

**Variance Hearing Officer
Town of Rockville
Rockville Community Center, Town Hall
July 14, 2022 – 6:00 pm**

1. **CALL TO ORDER:** The meeting was called to order at 6:00 p.m. by Tom Dansie who introduced himself and shared that he was recently appointed to be the Town of Rockville's Variance Hearing Officer and would be conducting the meeting. Present were Tom Dansie and Town Clerk, Vicki S. Bell who recorded the meeting.
2. **REQUEST FROM THE TOWN OF ROCKVILLE FOR A VARIANCE FROM THE TERMS OF THE ROCKVILLE LAND USE CODE RELEVANT TO PROPERTY IDENTIFIED BY ROCKVILLE PARCEL NO. R-1232. THE TOWN REQUESTS THAT A VARIANCE BE GRANTED FROM SETBACK REQUIREMENTS TO CONSTRUCT A MAINTENANCE BUILDING UPON THE PROPERTY. THE TOWN SEEKS TO VARY THE FOLLOWING SETBACK REQUIREMENTS: (1) THE 50-FOOT SETBACK FROM SLOPES IN EXCESS OF THIRTY PERCENT (30%) AND (2) SETBACK FROM HIGH-HAZARD GEOLOGICAL AREAS AS REQUIRED BY THE SENSITIVE LANDS REGULATIONS IN SECTION 8.20.3.1.2:** Tom began by stating the fact that the Town was seeking the Variance in order to construct a Public Works-Maintenance Building. As proposed, that building would be located 38.42 feet from the toe of a 30% slope. It would be within a mapped, high hazard rockfall area. Pursuant to Rockville Town Code and Utah State Law, there are five criteria, all of which must be satisfied in order to allow a variance to be granted on the property. The five criteria are: 1) Literal enforcement of the provision of the zoning ordinance will cause unreasonable hardship on the property which is not necessary to accomplish the purposes of the LUC or the General Plan. 2) There are special circumstances attached to the property. 3) Granting the variances is essential to the enjoyment of a substantial property right. 4) Granting the variance will not be contrary to the General Plan or the public interest. 5) The spirit of the LUC is observed, and substantial justice is done. Tom continued by saying that he will offer a written decision within the next week and did not plan to decide at the meeting.

Tom asked about the application and wanted to clarify that the parcel in question is indeed R-1232-A as the initial application was simply R-1232. Mayor Leach responded that the parcel was a separate property prior to the Town purchasing the parcel and was added to the Town property that holds the rest of the buildings. Tom asked about the application, where it noted that 'to meet the fifty-foot setback required, the building would need to be turned to face the entrance doors north, creating a greater visual impact on the hillside slopes.' Mayor Leach explained that going from a thirty-foot end of a building, running north and south, to a sixty-foot expanse if the building needed to be rotated. Tom clarified that the increased visual meant that from the park, more of the building would be visible and instead of seeing the narrow part of the building, you would see the wide side of the building. Mayor Leach confirmed that to be correct. Tom had read the minutes of the Planning Commission meeting where a similar question was asked that if the building was turned to the north, it may be more difficult to access. Mayor Leach shared that they plan to store large maintenance equipment in the building and the access road is between DeMille Road and where the building would be built, which would negatively impact the entrance into the building. In speaking with Jeff Ballard about coming and going with large equipment Jeff confirmed that it would be difficult and believed it would be better with the current proposed position allowing for greater access and turning radius with large equipment. Tom summarized that there would be greater visual impact and more difficulty accessing with large equipment both getting in and out.

Tom asked Mayor Leach about the access road. Mayor Leach stated that the access road was established when the property was purchased, as the property was divided with the neighbors since the Town did not need the entire lot. The access road allows the neighbors to access their new parcel. Tom identified the retaining wall on the north side next to DeMille Road and another retaining wall just south of that. He asked if the access road would be defined between the two walls. Mayor Leach confirmed that saying yes. Tom asked if the building were to be rotated north if the plan would be for those two walls to be there and for the access road to remain. He asked if there was an easement. Mayor Leach said not at this time as they are still establishing where the building will sit and how the property will be used.

