



STAFF REPORT

To: Summit County Board of Adjustment
From: Steven Taylor, Code Enforcement Officer, Summit County Engineering
Date of Meeting: September 24, 2020
Type of Item: Variance to Driveway (Ordinance 181-D) - Public Hearing, Possible Action
Process: Variance

Project Description:

Applicant(s): Derek Hughes
Property Owner(s): Hughes Development LLC, Brandon Deitchler, AND LLC,
Location: E Valleyview Road- Lake Rockport Estates Subdivision- Wanship, UT
Zone District: Eastern Summit AG/Grazing-80
Developed/Recorded Subdivision-1971
Parcel Number and Size: Parcel # LR-2-168 1.05 acre, LR-2-167 1.06 acre, LR-1-69 1.0 acre, LR-1-70 1.0 acre
Type of Process: Variance to Driveway Ordinance 181-D

Proposal:

The applicant requests that the Board of Adjustment grant variance to the driveway slope requirements outlined in Summit County Ordinance 181-D Appendix B, Sec. 3(2):
Excluding the first 20 feet; To allow maximum grades of up to 16% maximum and an average of 10.5% on the remaining 368 foot of an existing shared driveway.

Current requirements:

“All individual driveway access locations shall be designed to function well with the existing conditions and layout of each residential building. The maximum average grade of the first twenty feet of a driveway which has a total length greater than 100 feet shall not exceed five (5) percent. The maximum average grade of a driveway which has a total length of 100 feet or less, shall not exceed then (10) percent. The maximum average grade of any driveway shall not exceed ten (10) percent. Up to Twelve (12) percent grades may be allowed for short distances which shall not exceed a total of 250 feet when approved by local Fire District.

Community Review:

A public hearing notice was published in the Summit County News newspaper, and postcard notices were mailed to all property owners within 1,000 feet of the subject property. As of the date of this report no public comments

have been received. One postcard notice has been returned as non-deliverable.

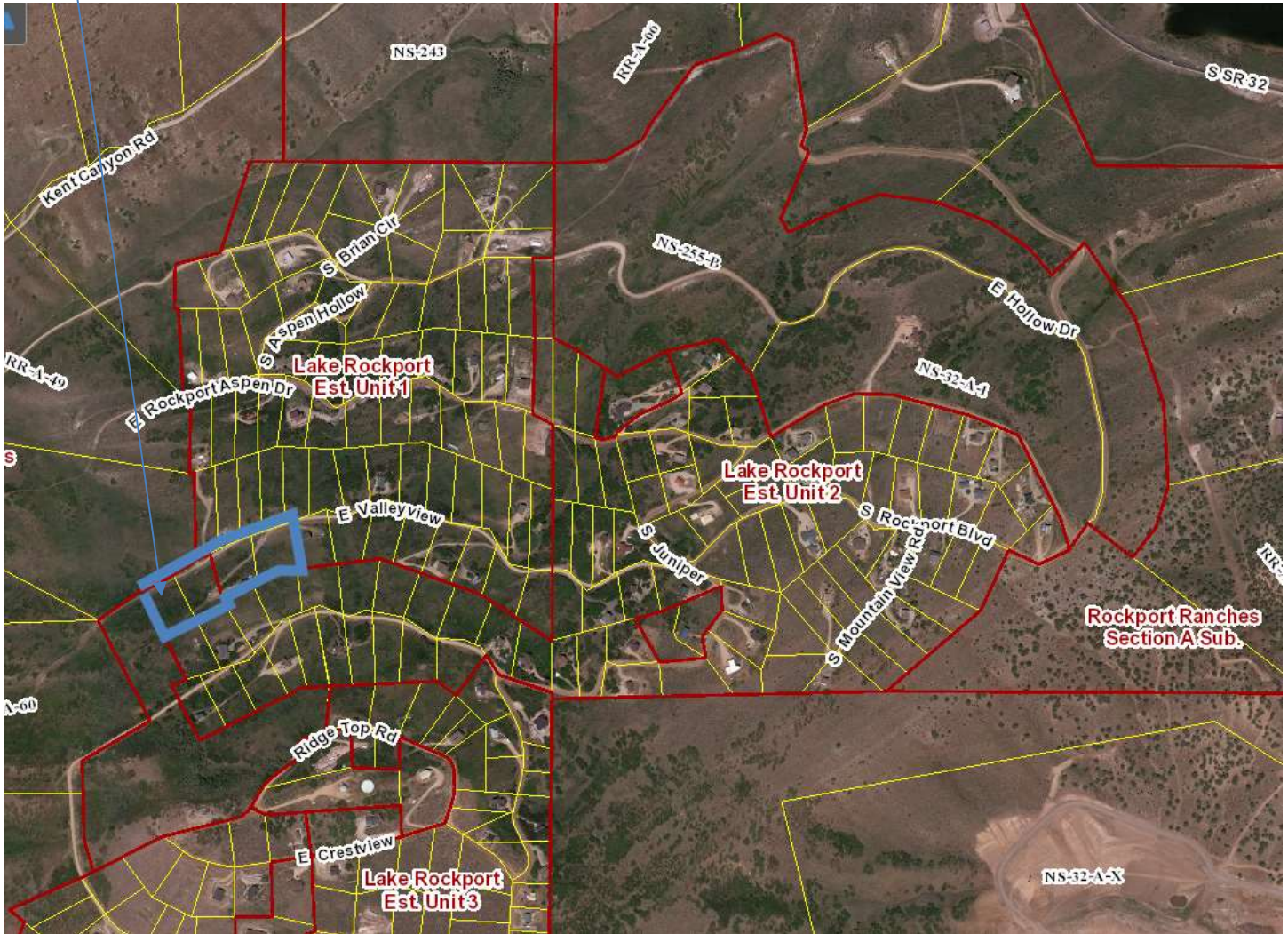
Vicinity Map:

