



COURT REPORTING, INC.

Registered Professional Reporters
Certified in Utah and Nevada

TOWN OF SPRINGDALE
MEETING BEFORE THE
SPRINGDALE APPEAL AUTHORITY

Held at Springdale Town Hall

118 Lion Boulevard

Springdale, Utah

At 4:00 P.M.

May 22, 2018

ORIGINAL

Reported by: J. Elizabeth Robison, CCR, RPR

A P P E A R A N C E S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Administrative Hearing Officer: Ken Sizemore
Town Clerk: Darci Carlson
Planning: Thomas Dansie

P R O C E E D I N G S

* * *

1 MR. SIZEMORE: Good afternoon, everyone.
2
3 The hour has arrived. It's four P.M. on May 22nd,
4 2018. We're located in the town hall of Springdale
5 Town. My name is Kenneth Sizemore. I'm the
6 administrative hearing officer for Springdale Town.
7

8 And we today are gathered to consider a
9 request from Jamie Grier for a variance to the Town
10 code, Section 10-25-9(I) regarding setback
11 regulations for flag lots.

12 The procedure I'm going to be following
13 this afternoon is I will be reviewing the
14 applications provisions from the applicant.

15 And I believe Mr. Grier is here; is that
16 correct?

17 MR. GRIER: Yep.

18 MR. SIZEMORE: And I'll have you come up
19 to the podium and just, in short, review the points
20 of your application and why you think that a
21 variance is appropriate in this case.

22 This is not a public hearing, but I will
23 accept public comment from anybody who is here this
24 afternoon and would like to make a comment
25 regarding this application. I would note that I

1 have received two letters of comment that, I
2 assume, will be in the record regarding this
3 variance request.

4 So at this time, then, I will have
5 Mr. Grier come up, and if you could just go
6 shortly -- I have your written application here in
7 front of me. If you could just shortly review your
8 justification for a variance.

9 MR. GRIER: Okay. Yeah. The background
10 really is that -- the way this started was I wasn't
11 sure, even from reading the code, exactly what
12 should be considered the front lot line on a flag
13 lot like -- like mine. And the reason is is
14 because the diagram that's in the code, the road is
15 90 degrees different from -- as it is relative
16 to -- like, with our actual lot, you have the --
17 you have the sort of flag portion, the staff
18 portion, and then the road is actually just
19 coincident with the staff portion.

20 THE REPORTER: I'm sorry. Could you say
21 that again?

22 MR. GRIER: It's coincident. It's
23 parallel. Like if you just extended the road,
24 that's the staff right on the flag lot.

25 So the diagram in the code actually has

1 the road 90 degrees different from that and the
2 whole point of this section of the code is to
3 determine which ones -- which lot is the front, I
4 think. I think the terminology there is -- and
5 tell me if I'm going too -- yeah. Okay.

6 So the terminology there is you have to
7 choose -- you choose the closest lot line and I
8 think that's pretty vague in this case. So the
9 idea -- the reason I chose to do this variance
10 application is because after I talked to Tom he
11 advised me that's probably the best way to move
12 forward. A builder also told me the same thing.
13 But partially, it's just interpretation of the code
14 properly.

15 Secondly, so the reason I care about this
16 at all is that essentially which lot -- which side
17 of the lot is designated the front and the side
18 changes the setback requirements. This is a river
19 lot, and so the natural orientation for the house
20 would be just like all the others in the
21 neighborhood, which is you have the rear of the
22 house on the river.

23 Again, like, if you extend Watchman Drive
24 and that's coincident with the staff portion of the
25 flag lot, you would expect it to be very similar.

1 The front faces that side. The back of the house
2 faces the same way as all the other houses in the
3 neighborhood. And the side setback would be ten
4 feet rather than the 30 feet it would be if it
5 was -- if it was the front, if that was the front
6 lot line.

7 Do you want me to go point by point
8 through the --

9 MR. SIZEMORE. Sure.

10 MR. GRIER: I'll be very brief. It sets a
11 pretty good overview of the nature of the request.
12 The first thing that you have to show is some sort
13 of hardship, why this is a hardship.

14 How will the literal enforcement of the
15 provision of the Town code result in unreasonable
16 hardship that is not necessary to carry out the
17 general purpose of the code?

18 Basically, the hardship there is that
19 the -- sort of the -- you know, you want to orient
20 a river home obviously along the river, and you
21 want to have the widest dimension there that you
22 can. And the fact that there's a -- there's a few
23 things going on on this lot. On one side there is
24 a -- what -- what I would like to have designated
25 the front, there's a 30-foot sewer easement already

1 so that -- that cannot change.