Tom asked about an irrigation line located between the back of the park and where the new building is proposed. He asked about the required offset from an irrigation line for a building as the application mentions an existing irrigation line. Mayor Leach responded sixteen feet with eight feet on either side. Tom asked about the Engineer's Analysis that indicated the Sensitive Lands Ordinance allows the Town to make modifications to the provisions of the Sensitive Lands Ordinance for Public Works or Public Development Projects as found in 8.20.4.1 and 8.20.4.2. Tom asked why the Town chose to ask for a Variance instead of taking advantage of the existing provision. Mayor Leach shared that when the Council took the issue to the Planning Commission for a conceptual meeting to discuss the building project and the

Commission did not feel they could support the modifications and the Council felt that asking for a Variance was the next step. Tom summarized that the Council had tried to take the provision provided in the Sensitive Lands Ordinance but were unsuccessful as the Planning Commission declined the modification. Planning Commission Chair Brennan shared that during the conceptual meeting, the Commission interpreted the LUC 8.20.4.1 and 8.20.4.2 as Public Works being essential infrastructure like irrigation ditches, pipelines, and electrical poles which they determined as a group that they did not think the maintenance building was as essential as a pipeline. One of the reasons the Planning Commission decided against the 'essential' Public Works was that between the Sensitive Land, the 30% slope from which the fifty feet are measured, and the proposed building site, is DeMille Road which is an already disturbed area. Another factor

Chair Brennan asked Tom to consider is that only two Town residents can turn large machinery in the small area provided and with the building rotated, less maneuvering of large machinery would be required. Jeff Ballard shared that access from DeMille Road allows easy access to the bays, but the other way requires turning the backhoe, truck, or road-grader and is much more difficult. Mayor Leach added that potential damage to the vehicles increases when turns are necessary. Also, with north-facing doors, potential water damage to the future building is far greater.

Tom asked about the ownership of the property, which is owned by the Rockville Town Local Building Authority and how that is set-up. Mayor Leach confirmed that the Rockville Town Local Building Authority does own the property and the Town Council is the voting body for the Authority. Tom confirmed that the Town Council acts as the Building Authority and that the owner of the property authorizes them to submit the application. Mayor Leach confirmed yes, they could make the application and thanked Tom.

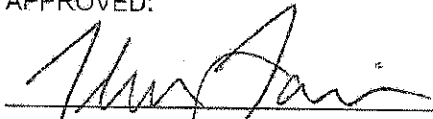
Tom asked for feedback on the following thoughts: he referred to the third standard for a variance as the building could be built on the property, just not in the preferred orientation. He noted there will be impacts to the orientation with the view shed and access. He asked why granting the variance is essential and why the orientation and location should be considered a 'substantial' property right. Mayor Leach responded that the Town purchased that property for this specific project, for a maintenance yard and building and the proposed building placement allows use and access of the property to the Town's greatest benefit. Clerk Bell shared that at a previous meeting, residents preferred seeing the narrow end of the building from DeMille Road and believed it would be an eyesore viewing the wide side. Mayor Leach identified that in the application, part of the intent was to maintain the view-scape of the cliffs and hillsides and the orientation that the Variance would provide would help maintain the LUC with the least visual impact. Shirley Ballard asked Tom to consider that the numerous implements required to maintain the Town are parked in various locations on private properties. She believed the need essential for the Town to keep all the equipment on Town-owned property. Mayor Leach agreed and added that when the equipment is housed on private property, as all are currently, it creates a potential hazard for the private property owners as well as potential of damage to the Town's equipment.

Mayor Leach thanked Tom for his time and willingness to be the Town's Variance Officer as well as taking time to review the application.

3. **ADJOURN:** Tom Dansie Adjourned the meeting at 6:28 p.m.

Minutes Prepared by
Pearl Meadows
Town of Rockville

APPROVED:



Tom Dansie, Variance Hearing Officer

The foregoing minutes were posted in the cabinet of the Rockville Town Office by Wicki S Bell
on 25 August, 2022, at approximately 10:00 AM PM and on the Utah Public Network and Rockville
websites.





Variance Hearing
July 14, 2022, 6:00 p.m.
Rockville Community Center
43 E. Main Rockville, UT 84763

PLEASE SIGN YOUR NAME AND PLACE OF RESIDENCE FOR THE RECORD

NAME

ADDRESS

Jeff Shirley Ballard

Rockville

JANE BRENNAN

ROCKVILLE

2022
7/14/22
6:00 p.m.
Rockville
Community Center
43 E. Main
Rockville, UT 84763