Lake Rockport Estates
LR-2-168 Shown in Blue



60 North Main, P.O. Box 128, Coalville, UT 84017
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Fax (435) 336-3043

**Parcel Map:
LR-2-168**



Parcel Map Enlargement:



Background:

The applicant, Derek Hughes, owns the legally created lot located within Lake Rockport Estates Subdivision with an address of 182 E Valleyview road. The lot is listed as parcel number LR-2-168 on the county records. Hughes also owns the adjoining parcel LR-2-167.

- Lake Rockport Estates subdivision is a mountain area development with a gated access.
- E Valleyview road dead-ends two parcels from LR-2-168
- An existing shared driveway, with recorded easement, is in place to give access to parcel LR-2-168 from Valleyview road.
- The shared driveway crosses LR-1-70, LR-1-69, and LR-2-167 to access LR-2-168.
- A development permit application # 20191 for a home on parcel LR-2-168 is approved and construction has begun.
- A Low Impact Permit has been issued to develop the hillside as slopes are greater than 30%.
- The slope of the hillside from the road ranges from 60% to over 100% slope.
- LR-2-168 has been permitted with a compliant driveway extension from the existing shared driveway.

- The existing shared driveway is not compliant with ordinance 181-D slope requirements.
- A parcel owner with the shared driveway easement has denied the applicants proposal to modify the shared driveway to create compliant slopes.

The applicant's basis for the variance request is:

The parcel owner with the driveway easement across his property will not allow the driveway to be modified from its current state and feels the changes would be less safe:

"This would require a 7-0 tall retaining wall on the downhill slope of the driveway and reduce the flat pull off space from Valley View. The current home owner on lot LR-1-69 has put in \$30,000 already with a rotomill drive. He is not approving me to do this work per our easement agreement. He states the 7-0 retaining wall will be more dangerous (due) to the drop if someone was to slide off... he has lived there for over 15 years."

Analysis and Findings:

The five (5) standards required for granting a variance are set forth in the Summit County Development Code, which standards are provided below.

Standard 1: Literal enforcement of the Ordinance would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the land use ordinances.

Analysis: The owner has begun building his house with the approval of the driveway being compliant. The shared portion crosses other owner's parcels. A compliant driveway can be built but may be subject to civil legal statutes. The existing shared driveway could be built to be compliant. Retaining walls and guard rails/ barriers could be designed and built to enable the driveway slopes to be compliant but may need to be approved by all other parcel owners.

