DECISION
Pleasant Grove Land Use Appeals Hearing Officer
Appeal of Code Interpretation
Brandon Fugal – 755 North Dalton Avenue
December 12, 2023

This matter involves a request for a variance from the terms of the land use ordinances related to the maximum height of a structure in the R-1 zones. It relates to property at 755 North Dalton Avenue.

RECORD

The record includes the four-page staff report, application for hearing file number 483, and an audio recording of that hearing held on Thursday, December 7, 2023, at 108 South 100 East in Pleasant Grove.

Present and participating at the hearing were Brandon Fugal the property owner; Jory Walker, Beecher Walker Architects, for the property owner; and Daniel Cardenas, City Director of Community Development. Also commenting on the variance application were Keri Nielson, 731 N. Dalton Ave.; John Lewis, 750 N. Dalton Avenue; Troy Medford, 1070 Grove Creek Drive; Julia Fierro, 637 Canyon View Circle; Cindy Knudsen, 1233 E. Hillside; Jerry Davis, 1093 Grove Creek Drive; Drew Armstrong, 330 N 1639 East; and Roy Spindler, 1099 Canyon View Lane. Minutes of the hearing were taken by Christina Gregory, Planning and Zoning Assistant from the city staff and are included in the record. A petition bearing the names of others was proffered by Ms. Nielson, but was not included in the record as the matter is an administrative/quasi-judicial matter. Public opinion per se is not substantial evidence and cannot be considered in such a proceeding. *Kilgore Companies v. Utah County Board of Adjustment*. 2019 UT App 20.

ANALYSIS – FINDINGS OF FACT

1. This matter involves a 2.9 acre parcel of land located at 755 North Dalton Avenue in Pleasant Grove.
2. The property is zoned R-1-20 for a single-family residence as the primary use.
3. The property owner is Brandon Fugal, the applicant for a variance in this matter.
4. The property owner requests a variance from the thirty-five foot maximum height limit for a main building or structure used for a dwelling or public assembly as provided in the land use code at Section 10—9B-9.
5. In order to support the request, it has been argued that the property involved is much larger than other properties in the area and that the height of a residence would have less impact on other lots in the area if that residence is set back farther from the boundaries of a the larger parcel and is thus more distant than such a residence would be on a smaller lot, including the lots of a size common to the neighborhood.
6. The property owner also wishes to build a two-story dwelling in a design similar to historic structures which are of a style which emphasizes the verticality of the building. The residence would only be historically accurate in form if it were taller than thirty-five feet.

7. The property owner asserts that the desire for historical accuracy in the form of the proposed residence represents a substantial property right and to deny the variance would impose an unreasonable hardship on the property owner.

ANALYSIS – CONCLUSIONS OF LAW

1. The subject property is subject to the maximum height requirements.
2. The Pleasant Grove ordinances provide, at Section 10-2-3, that "The Hearings Officer may authorize, upon appeal, such variances from the terms of this title as will not be contrary to the public interest, where owing to the special conditions the literal enforcement of the provisions of this title will result in unnecessary hardship; provided, that the spirit of this title shall be observed and substantial justice done. Before any variance may be authorized, however, it shall be shown that:
   1. The variance will not substantially affect the General Plan of zoning and that adherence to the strict letter of this title will cause unnecessary difficulties and hardships.
   2. There are special circumstances attached to the property covered by the application that do not generally apply to other properties in the same neighborhood.
   3. Because of special circumstances, property covered by this application is deprived of privileges possessed by other properties in the same neighborhood; and
   4. The granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same neighborhood."
3. A variance, if granted, must also comply with state law, at Utah Code Ann. 10-9a-707(2), which reads as follows:

"(a) The appeal authority may grant a variance only if:

(i) literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;

(ii) there are special circumstances attached to the property that do not generally apply to other properties in the same zone;

(iii) granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;

(iv) the variance will not substantially affect the general plan and will not be contrary to the public interest; and

(v) the spirit of the land use ordinance is observed and substantial justice done.

