

FOR OFFICE USE ONLY Variance No. \_\_\_\_\_

Variance Fee \_\_\_\_\_ Date Received \_\_\_\_\_  
Date Fee Paid \_\_\_\_\_ Hearing Date \_\_\_\_\_  
Decision Date \_\_\_\_\_

06/17/2013

**TOWN OF ROCKVILLE**  
PO Box 630206  
Rockville, UT 84763  
Phone/FAX – 435/772-0992  
E-mail – rockville@sginet.com

**APPLICATION FOR A VARIANCE FROM THE TERMS OF  
THE ROCKVILLE LAND USE CODE**

Applicant Information

Name Mailing Address

Town of Rockville P.O. Box 630206, Rockville, UT 84763

Phone Number Email Address Current Zoning Acreage  
**435-772-0992** **rockville@rockvilleutah.org** **PUZ** \_\_\_\_\_

Property location indicated by address and Washington County Property Tax ID.

**43 E. Main St., Rockville, UT 84763** **R-1232-A** **0152879**

Application Fee

Non-refundable fee of \$800 must be paid to the Town at the time tis application is filed.

Variance Description:

Code section from which variance is requested: **8.20.3.1 “No development shall be allowed on or within fifty feet (50’) of slopes in excess of thirty percent (30%), lands subject to land sliding, regular flooding, soils deemed unsuitable as to safety, and other high-hazard geological areas, as determined by a geo-technical or soils report produced pursuant to Section ~~8.8.2~~ (8.20.2.2) herein.”**

Any person or entity desiring a waiver or modification of the Rockville Land Use Code (“Code”) as applied to a parcel of property that he/she owns, leases, or in which he/she holds other beneficial interest may apply to the Town for a variance from the terms of the Code. These conditions are set forth in the following questions:

Please describe the nature of the variance request:

**Allow setback of 38.42’ as shown on Rosenberg Assoc. drawings, due to impact of Rockville Town Ditch Co. irrigation line location and easement, and need for large equipment access to proposed building. Impact of 50’ setback on buildable width of property limits the size and alignment of building size and access for best use.**

State how the literal enforcement of the Code would cause an unreasonable hardship that is not necessary to carry out the general purpose of the Code: (NOTE: A hardship must be associated with the property for which the variance is sought, comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood, and cannot be self-imposed or economic. Utah Code 10-9a-702)

**Due to location of irrigation line, the buildable width of property to comply with 8.20.3 Sensitive Lands Regulations, 8.20.3.1 Slope Protection Regulations, 8.20.3.1.1 Intent: "It is the intent of these regulations to protect Rockville's visual character and environmentally sensitive areas on hillsides and slopes. This shall be accomplished by minimizing the visual and environmental impacts of development through careful site planning that maintains the maximum amount of open space, protects existing vegetation, avoids sensitive natural areas, minimizes erosion, recognizes the need for water conservation and locates structures on the least visually sensitive location. These regulations shall apply to all slopes in excess of fifteen percent (15%).**

**This building site has previously been disturbed and graded for use as a sand volleyball court. Between this parcel and the toe of the slope, disturbance has already been made by the building of DeMille Rd.**

**To meet the 50' setback required, the building would have to either be turned to face the entrance doors north, thus creating a greater visual impact (60' wide x 12' high structure) on the hillside slopes, or kept in the proposed alignment and reduced in size by 11.58' in width impacting the usefulness of the building for equipment storage.**

What special circumstances are attached to the property that do not generally apply to other properties in the same zone?

**Irrigation line and its easement across the property.**

How would the granting of a variance be essential to the enjoyment of a substantial property right possessed by other properties in the same zone?

**Granting of a variance reducing the set back from 50' to 38.42' would allow best use of area for needed equipment storage/maintenance building allowing access by large equipment.**

State why issuing this variance will not substantially affect the General Plan of the Town of Rockville and will not be contrary to the public interest.

**This is a maintenance building for storage of Town equipment and supplies. It will not be staffed on a regular basis, nor used for residential housing. In the location, the building will be adjacent to the other Public Use facilities and have the least visual impact on the Town and its scenic character. Town equipment will be stored in a manner to protect it, reduce maintenance costs and remove possible hazard to the public by storage of equipment on private properties throughout the Town.**

How will the spirit of the Code be observed and substantial justice done?

**Please refer to opinion letter from Rosenberg Assoc. Dated 6-10-2022 by David R. Black, P.E., Principal Geotechnical Engineer.**

Required Information

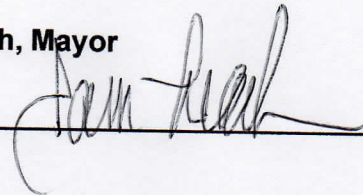
The following items must be submitted before the variance request will be scheduled for a hearing with the VAHO (VAHO):

- A. A copy of the surveyed legal description of the property in question.
- B. A statement certifying that the applicant is the legal owner of the property in questions, or a letter from the legal owner certifying that the applicant is authorized to apply for the variance and represent the owner.
- C. All plats, plans, drawings, to scale, showing the location, dimensions, and materials of all buildings and structures, streets, vehicle circulation patterns, parking, landscape and open space areas, existing or proposed signage, drainage, and/or other information as appropriate to the application.

I HAVE READ AND BEEN GIVEN A COPY OF THE COVER LETTER "TO THE APPLICANT"  
I CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND  
CORRECT.

Printed Name(s) **Pam Leach, Mayor**

Signature(s) of Applicant(s)



7-6-2022  
Date