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**BEFORE THE ADMINISTRATIVE HEARING OFFICER  
FOR THE TOWN OF SPRINGDALE, UTAH**

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IN THE MATTER OF THE APPLICATION OF JAMIE  
GRIER FOR A VARIANCE FROM THE FLAG LOT  
DESIGNATION REQUIREMENT OF THE VALLEY  
RESIDENTIAL ZONE IN THE TOWN OF SPRINGDALE,  
UTAH

**FINDINGS AND DECISION DENYING  
REQUEST FOR VARIANCE**

PUBLIC MEETING DATE: MAY 22, 2018

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1. The subject property is located at the end of a cul-de-sac on Watchman Drive. The property is a flag lot, and access to the buildable portion of the lot to the cul-de-sac is provided by a ~30-foot-wide access drive. The Town's sewer main line runs through the lot in line with this access. There is a 20-foot public utility easement associated with the sewer line. The FEMA Flood Hazard area associated with the Virgin extends a short distance into the lot. The property also has an unusual extension running along the bank of the Virgin River. The property is in the Valley Residential zone.
2. Because the property is a flag lot, the identification of the "front" lot line is determined by section 10-25- 9(I) of the Town Code.
3. The requested variance is to change the designation of the "front" lot line from what is required by section 10-25-9(I). The reason for the request centers on the difference in required setback distances associated with front, side, and rear lot lines. In the Valley Residential Zone, the required setbacks are: Front: 30 feet Side: 10 feet Rear: 20 feet
4. The property measures approximately 110 feet between the front and rear sides (as designated according to 10-25-9(I)). Applying the required front and rear setbacks from these lot lines leaves 60 feet of buildable width in this dimension.
5. However, if these lot lines were designated as "side" lot lines per the applicant's request there would be 90 feet of buildable width after applying the setbacks. Under the proposed variance, the front lot setback would largely be coincident with the extent of the sewer easement, and the rear setback would largely be coincident with the flood hazard area on the property, thus minimizing the impact of setback requirements on the buildable area.
6. At the public meeting Mr. Grier summarized the points listed in the application for a variance, including:
  - a. The application of the provisions of section 10-25- 9(I) of the Town Code are "unclear" regarding the subject parcel.

- b. Enforcement of section 10-25- 9(I) of the Town Code will unreasonably reduce the building footprint on the lot.
  - c. Enforcement of section 10-25- 9(I) of the Town Code will force the orientation of a future residence with a side yard facing the river, rather than a rear yard, as are other homes along Watchman Drive.
7. Two property owners in the vicinity were present at the public meeting and expressed opposition to the proposed variance, citing impacts to adjacent lots and noting that application of section 10-25- 9(I) of the Town Code will not impede the ability of the applicant to construct a home on the subject parcel. Their letters were submitted before the public meeting and are part of the application record.
8. Title 10-3-3(B) of the Springdale Town Code provides the following standards to the Appeal Authority when considering variance requests:

- a. **Literal enforcement of the provisions of this title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this title**

**FINDING:** The applicant did not present sufficient evidence to document an unreasonable hardship. Conforming to section 10-25- 9(I) of the Town Code will still allow the construction of a home of similar dimension to those in the surrounding neighborhood.

- b. **There are special circumstances attached to the property that do not generally apply to other properties in the same district;**

**FINDING:** Evidence presented did not document special circumstances that do not apply to other properties. The subject parcel is a legally-platted subdivision lot that was configured to meet the provisions of section 10-25- 9(I) of the Town Code.

- c. **Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;**

**FINDING:** Conforming to the provisions of section 10-25- 9(I) of the Town Code will allow the applicant to construct a single-family dwelling without the need for a variance.

- d. **The variance will not substantially affect the general plan and will not be contrary to the public interest;**

**FINDING:** Varying the provisions of section 10-25- 9(I) of the Town Code in this case would fly in the face of the spirit of that provision of the Town code. The applicant did not provide adequate justification to vary the requirements of the code.

- e. **The spirit of this title is observed and substantial justice done.**

**FINDING:** The applicant retains the ability to construct and enjoy a dwelling on the subject parcel without varying the provisions of section 10-25- 9(I) of the Town Code.

9. After consideration of the evidence provided by the applicant, and consideration of the request, the administrative hearing officer determines that the variance request should be denied.

Dated this 23rd day of May 2018

ADMINISTRATIVE HEARING OFFICER

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Kenneth L. Sizemore