(b) (i) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (2)(a), the appeal authority may not find an unreasonable hardship unless the alleged hardship: (A) is located on or associated with the property for which the variance is sought; and (B) comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

(ii) In determining whether or not enforcement of the land use ordinance

would cause unreasonable hardship under Subsection (2)(a), the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic. (c) In determining whether or not there are special circumstances attached to the property under Subsection (2)(a), the appeal authority may find that special circumstances exist only if the special circumstances: (i) relate to the hardship complained of; and (ii) deprive the property of privileges granted to other properties in the same zone."

4. In order to grant a variance, the hearing officer must find, based on substantial evidence in the record, that all of the required conditions in both city and state code have been met. *Wells v. Board of Adjustment of Salt Lake City*, 936 P.2d 1102 (Utah App. 1997).
5. The property owner/applicant bears the burden of proving that the conditions justifying a variance have been met. Utah Code Ann. Sec. 10-9a-702.
6. One of the essential findings to support a variance request is that a "substantial property right" can only be enjoyed by providing the variance.
7. The term "substantial property right" has been used as a term of art by the courts over time to describe certain specific aspects of property ownership, such as the right to air, light, and view across a public street or the right to reasonable access to property *Hampton v. State Road Comm'n*, 21 Utah 2d 342, 445 P.2d 708 (Utah 1968) and the right to an economically viable use of property *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003, 1071, 112 S. Ct. 2886 (1992).
8. In this instance, there is no showing that the courts, the legislature, or the City have previously determined that the desire to build a dwelling in a certain architectural style in circumstances similar to the present case involves a "substantial property right".
9. The imposition of height limits is common in land use ordinances. No case law or other authority finding height limitations, as commonly enacted and enforced, to be unreasonable or to place protected property interests at risk has been provided in this matter.
10. Absent the identification of how the enjoyment of a substantial property right is at risk, the variance request cannot be approved.

Conclusion:

The requested variance is denied. It cannot be approved absent the identification of a substantial property right, the enjoyment of which is found to be at risk by the enforcement of the city ordinance's height limitation.

Dated this _12th_ day of December, 2023.

DECISION
Pleasant Grove Land Use Appeals Hearing Officer
Request for Variance
Canyon Grove Academy – 588 West 3300 North
April 8, 2024

This matter involves a request for a variance from the terms of the land use ordinances related to a required second access for property located at 588 West 3300 North.

RECORD

The record includes the following exhibits;

A. the six-page staff report;
B. the seven-page application for a variance including
    1. a graphic of the subject property and proposed primary access alignment;
C. a six-page document dated January 24, 2024 submitted by Robert Schow with exhibits as follows:
    1. Exhibit 1, development agreement for Quail Run Charter School,
    2. Exhibit 2, Temporary Easement for Emergency Access,
    3. Exhibit 3, Notice of Interest,
    4. Exhibit 4, Notice of Interest,
    5. Exhibit 5 Application for Right of Use Provo River Aqueduct Lands,
    6. Exhibit 6, Traffic Study,
    7. Exhibit 7, Memorandum from Chandler Goodwin dated March 28, 2022, and
    8. Exhibit 8, Slope Calculation;
D. a letter dated February 2, 2024 from Brent Bateman, including
    1. attachment entitled Functional Class Map and
    2. attachment showing Cedar Hills streets;
E. a document dated February 20, 2024 submitted by Robert Schow;
F. proposed conditions to be associated with a variance, if approved, provided in an email communication on March 25, 2024;
G. minutes of a hearing held on Thursday, December 7, 2024 at 70 South 100 East in Pleasant Grove;
H. an audio recording of that same hearing; and
I. an email exchange among the hearing officer and the parties initiated on January 12, 2024 and continuing until April 8, 2024.

Present and participating at the hearing were Craig M. Call, hearing officer; Brent Bateman, attorney representing the property owner; Jeremy Reutzel, neighboring property owner; Robert Schow, neighboring property owner; Chandler Goodwin, City Manager of Cedar Hills City; Michael Wright, nearby land owner; Marty Southworth, nearby land owner; Aaron Wilson, City Engineer; Daniel Cardenas, City Director of Community Development; Jacob Hawkins, City Planner; and Christina Gregory, City Planning and Zoning Assistant.

