" currently serves on the Board of Adjustment, and if this is the same individual, we would genuinely welcome any firsthand recollection he may have of how the City treated our property at that time — his direct, personal knowledge could be valuable to the Board's understanding of this history. We leave it to the Board and to Mr. Morrill to determine whether any disclosure is appropriate given that past involvement.
- **The City billed us as a duplex, in writing, for the entire approximately thirty years we have owned the property.** Our utility charges have consistently reflected duplex-rate billing, not single-family rates, for the full duration of our ownership. We are providing documentary proof from the specific years — 2007, 2008, and 2010 — when we called the City with questions about our bill and made our own handwritten notes during those conversations. On each of these bills, we wrote our own notes contrasting the "duplex base" charges against what the "single family" charges would have been, showing that our water, sewer, and garbage rates were consistently double the single-family rate.

- **A named City employee confirmed our duplex billing and warned us about losing that status.** In one of these calls, we spoke with a City employee named Dan Rojas, whose name we specifically wrote down at the time. In addition to answering the billing question we called about, he reiterated that we were being billed as a duplex, not a single-family residence, and told us we would permanently lose our "grandfathered" duplex status if we changed it.
- **On other calls, different City employees repeated the same warning.** On multiple other occasions over the years, when we called with questions about specific charges on our bill, the City employees we spoke with likewise confirmed we were billed as a duplex and reiterated that changing our billing classification would cost us our grandfathered status.
- **When we tried to switch during a period of financial hardship, a City employee talked us out of it.** At one point, while experiencing financial hardship, we went to City offices in person specifically intending to change our billing to single-family status to reduce our costs. The female employee we spoke with strongly encouraged us not to make this change and convinced us to keep paying for duplex status rather than give it up, despite our stated need to save money.
- **This has cost us a real amount of money: \$20,000 to \$30,000.** Based on the rate differences documented in our bills, continuing to pay duplex rates instead of switching to single-family rates — as the City itself repeatedly discouraged us from doing — has cost us an estimated \$20,000 to \$30,000 over the years we've owned the property.

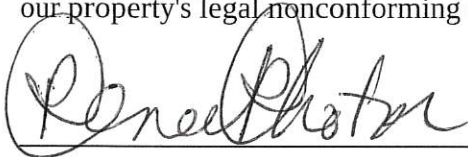
Why This Matters

The City's own billing records and its own employees — including a named employee, Dan Rojas, and others we spoke with by phone and in person — have told us, consistently and repeatedly for decades, that our property is a duplex with a protected status. This leaves only two possibilities. Either this property is, and has been, a legal duplex — exactly as the City has represented to us in writing and through its own staff for approximately thirty years — and the Board should now formally recognize that status; or, if the City takes the position that the property never held legal duplex status, then the City has been illegally billing and collecting duplex-rate utility charges from us for years, based on repeated, direct representations from its own employees telling us otherwise. We believe the facts support the first outcome: formal recognition of a legal nonconforming duplex use, consistent with the City's own longstanding conduct.

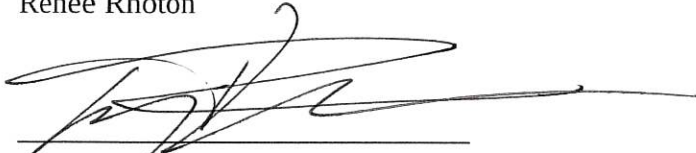
A Note on the Money We've Spent

We understand the Board of Adjustment does not have authority to order a refund, and we are not asking the Board to do so here. But we want this on the record: if the City's position is that our property was never legally a duplex, then the City illegally billed and collected duplex-rate charges from us for years, on the strength of its own employees' representations — a real, out-of-pocket cost to us of \$20,000 to \$30,000. We intend to raise this separately with the appropriate City department, but wanted it documented as part of this appeal.

We respectfully ask the Board to schedule this matter for a hearing, review the attached documentation (utility bills and notes from 2007, 2008, and 2010, our May 27, 2026 request for duplex status confirmation, and the July 1, 2026 Zoning Verification Letter), and recognize our property's legal nonconforming duplex use.

A handwritten signature in dark ink, appearing to read "Renee Rhoton", written over a horizontal line.

Renee Rhoton

A handwritten signature in dark ink, appearing to read "Tony Rhoton", written over a horizontal line.

