



Appeal Board

Robert Peterson

Beth Lock

Rick Wixom

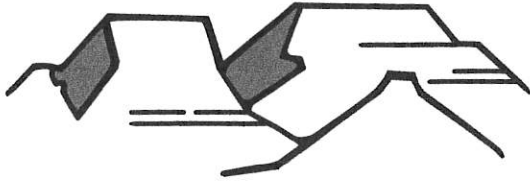
Karen Daniels, Alternate

**AGENDA
OF A MEETING OF THE HURRICANE CITY APPEALS BOARD**

Monday, October 3, 2022, 12:00 p.m.

Notice is hereby given that the Hurricane City Appeals Board will hold a Meeting starting at 12:00 p.m. in the City Council Chambers located at 147 N 870 W, Hurricane, UT

1. Consideration and possible approval for a variance from building separation and setbacks request located at 1042 W 400 S. Travis Dickey Applicant
2. Consideration and possible approval for a building permit for an enlargement of a noncomplying structure located at 199 N 200 W. Jesse Poll Applicant



HURRICANE CITY UTAH

147 N 870 W Hurricane UT
PHONE: 435.635.2811 FAX: 435.635.2184

APPEALS BOARD APPLICATION FOR A VARIANCE

For Office Use Only: \$250.00 Fee
File No. 2022-AB-03
Receipt No. 7-70050

Date Submitted: AUG 29, 2022

Applicant Name: TRAVIS DICKEY

Applicant Address: 1042 W 400 S

Applicant Phone Number: 801-989-9265

Applicant email: travisdickey@yahoo.com

Address or description of Property Subject to this Application:
1042 W 400 S

Names of owners of all property affected by this application: (attach additional sheet if necessary)
DARIN REEVE - 435-632-8658 (SHARED PROPERTY LINE OWNER)

Application must be accompanied with a map which shows property location and a site plan showing the nature of the requested variance. (Show buildings, specific distances, structures, driveways, etc. and all items relating to the request.) City staff can generally supply the property location map if the applicant does not have access to the County website or does not have a preferred location map.

- 1) Location Map Received
- 2) Site Plan Received

Application must also be accompanied with the names and addresses of any property owners whose properties abut the property for which the variance is requested.

- 3) Names & Addresses Attached DARIN REEVE
384 S. 1040 W

From what specific ordinance are you seeking relief?

I AM SEEKING RELIEF ON THE SECONDARY STRUCTURE VARIANCE OF 10 FEET FROM THE MAIN STRUCTURE. ALSO SEEKING SLIGHT RELIEF OF THE 30 FT CODE TO THE BACK

The following are questions that the Board of Adjustment must ask as part of the process of considering a variance. Please PROPERTY respond briefly in writing to each and be prepared to discuss in greater length as part of the hearing. The Board must find LINE OF THE the application meets all five criteria, set by State law, to grant a variance. MAIN STRUCTURE.

1. Literal enforcement of this title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Land Use Code.

YES, MY MAIN STRUCTOR HAS A FOOTER / FOUNDATION / SLAB POURED SINCE THE HOUSE WAS BUILT ON ITS 1 ACRE LOT. SINCE THEN THE LOT WAS DIVIDED IN 2 1/2 ACRE LOTS MAKING THAT SLAB 25 FEET FROM THE PROPERTY LINE.

2. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district

IM NOT CERTAIN OF THE VALIDITY OF THIS, BUT I AM A CORNER LOT AND CAN DECIDE WHICH SIDE / STREET IS THE FRONT OF MY HOUSE.

3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district.

NO, THIS IS THE SOLE PRIMARY RESIDENCE / PROPERTY OWNED BY ME IN THIS DISTRICT.


4. The variance will not substantially affect the general plan and will not be contrary to the public interest

AGGREGED, THE VARIANCE WILL ONLY BE OF CONVINIENCE TO UPLIFTING THE VALUE AND CURB APPE OF THE HOME

5. The spirit of this title is observed and substantial justice done *The spirit of the Land Use Code is to*

"...promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the city and its present and future inhabitants..."

ALL OF THE ABOVE IS TRUE IF VARIANCE CAN BE GRANTED THE SHARED PROPERTY BOUNDARY / OWNER EFFECTED AGREES AND IS IN SUPPORT.


Signature of Applicant

AUG. 29, 2022
Date

(Office Use Only)

Date Received: _____ Received by: _____

Date Application Deemed Complete: _____ Determined By: _____



STAFF COMMENTS

Agenda Date:	10/3/2022
Type of Application:	Variance
Action Type:	Quasi-Judicial
Applicant:	Travis Dickey
Request:	Approve a Variance to allow an addition onto the back of the structure
Location:	1042 W 400 S
Zoning:	RA-0.5

Discussion

The applicant is seeking a variance to allow them to build an addition onto the back of their home within the rear-yard setbacks, which normally require 30'. The building may also be within 10' of an accessory building, which Hurricane City code requires that buildings are 10' apart. If a building is within 10' of each other, it requires the Fire District to approve the building plans.