ANALYSIS – FINDINGS OF FACT

1. This matter involves a parcel of land developed as a school located at 588 West 3300 North in the City (the subject property).
2. In 2009, the then owners of the subject property entered into a development agreement with the City of Pleasant Grove as part of the process of obtaining approvals to build the now existing school facility on the subject property. Exhibit C-1.
3. The unamended development agreement anticipates a future permanent main access to the subject property which was to connect 3300 North and Valley View Drive by passing through the subject property (Future 540 West). Exhibit C-1.
4. In 2009 the owners of the subject property negotiated a Temporary Easement for Emergency Access. This provided for a temporary secondary access from the subject property to 900 West Street. Exhibit C-2.
5. The development agreement provides that until a permanent access is created connecting 3300 North to Valley View Drive, the subject property may be used as a school and the temporary access easement used as secondary access to the subject property. Exhibit C-1.
6. The development agreement further provides that the future 540 West access is to be provided by the developer within six months of either of two specific events, including: (a.) the average daily trip counts exceed 250 and no secondary public access road is created linking the subject property to 900 West Street; and (b.) the Provo River Water Users completes the piping of a canal referred to in the development agreement. Exhibit C-1, para. 6.
7. The street which serves the primary access to the subject property exceeds a maximum average daily trip level of two hundred fifty. Uncontradicted statements by informed individuals at hearing held 12-7-2023.
8. No secondary public access road has been created linking the subject property to 900 West Street. Uncontradicted statements by informed individuals at hearing held 12-7-2023.
9. The canal referred to in the development agreement has been piped. Uncontradicted statements by informed individuals at hearing held 12-7-2023.
10. The conditions triggering the requirement to provide the future 540 West access through the subject property and connecting 3300 North to Valley View Drive have therefore been met.
11. It is not physically impossible to provide the future 540 West access road.
12. The proposed and required future 540 West road was intended to be a city street with public access and not a temporary secondary emergency access. Exhibit C-1.
13. On March 28, 2022, Chandler Goodwin, City Manager of Cedar Hills, provided a memorandum stating that the City of Cedar Hills "would deny any request for access to Canyon Grove Academy from Valley View Drive." Exhibit C-7.
14. There is no evidence in the record indicating that the City of Cedar Hills would consider approving the creation of the proposed future 540 West Street as a public thoroughfare. This is so even though there have been discussions relating to temporary emergency access to Valley View Drive. A temporary emergency access would not be the public access road that is anticipated in the development agreement. Exhibit C-1.
15. Substantial evidence exists that the future 540 West Street cannot be practically completed as proposed in the development agreement, extending into the corporate limits of the City of Cedar

Hills, because the City of Cedar Hills will not approve such a street within its boundaries. For example, Exhibit C-7, statements made by the Cedar Hills City Manager at the hearing, and the argument made by counsel for the property owner in Exhibit D. There is no evidence in the record as to how the property owners could overcome the opposition of Cedar Hills to the street.

16. The existing school use has been in operation for approximately 14 years. Uncontradicted statements by informed individuals at hearing held 12-7-2023.
17. To impose the secondary access requirements as provided in city code Section 11-3-5-C could logically result in the forced closure of the school, as the development agreement which provides for the operation of the school requires the provision of that access. Exhibit C-1.
18. The current facts surrounding the issue were not anticipated by the parties to the original development agreement. Uncontradicted statements by informed individuals at hearing held 12-7-23.
19. Both the property owner and the city support granting a request for a variance to the strict application of city code Section 11-3-5-C to the subject property and its existing school use. Email communication dated April 3, 2024 which are part of Exhibit I.
20. Granting the variance requested would allow the school to continue in operation on the subject property. Uncontradicted statements by informed individuals at hearing held 12-7-2023.