Tony Rhoton

Date: August 19, 2026

Water \$14 for 6,000 gal.

plus per gallon fees

CUP - \$6.50 flat fee

Sewer - 38.63 based on water usage
35.55 + 1.40 each 1,000 gal.

Garbage 10.00 per can

Drain Fee 3.00 flat fee

Recycle 5.40 optional

Irrigation 23.41 lot size

2nd Can 6.65 optional

107.59

save \$66 mo. = 792 yr. -

if use more water - ie. 2,000 gal/mo = +4\$/mo.

Dan Rojas

801-763-3065

- Can change to non-duplex & keep electric but must give note in writing that we understand we cannot return to duplex standing ever.

2010



American Fork City

51 East Main • American Fork, UT 84003
Phone: (801) 763-3000
Fax: (801) 763-3033
www.afcity.org
Acct. Number
11577.01



2848

RHOTON, TONY
160 N 100 E
AMERICAN FORK UT 84003-1735

Service Address:
160 N 100 E

UTILITY SERVICE BILL

2848*****AUTO**SCH 5-DIGIT 84003
RHOTON, TONY
160 N 100 E
AMERICAN FORK UT 84003-1735

ACCT. #	DUE DATE
11577.01	7/20/2010
AMOUNT DUE	AMOUNT PAID
700.95CR	

Please return this stub to ensure proper credit.

For your convenience, pay your bill online at www.afcity.org.

American Fork City METER READING

Payments received after the 25th of the month may not reflect on your next statement.
Culinary water meters are read in March, June, August and October.

\$29 increase July

CUSTOMER NAME AND SERVICE ADDRESS	
RHOTON, TONY 160 N 100 E	
ACCOUNT NUMBER	FOR SERVICE TO:
11577.01	6/01/2010 - 6/30/2010

TOTAL CHARGES	
28.00	Water
10.00	CUP/Assessments
49.00	Sewer
20.00	Garbage
4.00	Drain Fee
5.40	Recycling
23.41	Pressurized Irrig
.00	Late Fee
139.81	Current Charges
840.76CR	Prior Balance
.00	Current Payments
.00	Adjustments
700.95CR	BALANCE DUE

METER READING INFORMATION			
CURRENT BILL INFORMATION:			
Service	Prior Reading	Present Reading	Usage
Water	3/09/2010 2192	6/08/2010 2207	-9000 (gal)
LAST YEAR COMPARISON:			
Service	Reading	Usage	
	2149	-9000 (gal)	

METER READING MONTH

ACTUAL USAGE APPLIES

Governor Herbert is issuing the Clear the Air Challenge to all residents in Utah County from July 1-31. The Challenge focuses on strategies such as car pooling, trip chaining, taking transit and more to eventually and ultimately improve air quality, reduce traffic congestion and more information about the Challenge at www.ClearTheAirChallenge.org

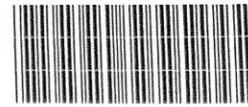
2010

and strategies
cle trips
can find

* Sewer rate is based on March culinary water meter reading.

American Fork City

51 EAST MAIN • AMERICAN FORK, UTAH 84003
PHONE 763-3000
www.afcity.org



2835

RHOTO, TONY
160 N 100 E
AMERICAN FORK UT 84003-1735

METER ADDRESS:
160 N 100 E

ACCOUNT NUMBER

11577.01

PAY THIS
AMOUNT

161.25

TO INSURE PROPER CREDIT PLEASE
RETURN THIS STUB WITH PAYMENT
**THIS BILL DELINQUENT AFTER 20TH
OF MONTH**

\$1.99 mo./base - duplex

ACCT.# 11577.01

BALANCE DUE: 161.25

FOR SERVICE TO: 8/31/2007

METER ADDRESS: 160 N 100 E

METER READING		USED	AMOUNT (base if not duplex)	
PREVIOUS	PRESENT			
6/12/2007 - 1612	8/14/2007 - 1735	123,000 Gallons (20,000 incl. duplex) 10,000 incl./mo. .75¢/1000 up to 100,000 1.00 after \$1,000 96.75 - R 64.50 A	Water 10 CUP Water 5- Sewer 22.50- Garbage 10 Drain Fee Late Fee	82.25 2c 10.00 10 45.00 45 20.00 20 4.00 .00
METER READING			Current Charges	161.25
			Prior Balance	177.55
			Current Payments	177.55CR
			Adjustments	.00
			BALANCE DUE	161.25

PLEASE BRING ENTIRE BILL WHEN PAYING

2007

Special Interest Info

City offices will be closed Sept. 3rd for Labor Day. Government offices will be delayed one day this week.

