



**Kaysville City Planning Commission
Meeting Notice and Agenda**

The Kaysville City Planning Commission will hold a regular meeting on September 10, 2026, at 7:00 PM in the Council Chambers of the Kaysville City Municipal Building located at 23 East Center Street. The public is encouraged to attend in person or may view the meeting online via www.Kaysvillelive.com.

1. Welcome and Meeting Order
2. Declaration of Conflict of Interest
3. Conditional Use Permit for a Major Home Occupation B for Megan Gardner located at 1795 South 450 East for Miss Megan's Preschool
4. Conditional Use Permit for a Major Home Occupation B for Tyson Jeppson located at 252 East 1650 South for Jeppson Brothers Tree Removal
5. Public Hearing for political sign amendments to comply with House Bill 33
6. Approval of the minutes from the August 27, 2026 Planning Commission Meeting
7. Other matters that properly come before the Planning Commission
 - a. Reports
 - b. Correspondence
 - c. Calendar
8. Adjournment

On a Notice of Meeting was posted in accordance with Utah State Code Section 52-4-202 (3).

Kaysville City is dedicated to a policy of non-discrimination in admission to, access to, or operations of its programs, services, or activities. If you need special assistance due to a disability, please contact the Kaysville City Offices at (801) 546-1235 at least 24 hours in advance of the meeting to be held.

Mindi Edstrom
Community Development Department

PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission
From: Mindi Edstrom, Business License Officer
Date: September 1, 2026

Agenda Item #4: Conditional Use Permit for a Major B Home Occupation for Megan Gardner located at 1795 South 450 East for Miss Megan's Preschool

Meeting Date	September 10, 2026
Application Type	Conditional Use Permit
Applicant Owner	Megan Gardner Miss Megan's Preschool
Address Parcel ID Number	1795 South 450 East 08-145-0150
Lot Size	0.21 9,147.6 ft ²
Current Use Zone	Single Family Dwelling R-1-8
Conditional Use	Major B Home Occupation

1. BACKGROUND



The applicant, Natalie Whittier is requesting approval of a Conditional Use Permit for a Major Home Occupation B to operate Miss Megan's Preschool located at 1795 South 450 East. The property is located within the R-1-8 (Single Family Residential) zoning district.

The preschool will operate Monday-Friday with separate class schedules based on the age of the students.

The Four-Year-Old Class will be Monday, Wednesday, and Friday from 9:30 am to 12:00pm with the maximum of 12 students.

The Three- Year-Old Class will be Tuesday and Thursday from 10:00am to 12:00pm with 8 students.



Megan Gardner will be the sole employee of the preschool, and no additional employees will report to or park at the residence. Students will enter and exit the preschool through the applicant's garage. For drop-off and pick-up, parents will be asked to park along the roadway and walk their children to and from the residence. Parents will be instructed not to park within the cul-de-sac to minimize congestion and impacts to neighboring properties.

2. PUBLIC NOTICING AND PUBLIC COMMENT

A sign was placed on the property on September 4, 2026.

3. RECOMMENDATION

Staff recommends that the Planning Commission approve the Conditional Use Permit for Megan Gardener, a Major Home Occupation B, at 1795 South 450 East, subject to the conditions outlined in [KCC 17-30-8](#).

Findings for a recommendation of approval include:

- A. The proposed use is consistent with the [KCC 17-26-4 Major Home Occupation B](#) regulations for preschools.
- B. The applicant has been made aware of Major B Home Occupation regulations and has agreed to comply.
- C. Miss Megan's Preschool shall have no more than twelve (12) students in any class, consistent with the requirements for a Major Home Occupation B.
- D. Student drop-off and pick-up shall be managed in a manner that minimizes congestion and impacts to neighboring residential properties.
- E. The application has been reviewed by staff and the business is compliant with City Zoning and the Utah State Department of Commerce.
- F. Any expansion or change in the nature of the business operations shall require additional review and approval.

