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2
3 PLEASANT GROVE CITY
4 LAND USE HEARING MINUTES
5 March 2, 2022
6 Community Room, Police and Court Building
7 108 South 100 East, Pleasant Grove, Utah
8

9 **PRESENT:** Hearing Officer Craig Call

10
11 **STAFF:** Daniel Cardenas, Community Development Director; Kara Kresser, Planning Assistant
12

13 Officer Call opened the meeting at 2:00 p.m. and described the hearing process.
14

15 **ITEM 1** – Public Meeting to consider a request of Mike Camberlango, Camberlango Development
16 for a variance from City Code Section 10-9B-3: Lot Area code that requires all lots/parcels in the
17 R1-8 Zone to have a minimum lot area of 8,000 square feet. The applicant is also requesting a
18 variance from Section 10-9B-4: Lot Width which requires, for lots/parcels in the R1-8 Zone, to have
19 a minimum lot width of 85 feet. The property is located at approx. 1000 N 1300 W in the R1-8
20 (Single Family Residential) Zone.
21

22 Officer Call asked Director Cardenas to present the details of the variance request.
23

24 Director Cardenas explained that the request from the applicant is for a variance on the Lot Area
25 as well as the Lot Width. The proposed project is for an 11-acre subdivision that recently went
26 through the Development Review Process. As part of the review, it was noted that there would
27 need to be a change to the proposed Vicinity Plan to follow the adopted (2014) Vicinity Plan for
28 Undeveloped Properties.
29

30 The requirement to continue 1060 North and 1600 West has created a corner lot that does not meet
31 zoning requirements for the R1-8 zone regarding area-per-lot as well as lot width. The applicant is
32 asking for a Variance to deviate from the requirements. The requirement for lot area in an R1-8
33 zone is 8,000 sq. ft., and the proposed lot 1 would be 6,695 sq. ft. The requirement for the lot width
34 on a corner lot is 95 ft., and the proposed lot would only be 94.74 ft., making the lot area short by
35 1,305 sq. ft. and the lot width short by inches.
36

37 Staff has determined that the failure to meet the minimum requirements is not self-imposed by the
38 applicant but created by a request from the city to meet the connection requirements of the Vicinity
39 Plan.
40

1 Director Cardenas explained while the lot will be smaller, the building envelope of 36 X 59.74 is
2 compatible with the surrounding area. Staff does not anticipate any detrimental or negative impact
3 by approving the variance. The variance is the first step in order to complete the design and apply
4 for a subdivision plat.

5
6 Officer Call asked the Applicant Mike Camberlango if he or Mr. Haynie had anything to add. Both
7 stated that Director Cardenas explained everything and that they were willing to answer any
8 additional questions Officer Call had.

9
10 The decision was made by Officer Call to approve the request of Mr. Camberlango, and the
11 decision is attached to these minutes.

12
13 The meeting was adjourned at 2:15 p.m.

14
15 see attached decision

16
17 Craig Call
18 Land Use Hearing Officer

19
20 Date Approved: 3/3/22
21

DECISION

Pleasant Grove Land Use Appeals Hearing Officer
Variances Request
Camberlango Development – 1060 North and 1600 West
March 3, 2022

This matter involves a request for two variances to the minimum lot width and size in the City's land use regulations. Mr. Mike Camberlango asks for variances from language in the code that requires that any developable lot have at least 8000 square feet of area and 95 feet of lot width in the R-1-8 zoning district. Pl. Grove Code Sections 10-9B-3 and 10-9B-4. The parcel of land in this instance has not yet been platted. The variances requested are to accommodate the public interest in street connectivity while preserving some economically viable use of the subject property and is approved.

RECORD

The record includes the six-page staff report and an audio recording of a hearing held on March 3, 2022 at 108 South 100 East in Pleasant Grove. Present and appearing at the hearing were the applicant Mike Camberlango, Jared Haynie and City Director of Community Development Daniel Cardenas. Minutes of the hearing were taken by Kara Kresser from the city staff and are included in the record.

ANALYSIS - FINDINGS

1. The City Code does not allow a subdivision which would create a lot with less than 8000 square feet of lot area. See Pleasant Grove City Code at 10-9B-3.
2. The City Code does not allow a subdivision which would create a corner lot with less than 95 feet of lot width. See Pleasant Grove City Code at 10-9B-4.
3. The applicant here is proposing a subdivision of approximately 11 acres. The City has required that the proposed arrangement of streets in the proposed subdivision comply with its Vicinity Plan for Undeveloped Properties, which would require that the streets in the proposed subdivision connect to four existing city streets.
4. In order to comply with the Vicinity Plan, the subdivision plat must include new streets as continuation of both 1060 North Street and 1600 West Street.
5. The continuation and connection of 1060 North Street and 1600 West Street results in the creation of a remainder parcel to the Southwest of the proposed intersection of those two streets which does not meet the minimum lot area or minimum lot with requirements cited above.
6. The estimated size of the proposed lot will be 6,695 square feet, more or less.
7. The estimated width of the proposed lot will be 94.74 feet, more or less.
8. It is in the public interest to accommodate the arrangement of streets provided for in the Vicinity Plan.
9. To require the creation of the remainder parcel but to prohibit any use of the parcel imposes a substantial hardship on the owner that parcel in that it allows no economically viable use of the remainder parcel.
10. Without a viable economic use, the property rights of the owner are negatively affected because he cannot enjoy the use of his property to construct a dwelling on the property as neighboring

owners do. Some economically viable use of a parcel has long been held to be a fundamental property right.

11. The variance will not substantially affect the General Plan of zoning in that it will further the intent and provisions of the adopted Vicinity Plan.
12. Adherence to the strict letter of this title will cause unnecessary difficulties and hardships by eliminating all economically viable use of a parcel of land.
13. There are special circumstances attached to the property covered by the application that do not generally apply to other properties in the same neighborhood in that the required configuration of city streets leaves the parcel with less than the required square footage of area and width. These circumstances are imposed by the City Code and not by the property owner.
14. Because of special circumstances, property covered by this application is deprived of privileges possessed by other properties in the same neighborhood, including the fundamental right to build a home on a parcel of land zoned for residential use.
15. Thus the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same neighborhood.
16. The spirit of the zoning ordinance is observed and substantial justice done by allowing development of the lot for the purposes for which it is zoned while furthering the goals of the City's Vicinity Plan.
17. The City has recommended approval of this variance.
18. This matter was properly noticed and no objection or comment from the public has been received.
19. The intents of the property owner and the City are met by granting the requested variances.

The variances are approved. The proposed single lot to be platted at on the Southwest corner of the proposed intersection of 1060 North Street and 1600 West Street may be created with 6,695 square feet of lot area, more or less, which is less than the 8,000 square feet of lot area required by the strict application of the code. The same proposed single lot may be created with 94.76 feet of lot width, more or less, which is less than the 95 feet of lot width required. These variances run with the land and render the development parcel shown as Lot 1 on the proposed subdivision plat, attached hereto as Image 1, to be compliant with the minimum lot size and width requirements of Pleasant Grove City Code Sections 10-9B-3 and 10-9B-4.

Dated this 3rd day of March, 2022.

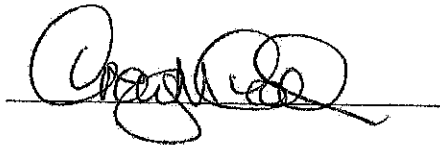
A handwritten signature in black ink, appearing to be "C. [unclear]", is written over a horizontal line. The signature is cursive and somewhat stylized.

IMAGE 1