The highly anticipated skate park is now open! It is open 7:00 am - Dusk Monday-Saturday, closed on Sunday. No scooters are allowed.

The American Fork Library will begin registering for Preschool Programs Sept. 4-15. For more information, visit www.afcity.org or call 763-3070.

American Fork City has made it easy and convenient to advertise for your upcoming yard sale. You may post an announcement at no charge on the City's website. Log onto www.afcity.org to post your yard sale or search for ones to visit.

* When we switch to Pressure Irrigation
we will add \$23.41 to our bill.
Unlimited use. Will remain same price.
(based on .33 acre lot).

(22.66
actually)

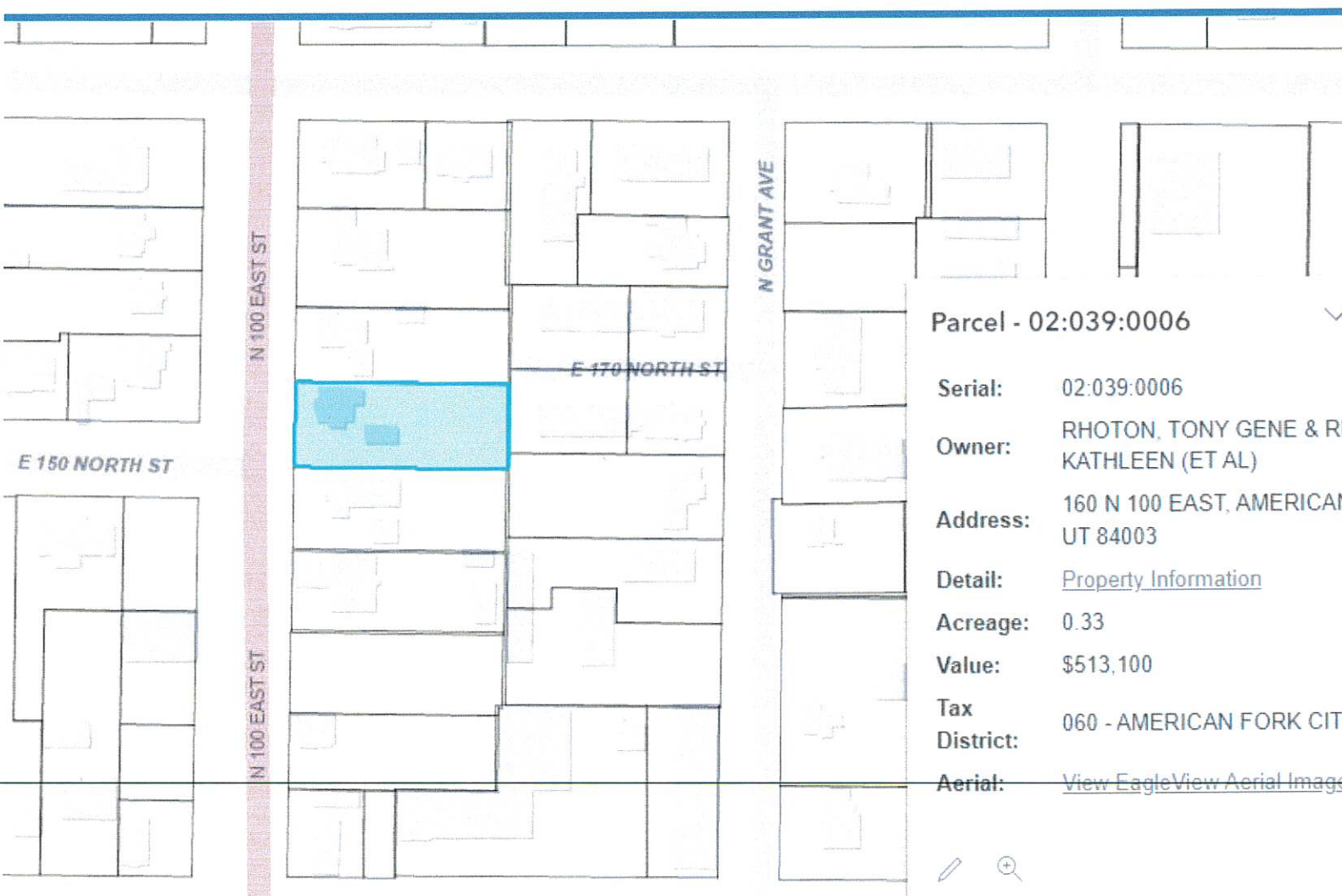
* Our culinary Water is \$28. mo
(14x2 for duplex) for 12,000 gal. use.
Each 1,000 gal used over billed \$2-4 extra