ANALYSIS – CONCLUSIONS OF LAW

21. The subject property is subject to a provision of the city code at Section 11-3-5-C, which provides that "A second access shall be required if a street with a single means of ingress and egress, and having a turnaround, exceeds a maximum average daily trip (ADT) level of two hundred fifty (250). . ."
22. The current use of the property without public access to the future 540 West street is not consistent with either the development agreement or the city code section cited.
23. A secondary emergency access now exists as required by the development agreement and as required in a condition to the granting of this variance. Whether that secondary access remains in its current orientation or is changed to another optional alignment is irrelevant to the issue of whether the variance is granted here. The second access provided for in the city code and anticipated in the development agreement was anticipated to be a public access both for ingress and egress and was not anticipated to be a temporary emergency access.
24. Information provided in the record about the potential for a temporary emergency access to Valley View Drive is not relevant to the issues here. Such an access would not meet the requirements of either the development agreement or the code provision.
25. In order to grant a variance, the hearing officer must find, based on substantial evidence in the record, that all of the required conditions in both city and state code have been met. *Wells v. Board of Adjustment of Salt Lake City*, 936 P.2d 1102 (Utah App. 1997).
26. The Pleasant Grove ordinances provide, at Section 10-2-3, that "The Hearings Officer may authorize, upon appeal, such variances from the terms of this title as will not be contrary to the public interest, where owing to the special conditions the literal enforcement of the provisions of this title will result in unnecessary hardship; provided, that the spirit of this title shall be observed and substantial justice done. Before any variance may be authorized, however, it shall be shown that:

1. The variance will not substantially affect the General Plan of zoning and that adherence to the strict letter of this title will cause unnecessary difficulties and hardships.
2. There are special circumstances attached to the property covered by the application that do not generally apply to other properties in the same neighborhood.
3. Because of special circumstances, property covered by this application is deprived of privileges possessed by other properties in the same neighborhood; and
4. The granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same neighborhood."

27. In response to conclusion 26, it is found that to deny the variance would result in unnecessary hardship in the form of the potential loss of the existing school use and other hardships as outlined above.
28. In response to conclusion 26 above, it is found that the spirit of the land use regulations are observed in that current traffic and access are not substantially affected by granting the variance and an established community service is continued.
29. In response to conclusion 26, it is found that substantial justice is done in that the property owners could otherwise lose their existing land use, which was deemed beneficial and appropriate when originally approved.
30. In response to conclusion 26(1), it is found that adherence to the strict letter of this title will cause difficulties and hardships which are unnecessary. If this variance is denied, the existing school use could be challenged and perhaps terminated, imposing a loss on not only the property owners, but also the school staff, students and parents involved as well.
31. In response to conclusion 26(2), it is found that the special circumstances attached to the property which do not generally apply to other properties in the same neighborhood include that the configuration of the subject property provides only one public access to a parcel of more than five acres of ground.
32. In response to conclusion 26(3), it is found that the special circumstances deprive the subject property of privileges possessed by other properties in the same neighborhood. Among those privileges are the right to the continued use of existing and legally installed site improvements, such as the buildings which now exist on the property.
33. In response to conclusion 26(4) it is determined that granting the variance is essential to the enjoyment of the substantial property right, including the right to continue to use legally installed site improvements such as the buildings which now exist on the property, for their original use as a school facility.
34. A variance, if granted, must also comply with state law, at Utah Code Ann. 10-9a-707(2), which reads as follows:

(a) The appeal authority may grant a variance only if:

(i) literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;

(ii) there are special circumstances attached to the property that do not generally apply to other properties in the same zone;

(iii) granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;

(iv) the variance will not substantially affect the general plan and will not be contrary to the public interest; and

(v) the spirit of the land use ordinance is observed and substantial justice done.

(b) (i) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (2)(a), the appeal authority may not find an unreasonable hardship unless the alleged hardship: (A) is located on or associated with the property for which the variance is sought; and (B) comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

(ii) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (2)(a), the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.

(c) In determining whether or not there are special circumstances attached to the property under Subsection (2)(a), the appeal authority may find that special circumstances exist only if the special circumstances:
(i) relate to the hardship complained of; and
(ii) deprive the property of privileges granted to other properties in the same zone.

