

**Hurricane City Appeals Board
Meeting Minutes
July 17, 2023**

On July 17, 2023 at 3:30p.m., the Hurricane City Appeals Board met in the City Council chambers located at 147 N 870 West Hurricane, UT.

Members Present: Beth Lock, Bob Petersen, and Rick Wixom

Staff Present: Assistant Planner Fred Resch III and Planning Technician Brienna Spencer.

1. Consideration and possible approval of a variance request to reduce the front setback for property H-SURS-3-75, address 1184 N 50 W

Ian Allen presented his application, explaining that his property has a 45-foot power easement running through it along with slopes, which creates a very small buildable quadrant. Because of these restrictions, he requested a 4-foot variance to move his house forward so he can enjoy his property like the surrounding homeowners. He emphasized that the additional 4 feet would make a significant difference in allowing them to use their lot as others do. Bob Peterson asked if a basement was planned, and Mr. Allen confirmed that it was. Beth Lock mentioned that his lot was larger, but Mr. Allen clarified that the bulk of the easement is on the front of his lot, which limits the width of his buildable area. The group also discussed side yard setbacks.

Rick Wixom questioned how long Ian had owned the property, to which Ian responded a little over a year. Mr. Wixom explained that a variance is a modification of the law, specifically setbacks, and under both state and city code there are five criteria that must be met. He reviewed those five criteria for the applicant. Mr. Allen acknowledged that slope issues are present throughout the neighborhood but argued that no other lot bears as great a burden as his due to the size of the power easement and location of the power pole. Dayton Hall explained that, according to City code, no permanent structures can be built in an easement.

Ms. Lock stated that she did not see any special circumstances that would justify granting a variance, reiterating that a variance changes the law and his situation was not unique compared to other lots in the area. Mr. Wixom added that while the slope impacts many properties, no other applicants had sought variances for slope challenges. Mr. Allen referenced state code section 2 subsection iii and asked for clarification, expressing his view that all R1-10 zoning should allow homeowners to enjoy a backyard of the same size. Mr. Peterson pointed out that Ian still had a good-sized side yard. Mr. Wixom concluded by noting that the first requirement—showing an unreasonable hardship—is the most difficult to overcome in this case..

Rick Wixom moved that because the applicant was unable to provide an unreasonable hardship he motioned to deny the application. Beth Lock seconded the motion. Unanimous.