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**MINUTES OF THE SPRINGDALE APPEAL AUTHORITY, HELD ON TUESDAY, SEPTEMBER 29, 2015
AT 2:00 PM AT SPRINGDALE TOWN HALL, 118 LION BLVD., SPRINGDALE, UTAH**

MEMBERS PRESENT: Administrative Hearing Officer Ken Sizemore

ALSO PRESENT: Director of Community Development Tom Dansie and Town Clerk Darci Carlson;
See attached list for citizens signed in.

Approval of the agenda made by Ken Sizemore.

Kenneth Sizemore was appointed by the Town of Springdale as the Administrative Hearing Officer acting as the Appeal Authority. He hears appeals and considers variances to Title 10 land use issues.

Mr. Sizemore provided an overview of the meeting procedures. He reviewed the staff report prior to the meeting. During the meeting he would call on the applicant to add any detail about the issue. He would also allow for public comment.

- Mr. Sizemore indicated his function was limited to the interpretation and application of Title 10. He was authorized to grant a variance under the five provisions outlined in the staff report.

New Business

Randolph E. and Madelynn P. Lane request a variance on parcel S-139-A-NP-2 (located at the end of Kinesava Drive) from section 10-15B-9A of the Town Code which prohibits disturbance of 30% and greater grades: Mr. Dansie said Kinesava Drive is not a dedicated public or private road. It is a historic access which has developed over time. As such, the street and most of the properties did not go through the formal approval process. This has created difficulty for access.

- The proposed building pad is relatively flat but there are steep grades up to the property. The driveway will require crossing of 30% slopes. This is the reason for the variance request.

Jane Whalen was in attendance representing the applicant. She is a realtor for Coldwell Banker and has the lot listed for sale. She indicated the Director of Community Development had covered the issue well in his summary.

Public comment: Dan Mabbutt said the applicant had not provided comment on the five conditions for the granting of a variance and asked if this would have a material impact on the end result.

- Mr. Sizemore said the application requires the applicant identify responses to each of the five conditional areas. This information could be read in the staff report posted on the Town website.

Mr. Sizemore proceeded to ask questions of the applicant's representative and staff. He asked how long the lot had been in this particular configuration. Mr. Dansie answered the deed was recorded on October 10, 1986.

Mr. Sizemore asked how enforcement of Title 10 would cause a hardship to the applicant. Ms. Whalen said if the variance is denied the property owner would not be able to build a residential home on the lot.

- Mr. Dansie said the general 30% grade provision has been in effect since at least 1992.

Mr. Sizemore asked about previous variance requests to the 30% grade. Mr. Dansie said about 5 to 6 years ago a request was made however the Board of Adjustment denied the variance due to stability to the overall slope.

Mr. Sizemore asked what special circumstances exist on this parcel that doesn't necessarily apply to other properties in the same zone. Ms. Whalen answered the access easement is limited. The lot is in a residential area and the property owner feels they have a right to be able to build.

The lot did not meet the minimum lot size requirement for the zone. It is a non-conforming lot that was in existence before the zoning ordinance.

Mr. Sizemore asked how the variance would conform to the General Plan and not be contrary to public interest. Ms. Whalen answered the General Plan allows for residential development. Ms. Whalen said if the owner is allowed to build a home on his lot then the spirit of Title 10 would be observed.

Lisa Zumpft asked if there was a tipping point whereby the Town determined a slope grade was simply too steep to develop. Regardless of hardship to the property owner, disturbance could not be allowed.

- Mr. Sizemore said the zoning regulations currently state 30% is the maximum.

Mr. Sizemore said he would not issue a ruling today. He will listen to the information presented, apply it to the provisions of the ordinance and issue a written decision.

Ira Rubinfeld and Willamarie Huelskamp request a variance on parcels S-CASE-26 and S-CASE-27 (Canyon Springs Subdivision, Lots 26 and 27) from section 10-98-9(A)(1) which regulates structures whose finished floor elevation is more than four feet (4') above natural grade: Mr. Dansie said the applicant desired to build a single family residence which straddled the two subject parcels. There is a small drainage that runs through the property and the residence would be elevated 4'-6' above this depression. Code indicates when a finished floor is elevated more than 4' above natural grade, certain portions of the home are counted double toward the building size maximum. This puts the home well above the limit.

The applicants were both in attendance however Preston Crawford, the applicant's architect would answer questions. Mr. Crawford said the design was carefully considered to be low profile and below the height restrictions. The portion above 4' was at the back of the house making it more inconspicuous. He indicated the area being impacted was small compared to the overall size of the two lots combined.

Mr. Sizemore asked when the development was platted. Mr. Dansie said Canyon Springs was platted in 1996. The CCR's identify the most buildable pads on each lot. The 4' provision was developed after 1996.

Mr. Sizemore asked if there were other homes in Canyon Springs that had encountered this same issue. Mr. Dansie answered this issue is reviewed during the Design Development Review but through design changes issues have been mitigated.

Mr. Sizemore asked if there had been conversation with the applicants regarding possible design changes. Mr. Dansie said they had discussed options however the applicant did not consider alternatives feasible or acceptable.

Mr. Crawford provided Mr. Sizemore graphics which illustrated a design alternative containing a second story. This scheme would be more visually obtrusive.

- Mr. Crawford indicated the Utah Geologic Survey placed the lots in a moderate flood zone.

Mr. Sizemore said it was possible for the applicant to conform to the provisions of the ordinance by reconfiguring the building.

Mr. Sizemore asked if the drainage solutions were adequate. Mr. Dansie said throughout the Canyon Springs subdivision there are instances where an engineered solution did not achieve the desired effect.

Public comment: Lisa Zumpft lives across the street from the property and was on the Homeowner's Board for the neighborhood. She expressed concern about run-off and degradation to an easement road which could disturb property downstream. She wanted to be sure the roads were protected.

- Mr. Crawford responded the design proposed would maintain the existing run-off path and not affect adjacent properties.

Dan Mabbutt said as a former member of the Planning Commission he knew this issue had been considered previously. He said the primary conflict was between maximum floorplan size and design. Members of the community are concerned about maintaining the overall look and feel of community. They want to ensure a balance between design and maximum floorplan size.