35. In response to conclusion 34, see conclusions of law noted above related to similar requirements in the City Code.
36. In response to conclusion 34, it is found that the hardships here are related to the configuration and topography of the land and streets, and are not self-imposed or purely economic. There is no evidence that the parties to the original development agreement did not act in good faith in its negotiation. There is no evidence in the record that any party to the development agreement orchestrated or otherwise created the current factual obstacles which now prohibit the practical creation of the anticipated 540 West Street.
37. In response to conclusion 34, it is found that the special circumstances associated with the property relate to the hardship complained of and deprived the property of privileges granted to other properties in the same zone, as explained above.
38. As provided in Utah Code Ann. 10-9a-702(6), in granting a variance, the appeal authority may impose additional requirements on the applicant that will (a) mitigate any harmful effects of the variance; or (b) serve the purpose of the standard or requirement that is waived or modified.
39. The conditions listed below mitigate some harmful effects of the variance and serve the purpose of any standards or requirements that are waived or modified.

Conclusion:

The requested variance is approved with the following conditions:

1. Canyon Grove Academy and Pleasant Grove City enter into an amendment to (or restatement of) the Development Agreement, referred to in the record of this matter as Exhibit C-1, with the amendment containing the following terms:

A. During 2024, Canyon Grove Academy will widen the existing access to the South to be 32 feet wide of asphalt and include curb and gutter on the East side. This includes submitting a revised site plan submittal with engineered drawings for review and approval by the City.

B. Canyon Grove Academy will immediately dedicate to the City a portion of its property of approximately 3000 square feet in size, and as generally shown on Exhibit A, attached, with a final legal description to be prepared.

C. Canyon Grove Academy will immediately pay to the City the amount of $70,000, which is estimated to be approximately half of the cost of building the road through to Cedar Hills City as contemplated by the Development Agreement.

D. The City releases Canyon Grove Academy of any obligation under the Development Agreement with regard to the present or future construction of the proposed 540 West.

2. Canyon Grove Academy will maintain the existing emergency accesses and turnaround areas as designed on the approved plans, keeping them clear and accessible.

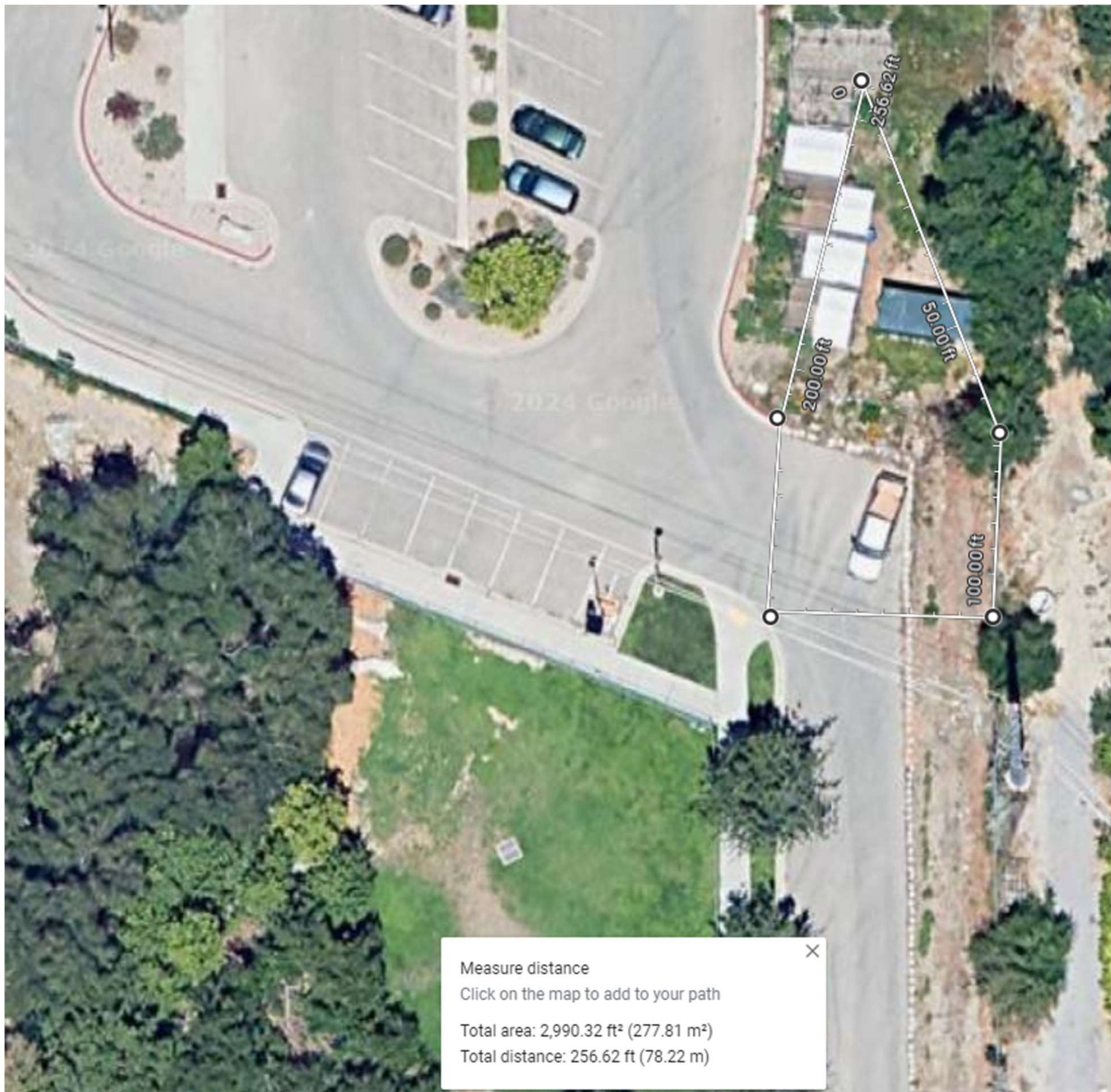
3. Canyon Grove Academy will submit a new stormwater maintenance agreement and long-term stormwater management plan meeting city standards for how the storm water is being managed on site.