Variance Standard

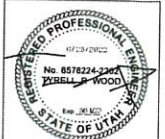
Hurricane City code has the following Standards for considering a Variance:

Sec. 10-7-12. - Variance.

E. Approval standards. The following standards shall apply to a variance:

- 1. The Appeals Board may grant a variance only if:
 - a. Literal enforcement of this title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this title;*
 - b. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district;*
 - c. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district;*
 - d. The variance will not substantially affect the general plan and will not be contrary to the public interest; and*
 - e. The spirit of this title is observed and substantial justice done.**
- 2. The Appeals Board may find an unreasonable hardship exists only if the alleged hardship is located on or associated with the property for which the variance is sought and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood. The Appeals Board may not find an unreasonable hardship exists if the hardship is self-imposed or economic.*
- 3. The Appeals Board may find that special circumstances are attached to the property and exist only if the special circumstances relate to the hardship complained of and deprive the property of privileges granted to other properties in the same zoning district.*
- 4. An applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.*
- 5. A use variance may not be granted.*
- 6. In granting a variance, Appeals Board may impose additional requirements on an applicant that will mitigate any harmful effects of the variance, or serve the purpose of the standard or requirement that is waived or modified.*
- 7. A variance more restrictive than that requested by an applicant may be authorized when the record supports the applicant's right to some relief but not to the extent requested.*
- 8. A variance shall not be granted to a lot in a proposed subdivision that would reduce the lot area below the minimum lot area required in the zone in which the subdivision is located.*

Another resource that the appeal board may consider using at located on the Utah Property Ombudsman's Website: [Variances](#). This website helps outline some of the general standards for review of the conditions listed above.



TRAVIS DICKEY REMODEL RESIDENTIAL
 PARCEL # H-3-1-34-3321
 SEC. 34, T41S, R13W, S18&M
 HURRICANE FIELD SUBDIVISION
 BLK 13 (4D) LCT 3
 1042 W 400 S
 HURRICANE, UT 84757

HOME REMODEL

DATE: 6/23/2022
 *SCALE: 1/2" = 1' 1/4" = 1"
 (*24X36) (*11X17)
 SHEET: **A1**

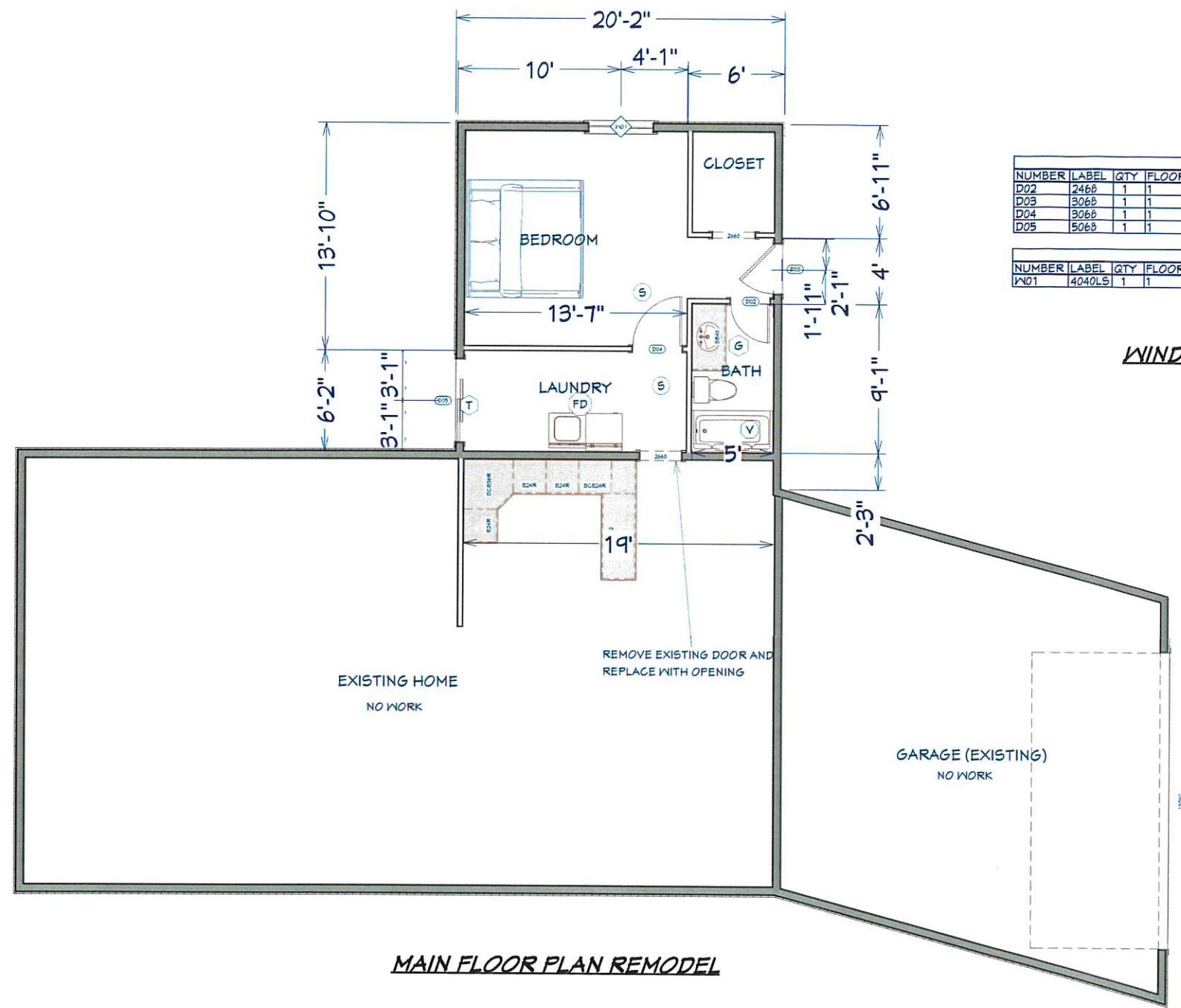
PLAN NOTES :

