



Memorandum

To: Planning Commission
From: Thomas Dansie, Director of Community Development
Date: January 16, 2026
Re: Request to Encroach into Setbacks at 44 Humming Bird

Introduction

Ken Tyler has applied for a grading permit to develop a new access to the parking area at 44 Humming Bird Lane and to reconfigure the parking on the property. A portion of the reconfigured parking area is proposed to encroach into the side setback. Section 10-11B-7(A)(7) allows the parking spaces to encroach into 50% of the side setback with the approval of the Planning Commission. Mr. Tyer is requesting permission for the parking spaces at 44 Humming Bird Lane to encroach five feet into the side setback (50% of the setback).

Grading permits are reviewed by staff (see section 10-15B-11(B) of the Town Code). Staff is reviewing the grading permit application for compliance with applicable grading standards. The Commission does not need to review the grading permit for compliance with grading standards. The only issue the Commission has been requested to review is the encroachment of the parking spaces into the side setback.

Section 10-11B-7(A)(7) of the Code lists criteria the Commission must consider when deciding whether or not to approve an encroachment into a side setback. The criteria are:

1. Such parking will in no way be detrimental to the health, safety or welfare of persons residing or working in the vicinity, nor unreasonably interfere with the enjoyment of property or improvements in the vicinity; and
2. The location of an existing building or existing parking spaces render alternate parking locations impractical and infeasible; or
3. An unusually shaped or sized lot renders alternate parking locations impractical and infeasible.

Based on the construction of the code language with “and” between the first and second criteria and “or” between the second and third, the first of these criteria must be satisfied along with either the second or the third. The applicant has submitted a letter detailing how he believes the proposed encroachment satisfies the first and the third criteria.

Property and Project Background

The subject property is developed with a single family residence. The property is in the Village Commercial zone and is approved for use as a nightly rental. The property does not have direct access to Humming Bird Lane. It gains access to Humming Bird Lane via a driveway which traverses an adjacent vacant property: 54 Humming Bird Lane.

The adjacent property at 54 Humming Bird Lane will soon be developed. The proposed development on 54 Humming Bird Lane will alter access into the subject property, 44 Humming Bird Lane. The new driveway access will connect the subject property to Humming Bird Lane via an access easement across the property to the north, 50 Humming Bird lane. The applicant is proposing the new driveway and reconfigured parking in anticipation of the imminent development of 54 Humming Bird Lane.

Because the original development plan for the property relied on access from the driveway on the adjacent property, the parking was placed in an unusual location. The current parking is located on the property line between 44 and 54 Humming Bird, which is not in compliance with the Code required setback. With the proposed reconfiguration the parking location will be brought into compliance. However, given the existing development on the property (house and swimming pool) the area available for parking is limited. The applicant is requesting the encroachment of parking into the setback to allow a more feasible and workable parking layout than would result if the setback encroachment were not allowed.



Commission Action

The Commission should determine whether or not the proposed encroachment into the side setback satisfies the criteria of section 10-11B-7(A)(7). If so, the Commission should approve the request.

Parking Reduction Code Reference

Ken Tyler <ken@rightchoicemortgage.org>
To: Thomas Dansie <tdansie@springdale.utah.gov>
Cc: Kyndal Sagers <ksagers@springdale.utah.gov>, Niall Connolly <nconnolly@springdale.utah.gov>

Wed, Jan 14, 2026 at 11:50 AM

Good Morning Tom and Springdale Planning Commission,

My wife and I hoping you will approve our request to reduce the setback to Lot 50 (the Kisner property) to the North of us from 10 feet to 5 feet, to help facilitate a new parking location for ourselves and our guests.

As many of you are aware we purchased a property at 44 hummingbird lane with what we thought had a parking lot. Since that was not the case, we are moving the parking into our backyard.

Tom was nice enough to send us the criteria, which I believe we meet.

To approve any such encroachment, the Planning Commission must find:

A. Such parking will in no way be detrimental to the health, safety or welfare of persons residing or working in the vicinity, nor unreasonably interfere with the enjoyment of property or improvements in the vicinity; and

This adjustment does not interfere with the health, safety, or welfare of our neighbor Al Kisner. Which we have already discussed with him previously and is amicable to the adjustment.

B. The location of an existing building or existing parking spaces render alternate parking locations impractical and infeasible; or

C. An unusually shaped or sized lot renders alternate parking locations impractical and infeasible.

Due to the new location of our parking lot being moved into our backyard it is not feasible to put the parking anywhere else, widening the spaces will be a huge help for with entering and exiting of the property for ourselves and our guests.

Thanks in advance for your consideration.

