

The Lindon City Redevelopment Agency held a meeting on **Wednesday, August 13, 2025** beginning at approximately 6:00 pm in the Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

Conducting: Jeff Southard, Chairperson

PRESENT

Jeff Southard, Chairperson
Jeff Wilson, Boardmember
Glen Mitchell, Boardmember
Greg Slater, Boardmember
Michael Florence, Community Development Director
Britni Laidler, City Recorder

ABSENT

Steve Smith, Boardmember

1. Call to Order

The meeting was called to order at 6:00p.m.

2. Review of Minutes – The minutes of the Board Meeting of July 30, 2025 were reviewed.

BOARDMEMBER WILSON MOVED TO APPROVE THE MINUTES OF THE MEETING OF JULY 30, 2025 WITH NOTED CHANGES REMOVING DUPLICATE WORDING. BOARDMEMBER MITCHELL SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

CURRENT BUSINESS –

3. Request of a variance for the property located at 69 S. 1200 E. to reduce the corner side yard setback for a detached accessory structure from 25' to 21'11." Application is made by Steven Marco.

Michael Florence, Community Development Director, presented background information on the variance request. He explained that the applicant Steven Marco lives at 69 South 1200 East and is looking to add a 624 square foot detached accessory building in the southwest corner of his property. Mr. Florence reviewed the site plan showing the proposed garage location with a 21'11" setback from the corner side yard property line.

Mr. Florence outlined the state and city codes regarding variances, noting that there are five standards that must all be met for a variance to be approved. He explained the variance application process, stating that Mr. Marco submitted his application in April for a building permit requesting the 21'11" setback. Mr. Florence described a prior conversation that occurred in January between Mr. Marco's architect and a city planner named Brittain Corbett, where there was discussion about setback requirements. Mr. Florence acknowledged there appeared to be some confusion during that conversation.

Mr. Florence then reviewed the city ordinances pertaining to accessory structures and setback requirement as follows:

- **17.44.080 – Yard Setback Requirements:** *On corner lots in the R1-12 zone, the side yard contiguous to the street shall not be less than twenty-five feet (25') and shall not be used for vehicle parking, except such portion as is devoted to driveway use for access to a garage or carport. Of the remaining rear and side yards on a corner lot, one rear yard setback of thirty feet (30') and one side yard setback of ten feet (10') shall be required on the remaining nonstreet-facing sides of the lot*
- **Lindon City Setback Code – 17.44.140 Accessory Buildings**
2. Accessory Building Outside the Buildable Area. Accessory buildings that do not meet the setback requirements (outside the buildable area) for the main dwelling shall comply with lot coverage requirements and meet the conditions following: a. Be set back a minimum of thirty feet (30') from the front property line and five feet (5') from any other property line. b. Be set back a minimum of ten feet (10') feet from property line when located between the main dwelling and the side property line. c. Not be located within a recorded public utility easement, unless a release can be secured from all public utilities. d. Have an average building height of no more than twenty feet (20') in height measured at the four (4) corners of the structure from finished grade to the highest point of the roof structure. e. Comply with distance between buildings requirements.

He explained that on corner lots, there are two front property lines - one at the front of the home and one on the side facing the street (corner side). The required setback for the corner side yard in the R-1-12 zone is 25 feet. Mr. Florence stated that staff did not feel there were any circumstances peculiar to this property that would cause a hardship, as it is similar to other corner lots in the neighborhood.

Chairperson Southard asked several clarifying questions about the setback requirements and accessory building height limitations. Mr. Florence confirmed that while the main dwelling requires a 30-foot setback, accessory structures can be at 25 feet in the R-1-12 zone, and the height is limited to 20 feet if outside the buildable area.

The applicant, Steven Marco, presented his case for the variance. He showed the current state of his property, including a temporary carport structure that he said was difficult to secure and was damaged in a recent windstorm. Mr. Marco explained that his goal was to build a secure, aesthetically pleasing garage that would comply with Lindon's streetscape and urban design. He showed plans for the proposed 24' x 26' garage, stating that this size was necessary to fit his F-150 truck. Mr. Marco then played a portion of a recorded phone conversation between his architect and the city planner to demonstrate that there had been confusion regarding the setback requirements. He argued that based on this conversation, he proceeded with plans for the garage with a 21'11" setback.

Mr. Marco presented drawings to the board members showing the difference between the original 21'11" setback plan and a revised 25' setback plan. He explained that moving the garage to meet the 25' setback would require removing two mature trees, affecting the landscaping flow

in his backyard, and push the structure further into his usable yard space. He stated that the variance of 3'1" would allow him to preserve trees, maintain his existing landscaping, and position the garage in a more aesthetically pleasing location.

Chairperson Southard asked City Attorney Brian Haws for clarification on whether the confusion during the phone conversation created any liability for the city. Mr. Haws confirmed that case law is clear that a city employee cannot verbally bind the city against written code, and that this did not constitute a zoning estoppel case because there was no detrimental reliance, as no permits were issued.

Chairperson Southard asked if any public present would like to submit comments. The following comment was made:

Wendy Johnson - a neighbor residing at 33 South 1200 East, spoke in favor of granting the variance, stating it would increase aesthetics in the neighborhood and be safer than the current temporary structure.

The Board then went on to review the five criteria which must be met in order to approve/grant a legal variance according to LCC 17.10.050 as follows:

- 1. Literal enforcement of the land use ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances.**

The Board determined that the need to remove trees and redesign landscaping did not constitute an unreasonable hardship but rather an inconvenience and potential increased cost.

- 2. There are special circumstances attached to the property that do not generally apply to other properties in the same zone.**

The Board found no special circumstances that did not generally apply to other properties in the same zone.

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

The Board noted that the code did not prevent a garage from being built, just at a different location on the property.

- 4. The variance will not substantially affect the general plan and will not be contrary to the public interest.**

The Board considered this criterion might possibly be met.

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

2 The Board determined that allowing the variance would not observe the spirit of equal
application of the ordinance to all property owners.

4 The Board concluded that the variance request failed to meet at least four of the five
required criteria.

6 BOARDMEMBER WILSON MOVED TO DENY THE APPLICANT'S REQUEST
8 FOR VARIANCE DUE TO IT NOT MEETING THE STANDARDS FOR A VARIATION.
BOARDMEMBER MITCHELL SECONDED THE MOTION.

10 THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON SOUTHARD AYE

12 BOARDMEMBER SLATER AYE

BOARDMEMBER WILSON AYE

14 BOARDMEMBER MITCHELL AYE

THE MOTION CARRIED UNANIMOUSLY.

16 **ADJOURN -**

18 CHAIRPERSON SOUTHARD MOVED TO ADJOURN THE MEETING AT 7:04 P.M.

20 Approved – XXX XX, XXXX

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26 _____
Jeff Southard, Chairperson

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30 _____
Mike Florence, Planning Director