- G ALL OUTLETS IN THIS ROOM SHALL BE GFCI PROTECTED
- F FURNACE SHALL BE HARD WIRED
- T TEMPERED GLASS IN WINDOW
- A ATTIC ACCESS
- FD FLOOR DRAIN REQUIRED
- S SMOKE DETECTOR
- CO CARBON MONOXIDE DETECTOR SMOKE DETECTOR COMBO
- V VAPOR BARRIER REQUIRED ON EXTERIOR WALL PRIOR TO INSTALLATION OF TUB OR SHOWER
- E SEISMIC STRAPS REQUIRED PER IRC STANDARDS

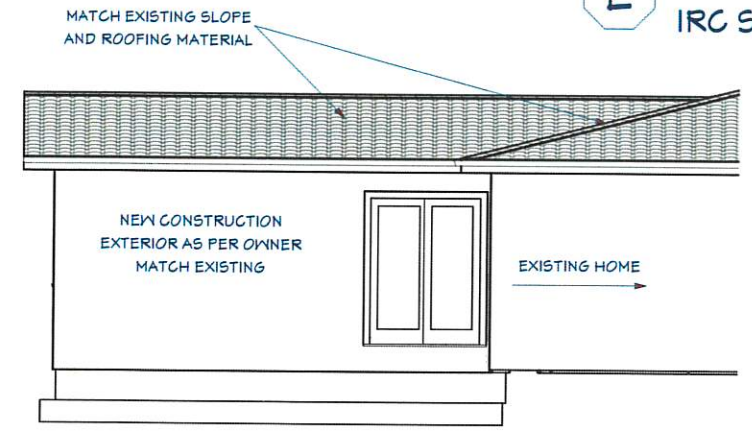
DOOR SCHEDULE							
NUMBER	LABEL	QTY	FLOOR	SIZE	R/O	DESCRIPTION	CODE/COMMENTS
D02	2468	1	1	2468 L IN	30"X82 1/2"	HINGED-DOOR P04	
D03	3068	1	1	3068 R EX	38"X83"	EXT. HINGED-DOOR E21	
D04	3068	1	1	3068 R IN	38"X82 1/2"	HINGED-DOOR P04	
D05	5068	1	1	5068 L EX	62"X83"	EXT. SLIDER-GLASS PANEL	

WINDOW SCHEDULE								
NUMBER	LABEL	QTY	FLOOR	SIZE	R/O	EGRESS	DESCRIPTION	CODE/COMMENTS
W01	4040LS	1	1	4040LS	49"X49"		LEFT SLIDING	

