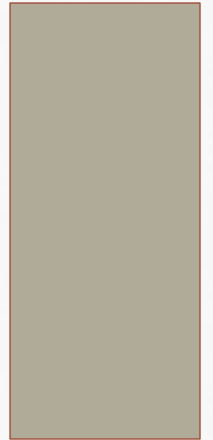


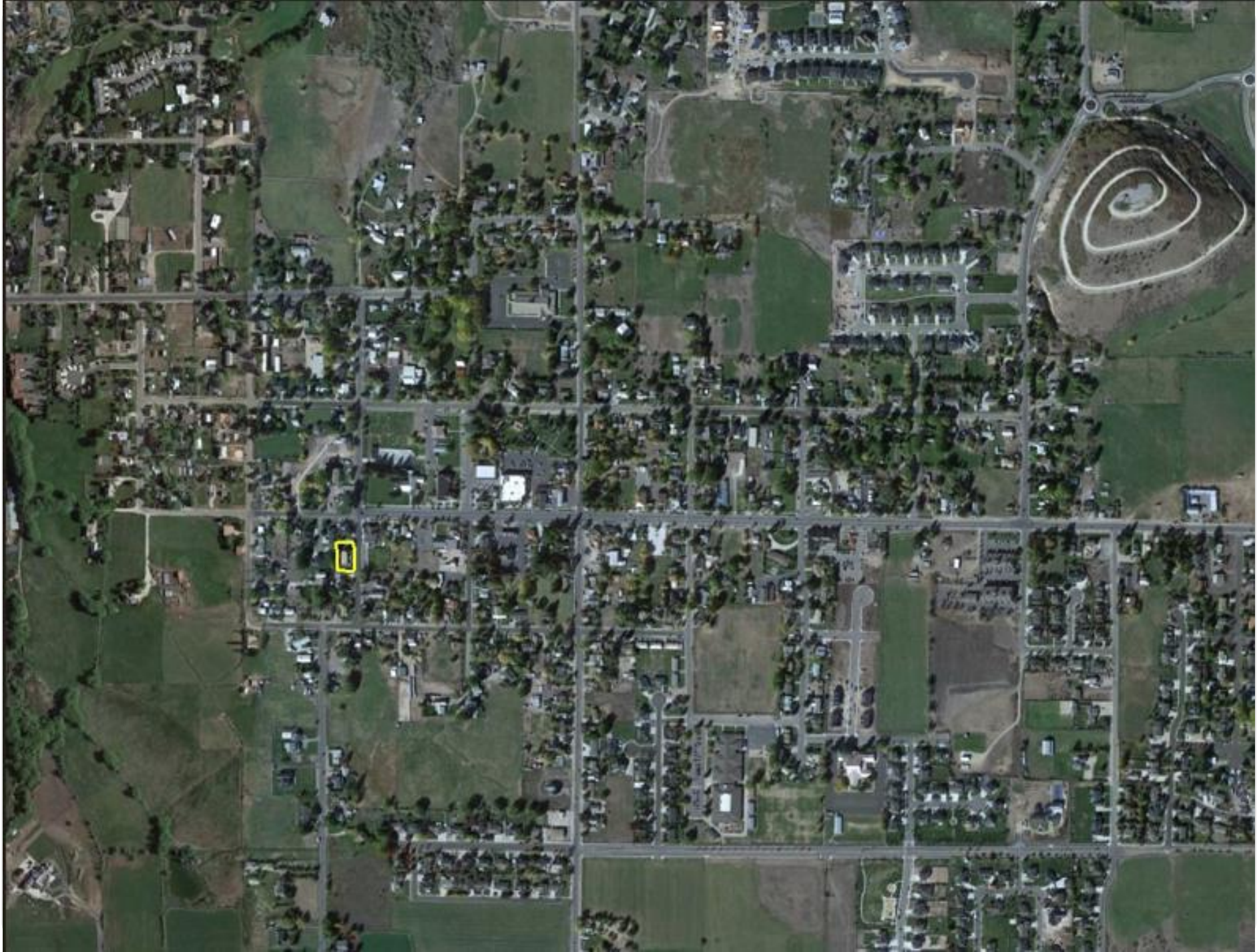
MARSING APPLICATION FOR NIGHTLY RENTAL 26 S 200W

ITEM 5 – CONDITIONAL USE PERMIT

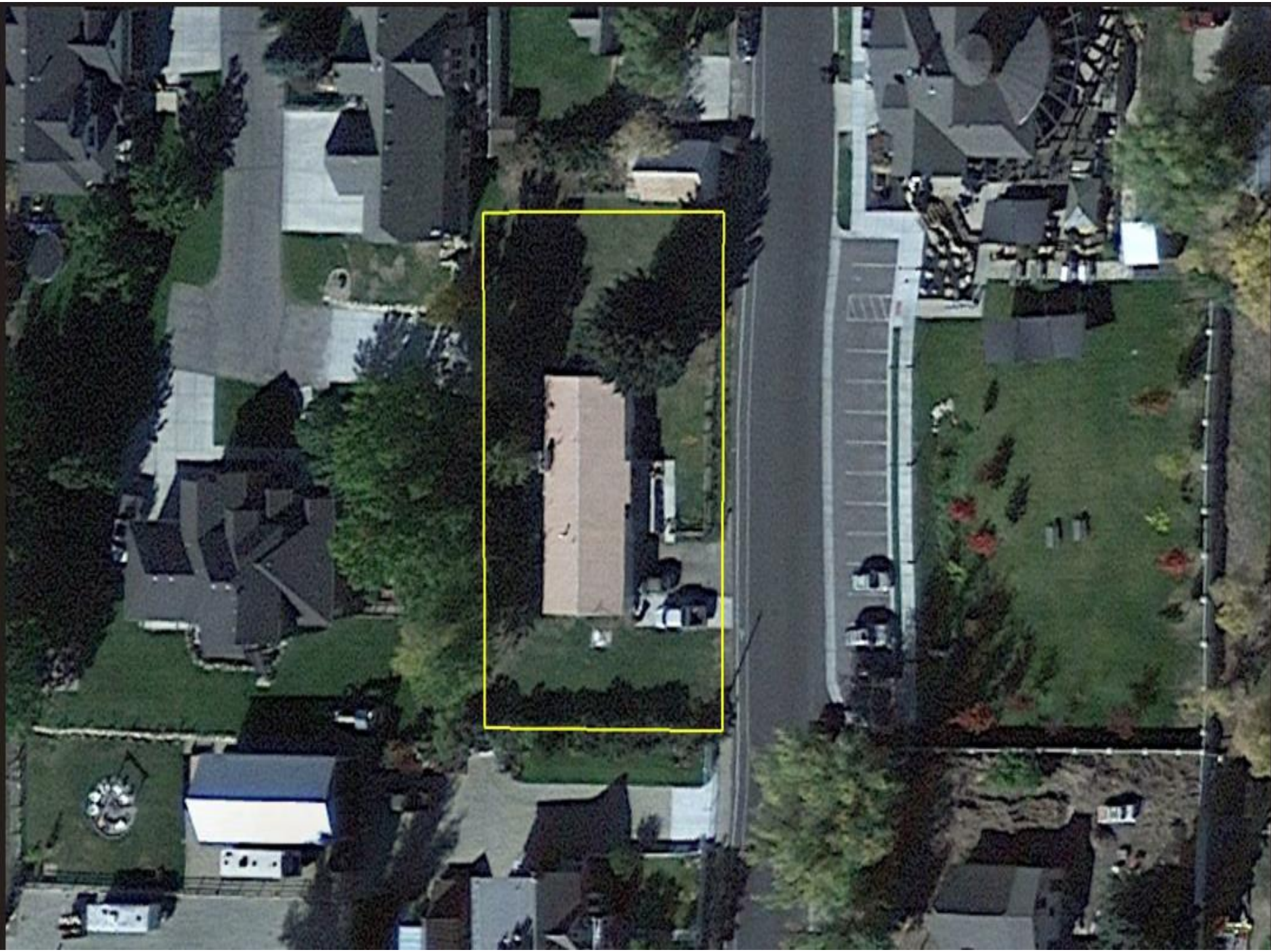


BACKGROUND

- Chad Marsing, as owner of property located at 26 S 200 W, located just south of Kringle's, parcel number 06-0157, is seeking a conditional use permit (CUP) to use the property for nightly rentals.
- The property is located in the R-1-7 zone and falls within the Transient Rental Overlay District (TROD) but outside the Resort Zone. Therefore, a Conditional Use Permit is required prior to applying for a Transient Rental Unit License.
- Note: The applicant applied for and the City Council agreed to amend the TROD in 2023 to include this property.







NOTICE

- Letters were sent to all property owners within 600 feet of the parcel informing them of the application and public hearing to be held before the City Council.

DISCUSSION

- All owners of transient rental units pay a transient rental tax.
- Another benefit is the resort tax the City collects.
- On the other hand, transient rentals take away from the community aspect, and although this property borders the commercial zone, the property is in a residential zone.
- The City has tried to achieve balance by restricting short term rentals to a well-defined overlay zone (TROD).

ANALYSIS

The underlined text represents Planning Staff's comments pertaining to compliance or lack of compliance with the findings required under Section 16.26.120 of the Midway Code.

