



Appeal Board

Beth Lock

Rick Wixom

Karen Daniels, Alternate

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

Wednesday, August 19th, 3:00 p.m.

Notice is hereby given that the Hurricane City Appeals Board will hold a Meeting starting at 3:00 p.m. in the City Council Chambers located at 147 N 870 W, Hurricane, UT

1. Consideration and possible approval for a variance from front building setbacks request located at 1876 W 300 N. Michelle Merrick and Steve Christianson, Applicant.
2. Approval of minutes from October 27th, 2025



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. AP26-03

Receipt No. 8.000200380

Date Submitted: _____

Applicant Name: Michelle Merrick / Steve Christianson

Applicant Address: 1053 Via Gandalfi Henderson NV 89009

Applicant Phone Number: 702-289-6378

Applicant email: Michelle@firerockconstruction.com

Address or description of Property Subject to this Application:
Firerock Phase 3 Lot 81

Names of owners of all property affected by this application: (attach additional sheet if necessary)

1856 W 300 N Cavin Marill Trustee , Marill S Cavin Trust

1894 W 300 N Kenneth and Brenda Austin

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 1856 W 300 N Cavin Marill Trustee , Marill S Cavin Trust
1894 W 300 N Kenneth and Brenda Austin

From what specific ordinance are you seeking relief?

Relief from HCC 10-13-4 Approval of a variance to reduce the required front setback
from 25 feet to 20 feet on the living side on Lot 81, Firerock Subdivision Phase 3,
Hurricane, Utah.

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

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.

Strict enforcement of the 25-foot front setback creates an unreasonable hardship because the lot is constrained by existing rock retaining walls located along the rear and side property boundaries. In addition, any required block privacy wall must be constructed approximately two to three feet inside the top of the retaining walls for structural stability and maintenance access, further reducing the usable backyard area. The requested five-foot reduction is the minimum variance necessary to provide a functional rear yard while maintaining a 25-foot setback to the garage.

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

Lot 81 contains unique topographic and site conditions that do not generally apply to other properties within the zoning district. Existing rock retaining walls along the rear and sides of the property, together with the required setback for future block privacy walls, significantly reduce the effective buildable and usable area of the lot. These conditions were established as part of the subdivision improvements and were not created by the applicant.

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

Granting the variance is necessary to allow the property owners to enjoy a functional backyard and outdoor living area comparable to those enjoyed by owners of similarly zoned properties. Without the variance, the unique retaining wall conditions would result in substantially less usable rear yard area than is typical within the subdivision.

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

The requested variance will not substantially affect the General Plan or be contrary to the public interest. The residence will remain compatible with surrounding development and maintain the character of the neighborhood. Importantly, the garage will continue to maintain the standard 25-foot setback, meaning the streetscape and parking configuration will remain substantially similar to other homes in the area. The variance does not increase density or alter the residential use of the property

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....”

Granting the variance observes the spirit and intent of the Land Use Code by allowing reasonable development of a uniquely constrained lot while preserving neighborhood aesthetics, safety, and convenience. Because the garage remains at the standard setback and only the front portion of the residence extends an additional five feet, the visual impact to the neighborhood is minimal. Approval of this variance achieves substantial justice by allowing the property owner to enjoy reasonable use of the property while maintaining the objectives of the Land Use Code.

Michelle Merrick
Signature of Applicant

6.18.2026
Date

(Office Use Only)

Date Received: _____ Received by: _____

Date Application Deemed Complete: _____ Determined By: _____



STAFF COMMENTS

Agenda Date:	08/19/2026 - Appeals Board
Type of Application:	Variance
Action Type:	Quasi-Judicial
Applicant:	Michelle Merrick / Steve Christianson
Request:	Approval of a Variance to decrease the front setback.
Location:	1876 W 300 N
Zoning:	R1-8

Discussion

The applicant is seeking a variance to allow the construction of a primary dwelling within the required front setback. The property, Lot 81 of FireRock Phase 3, is currently undeveloped. The property is zoned Single Family Residential R1-8; the required front setback is 25 feet, and the applicant is requesting a 20-foot front setback. The applicant states the variance is needed due to a retaining wall in the rear and side yard.



Vicinity Map

Applicable City Ordinances and Standards

- Hurricane City Code (HCC) section 10-13-4 requires a front-yard setback of 25 feet in the R1-8 zone. This standard has been in place since at least 2005.
- HCC 10-3-4 states setbacks are measured from property lines, irrespective of existing or proposed retaining walls or hillsides.
- The subdivision FireRock Phase 3, was recorded August 16, 2022. Per the approved construction drawings, the site topography necessitated that block retaining walls be built on the rear and side property lines for this row of homes and others in order to create building pads.