4. Canyon Grove Academy will comply other legally supported requirements from Engineering, Community Development, and Fire are addressed during the site plan review.

Dated this 8th day of April, 2024.

Craig M Call, Hearing Officer

Exhibit A



DECISION
Pleasant Grove Land Use Appeals Hearing Officer
Appeal of Code Interpretation
Hamilton Calder – 1593 North 750 West
December 12, 2023

This matter involves an appeal from the interpretation of the land use regulations related to maximum lot coverage. This application relates to property located at 1593 North 750 West.

RECORD

The record includes the eight-page staff report; binder of materials provided by Scott Crook, attorney for the appellant at the hearing in this matter; and an audio recording of that hearing held on Thursday, December 7, 2023, at 108 South 100 East in Pleasant Grove.

Present and participating at the hearing was Scott Crook attorney representing the property owner and Jacob Hawkins, City Planner. Minutes of the hearing were taken by Christina Gregory, Planning and Zoning Assistant from the city staff and are included in the record.

ANALYSIS – FINDINGS OF FACT

1. This matter includes an appeal from an interpretation of the Pleasant Grove Land Use Regulations as applied to property at 1593 North 750 West by the Pleasant Grove City Staff.
2. The property is 12,963 square feet in land area.
3. A building permit has been issued for a house on the property, which, as drawn, includes 3,969.48 square feet of floor space, which complies with the maximum lot coverage provisions of Pleasant Grove City Code Section 10-9B-11, which provides that all buildings, including accessory buildings and structures, shall not cover more than 30% of the area of a lot in an R-1 Zone.
4. The subject property is within a R-1 zone, and the lot coverage requirements apply to construction on this lot.
5. The code further provides, at Section 10-6-2, Definitions, that "LOT COVERAGE" is defined as "the total horizontal area of a lot . . . covered by any building or occupied space which extends above the surface of the ground level and including and covered automobile parking spaces. Covered patios, covered walkways, and covered recreation areas shall not be considered as lot coverage; provided, that said areas are not more than fifty percent (50%) enclosed.
6. The appellant seeks approval of the construction of a covered porch and a covered patio and argues that the code should not include the square footage covered by these areas within the maximum 30% lot coverage calculation.
7. The proposed porch and patio are to be covered with an impervious roof.
8. The City's interpretation is that the second use of the term "covered" is modified by the phrase "provided that said areas are not more than fifty percent (50%) enclosed." Under the City's interpretation, the ordinance is to be read to mean that a patio or walkway or recreation area would be included in the calculation of maximum coverage if it is covered or "enclosed" by an

impervious roof. The area would not be included if it is topped by an open lattice or timber grid in a manner shown on a graphic included in the staff report.