2 And then the -- if the front lot line was
3 the one that is the southwest, that's a 30-foot
4 setback there, there's a -- you know, you have the
5 setback from the river from the flood plane. And
6 sort of where you can build a house gets squeezed
7 onto a fairly small footprint. In fact, it would
8 be 60 by a hundred is what's left. Instead, if the
9 side yards were interpreted the way that you would
10 expect with the other houses in the neighborhood,
11 then I would pick up 20 feet on that side.
12 Actually 20 feet on one side, ten feet on the
13 other, which represents another 3,000 square foot
14 of breathing room to build a house.

15 So, yeah, I think it's a hardship in the
16 sense that, relative to the other houses in the
17 neighborhood, they all have side yards that are
18 designated as such, and they have ten-foot
19 setbacks, et cetera, like I'm requesting. Let's
20 see. In fact -- so that's the --

21 The special circumstances attached to the
22 property that do not generally apply to the other
23 properties is basically the fact that it's a flag
24 lot and also the sort of, I would say, dubious
25 nature of the code trying to interpret exactly

1 which one is the front line.

2 If it's interpreted the opposite way of
3 what I'm asking for, it's a special circumstance in
4 that that would make my house have a completely
5 different orientation to all the other houses along
6 Watchman Drive.

7 How will granting the variance be
8 essential to the enjoyment of a substantial
9 property right possessed by other property in the
10 same district?

11 Basically the answer is very much the same
12 here. Of course, I want to build my house along
13 the river. That's why you want to have the river
14 lot. You will have your sort of front yard. You
15 know, river should be in the backyard. Front yard,
16 side, there's going to be houses on either side
17 just like all the other -- just like all the other
18 neighbors.

19 So yeah, of course, you want to have your
20 house orient that way and be able to enjoy that, be
21 able to enjoy the backyard, that orientation to the
22 house.

23 Why will the variance not substantially
24 affect the general plan and not be contrary to the
25 public interest?

1 I don't think it affects the general plan
2 at all. I'm not exactly sure how to interpret that
3 phrase, but I don't think it makes really any
4 difference, for the most part, to anyone.

5 I know Larry -- the difference there is
6 that my house could potentially be -- I guess it
7 would be 20 feet closer to his than that. They
8 don't have a house there but they have a lot there.
9 But I think, in general, I don't think it affects
10 the public at all.

11 And how will the spirit of this title be
12 observed and substantial justice done? How it will
13 not go against the spirit of the code?

14 I don't think this would go against the
15 spirit of the code at all. It just gives me more a
16 little bit more breathing room for how I can design
17 a house. Other than that, I don't think it affects
18 much at all, and it certainly is a benefit for me.
19 So that's basically the argument.

20 MR. SIZEMORE: Okay.

21 MR. GRIER: Yeah.

22 MR. SIZEMORE: I do have a couple of
23 questions for you, Mr. Grier.

24 MR. GRIER: Okay.

25 MR. SIZEMORE: Immediately adjacent to

1 your flag lot to the, would be, east fronting on
2 another cul-de-sac is Parcel No. SZSS-11 with a
3 home built on it which has a backyard facing your
4 lot. Am I correct?

5 MR. GRIER: I don't know how it's
6 interpreted. I actually don't know if it's
7 interpreted that way or not, but I think Tom would
8 know. Certainly, the house is oriented -- the back
9 of their house is the river as well.

10 MR. SIZEMORE: Yeah. Okay. So --

11 MR. GRIER: But I don't know technically
12 which is the --

13 MR. SIZEMORE: -- if all of the homes
14 along Watchman are oriented as you've described, it
15 doesn't apply to that particular lot; correct?

16 MR. GRIER: It is -- that house is, I
17 guess, skinnier in the dimension of the river, but
18 that's also not on Watchman Drive. But, yeah, I
19 know which house you mean. It's a really small
20 house in a big lot.

21 MR. SIZEMORE: And you were made aware of
22 the provisions of this ordinance before you
23 purchased this lot?

24 MR. GRIER: I did know the code fairly
25 well. I did not know for sure which one would

1 become the front, but yes, I did know. I saw the
2 flag lot provision and all that before we purchased
3 it. Yes. Yeah.

4 MR. SIZEMORE: All right. Any other
5 observations you'd like to make for me?

6 MR. GRIER: No, I guess not. I think the
7 main thing is to -- I guess one more point would be
8 to imagine if the extension of Watchman Drive -- my
9 flag lot -- if my flag staff portion was Watchman
10 Drive, how would you interpret it?

11 MR. SIZEMORE: Yeah.

12 MR. GRIER: Yeah.

13 MR. SIZEMORE: Thank you.

14 MR. GRIER: Thanks.

15 MR. SIZEMORE: We do have some individuals
16 here in attendance. I would offer the opportunity
17 for anyone in the audience to make a comment at
18 this time.