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

Analysis: Existing driveways within older subdivisions must be made compliant when the degree of use changes. Adding a new house to a parcel is considered a change of use. However, this parcel has access granted via a shared driveway that is also owned and used by others who object to changing the existing driveway.

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

Analysis: The parcel is an approved building lot within a mountain subdivision. A compliant shared driveway to reach the approved building pad could be constructed. Current homeowners use the existing shared driveway and will not allow changes that may cause adverse conditions. The permit was issued for this location based on reviews and comments to consider the least impact and compliance to the county code. The shared driveway was intended to be modified to meet compliance.

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

Analysis: The Ordinance is established for the safety of the parcel owners, guests, and the public in general. The existing driveway is steeper than the ordinance allows. However, the driveway has been and is currently used

by others that say modifications would be less safe because of the driveway being raised to create a flatter slope would create a higher drop from the edge.

Standard 5: The spirit of the ordinance is observed, and substantial justice done?

Analysis: The ordinance is created with specific requirements to help maintain safety and wellbeing of the county residents and those who may visit the area. The flatter a driveway, the safer it can be navigated. The ordinance has specific slopes that represent safety guidelines as specified by national committees. The existing shared driveway is now, and will continue to be, used for access to other parcels. Safety is a main concern. The current residents feel modifications will create a greater hazard than the existing conditions.

The Engineering staff is given the duty to uphold county ordinances pertaining to driveways, grading, and storm water and land erosion. The existing shared driveway could be built to be compliant. Retaining walls and guard rails/ barriers could be designed and built to enable the driveway slopes to be compliant if all owners were to approve the modifications.

The Board of Adjustments may approve, approve with conditions, or deny a code variance based upon the review of the standards, analysis, and comments.

Attachments

Exhibit A: Proposed Site plan W/Existing Driveway
Topographic Survey

Application (Separate Attachment)