- G. The business will not have an adverse effect on the use, enjoyment, or valuation of property in the neighborhood as regulated by [KCC 17-26-4 Major Home Occupation B](#) regulations.



PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission
From: Mindi Edstrom, Business License Officer
Date: September 3, 2026

Agenda Item #4: Conditional Use Permit for a Major B Home Occupation located at 252 East 1650 South for Tyson Jeppson and Jeppson Brothers Tree Removal

Meeting Date	September 10, 2026
Application Type	Conditional Use Permit
Applicant Owner	Tyson Jeppson Jeppson Brothers Tree Removal
Address Parcel ID Number	252 East 1650 South 08-170-0002
Lot Size	0.19 8,276.4 ft ²
Current Use Zone	Single Family Dwelling R-1-8
Conditional Use	Major B Home Occupation

1. BACKGROUND

Tyson Jeppson is the owner of Jeppson Brothers Tree Removal located at 252 East 1650 South. Jeppson Brothers Tree Removal is a tree removal service for residential and commercial buildings and as per [KCC 17-26-4 Major Home Occupation B](#) is required to have a Conditional Use Permit.

The primary impact associated with the home occupation is not customer traffic but rather the storage and movement of commercial vehicles, trailers, and equipment at the residential property.

The applicant proposes to store several pieces of business equipment at the residence, including a dump truck and chipper, dump trailer, truck, and small trailer. Kaysville City Code gives the Planning Commission authority to determine the appropriate number and size of vehicles and equipment associated with a Major Home Occupation B.





Staff recommends that the Commission consider the location where each vehicle, trailer, and piece of equipment will be stored and whether adequate space exists on the property to accommodate the equipment without relying on the public street for regular storage.



The proposed home occupation can remain compatible with the surrounding residential neighborhood provided the business vehicles and equipment are appropriately stored on the property, applicable vehicle-size limitations are met, and the operation does not create unreasonable noise, traffic, visual, or other impacts on neighboring properties.

2. PUBLIC NOTICING AND PUBLIC COMMENT

A sign was placed on the property on Friday September 4, 2026.

3. RECOMMENDATION

Staff is recommending approval of this Conditional Use Permit located at 252 East 1650 South with any conditions Planning Commission feel are necessary based on standards in [KCC 17-30-8](#).

Findings for a recommendation of approval include:

- A. The proposed use is consistent with the [KCC 17-26-4 Major Home Occupation B](#) regulations for Contractors.
- B. The applicant has been made aware of Major B Home Occupation regulations and has agreed to comply.
- C. The application has been reviewed by staff and the business is compliant with City Zoning and the Utah State Department of Commerce.
- D. Business vehicles and equipment stored at the home shall be limited to those approved by the Planning Commission, consisting of:
 - One dump truck and chipper;
 - One dump trailer;
 - One truck; and
 - One small trailer

- E. The number and size of vehicles and equipment associated with the home occupation shall comply with the requirements of Kaysville City Code and the approval granted by the Planning Commission
- F. No more than one vehicle over twenty-two feet (22') in length shall be used in connection with the home occupation, as required by Kaysville City Code.
- G. Vehicles over twenty-two feet (22') in length, including trailers, shall not be parked on the street or within a yard abutting a street.
- H. The public street shall not be used as the regular or permanent storage location for business trailers or equipment.
- I. Business equipment and vehicles shall be maintained and stored in a manner that preserves the residential character of the property and surrounding neighborhood.



PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission

From: Drake Mailes (Legal Intern)

Date: August 10, 2026

Agenda Item #: Public Hearing amending Section 33 of Title 17 of the City Code to make changes related to political sign requirements to comply with recent political sign amendments to the Utah State Code.