19 Is there anyone in the audience who would
20 like to make a comment?

21 MR. LARRY WEST: Clarification on the
22 letter I wrote.

23 MR. SIZEMORE: Come on up. State your
24 name for the record, please.

25 MR. LARRY WEST: Larry West. I'm the one

1 that subdivided that area. The reason that was put
2 on a flag lot and not -- and the road not continue
3 down is because they had to be three-quarter acre
4 lots and I only had two-and-a-quarter acre lots. I
5 would like to have put four lots there which would
6 have solved the flag lot situation.

7 My surveyor, when we divided -- or
8 subdivided all that, we took into consideration all
9 the setbacks, all the easements, all the -- we sold
10 one lot. We still are in possession of two of the
11 lots, and we're trying to protect the integrity of
12 Lot No. 3. On my letter I transposed the one and
13 three on the lots.

14 MR. SIZEMORE: Thank you for that
15 clarification.

16 MR. LARRY WEST: Yeah.

17 MR. SIZEMORE: Yes, ma'am.

18 MS. LIZ WEST: Hi, I'm Liz West,
19 Springdale resident and owner of S-LAWS-1 and 3
20 under the name of the Robert H. Cronshey Trust.

21 According to Code 10-3-3B, I do not agree
22 that this application meets all five standards.
23 Under Standard No. 1, Lot 2 meets requirements of
24 Code 10-9B in the valley residential zone regarding
25 lot area, width, frontage, slope, yard

1 requirements, building height, size, required
2 landscaping, parking, loading, and access.

3 A home can be built under the current
4 ordinances and meet all the requirements and does
5 not need to change the setbacks to achieve this
6 goal. There is no unreasonable hardship.

7 Under Standard No. 2, Lot No. 2 meets all
8 requirements of Code 10-25-9, Flag Lots. Under
9 10-25-I is the definition of the flag lot with the
10 illustration below. There are no special
11 circumstances attached to the property that do not
12 generally apply to other properties in the same
13 zone.

14 Under 10-3-3C, Unreasonable Hardship, the
15 applicant cannot prove unreasonable hardship
16 because Lot No. 2 meets all the requirements of
17 10-9B and 10-25-9. Lot No. 2 does not come from
18 circumstances peculiar to the property. Lots 1, 2
19 and 3 were all designed and developed with the
20 intent to ensure setbacks would not crowd the
21 neighboring property.

22 10-3-3D, Self-Imposed Hardship, the lot
23 was purchased as the lot flag lot and the owner
24 knew that.

25 10-3-3E, Special Circumstances, there's no

1 existing special circumstances related to Lot No.
2 2. The owner will not be deprived of privileges
3 granted to other properties in the same zone. And
4 10-3-3 asks the applicant does bear burden of proof
5 otherwise.

6 So thank you for taking the time to listen
7 to my opinion that this variance application should
8 be denied.

9 MR. SIZEMORE: Thank you.

10 MS. LIZ WEST: Thank you.

11 MR. SIZEMORE: Yes, sir.

12 MR. CLAYTON: Hi. Justin Clayton. I live
13 here in Springdale as well. I just want to point
14 out, we're operating under a presumption that that
15 house on Cronshey lot would be oriented towards the
16 cul-de-sac. That hasn't been determined yet. And
17 I just -- as living in the area and hoping to buy
18 in the area, I just wanted to point out that part
19 of owning property in valley residential is being
20 able to feel like you have a little more of that
21 open space. As everything that just happened on
22 Watchman shows, we're getting encroached upon from
23 different sides. We felt that at the bed and
24 breakfast. And I just wanted to point out that
25 owning a lot in that area presumably kind of

1 protects you in that right. So if that was to be
2 bumped over, you know, ten feet off of a
3 three-quarter acre lot would -- I think that that
4 would go against the spirit of the zone. So thank
5 you.

6 MR. SIZEMORE: Thanks. Mr. Dansie with
7 the Town Community Development Department has
8 provided a staff report, and I'd like to provide
9 you an opportunity to clarify anything based on the
10 information we've received today.

11 Any other points that you think need to be
12 brought up in my deliberations?

13 MR. DANSIE: I don't have anything to add
14 that's not already contained in the staff report
15 unless you have specific questions.

16 MR. SIZEMORE: Okay. Thank you.

17 It is not my intent to render a decision
18 today here at this meeting. I will take into
19 account all of the information that I've received
20 from you and from the comments that I've received
21 today. I intend to have a decision released this
22 week so that the Town can proceed with the issuance
23 of either a denial or an approval of this
24 application. Hopefully they will have that
25 information by Thursday of this week.