- The proposed use is conditionally permitted within the Land Use Title and would not impair the integrity and character of the intended purpose of the subject zoning district and complies with all the applicable provisions of this Code; planning staff believes that the proposal will not have a significant impact on the neighborhood as long as all the requirements of the Transient Rental Unit License are met. It appears the proposal will comply with the provisions of the Code.
- The proposed use is consistent with the General Plan; the property is directly adjacent to and across from the commercial zone and falls within the TROD.

CONTINUED

- The approval of the conditional use or special exception permit for the proposed use is in compliance with the requirements of state, federal and Midway City or other local regulations; the applicant is required to apply and receive approval of a transient Unit Rental License before he will be allowed to rent the unit. This license requires the applicant to register with the State for tax purposes, have the unit inspected by the building inspector, fire marshal, and health inspector, and contract with a City licensed property manager.
- There will be no potential, significant negative effects upon the environmental quality and natural resources that could not be properly mitigated and monitored; No issues have been identified.

CONTINUED

- The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses with the general area in which the proposed use is to be located and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare to the City; the proposed use and associated traffic is consistent with the adjacent units and the neighborhood. The proposed use will have to comply with all City ordinances, including noise, lighting, and sign ordinances.

CONTINUED

- The subject site is physically suitable for the type and density/intensity of the proposed use; The parcel is a single lot improved with a single family home with an attached double garage. Per the application, the driveway fits 4 vehicles. Per the application, the applicant represents that the nightly rental will have a maximum occupancy of 6 people in the 3 bedroom, 1 bath home.
- There are adequate provisions for public access, including internal and surrounding traffic flow, water, sanitation, and public utilities, and services to ensure that the proposed use would not be detrimental to public health and safety; no detrimental impacts have been identified.

POSSIBLE FINDINGS

1. The property falls within Midway's Transient Rental Overlay District (TROD)
2. Because the property is in the TROD, but not within the C-2, C-3, or RZ zones, the proposed use is a conditional use pursuant to Midway City Code Section 7.06.050(A).
3. Although the property falls within a residential zone, the property is both adjacent to and across from commercial businesses and separated by only one building from the town square.
4. The rental of the property for transient lodging purposes is subject to and conditioned upon compliance with Midway City Code including, but not limited to, licensing, nuisance, light and sign ordinances, as well as required inspections.

DISCUSSION

This matter came before the Midway City Planning Commission for hearing and recommendation on September 9, 2025.