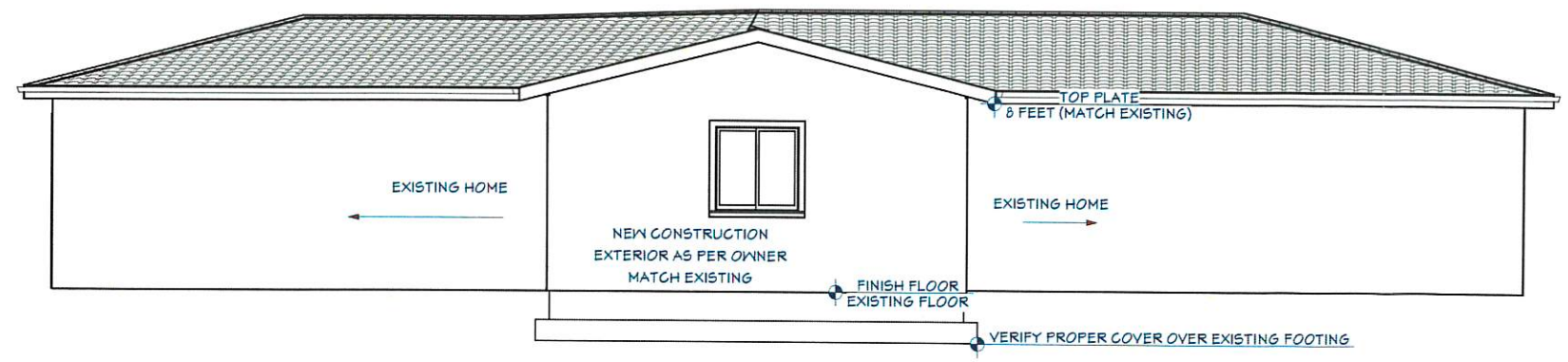
WINDOW AND DOOR SCHEDULE



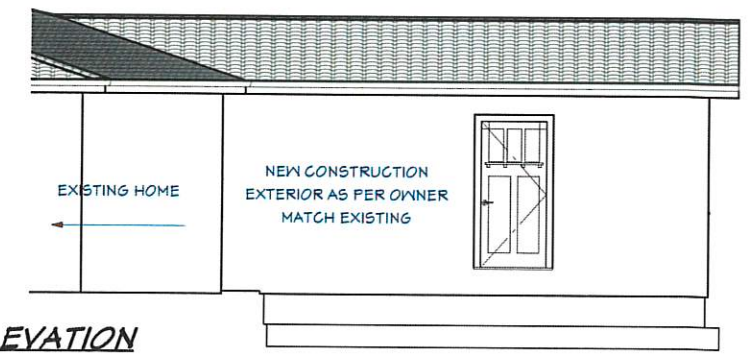
MAIN FLOOR PLAN REMODEL



EAST ELEVATION