1 So unless there is any other information
2 that needs to be provided -- I'll give one more
3 opportunity.

4 Mr. Grier, do you have anything else you'd
5 like to add for the record?

6 MR. GRIER: No. I don't think so.

7 MR. SIZEMORE: Okay. Then I will close
8 this meeting, and again, I will issue a decision
9 and get it to the Town hopefully before Thursday.
10 Thank you.

11 MR. GRIER: Okay. Thank you.

12 (The hearing concluded at 4:15 P.M.)

13

14

15

16

17

18

19

20

21

22

23

24

25

REPORTER'S CERTIFICATE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF UTAH)
) ss
COUNTY OF WASHINGTON)

I, J. ELIZABETH ROBISON, Registered Professional Reporter, do hereby certify that I took down in Stenotype all of the proceedings had in the before-entitled matter at the time and place indicated and that thereafter said shorthand notes were transcribed into typewriting at and under my direction and supervision and that the foregoing transcript constitutes a full, true and accurate record of the proceedings had.

IN WITNESS WHEREOF, I have hereunto set my hand in my office in the County of Washington, State of Utah, this 30th, day of May, 2018.



J. Elizabeth Robison, RPR, CCR

To the Administrative Hearing Officer,

5-19-2018

I am the owner of Lots #1 S-LAWS-1 and #3 S-LAWS-3.

I received a letter regarding a variance request on Lot #2 S-LAWS-2 (483 Watchman Drive).

I Do Not agree that this application meets ALL 5 Requirements to be granted a variance.

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

Response: The property owner can build a home under the current ordinances and meet all the requirements. They **Do Not** need to change the set backs to achieve this goal.

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

Response:

10-25-9: FLAG LOTS; SPECIAL PROVISIONS

E. The lot shall meet all size and setback requirements of the zone in which the lot is located, unless lawfully established by prior right.

Response: Lot #2 was developed lawfully and met all the requirements of this code when it was developed. It continues to meet the current codes today.

10-25-9(I) – Please see drawing of Flag Lot

Response: If you look at the drawing under this code, you will see an example of a Flag lot setback configuration/requirement. Meaning...
There are **NO** special circumstances attached to this property.

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

Response: The changing of the set back requirements would greatly affect lot #3, **Not add "Enjoyment"**. Lot #3 side yard butts up to the front lot line on lot #2. Suddenly the separation of 2 buildings has the potential to be basically **a total of 20 ft (twenty feet)**. Lot # 2 was specifically designed using the current lot lines and setback

requirements to AVOID a situation of a building structure being placed 10ft from an existing side yard.

Yes, this may add enjoyment to lot #2, but now it will argumentatively eliminate the enjoyment of lot #1.

The applicant **can not** prove Unreasonable hardship. Lot #2 meets **ALL** the requirements under 10-25-9: FLAG LOTS; SPECIAL PROVISIONS. Lot #2 **DOES NOT** come from circumstances peculiar to the property.

Lots #1, #2, and #3 were all designed and developed with the intent of assuring that setbacks would not crowd the neighboring properties.

This is an application that leans towards Self Imposed hardship. The owner of this property recently purchased it with **ALL** knowledge that Lot#2 is a flag lot.

There are **NO** existing special circumstances related to Lot #2. The property owner will **NOT** be deprived of privileges granted to other properties in the same zone.

The applicant bears the burden to prove otherwise.

Thank you for taking the time to read my request of denial for this variance application.

Best Regards,

Liz West

Robert H Cronshey Trust

I'm writing this letter to inform the board that I, Larry West, was the person who drew the property lines in my subdivision at the time. I considered all set backs for each lot. I considered the sewer easements with each lot. Mark Schaurt, my surveyor, advised me how the setbacks would affect each lot. I developed this subdivision hoping that I would keep at least one lot to build on in the future. I took great pains to make sure that each lot could provide a suitable lot for any person wanting to build a house with the setbacks to protect each lot from crowding up to each other in my subdivision. Each of the 3 lots are at least $\frac{3}{4}$ acres and have plenty of room to meet setbacks without having to grant any special variances.

As an example, Lot 1 in this subdivision, has a 50-foot easement along the left side between an existing house, granted to the property owners across the river. The owners of this lot 1, will have to build with set backs starting at the easement line. This will push any future home in lot 1, closer to lot 2 in this subdivision. Lot 1 needed the 30 ft set back from lot 2 to keep from crowding any future structures.

When I developed this subdivision, I considered every situation, setback and easement.

I am opposed for the granting of a variance for lot 2 at the expense of Lot 1.

My father-in-law owns lot 2 and is opposed also to the granting of a variance for setbacks.

If the variance is granted, we will appeal this variance due to the applicant not meeting the requirements for the variance.

Larry West

5-18-2018