9. The appellant argues that the wording of the ordinance can be interpreted more broadly than the City staff does, and that the provision of the ordinance can be reasonably interpreted to omit a patio or porch with an impervious roof from the calculation of maximum lot coverage. That the word "enclosed" could be easily interpreted to relate only to the presence of side walls, and not to include the roof, of a patio, walkway, and recreation area.
10. The appellant agrees that the proposed porch and patio areas, if constructed, are not to be more than 50% enclosed by sidewalls.

ANALYSIS – CONCLUSIONS OF LAW

1. Appellant's property is subject to the maximum lot coverage requirements.
2. Because zoning ordinances are in derogation of a property owner's common-law right to unrestricted use of his or her property, provisions therein restricting property uses should be strictly construed, and provisions permitting property uses should be liberally construed in favor of the property owner. *Patterson v. Utah County Bd. of Adjustment*, 893 P.2d 602, 606 (Utah Ct. App. 1995).
3. According to the Utah Supreme Court: "In the past, we ―afford[ed] some level of non-binding deference to‖ a local agency's interpretation of its own ordinance. *Carrier v. Salt Lake Cty*., 2004 UT 98, ¶ 28, 104 P.3d 1208. But this deference cannot stand in view of subsequent developments in our precedent. Our cases since *Carrier* have expressly rejected the notion of affording Chevron-style deference to state agencies' interpretation of statutes, see *Hughes Gen. Contractors, Inc. v. Utah Labor Comm'n,* 2014 UT 3, ¶ 25, 322 P.3d 712, or regulations, see *Ellis-Hall Consultants v. Pub. Serv. Comm'n*, 2016 UT 34, ¶ 21, 379 P.3d 1270. Given that we do not defer to state agencies on pure questions of law, there is even less reason to defer to local agencies' interpretations of ordinances, given that those local agencies ―do not possess the same degree of professional and technical expertise as their state agency counterparts.‖ *Carrier,* 2004 UT 98, ¶ 28. In keeping with our recent decisions, we review the interpretation of ordinances for correctness." *Outfront Media v. Salt Lake City Corp*., 2017 UT 74, f. 13.
4. Utah Code Ann. 10-9a-707 (4) provides that "The appeal authority shall: (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 application unless the land use regulation plainly restricts the land use application."
5. The City's interpretation of the ordinance is afforded no deference under the *Outfront Media* precedent.
6. The relevant code section here refers in consecutive sentences to a "covered" area for parking automobiles and a "covered" patio, walkway, or recreation area.
7. It is reasonable to apply the same meaning to the word "covered" both times that it is used here.
8. It is reasonable to conclude that the term "enclosed" may refer only to the side walls of a patio, walkway, or recreation area, and not the roof covering of such an area.
9. A reasonable interpretation of the code must be used if it favors the use of property.
10. Under the relevant and required standards for interpretation of local ordinances, the proposed front porch and rear patio would thus meet the definition of the code for a "covered patio", "covered walkway" or "covered recreation areas" in that the proposed areas are "covered" in the

same manner as a carport would be “covered” and not “enclosed” by sidewalls that exceed 50% of the perimeter of the front porch and rear patio.

11. The proposed covered patio and covered front porch are not included in the calculation of maximum lot coverage in this instance.

Conclusion:

The requested appeal is granted. The appellant’s interpretation of the code as it refers to the proposed porch and patio is reasonable and thus, under the standards of interpretation imposed by both Supreme Court opinions and the Utah State Code, should be applied in this instance.

Dated this _12th_ day of December, 2023.