
**BEFORE THE ADMINISTRATIVE HEARING OFFICER
FOR THE TOWN OF SPRINGDALE, UTAH**

IN THE MATTER OF THE APPLICATION OF
SPRINGDALE TOWN FOR A VARIANCE FROM
SECTION 10-15B-9(A) OF THE TOWN CODE
PROHIBITING DISTURBANCE ON 30 PERCENT AND
GREATER SLOPES

**FINDINGS AND DECISION APPROVING
REQUEST FOR VARIANCE**

PUBLIC MEETING DATE: February 16, 2021

1. The Town of Springdale Public Works Department has requested a variance from section 10-15B-9(A) to allow disturbance on slopes that exceed 30% in grade. The request is being made to allow the construction of a retaining wall and public sidewalk adjacent to State Route 9. The subject parcel is owned by Al Tiley.
2. The Town anticipates obtaining an easement from Mr. Tiley for the construction of the retaining wall and sidewalk improvements. Mr. Tiley has given his written authorization for the Town to make the variance request on his property.
3. The subject property is approximately 15 acres in area located in the Foothill Residential (FR) zone and developed with one single-family residence. The residence is accessed from Winderland Lane, with steep slopes falling to the west side of State Route 9, just south of the Bit and Spur Restaurant (1214 Zion Park Boulevard). That property is zoned Village Commercial. Properties to the north and across the street to the east are also in the VC zone. The properties to the south and west are undeveloped properties in the Foothill Residential (FR) zone.
4. The Town of Springdale Public Works department is planning a public sidewalk connection on the west side of SR9 between the Best Western Hotel and the Hoodoos Market. There is currently no sidewalk along this stretch. Steep slopes on parcel S-101-F-1 come near the edge of SR9 in many sections along this stretch. In order to construct the sidewalk, it will be necessary to cut into these slopes and retain them with a retaining wall.
5. An abandoned irrigation canal runs along the side of SR 9 in this location. Slopes below the canal are generally not natural grades. They were disturbed during the construction of the canal, as well as with the construction of the highway. Slopes above the canal are generally undisturbed natural grades. Most of the slopes that are proposed to be disturbed with the sidewalk project are located below the irrigation canal. They have been previously disturbed. Construction on these slopes is not part of the present variance request.

6. State Route 9 went through a major reconstruction project in 2017-2018. Part of that project included placing overhead power lines underground. Several large power infrastructure boxes were installed along SR9 as part of these improvements. One of these boxes is located in the path of the proposed sidewalk. Due to the size and configuration of the box and power infrastructure it is not feasible to move this box for the sidewalk. The sidewalk is proposed to bend around the back side of the box. In order to fit the sidewalk behind the power box the sidewalk and associated retaining wall will encroach onto steep slopes in excess of 30% grade. These slopes are located above the abandoned irrigation canal and are natural slopes. Disturbance of these slopes is the subject of the variance request.
7. Title 10-3-3(B) of the Springdale Town Code provides the following standards to the Appeal Authority when considering variance requests:

- a. **Literal enforcement of the provisions of this title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this title**

FINDING:

Literal enforcement of the code section would prohibit the installation of a public sidewalk, continuing existing public safety issues with pedestrians crossing the road and thereby creating an unreasonable hardship to the general public. A pedestrian crosswalk exists at the intersection of SR-9 and Lion Blvd. South of that crosswalk, no pedestrian crosswalk exists until the one near the La Quinta Motel at 792 Zion Park Blvd. A parking area exists adjacent to the proposed sidewalk, which is heavily used during each tourism season. Motorists who park in this area are forced to either cross the road or navigate an uneven surface traveling north towards Lion Blvd. The proposed sidewalk will eliminate these safety concerns and provide a safe area for pedestrians to walk.

- b. **There are special circumstances attached to the property that do not generally apply to other properties in the same district.**

FINDING:

Only in one relatively small area does a natural slope of the hillside come close to the right of way. Other areas adjacent to the sidewalk project have slopes that have been disturbed over time and are no longer natural grades, mostly due to construction and maintenance activities related to an old irrigation ditch. A Rocky Mountain Power utility switchgear near the curb requires the sidewalk to sweep away from the curb and around the utility box, creating the need for the slope to be cut and a retaining wall installed. The switchgear cannot be moved to another location.

- c. **Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.**

FINDING:

All other properties in the area, from Lion Blvd. through the center of Town, have access to public sidewalks. The extension of the public sidewalk in this area will improve public safety as motorists utilize available parking and navigate to Zion National Park. The natural hillside and location of the Rocky Mountain Power switchgear are specific to this property and not general throughout the area.

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

FINDING:

One of the listed priorities of the General Plan is a pedestrian oriented streetscape. Sidewalks are a critical piece of creating a pedestrian oriented space by providing a space for pedestrians to walk safely. In Chapter 14 of the General Plan, it is noted that one method to create a pedestrian oriented streetscape is to construct sidewalks that “run the length of Town on both sides of the street.” Further, General Plan goal 8.7 and objective 8.7.1 specifically direct the Town towards completing the sidewalk system to provide safe and easy pedestrian connections.

- e. **The spirit of this title is observed, and substantial justice done.**

FINDING:

The affected area is small in length (approx. 50 feet), small in scope (maximum of 747 sq. feet of disturbance and no more than 12 feet in depth from the toe of the slope) and exhibits conditions specific to the property including the natural hillside slope, location of the roadway, and location of the power company’s electrical equipment. Granting the variance will result in substantial justice to the public by providing a pedestrian connection and helping to achieve the goals stated in the Town’s General Plan.

- 8. After consideration of the evidence provided by the applicant, and consideration of the request, the administrative hearing officer determines that the variance request should be approved.

Dated this 16th day of February 2021

ADMINISTRATIVE HEARING OFFICER

Kenneth L. Sizemore