Meeting Date	Sept. 10, 2026
Application Type	Ordinance Text Amendment
Applicant	Kaysville City
Chapter Title Section	17-33-9 Signs Permitted by Zone

1. BACKGROUND

In March 2026, the Utah State Legislature amended Section 20A-17-103 of the Utah Code through House Bill 33, Posting Political Signs on Public Property. These amendments altered state laws surrounding political sign disclosure requirements, placement, and management. Under the amended law, municipalities may not prohibit the placement of political signs within the park strip of an adjoining private property unless the placement of such signs would create a traffic, pedestrian, or line-of-sight hazard.

2. PUBLIC NOTICING AND PUBLIC COMMENT

A public hearing notice for this item was posted on August 28, 2026. To date, no comments have been received.

3. GENERAL PLAN

The general plan does not speak in favor of or against the proposed amendments and is therefore considered neutral on this matter.

4. RECOMMENDATION

Staff recommends the planning commission send a recommendation of approval to the city council for enacting the proposed text amendments to 17-33-9 Signs Permitted by Zone.

5. ATTACHMENTS

1. Draft redline ordinance changes.

ORDINANCE 26-__ - __

AN ORDINANCE AMENDING SECTION 33 OF TITLE 17 OF CITY CODE TO MAKE CHANGES RELATED TO POLITICAL SIGN REQUIREMENTS; PROVIDING FOR REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State Legislature made amendments to political signage statutes in the 2026 General Session;

WHEREAS, city code requires amendments to come into compliance with state law;

WHEREAS, the Planning Commission held a public hearing on September 10, 2026 and voted x-x to recommend approval to the city council; and

WHEREAS, the city council finds it to be in the best interest of its residents to amend city code to comply with state law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF KAYSVILLE, UTAH:

SECTION I: Repealer. If any provisions of the City's Code previously adopted are inconsistent herewith they are hereby repealed.

SECTION II: Amendment. “17-33-9 Signs Permitted by Zone” is hereby *amended* to read as follows:

17-33-9 Signs Permitted by Zone.

ZONE	SIGN	SIZE	HEIGHT	LOCATION	OTHER
All	Construction	32 sq. ft. plus 1 sq. ft. for each 10 ft. of frontage over 30 ft. to a maximum of 96 sq. ft. per development	12 ft. maximum	On private property	Sign must be removed within 30 days from final building or inspection that allows occupancy or when 100% of the facilities are occupied whichever occurs first.
	Directional			In City right-of-way	Sign(s) paid for by applicant and installed only by Kaysville City subject to comply with the Kaysville City Directional Sign Policy.
	Development	32 sq. ft. plus 1 sq. ft. for each 10 ft. of frontage over 30 ft. to a maximum of 96 sq. ft. per development	12 ft. maximum	On private property	Permitted use in all zones. Allowed on property that is under development for a new subdivision or has

					an active building permit. Only allowed in residential development on projects where there are 3 or more units for sale/lease. Sign must be removed within 30 days from when 100% of the units/suites are occupied.
	Governmental				By government entity only
	Identification	36 sq. ft. maximum		Attached to main structure	Allowed with public or quasi-public uses. May be floodlighted, but not within 50 feet of a dwelling
	Interior				
	Low Profile	32 sq. ft. plus 1 sq. ft. for every 10 feet of frontage over 30 ft. to a maximum of 64 sq. ft.	4 ft. maximum	On private property and set back 6 ft. from property lines	One sign per street frontage and appropriately landscaped for the site. Permitted use in agricultural and residential zones. May be lighted.
	Name Plate	1 sq. ft. maximum per use — residential zones; 3 sq. ft. maximum per use — other zones		Attached to main structure	
	Open House	3 ft. maximum; 2 ft. in view obstruction area	Within 1,000 feet of real estate open for inspection. On private property not closer than one foot to sidewalk or property line.	Only displayed from one hour before to one hour after the time the real estate is open for actual inspection and not more than 5 continuous hours. Not more than four signs per open house. Not more than one sign on a parcel of property. Must have property owner's permission.	
	Political	32 sq. ft. maximum	6 ft. maximum	On private property <u>and park strips adjacent to private property. and not closer than 10 ft. to a driveway</u>	<u>Shall not be placed closer than 10 feet to a driveway.</u>