- calculated by AFPI phone lady;
\$ based on 2008 if we were culinary only
our yr bill water would be \$930. If
AFPI bill would be ~~340~~ + 280 = \$620.
Thus - would be better to switch to Irrigation

In. Conc. New water rates increase our
bill \$32 a month. = \$8 ^{culinary} increase + 24 AFPI

2008

Last year we used 288,000 gal.



Parcel - 02:039:0006

Serial: 02:039:0006
Owner: RHOTON, TONY GENE & RE
KATHLEEN (ET AL)
Address: 160 N 100 EAST, AMERICAN
UT 84003
Detail: [Property Information](#)
Acreage: 0.33
Value: \$513,100
Tax District: 060 - AMERICAN FORK CIT'
Aerial: [View EagleView Aerial Image](#)



Map of Current Zoning on Subject Property:

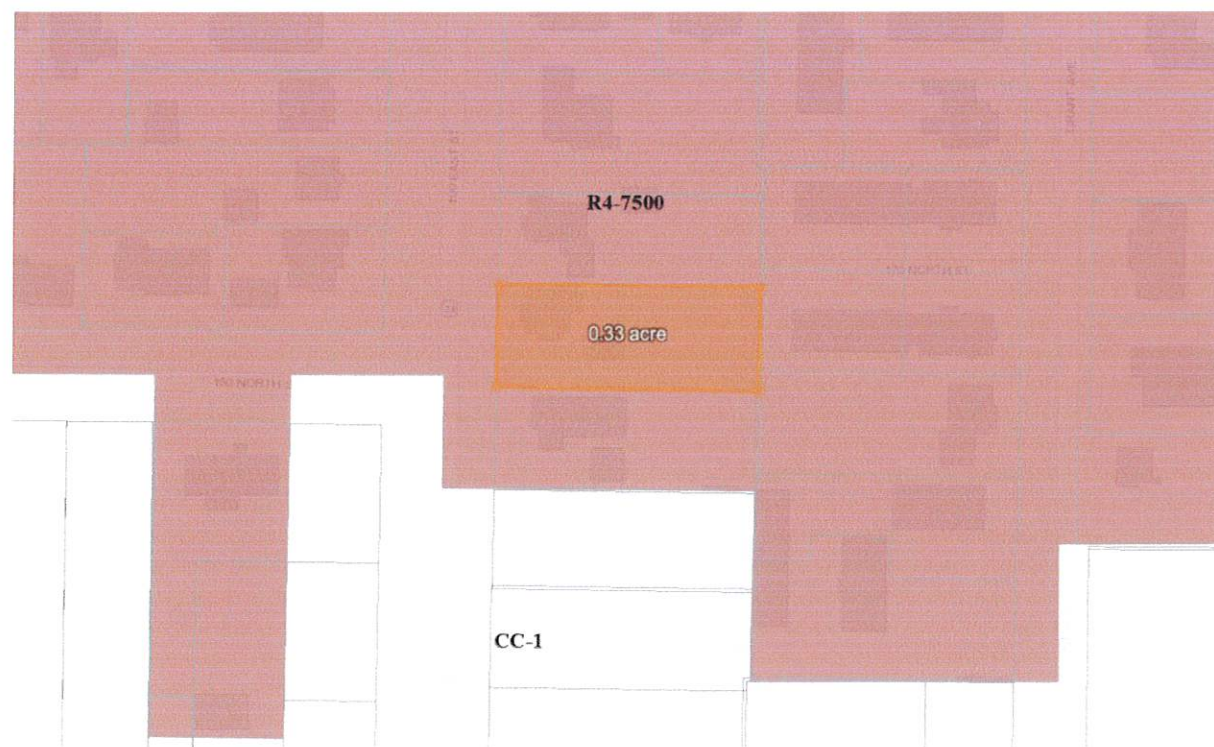


Figure 1: Parcel ID: 02:039:0006 in the R4-7500 Zoning.