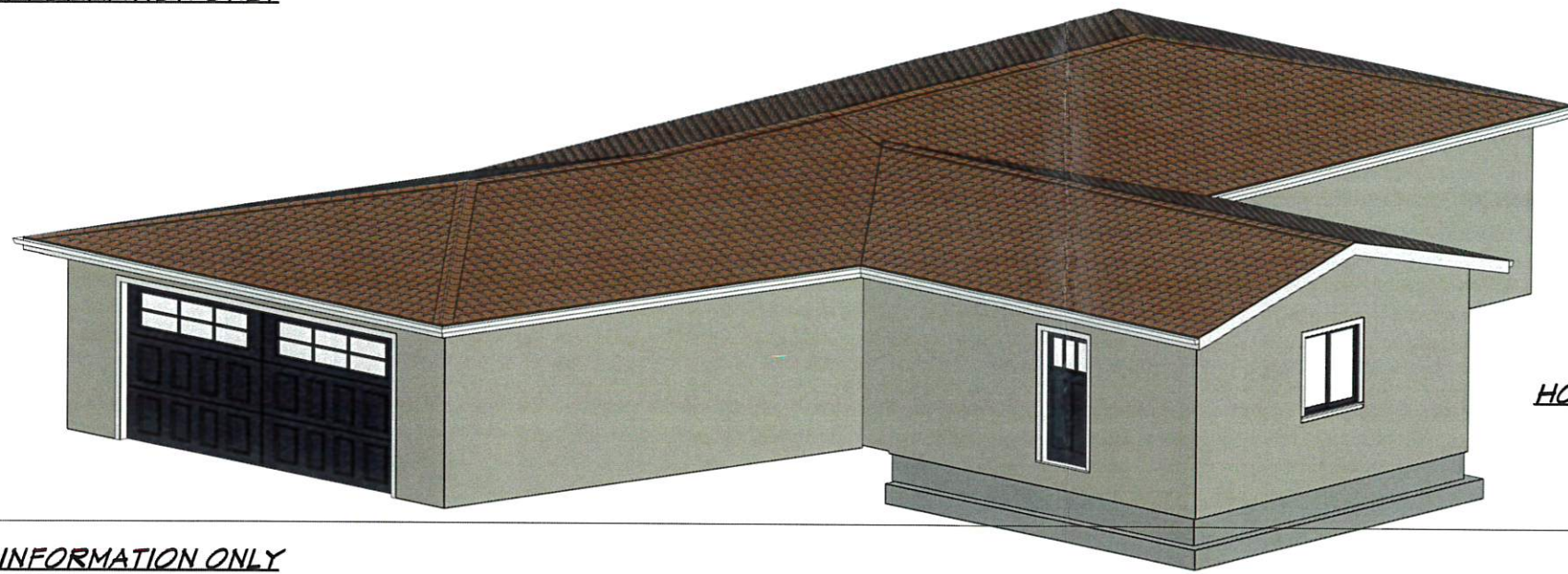


NORTH ELEVATION



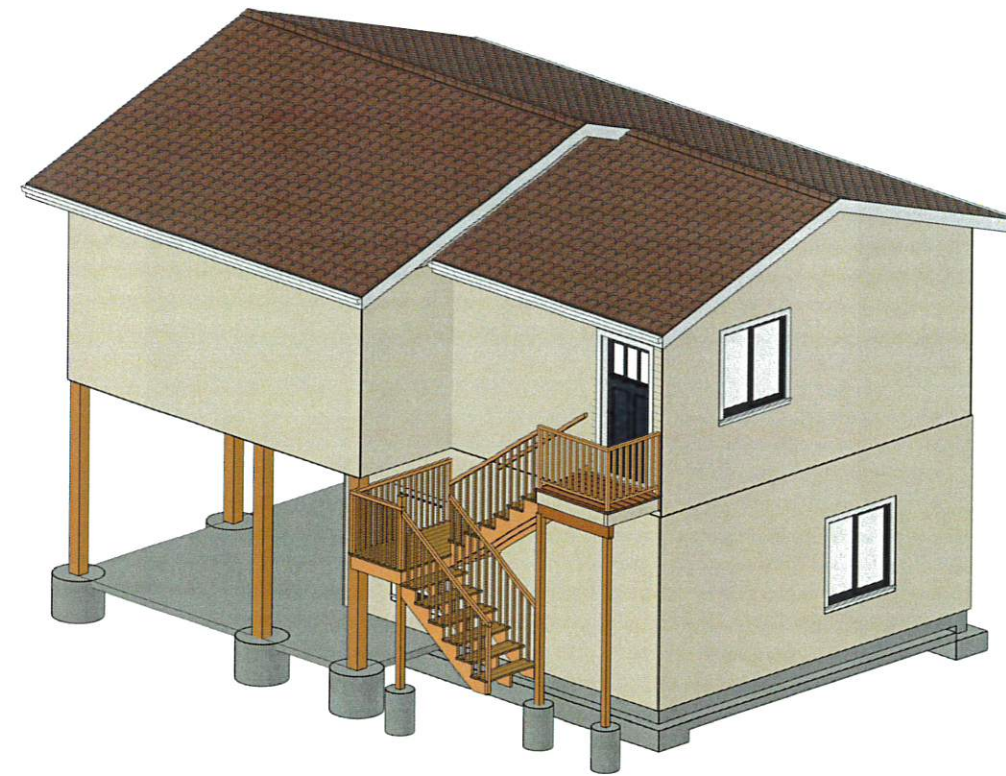
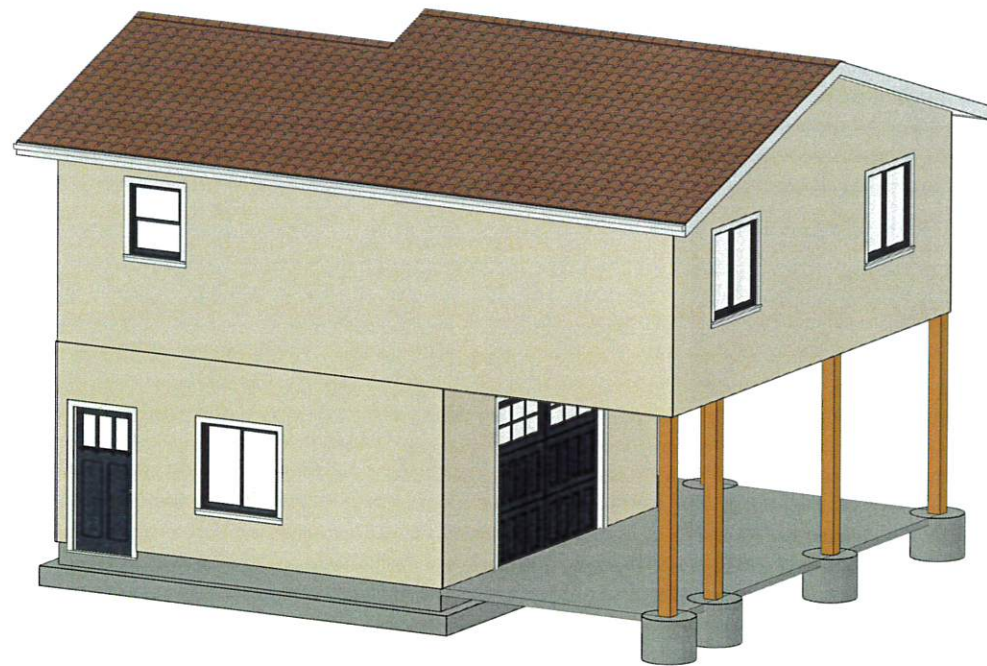
WEST ELEVATION