	Property (Real Estate)	6 sq. ft. maximum — residential zones; 32 sq. ft. maximum — other zones	6 sq. ft. maximum — residential zones; 12 ft. maximum — other zones	On private property	Shall be removed within 30 days after the property is sold
	Public Necessity				By public agency only
	Service	6 sq. ft. maximum	3 ft. maximum when free standing	On private property	May be lighted in GC, CC and LI zones
Public Use (PU), Professional Business (PB), General Commercial (GC), Central Commercial (CC), Light Industrial (LI), Health Care (HC)	Flat or Wall	25% of a wall area maximum	Not higher than building it is on	Attached to a building	Up to 40 sq. ft. may be promotional sign. Flat signs exposed to dwellings on adjacent property shall not be illuminated within 50 feet of such dwellings.
	Monument	32 sq. ft. plus 1 sq. ft. per every 5 ft. of frontage over 30 ft. to a maximum of 64 sq. ft.	5 ft. maximum	1 sign per frontage on private property.	The supporting structure of architectural detail of a monument sign is not calculated as sign area if the structure is incorporated into the surrounding landscaping design or with other structural or architectural aspects of the site. Architectural detail may extend beyond the 5 ft. height maximum by as much as 2 ft. and a horizontal distance of 2 ft. of the sign cabinet.
PU, GC, CC, LI	Banner	Limited to the difference between the size of the on-premise, ground sign, flat or wall sign and the size allowed.	Not higher than the sign or wall it is on.	On an on-premise, ground sign or building wall.	Shall only be displayed for up to one calendar year. Shall be maintained and kept in good repair.
	Menu Board	35 sq. ft. maximum	6 ft. maximum	Behind the front landscaped setback area on private property.	May be 2 per site
	On-Premise, Ground	1.5 sq. ft. per foot of frontage, up to 300 sq. ft. maximum within 300 feet of I-15; 1.5 sq. ft. foot of frontage, up to 200 sq. ft. maximum	45 ft. maximum within 300 feet of I-15; 30 ft. maximum within 3,000 feet of I-15 or within 1,320 feet of another Principal Arterial Street,	1 sign per frontage on private property.	Up to 40 sq. ft. may be promotional sign. Illumination may be built into or attached to signs. More than one sign on one parcel shall

		within 3,000 feet of I-15, or within 1,320 feet of another Principal Arterial Street; 1.5 sq. ft. per foot of frontage, up to 120 sq. ft. maximum at other locations.	including the east side of West Davis Corridor (SR 177) 8 feet maximum at other locations.		be separated by at least 100 ft. The base and structure of all on-premise ground signs beyond 300 ft. of I-15 shall be the same method of construction, style and design of the materials used in the construction of the building(s). The sign element shall be an integral part of the architecture and design of the site. The colors shall be subdued and unobtrusive. Signs with exposed metal supports or metal masking shall not be permitted.
PU, PB, GC, CC, LI	Electronic Message Center (EMC)	Allowable EMC size shall not exceed 50% of total allowed sign size and not more than 75% of any sign cabinet.			EMC signs shall not cause glare or rapid blinking, nor be intensely lighted so as to create a nuisance or hazard to vehicular traffic, pedestrians, or adjacent properties. EMC signs shall be capable of being programmed to automatically dim according to ambient light conditions. Conditional use in zones where permitted. Allowed only as part of monument and ground signs. As part of the conditional use review the designated Land Use Authority may consider hours of operation, sign height, sign size, and/or setbacks from property lines.
GC, CC, LI	Animated				
	Awning	25% of wall area maximum		Attached to a building	May be lighted, but not within 50 feet of a dwelling