ZONING VERIFICATION LETTER

Development Services | 275 E 200 N, American Fork, UT 84003



July 1, 2026

Renee Rhoton

(801)492-1842 | reeneerhoton@gmail.com

The Development Services Department of American Fork City has provided the following information for your request of a Zoning Verification on the property located in the area of **160 North 100 East, American Fork, UT 84003**:

- **Parcel ID:**
 - o 02:039:0006
- **Current Zoning of Subject Property:**
 - o Residential Zone (R4-7500) – [Section 17.4.302 R-4-7500 Residential Zone](#)
- **Permitted Uses within the Zoning District:**
 - o Permitted Uses can be found within [Section 17.4.302 R-4-7500 Residential Zone](#) of the American Fork City Code.
- **Legal Non-Conforming Use Requested:**
 - o Non-conforming Duplex located at 160 North 100 East
- **Determination of Non-Conforming Status:**
 - o **ILLEGAL NONCONFORMING.** The property address identified above has been found to not have a legal duplex on the property but has an Accessory Apartment. All duplexes follow the requirements of the R4-7500 Zone.
 - o To have a duplex on the property, the minimum lot width of the property (at minimum setback line) is 90 feet wide. This property has 74.25 feet of lot width, which does not meet the minimum requirements identified in the above R4-7500 Zone code.
 - o Accessory Apartments, which allows for supplementary living accommodations in American Fork City to provide additional opportunities for affordable housing, with limitations, to minimize the impact on neighboring properties and neighborhoods. Accessory Apartments are not considered a creation of a duplex or multifamily unit.
 - Accessory Apartments are permitted within Single-Family Homes, and they may have separate meters for each water, gas, and electricity utility service. This is mentioned within [Section 17.5.134 Accessory Apartments](#). Separate meters are not a requirement for Accessory Apartments.
 - The principal dwelling unit and the accessory apartment shall have the same address number but shall refer to the principal dwelling as unit "A" and the

accessory apartment as unit "B". Address must be located in a visible location on the street frontage side of the home. Having a separate address is required for an Accessory Apartment as mentioned in [Section 17.5.134 Accessory Apartments](#).

- The Single-Family Home was built in 1942. No additional permits have been issued for the Single-Family Home to be converted into a legal Duplex from 1942-2026. A permit was pulled for separate meters in 2007, but having separate meters does not constitute a duplex conversion.

- **Known Variances or Special Exceptions on Subject Property:**

- None

All information presented above is known to be current, to the best of our knowledge, here in the Development Services Department at American Fork City, UT 84003. Please note that if a use is not listed within the "Permitted Uses within the Zoning District" or "Conditional Uses within the Zoning District" sections, then it is **not** a permitted use within the zoning district.

Kindest Regards,

Cody Opperman – Planner II
Planning and Zoning Division
Development Services Department
American Fork City

☐



Renee & Tony Rhoton
160 N 100 E
American Fork, UT 84003
801-492-1842
ReneeRhoton@gmail.com

May 27, 2026

Cody Opperman
City Planner
American Fork City

Dear Mr. Opperman,

We are writing to respectfully request written confirmation from American Fork City that our property located at 160 N 100 E, American Fork, Utah, is recognized as a legal duplex or legally established nonconforming duplex use.

Our family purchased and has occupied this property since 1996, and it was already functioning as a duplex at the time we purchased it. We have now lived in and maintained this home for approximately 30 years as longstanding residents of American Fork.

In 2007, we completed a substantial remodel under valid city permits and in compliance with applicable city requirements at that time. As part of that permitted remodel, a separate electrical meter was installed for the basement apartment.

Further, the basement apartment was assigned its own separate address by the city through Ron Morrill, which also reflects the city's historical recognition of the property as containing two dwelling units.

In addition, throughout the approximately 30 years we have owned the property, the city utility billing has consistently classified and billed the property as a duplex. At one point, Renee personally visited the city offices to inquire about reducing the utility billing classification to a single dwelling in order to lower utility costs. During that discussion, the city employee explained that changing the utility classification could jeopardize or eliminate the property's "grandfathered" duplex status. Based on that representation, we chose to continue paying the higher duplex utility rates specifically to preserve the ability to legally use the property as a duplex in the future.

Based on these facts, we respectfully request a formal written determination from the city acknowledging the duplex as a lawful existing use, legal nonconforming use, or otherwise recognized duplex under the city's records and ordinances.

If there are additional records, inspections, or documentation needed to assist in this determination, we would be happy to provide them.

Thank you for your time and consideration. We appreciate your assistance and look forward to your response.

Sincerely,

Renee & Tony Rhoton