- The applicant, Chad Marsing, said it is a relatively small home, that they are friends with neighbors and have spoken with neighbors about what they would like to do with the property and neighbors' concerns, and are proposing rentals to parties of no more than 6 persons at one time.
 -
 - Commissioner Osborne said that he is not in favor of expanding the TROD but appreciates that the location of this property a block from Town square, abutting the commercial zone, and directly adjacent to downtown shops and restaurants is particularly well-suited to the use sought and therefore does not set a precedent for TROD expansion into residential zones.
1. The property falls within Midway's Transient Rental Overlay District (TROD)
 2. Because the property is in the TROD, but not within the C-2, C-3, or RZ zones, the proposed use is a conditional use pursuant to Midway City Code Section 7.06.050(A).
 3. Although the property falls within a residential zone, the property is both adjacent to and across from commercial businesses and separated by only one building from the town square.
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PLANNING COMMISSION RECOMMENDATION

At its regularly scheduled meeting held September 9, 2025, the Planning Commission made the following recommendation:

Motion: Commissioner Osborne: I make a motion that we recommend approval of the application for a Conditional Use Permit to use the property located at 26 S 200 W, zoned R-1-7, within the TROD, as a short-term rental, accepting the findings set forth in the Staff report, and on the condition that occupancy is limited to a maximum of 8 persons or the maximum determined appropriate by the Building Official/Fire Marshall, whichever is lower.

Seconded: Commissioner Lineback

Chairman Garland: Any discussion on the motion?

Chairman Garland: All in favor.

Ayes: Commissioners: Lineback, Osborne, Facer, and Winegar

Nays: None

Motion: Passed

ALTERNATIVE ACTIONS

1. Recommendation of Approval. This action can be taken if the Planning Commission finds that the proposed language is an acceptable amendment to the City's Municipal Code.
 1. Accept the staff report
 2. List accepted findings
2. Continuance. This action can be taken if the Planning Commission would like to continue exploring potential options for the amendment.
 1. Accept the staff report
 1. List accepted findings
 2. Reasons for continuance
 3. Unresolved issues that must be addressed
 4. Date when the item will be heard again.
3. Recommendation of Denial. This action can be taken if the Planning Commission finds that the proposed amendment is not an acceptable revision to the City's Municipal Code.
 1. Accept the staff report
 2. List accepted findings
 3. Reasons for denial

Jonathan M. Clegg and Julie A. Clegg

247 W Main Street

Midway, UT 84049

(801) 376-6703

October 7, 2025

Midway City Council

75 North 100 West

Midway, Utah 84049

Re: Opposition to Conditional Use Permit for Nightly Rentals at 26 South 200 West (Chad Marsing as Applicant)

Dear Mayor and Members of the City Council,

I am writing to respectfully oppose granting a Conditional Use Permit to Mr. Chad Marsing for the operation of nightly rentals at 26 South 200 West. While I support reasonable property rights and tourism, I believe nightly rentals in residential neighborhoods are inconsistent with the long-term vision of building a strong, livable community in Midway.

Experience from communities across Utah and the nation shows that short-term rentals—while profitable for some—often lead to significant neighborhood challenges. Increased traffic, parking congestion, noise, and late-night disturbances are common complaints. Even more concerning, homes once owned by families become transient lodging, disrupting the sense of stability and belonging that defines a true neighborhood. Studies in resorts and small towns alike have shown that short-term rentals drive up housing prices and reduce the number of homes available for full-time residents.

Midway's charm lies in its community spirit—neighbors who know and care for each other, children who grow up together, and residents who invest in the town's future. Allowing more nightly rentals in established neighborhoods undermines that foundation. It replaces long-term residents with a revolving door of temporary visitors who have no stake in maintaining our community's character, safety, or serenity.

I urge the Council to place community above commercial use and to protect the integrity of Midway's neighborhoods. Building a city is more than managing property—it is nurturing connection, belonging, and shared responsibility. Approving this permit would take us in the opposite direction.

Thank you for your service and for considering the lasting impact this decision will have on our town.

Respectfully,

Jonathan M. Clegg and Julie A. Clegg

Midway Residents