	Balloon			On private property	Temporary and only allowed for less 30 days.
	Canopy		Structure limit in zone	Attached to a building	Must have building permit
	Marquee		Structure limit in zone	Attached to a building	Must have building permit
	Right-of-Way				Installed by City only when approved.
	Window				
GC, CC	"A" Frame or Pedestal	4 feet maximum width	6 feet maximum	On the private property on which the business is located or in the area between the street curb or shoulder and the front lot line of the property on which the business is located, but not obstructing the roadway or pedestrian ways.	Each business occupying a separate space in the building and having a separate exterior building entrance may display one such sign while the business is open for business.
	Projecting	32 sq. ft. maximum	Not higher than building it is on	Attached to a building	

SECTION III: Effective Date. This ordinance, in accordance with changes deemed necessary due to recent statutory modifications, while also being necessary for the peace, health, and safety of the city, shall become effective immediately upon posting.

PASSED AND ADOPTED by the City Council of Kaysville, Utah, this _____ day of _____, 20__.

Tamara Tran, Mayor

ATTEST:

Annemarie Plaizier, City Recorder

Kaysville City Planning Commission Meeting Minutes
August 27, 2026

The Planning Commission meeting was held on Thursday, August 27, 2026, at 7:00 p.m. in the Kaysville City Hall located at 23 East Center Street.

Planning Commission Members in Attendance: Chair Young, Commissioners Megan Sevy, Wilf Sommerkorn, Jeremy Burkinshaw, David Moore, and Michael Packer

Staff in Attendance: Katie Ellis, Assistant City Attorney and Mindi Edstrom, Business License Officer

Public Attendees: City Councilmembers Abbi Hunt and Josh McBride, City Manager Jaysen Christensen, Nick Racker, Heidi Racker, Michelle Bennett, Page Bennett, Natalie Whittier, Susan Harris, Jill Dredge, Lauri Cragun, and Curtis Randall

1- WELCOME AND MEETING ORDER

Chair Young welcomed all in attendance at the Kaysville City Planning Commission meeting.

2- DECLARATION OF CONFLICTS OF INTEREST

There were no conflicts of interest.

3- OATH OF OFFICE FOR DANE MONEY AS KAYSVILLE PLANNING COMMISSION ALTERNATE

Ms. Edstrom led Dane Money in the Oath of Office for Kaysville Planning Commission.

4- CONDITIONAL USE PERMIT FOR A MAJOR B HOME OCCUPATION FOR NATALIE WHITTIER LOCATED AT 433 NORTH 300 EAST

Ms. Edstrom presented the conditional use permit application for Natalie Whittier to operate Garden Gate Preschool as a Major B Home Occupation at 433 North 300 East. She explained that the preschool would operate Tuesday through Thursday from 9:00 a.m. to 11:30 a.m. with approximately eight to nine students. Ms. Whittier would be the only employee.

Parents would use the applicant's driveway for student drop-off and pick-up. Ms. Edstrom noted that vehicles should be managed so they do not block neighboring driveways, mailboxes, or sidewalks. She stated that the property provides adequate area for drop-off and pick-up and that the proposed hours should help minimize conflicts with typical school and commuter traffic.

Ms. Edstrom reported that the required notice had been posted on the property and that staff had not received any calls, emails, or other inquiries regarding the application. Staff recommended approval of the conditional use permit subject to the applicable conditions outlined in Kaysville City Code.

Commissioner Burkinshaw asked Ms. Whittier how she planned to manage drop-off and pick-up to minimize congestion in the neighborhood.

Ms. Whittier explained that she had observed traffic conditions during the proposed hours and had not identified congestion concerns, noting that most school and work traffic had subsided by 9:00 a.m. She stated that if congestion became an issue, she would work with parents to address it and believed her neighbors would also communicate any concerns to her.

Commissioner Packer moved to approve the conditional use permit for a Major B Home Occupation for Natalie Whittier at 433 North 300 East with no additional conditions. Commissioner Burkinshaw seconded the motion, and the vote was unanimous in favor of the motion (6-0).