ORTHO VIEWS FOR INFORMATION ONLY



HOME REMODEL FOR INFORMATION ONLY

ORTHO VIEWS FOR INFORMATION ONLY



TRAVIS DICKEY REMODEL RESIDENTIAL
PARCEL # H-3-1-84-3321
SEC 34, T4 S, R15 W, S18 & M
HURRICANE FIELD SUBDIVISION
BLK 13 (D) LOT 3
1042 W 400 S
HURRICANE, UT 84737

ORTHOGRAPHIC
VIEWS

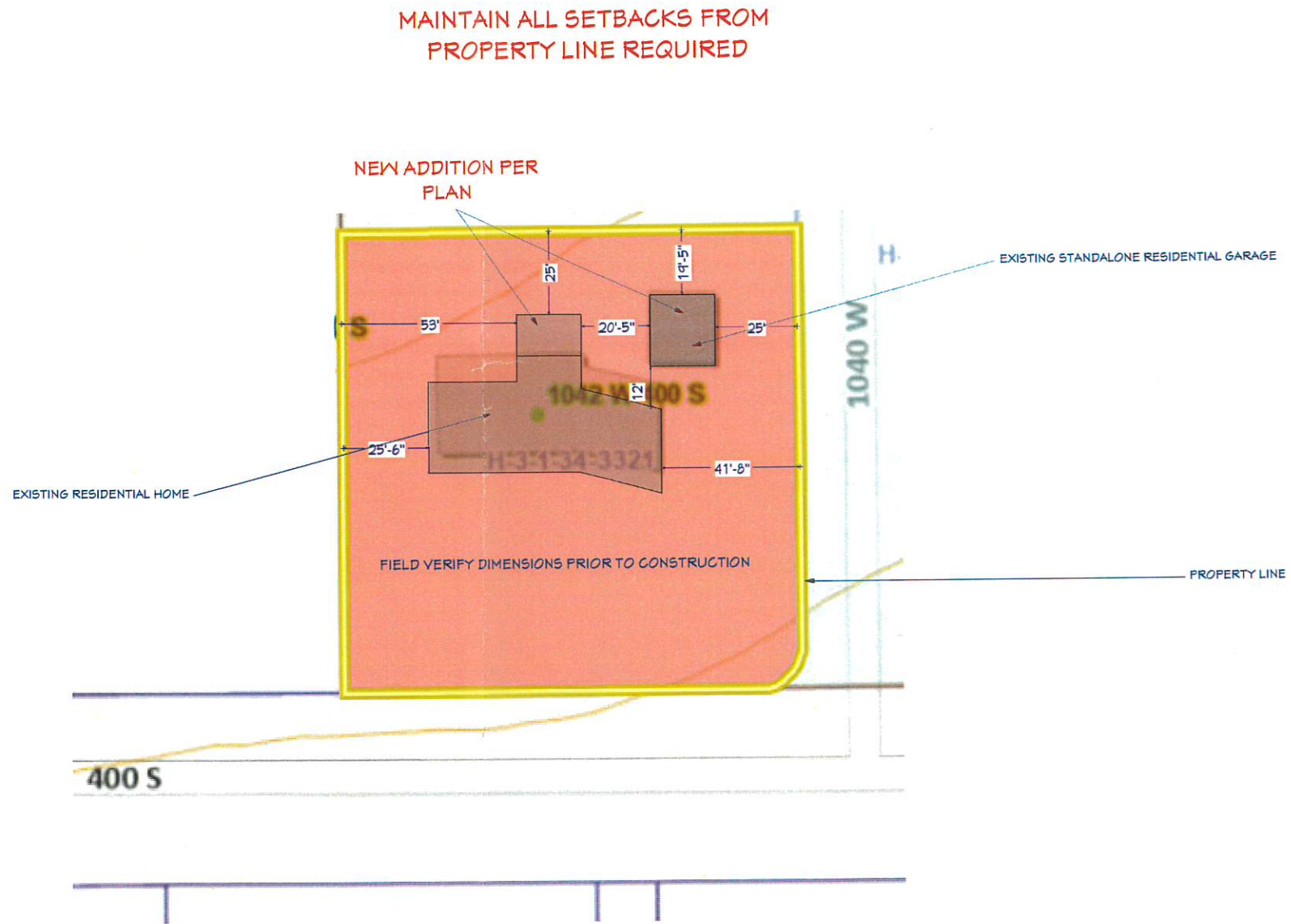
DATE:
6/23/2022

*SCALE:
1/2" = 1' 1/4" = 1'
(*24x36) (*11x17)

SHEET:
A4

LOT NOTES:

1. LOT LINE INFORMATION WAS OBTAINED FROM WASHINGTON COUNTY PROPERTY RECORD SEARCH, HURRICANE FIELD SUBDIVISION BLK 13 (H) LOT 3 SEC 34, T41S R13W, SLB&M.
- 2- CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS PRIOR TO CONSTRUCTION OR EXCAVATION AND NOTIFY ENGINEER OF DISCREPANCIES ON PLANS.
3. INFORMATION ON THIS PLAN SET IS FOR INFORMATION ONLY AND IS NOT TO SCALE
4. ALL MEASUREMENTS ARE TAKEN FROM PROPERTY LINE TO SETBACK OR STRUCTURE



LOT LAYOUT (NTS)



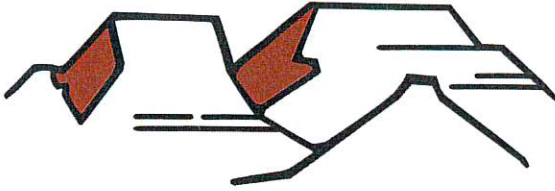
TRAVIS DICKY REMODEL RESIDENTIAL
 PARCEL # H-3-1-34-3521
 SEC 34, T41S, R13W, SLB&M
 HURRICANE FIELD SUBDIVISION
 BLK 13 (H) LOT 3
 1042 W 400 S
 HURRICANE, UT 84737

LOT LAYOUT

DATE:
 9/15/2022

*SCALE:
 1/2" = 1' 1/4" = 1"
 (*24X36) (*11X17)

SHEET:
L1



HURRICANE CITY

UTAH

147 N 870 W Hurricane UT
PHONE: 435.635.2811 FAX: 435.635.2184

APPEALS BOARD APPLICATION

For Office Use Only: \$250.00 Fee

File No. 2022-AB-04

Receipt No. 87.701005

Applicant Name: JESSE POL & LEA FRANCES-POL

Applicant Address: 199 NORTH 200 WEST

Applicant Phone Number: 435-619-9415 Applicant Email Address: JESSE@GOSTGEORGE.COM

Address of Property Subject to this Application: SAME AS ABOVE.

Application For:

- A change in non-conforming use
- An interpretation of the zoning ordinance or a zoning boundary

Application must be accompanied with a PLAT MAP (County Recorder's Office) which shows property location and a PLOT PLAN showing the nature of the request. (Show buildings, structures, driveways, etc. and all items relating to the request.)

- 11x17 Plat Map
- 11x17 Plot Plan
- Application must be accompanied with a fee of \$250.00 (Fee is nonrefundable)

Description of the nature of this request: (Be as specific as possible)

The existing house is an older home and sits 6'-2" off of the street side property line. We request that an addition be allowed on the street side of the house that is in line with the portion of the house that is 8'-2" off of the property line.

[Signature]
Signature of Applicant

8th SEPTEMBER 2022
Date

(Office Use Only)

Date Received: _____ Received by: _____

Date Application Deemed Complete: _____ Determined By: _____



STAFF COMMENTS

Agenda Date:	10/3/2022
Type of Application:	Enlargement of a Noncomplying Structure.
Action Type:	Administrative/Quasi-Judicial
Applicant:	Jesse Poll
Request:	Approve a proposed site plan with enlargement of a non-comply structure
Location:	
Zoning:	R1-10

Discussion

The applicant is seeking to add to their current home. The current home is setback 6'2" side on the side property line, however, the underlying zone requires a 20' sideyard street setback. When the home was constructed in 1922, the City did not have an equivalent code for setbacks. The property owner is now seeking to add an addition to the back/side of the home and therefore sit within the current sideyard street setback. Hurricane City Code allows for a property owner to apply to enlarge a noncomplying structure with the following conditions:

Sec. 10-8-5. - Noncomplying structures.

C. Enlargement and expansion. Any expansion or enlargement of a noncomplying structure that increases the degree of noncompliance is prohibited except as provided in this subsection.

- 1. The initial determination of whether a proposed expansion increases the degree of noncompliance shall be made by the Zoning Administrator.*
- 2. A structure which is noncomplying as to height, area, or yard requirements may be enlarged upon authorization by the Appeals Board provided the board, after notice and a hearing, finds the enlargement to be compatible with adjoining property and not detrimental to the community, as determined by the effect of the enlargement on traffic, value of adjacent and nearby properties, and the availability of adequate public facilities and services.*

After a review of the building permit, the Zoning Administrator found that it "increases the degree of noncompliance", and therefore recommended that the applicant applies for a hearing with the Appeals Board.



Property under consideration

Staff Recommendation

Hurricane City staff has reviewed the application and recommends the following findings

1. The building permit increases the degree of noncompliance by building within the 20' side yard setback.
2. The enlargement is compatible with adjoining property
3. The enlargement is not detrimental to the community

Hurricane City staff recommends approval of the proposed enlargement of a noncomplying structure.