Aerial Map from the north showing existing retaining walls (subject property outlined in blue).

Variance Standard

[Hurricane City Code](#) and [Utah State Code](#) have identical Standards for considering a Variance. The following analysis is provided for the Appeals Board's consideration, and is based on the application materials and other information available to staff. Pursuant to HCC section 10-7-12(E)(4), the applicant bears the burden of proving that all conditions justifying the variance have been met. The Appeals Board is responsible for determining whether the evidence in the record demonstrates that the applicable variance standards have been satisfied:

1. *The Appeals Board may grant a variance only if:*

<i>Code Reference</i>	<i>Staff Analysis</i>
<i>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;</i>	An unreasonable hardship cannot be self-imposed (HCC 10-7-12(2) see below) There is sufficient buildable area on the lot to accommodate a conforming building.
<i>There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district;</i>	The retaining walls referenced by the applicant were installed as subdivision improvements, meaning they are common on many lots within this subdivision and not unique to this property.
<i>Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district;</i>	Homes have been built on the adjacent Lots 80 and 82 that meet standard setbacks despite similar rock walls affecting those lots. As there is still sufficient buildable area on the lot it is not clear a “substantial property right” is being infringed.
<i>The variance will not substantially affect the general plan and will not be contrary to the public interest; and the spirit of this title is observed and substantial justice done.</i>	The existing retaining walls permit the property to be developed with a primary dwelling while maintaining compliance with the applicable setbacks. The requested variance would permit additional building area beyond that available under the applicable setback requirements. The record does not demonstrate that strict application of the setback requirements would deprive the property of a substantial property right otherwise enjoyed by similarly situated properties.
<i>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</i>	See analysis above. Staff finds the circumstances to not be unique to this property and the hardship to be self-imposed.

<i>find an unreasonable hardship exists if the hardship is self-imposed or economic.</i>	
<i>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.</i>	Similar circumstances have not prevented similar properties within this subdivision from developing
<i>An applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.</i>	Please see the attached application for the applicant's response
<i>A use variance may not be granted.</i>	A use variance is not requested

Additional Code References

Hurricane City Code 10-7-12

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.

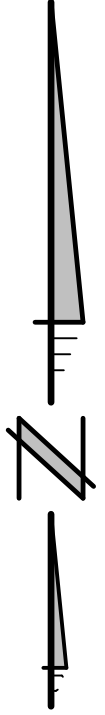
7. A variance more restrictive than that requested by an applicant may be authorized when the record supports the applicant's right to some relief but not to the extent requested.

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.

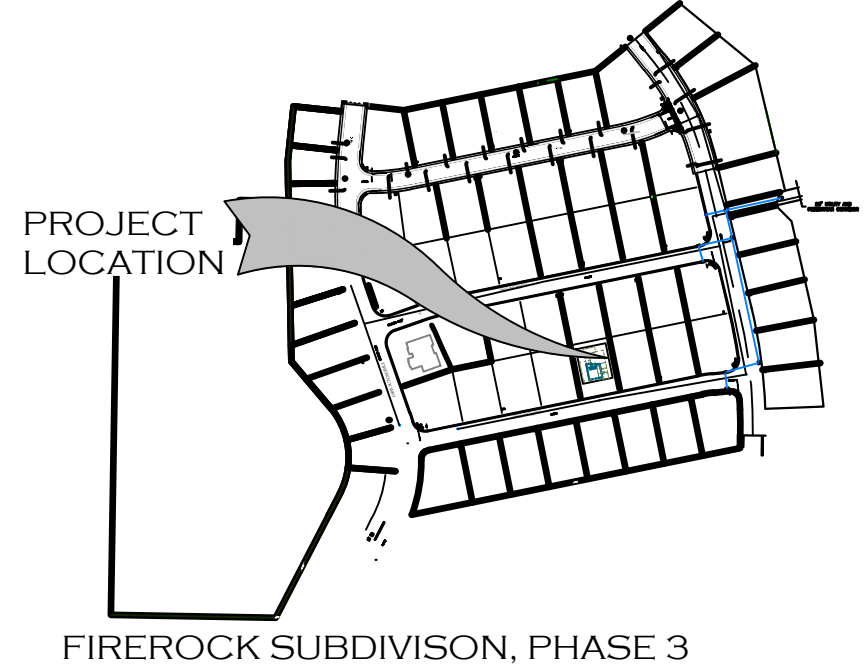
Another resource that the appeal board may consider using is located on the Utah Property Ombudsman's Website: [Variances](#). This website helps outline some of the general standards for review of the conditions listed above.

SITE PLAN

FIREROCK SUBDIVISON PHASE 3
LOT 81



VICINITY MAP
N.T.S.



NOT TO SCALE