Commissioner Young: Yay
Commissioner Money: Yay
Commissioner Burkinshaw: Yay
Commissioner Sevy: Yay
Commissioner Sommerkorn: Yay
Commissioner Packer: Yay

5- VARIANCE CONSIDERATION FOR NICOLAS RACKER LOCATED AT 768 CHRISTOPHER CIRCLE

Ms. Ellis reviewed the process for considering the variance application. She explained that staff would present their findings, the applicant would have an opportunity to present, and the Commission could then ask questions, deliberate, and determine whether to approve or deny the variance.

She explained that Utah Code establishes five criteria that must each be satisfied before a variance may be granted. She emphasized that a variance cannot be based on economic considerations or a self-imposed condition. The Commission's determination should therefore be based on whether all five statutory criteria were met rather than whether the circumstances appeared fair, whether an error had occurred, or whether the proposed variance would have a visual impact.

Ms. Ellis reviewed each criterion and staff's findings:

1. Unreasonable hardship: Staff found that literal enforcement of the ordinance would not create an unreasonable hardship unnecessary to carry out the purpose of the land use ordinance. The property could continue to be used with the existing residence and accessory structure. Staff considered the inability to connect the structures with a breezeway for protection from inclement weather to be an inconvenience rather than a hardship. Correcting a contractor's error was also considered a self-imposed condition.
2. Special circumstances: The applicant identified the property's location on a corner lot as a special circumstance. Staff found that other corner lots exist within the same zone and

are subject to similar setback requirements intended to address visibility and privacy concerns. Staff therefore did not find special circumstances unique to the property.

3. Substantial property right: Ms. Ellis explained that other property owners within the zone may expand a primary structure, construct an accessory building, or connect an accessory structure to a primary dwelling provided applicable setbacks are met. Staff found that the applicant could exercise those same rights with a different design. Although redesigning the project could result in additional expenses, economic considerations and self-imposed conditions could not serve as the basis for granting a variance.
4. General Plan and public interest: Staff acknowledged that granting the variance would not substantially affect the General Plan. However, staff maintained that uniformly applying setback requirements was also in the public interest.
5. Spirit of the ordinance and substantial justice: Staff found that granting a variance to accommodate a preferred design or correct an error would create an exception to setback requirements. Ms. Ellis stated that the intent of the ordinance was to apply setbacks uniformly.

Based on its determination that all five required criteria had not been satisfied, staff recommended denial of the variance application.

The applicant, Nicholas Racker, addressed the Commission and requested a variance of approximately 8.75 feet from the required 30-foot rear setback to allow a breezeway connection between the primary residence and an accessory structure that was already permitted and under construction.

Mr. Racker explained that the request resulted from an unforeseen construction issue rather than his original design. The approved plans contemplated a level concrete slab between the garage and backyard. During construction, his contractor determined that the driveway grade would be too steep to comply with code. Based on his engineer's recommendation, the garage floor was lowered approximately three feet, creating a below-grade area between the structures. He said this resulted in drainage, standing water, rodent, and potential fall concerns. He stated that he contacted the Building Department regarding possible solutions and was advised that the area could potentially be covered and connected to the residence with a breezeway. He subsequently learned that connecting the structures would cause the accessory structure to be treated as part of the primary structure and therefore subject to the 30-foot setback required in the Residential Agriculture (R-A) zone. He previously sought a rezone to R-1-20, which the Planning Commission recommended for approval, but the City Council ultimately denied.

Mr. Racker argued that the property's circumstances were unusual because it is a corner lot within a relatively small number of R-A properties surrounded primarily by R-1-20 properties.

He also noted that neighboring homes appeared to have setbacks substantially smaller than the setback that would remain on his property if the variance were granted.

He emphasized that the variance would not relocate or enlarge the accessory structure but would only allow the breezeway connection. He stated that the connection would not be visible from either adjoining street and would not convert the accessory structure into living space. Mr. Racker disagreed with staff's characterization of the request as one based on convenience or design preference. He argued that the contractor's error created an actual drainage and safety issue that he was attempting to remedy. He further stated that leaving the area unfinished could negatively affect the property and potentially neighboring property values, while enclosing the area would provide a finished structure and allow water to be appropriately directed elsewhere on the property.