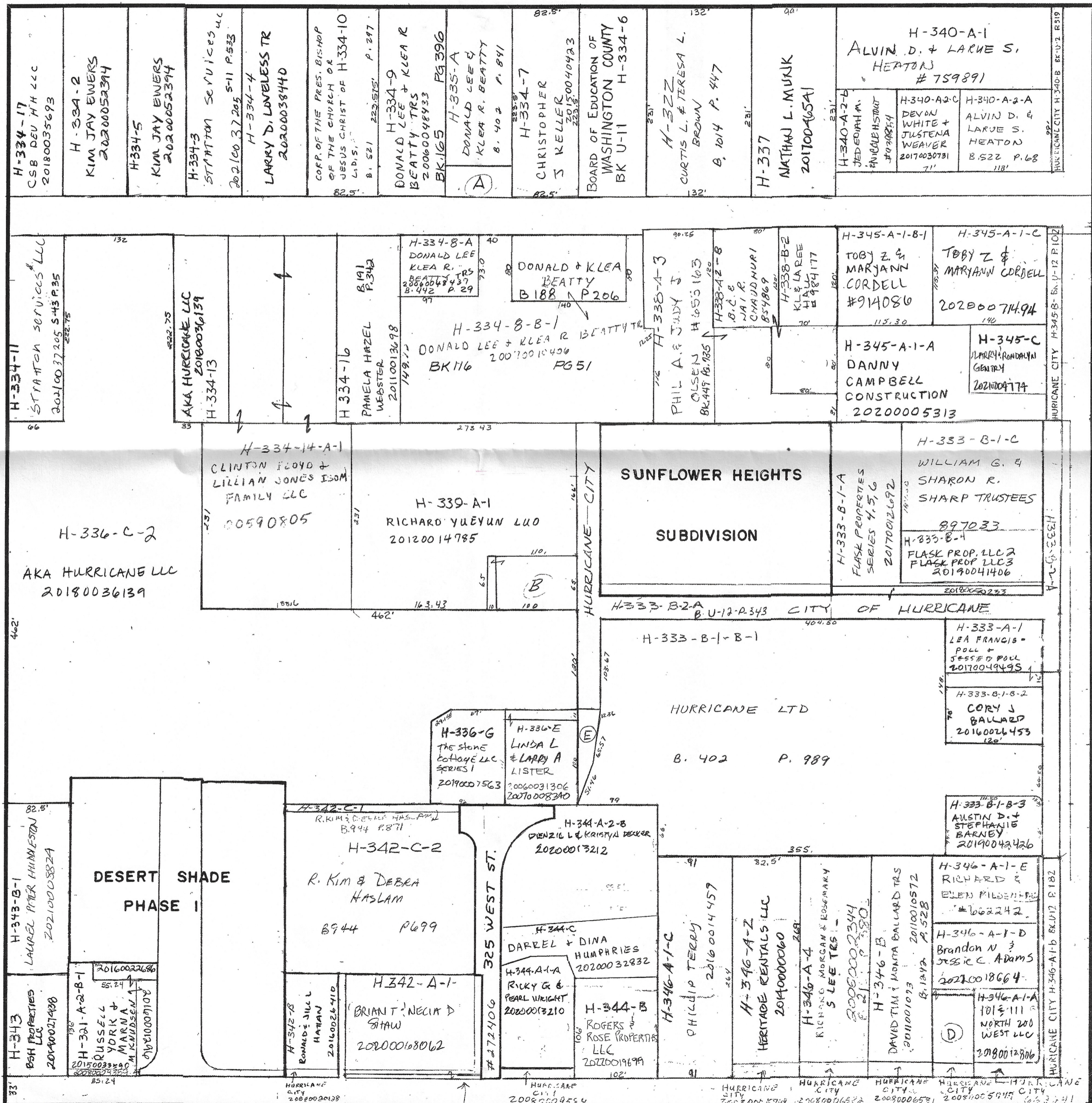
This plat is furnished for information only. No liability is assumed by Assessor's or Recorder's Office as to correctness of such data.

- A) H-335-B LEE BEATTY TR 20160000635
- B) H-339-B-1 LINDA P. & GARELD KAY STRATTON TRUSTEES 921008
- D) H-346-A-3 JAMES T. & JOY T. LYBYER 20180028704
- E) H-336-B-1 EMMA MARIE CONDON 20160016956
- F) H-321-A-1 RUSSELL YORK & MARNA M. KNUDSEN 20160022686
- G) H-321-A-2-A RUSSELL YORK KNUDSEN MARNA M. KNUDSEN #20160001296

SE 1/4 NE 1/4 SECTION 34
T41 S -- R13 W

SALT LAKE BASE & MERIDIAN
SCALE: ONE INCH = 100 FEET

WASHINGTON COUNTY, UTAH



H-342-A-2-A
HURRICANE CITY
20080000257