Ken and Erin Tyler

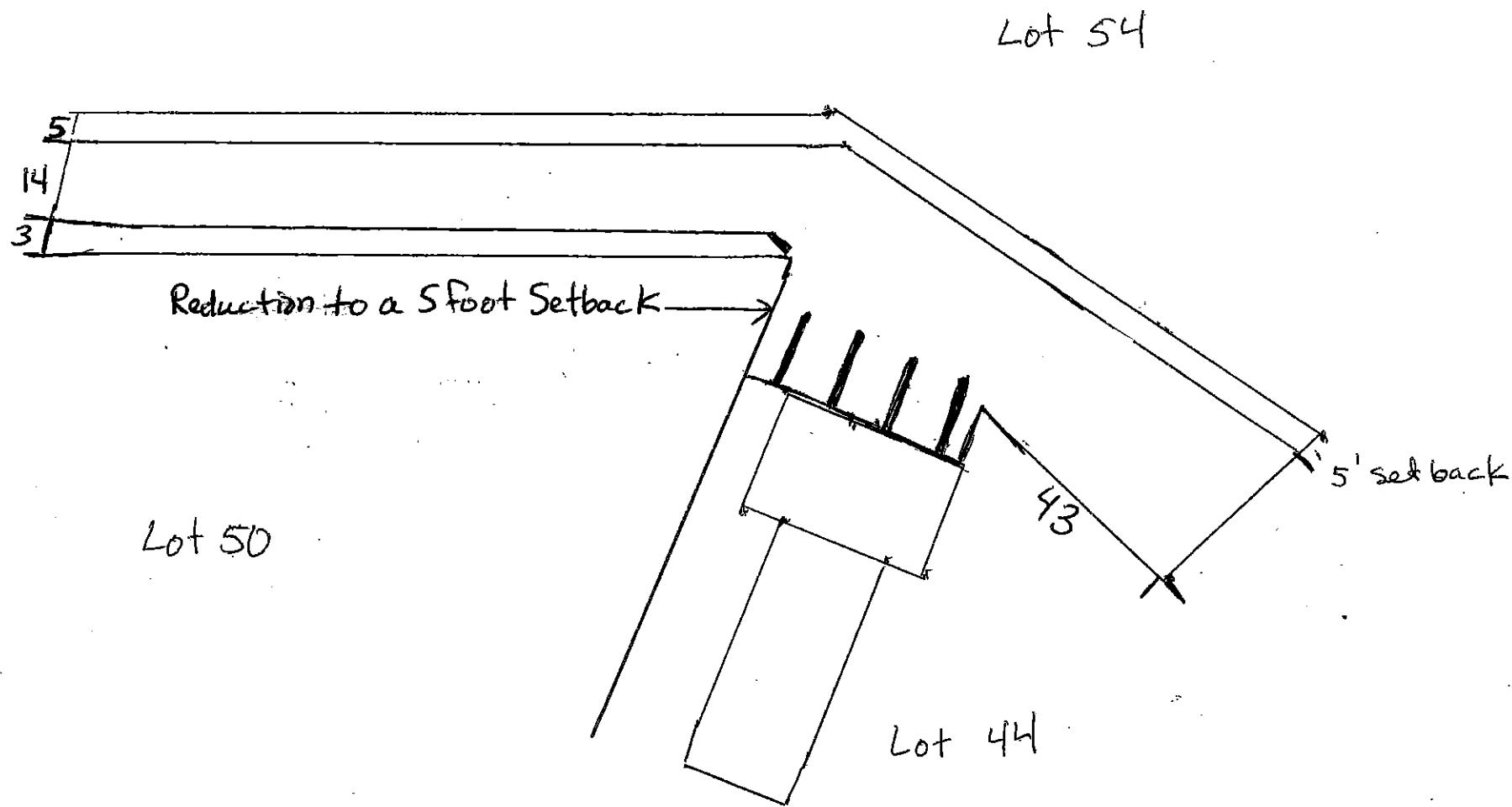
44 Hummingbird Lane

[Quoted text hidden]