Addressing the statutory variance criteria, Mr. Racker asked the Commission to consider the right to remedy a legitimate safety and drainage condition as the substantial property right at issue. He also argued that the variance would not adversely affect the General Plan or neighborhood character and would remain consistent with the spirit of the ordinance. Mr. Racker acknowledged that all five statutory criteria must be satisfied before a variance could be granted and asked the Commission to evaluate each criterion based on the specific circumstances of the property, including the construction issue, the resulting below-grade condition, the corner-lot configuration, and the limited nature of the requested breezeway connection.

Chair Young asked Mr. Racker to explain why the breezeway was necessary and whether the project could be completed safely without connecting the accessory structure to the residence.

Mr. Racker explained that he had considered placing a lean-to or patio covering over the below-grade area to prevent water from entering it. However, he was advised that any roof covering would count toward the accessory structure's allowable square footage, and the existing structure was already at or near the maximum permitted size.

Commissioner Sevy asked Mr. Racker to clarify the location and orientation of the affected area. He identified the below-grade rectangular area adjacent to the accessory structure and explained that it included a slot drain but remained susceptible to standing water, mosquitoes, and rodents entering beneath the garage door.

Chair Young asked how connecting the structures with a breezeway would resolve those concerns. Mr. Racker explained that attaching the accessory structure to the primary residence would allow the covered area to be considered part of the primary structure rather than additional accessory structure square footage. The connection, however, would then subject

the structure to the 30-foot setback applicable to the primary residence, which prompted the variance request.

Commissioner Sommerkorn further clarified that City Code limits accessory structures based on lot and building-area calculations. He explained that adding a roof over the affected area as part of the accessory structure would exceed the applicable limitation. Connecting it to the residence with a breezeway would instead make it part of the primary structure, resolving the accessory structure size issue but triggering the primary structure setback requirement.

Chair Young thanked Mr. Racker and Commissioner Sommerkorn for the clarification and invited any additional questions before the Commission began its deliberation.

Commissioner Sommerkorn reiterated that Utah law requires all five statutory criteria to be satisfied before a variance may be granted. He emphasized that failure to meet even one criterion would require denial of the variance.

Regarding unreasonable hardship, Commissioner Sommerkorn expressed concern that the circumstances constituted a self-imposed hardship. Although the applicant attributed the construction issue to the contractor, he noted that the contractor was acting on behalf of the property owner. Chair Young added that even if the condition were not considered self-imposed, correcting the construction issue appeared primarily to create an economic hardship, which could not serve as the basis for a variance. Commissioner Burkinshaw agreed that contractor errors can result in costly corrections for property owners but that such situations are not uncommon.

Commissioner Sommerkorn noted that when existing regulations prevent an otherwise reasonable proposal, an applicant may seek a change to the applicable regulations or zoning. He referenced a previous situation in which the City Council amended regulations to accommodate a type of residential addition. In this case, Mr. Racker had pursued a rezone that would have allowed the proposed connection to meet the applicable setback. Although the Planning Commission recommended approval of the rezone, the City Council denied the request, leaving the existing zoning requirements in place.

Regarding special circumstances, Commissioner Sommerkorn stated that the corner-lot condition was not unique to the property because the same setback requirements apply to other corner lots within the zone. Chair Young agreed, noting that the number of corner lots identified by the applicant did not appear sufficiently uncommon to constitute a unique circumstance.

Commissioner Sommerkorn also addressed whether the variance was essential to the enjoyment of a substantial property right possessed by other properties in the same zone. He

stated that other properties within the zone are subject to the same requirements and do not possess a right to construct within the required setback.

He acknowledged that the final two criteria concerning the General Plan, public interest, and spirit of the land use ordinance were more subjective and could potentially be found to have been satisfied. However, he did not believe the application satisfied the first three statutory criteria and therefore did not believe the variance could be granted.