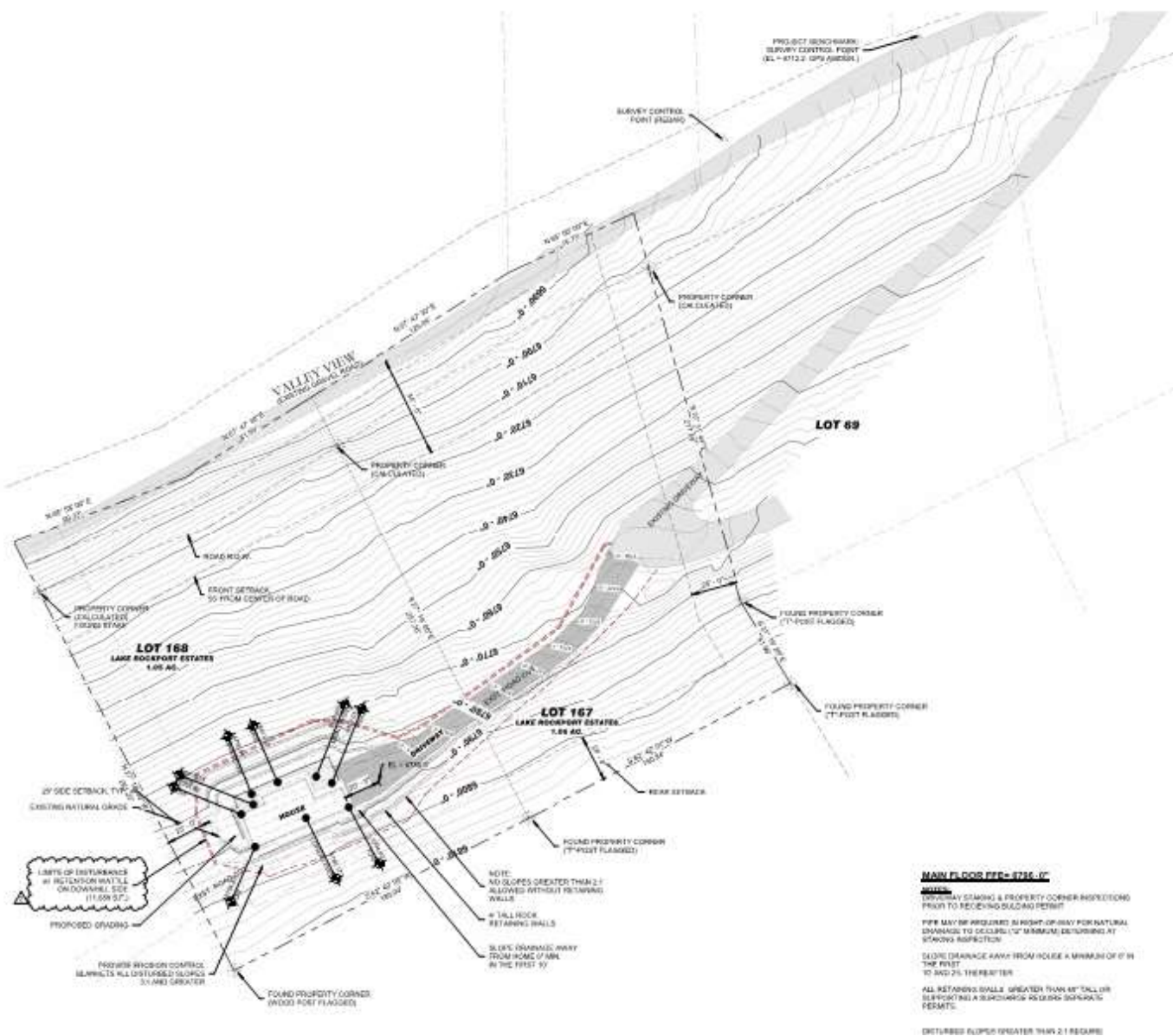
Applicant Photos

Google Earth Image

Owner Correspondence

Exhibit A:

Site Plan



Topographic Survey

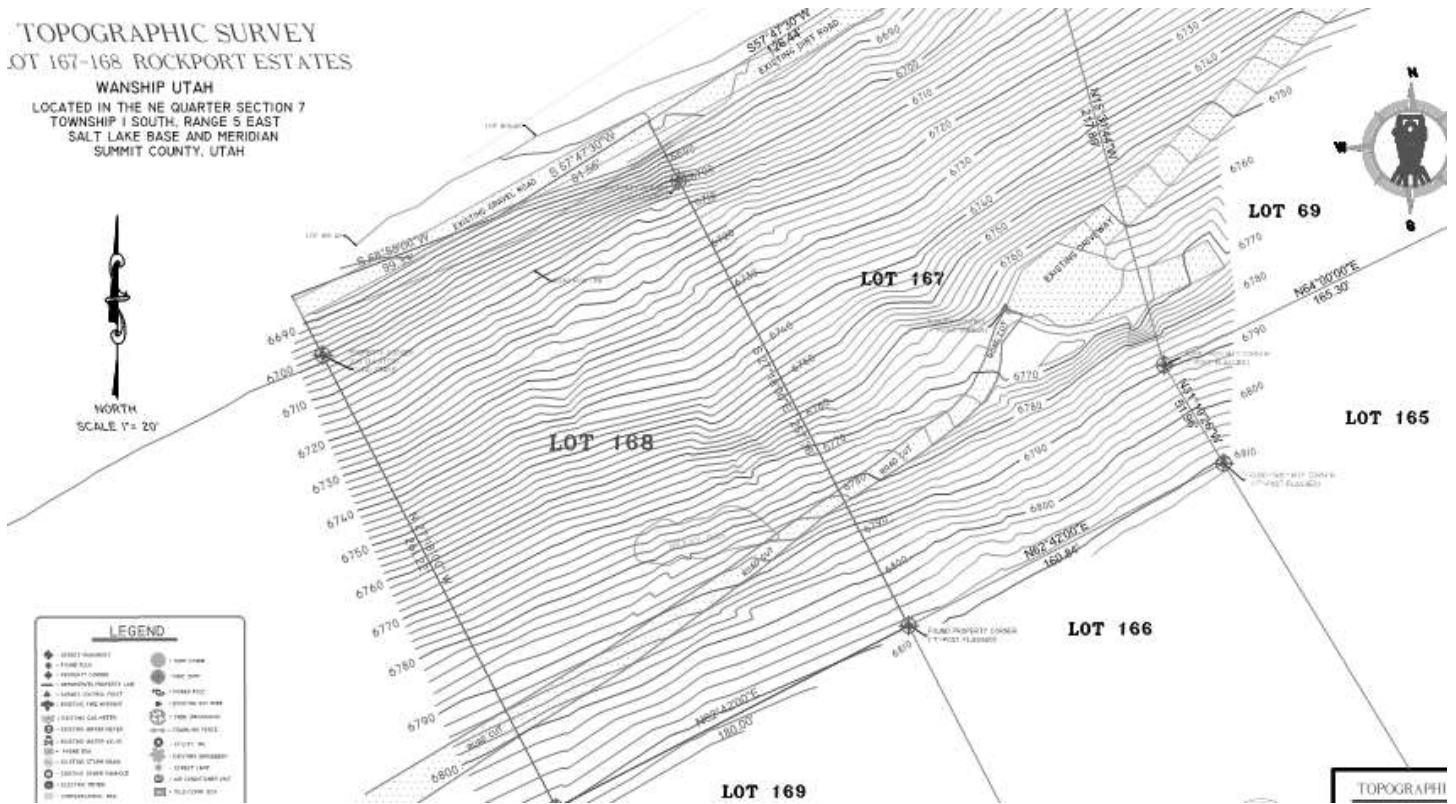
TOPOGRAPHIC SURVEY LOT 167-168 ROCKPORT ESTATES

WANSHIP UTAH

LOCATED IN THE NE QUARTER SECTION 7
TOWNSHIP 1 SOUTH, RANGE 5 EAST
SALT LAKE BASE AND MERIDIAN
SUMMIT COUNTY, UTAH



LEGEND	
	Survey Monument
	Easement
	Property Boundary
	Boundary Line
	Contour Line
	Spot Elevation
	Utility Line
	Filled Area
	Water Feature
	Road
	Fence
	Tree
	Rock
	Well
	Structure
	Boundary Marker
	Survey Station
	Easement Marker
	Utility Marker
	Filled Area Marker
	Water Feature Marker
	Road Marker
	Fence Marker
	Tree Marker
	Rock Marker
	Well Marker
	Structure Marker



TOPOGRAPHI

Applicant Photos:



Street View 1-Looking Uphill-Existing Shared Driveway



Street View 2 -Looking Downhill-Existing Shared Driveway

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Hillside View-Below Existing Driveway

Google Earth Image:



Google Earth Image-Hillside and Existing Driveway

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Owner Correspondence:



Derek Hughes <dlhughes28@gmail.com>

Driveway proposal

1 message

Branden Deitchler <bdeitchler1@gmail.com>
To: Derek Hughes <dlhughes28@gmail.com>

Tue, Aug 18, 2020 at 2:43 AM

Derek, I wish I were more excited about this driveway situation but after considering the changes I am not. As far as safety is concerned this plan just doesn't make sense to me. As you know, I have put roughly 30,000.00 dollars into this driveway and continuously make it better as far as safety for plowing as well as a turnaround on a road in Rockport estates that has none other! I personally have dealt with specific elevation details on this driveway when I managed a significant remodel on my home 8 years ago which was permitted. To consider putting seven feet of fill at the lower portion of the drive and retaining that elevation change creates a safety hazard in the respect of plowing in the winter. You must also understand that the water line from the meter to the house is right in the middle of the retaining area. My water line is to code as far as depth however I have a freeze less faucet that would be compromised. My driveway is wider and more manageable than any other driveway in the community to be perfectly honest. I have worked for The Jaffa design build group and for Big D construction managing these details over the last 10 years. I would suggest you work with he county on a variance for what is being proposed Thank you.



Derek Hughes <dlhughes28@gmail.com>

Lot 167 and Lot 168 driveway

1 message

Brent Weaver <bweaverco@gmail.com>
To: "dlhughes28@gmail.com" <dlhughes28@gmail.com>

Thu, Aug 13, 2020 at 3:01 PM

Derek - thanks for your time today. After our call we would like to keep the driveway as is, if at all possible. Adding a 7 foot retaining wall would be more dangerous for Sarah and I. And then we wouldn't have a flat pull off spot to get off the road.

Thank you again.
Brent Weaver

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