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

IN THE MATTER OF THE APPLICATION OF JANET MIKA FOR A VARIANCE FROM THE FRONT SETBACK REQUIREMENT OF THE VILLAGE COMMERCIAL ZONE IN THE TOWN OF SPRINGDALE, UTAH

**FINDINGS AND DECISION APPROVING
REQUEST FOR VARIANCE**

PUBLIC HEARING DATE: July 26, 2016

1. Parcel S-138-A-2 (the "Parcel" or "Property") encompasses 2.8 acres located in the Village Commercial zone on the west side of State Route 9 near the south entrance to Zion National Park in Springdale, Utah.
2. The Parcel is undeveloped.
3. The applicant proposes to construct a 50-space parking facility on approximately 17,000 square feet of the Parcel closest to State Route 9. The remainder of the parcel consists of steep slopes exceeding 30 percent grade, as well as soils that experienced mass movement during a 1992 landslide. A natural drainage way also traverses the parcel.
4. Section 10-11B-6 of the Town Code requires a 30-foot front setback for both structures and parking areas. The applicant has requested a variance to this requirement in order to place a portion of the proposed parking facility in the front setback area, leaving a proposed 5-foot landscaped buffer between the parking facility and the property line.
5. A Public Hearing was scheduled and conducted by the Administrative Hearing Officer on July 26, 2016 at 2:00 p.m. in the Springdale Town Council Chambers.
6. At the public hearing Mr. Carson Bagley, counsel for the applicant, summarized the points listed in the application for a variance, including:
 - a. The unique configuration of the parcel, including slopes, drainage and soil conditions leave only 0.39 acres of useable property. Much of the useable area is located within the required 30-foot setback.
 - b. The configuration of the parcel and State Route 9 results in a wide, graveled shoulder between the property line and the edge of the pavement. The shoulder is used heavily for on-street parking. This configuration provides a wider setback than most commercial property fronting State Route 9 through Springdale.
 - c. A number of businesses fronting State Route 9 in the Village Commercial zone have parking area setbacks less than 30 feet. Some existed before the adoption of the current zoning regulations, while others have been granted variances.

- d. The proposed use will benefit the community by providing sorely needed off street parking close to the entrance to Zion National Park.
 - e. The proposed parking facility will result in a landscaped property frontage and entrance that will replace the current congested on street parking.
7. Mr. Bagley also noted that the Springdale General Plan specifically notes the need to address parking congestion and the direction to develop additional parking resources in the community.
 8. The staff report prepared by Thomas Dansie, Director of Community Development, noted that the property immediately south of the parcel was granted a similar variance in 1997. Another property father south also received a similar variance in 1996.
 9. The proposed parking facility is also being reviewed by the Town Planning Commission which is charged with considering the design, safety and appropriateness of the proposal. The request has been tabled until the outcome of the variance request is known.
 10. The applicant is working with the Utah Department of Transportation to develop an acceptable driveway access and landscaping plan. A formal encroachment permit has not been granted as of the date of the public hearing.
 11. When asked about the additional pedestrian conflicts that the parking facility would generate, Mr. Bagley noted that the current on-street parking congestion presents a far greater safety concern, and that the parking facility will most likely generate the need for a crosswalk, which would enhance pedestrian safety.
 12. The only persons attending the public hearing were the applicant, her counsel and town staff. No additional comments were offered.
 13. 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 limited amount of potentially developable land on the parcel is located primarily in the 30 foot front setback area. Site conditions limit potential uses to non-structural options that do not generate the activities typically anticipated when applying setback regulations.

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

FINDING: The geographic and geological conditions of the parcel divide the proposed use from village commercial development to the south. Steep slopes and problematic soil conditions limit potential development primarily to the 30 foot front setback area.

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

FINDING: The commercial property directly south of the parcel and another commercial property not much farther south have both been granted parking area setback variances due to similar site constraints. No evidence was presented that would not justify granting the proposed variance.

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

FINDING: The General Plan specifically calls for the development of additional off street parking resources in the community. As of the date of the public hearing, Springdale Town is actively soliciting Requests for Proposals to develop additional off street parking resources. The parcel is located in an optimal location near the entrance to Zion National Park where off street parking is in great demand.

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

FINDING: Title 10.1.2(e) of the Springdale Town Code states: "To promote the most efficient relationship between land uses and buildings and the circulation of vehicular and pedestrian traffic to minimize congestion, accidents and noise." The proposed use furthers an efficient relationship between the entrance to Zion National Park and needed vehicular and pedestrian circulation.

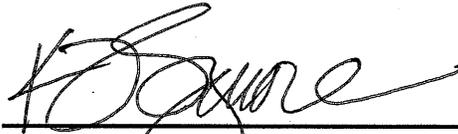
14. After consideration of the evidence provided by the applicants, and consideration of the request, the administrative hearing officer determines that the variance request should be granted with the following conditions:

- a. The granting of the variance does not authorize or imply approval of any structure. The variance deals strictly with the location of a surface parking facility with a five foot setback from the front property line.
- b. Design, engineering, landscaping, and other land use factors are the purview of the Town Planning Commission, which must approve the proposed parking facility prior to issuance of appropriate permits.
- c. Applicable encroachment authorization and ingress/egress design must be approved by the Utah Department of Transportation prior to issuance of appropriate permits
- d. The applicant will pursue authorization of a crosswalk from the Utah Department of Transportation in conjunction with Town staff and procedures.

15. The variance request is approved.

Dated this 15th day of August, 2016

ADMINISTRATIVE HEARING OFFICER



Kenneth L. Sizemore