Commissioner Burkinshaw agreed with Commissioner Sommerkorn's analysis and stated that he did not believe the application satisfied all five statutory requirements. He expressed sympathy for the applicant and acknowledged the difficulty and expense of the situation but emphasized that the Commission was required to evaluate the request according to the statutory variance criteria. Chair Young agreed.

Commissioner Sommerkorn moved to deny the variance request for the property at 768 West Christopher Circle based on the staff report and staff's analysis of the criteria required under state law, specifically noting the Commission's determination that the first three statutory criteria had not been met. Commissioner Sevy seconded the motion, and the vote was unanimous in favor of the motion (6-0).

Commissioner Young: Yay
Commissioner Money: Yay
Commissioner Burkinshaw: Yay
Commissioner Sevy: Yay
Commissioner Sommerkorn: Yay
Commissioner Packer: Yay

5- APPROVAL OF THE MINUTES FROM AUGUST 13, 2026 PLANNING COMMISSION MEETING

Commissioner Sommerkorn made a motion to approve August 13, 2026 minutes and Commissioner Packer seconded the motion. The vote was unanimous in favor of the motion (6-0).

Commissioner Young: Yay
Commissioner Money: Yay
Commissioner Burkinshaw: Yay
Commissioner Sevy: Yay
Commissioner Sommerkorn: Yay
Commissioner Packer: Yay

6- OTHER MATTERS THAT PROPERLY COME BEFORE THE PLANNING COMMISSION

Ms. Edstrom reported that Brad McIlrath would begin employment with Kaysville City on

Monday and expressed enthusiasm about his addition to the Community Development Department. She also reminded Commissioners about the upcoming APA conference in Layton and encouraged those interested in attending to contact her regarding registration.

Commissioner Sommerkorn provided an update regarding the Commission's previous recommendations for the detached accessory dwelling unit ordinance. He stated that the City Council had discussed the recommendations and was expected to continue its review during an upcoming work meeting. He noted that staff had prepared a matrix outlining the various state requirements, policy considerations, and recommendations.

Commissioner Sommerkorn identified two additional issues that may warrant consideration as the DADU ordinance moves forward. First, he discussed unusually shaped properties where determining front, side, and rear yards can be difficult. He suggested considering a mechanism that would provide limited flexibility for applying DADU setback requirements to irregularly shaped lots, potentially through staff or Planning Commission review.

Commissioner Packer explained that the concern arose from a discussion regarding a cul-de-sac property where the home was located approximately 200 feet from the roadway. Because of the configuration of the lot and orientation of the home, an area that functionally appeared to be a side or rear yard could potentially be classified as a front yard. He suggested reviewing how other municipalities address similar situations while acknowledging that introducing discretion could create additional complications.

Commissioner Sommerkorn also raised a concern regarding the City Code definition of a "main structure." Because a dwelling is considered a main structure, a detached ADU could potentially be classified as a second main structure and become subject to existing setback requirements for main buildings, including 20-foot side-yard requirements in certain circumstances. He cautioned that applying those requirements could significantly limit the number of properties capable of accommodating a DADU and potentially conflict with the intent of the new DADU regulations.

Chair Young clarified that even a detached ADU would be considered a main structure under the existing definition. Commissioner Sommerkorn confirmed and suggested that the city consider whether a DADU-specific exception or modification was necessary. Commissioner Burkinshaw agreed that the issue warranted consideration but emphasized that existing setbacks also serve to protect neighborhood character and should be modified carefully.

Ms. Edstrom reported that the next Planning Commission meeting would be September 10 and that a conditional use permit for another preschool was currently anticipated for the agenda. She stated that staff would continue to keep the Commission informed regarding the City Council's consideration of the DADU ordinance.

7- ADJOURNMENT

Commissioner Sommerkorn motioned to adjourn the meeting at 7:44 pm.