 [Request for Reduction of Set Back to 5 Foot on 44 Hummingbird Lane.pdf](#)
10K

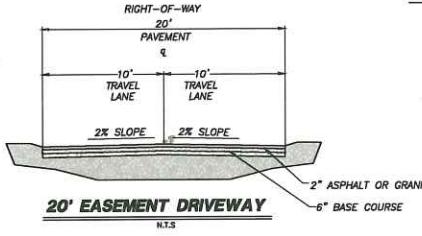
44 Hummingbird Driveway & Parking Plan

3 Parking spots with 5 foot setback to Lot 50



**SITE PLAN FOR:
44 HUMMINGBIRD DRIVEWAY & PARKING**

**LOCATED IN SECTION 28, T41S, R10W, S.L.B.&M.
WASHINGTON COUNTY, UTAH**

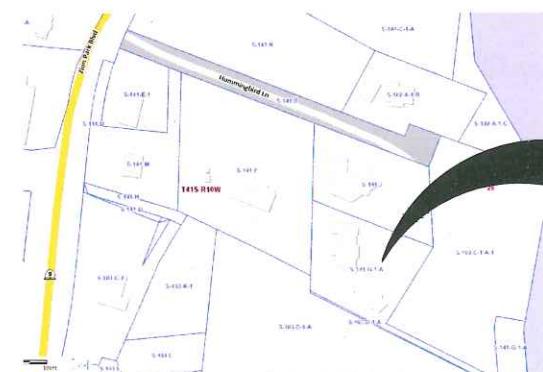
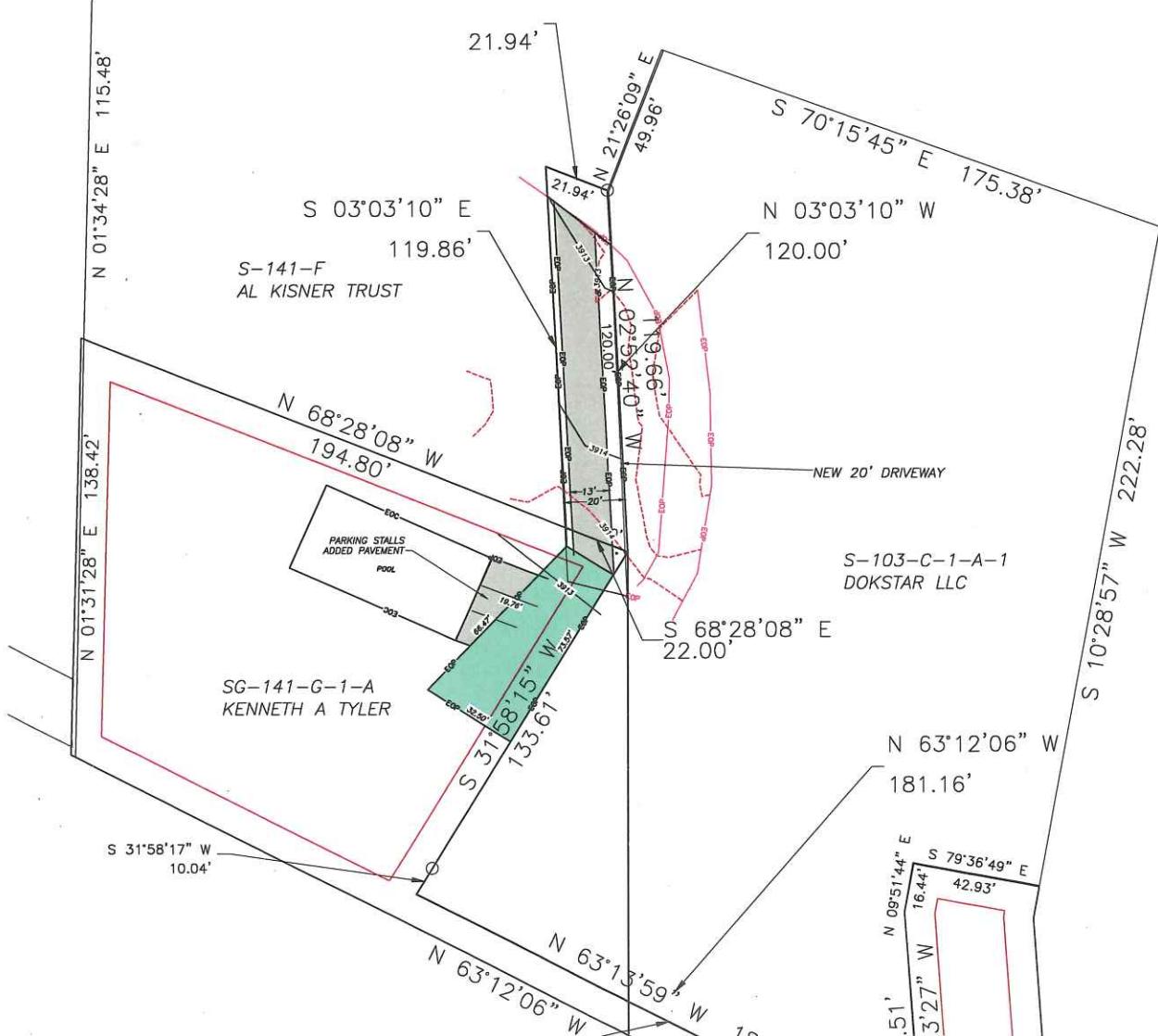


LEGEND

— PROPERTY LINE
 — ADJACENT PROPERTY LINE
 - - - FENCE LINE
 - - - SECTION LINE
 - - - CENTER LINE
 - - - CURB AND GUTTER
 - - - PUBLIC UTILITY EASEMENT
 - - - EXISTING EDGE OF PAVEMENT
 - - - PROPOSED ASPHALT
 - - - EXISTING ASPHALT



EXCAVATION WILL BE 100 CUBIC YARDS



PROJECT LOCATION

SITE PLAN FOR:

SITE PLAN FOR:



**SITE PLAN FOR:
44 HUMMINGBIRD DR**

DATE | 12-18-2024

LOCATED IN SECTION 28, T41S, R10W, S.L.B & M.
SPRINGDALE, WASHINGTON COUNTY, UTAH

**PROVALUE
ENGINEERING, INC.**
LAND SURVEYORS - LAND PLANNERS
South 850 West, Suite 1
Hurricane City, Utah 84371
(Phone: 435-668-8307)



SCALE	1"=20'
JOB NO.	786-001
SHEET NO:	
C1	