



February 12, 2025

**Request Type:** Variance  
**File No:** LUHO-24-014  
**Address:** 3825 South Arroyo Road  
**Zone:** R-1-10, Single-Family Residential Zone  
**Applicant:** Robert Ricks  
**Planner:** Brad Sanderson,

**SUMMARY DESCRIPTION**

The Applicant (Rob Ricks) is seeking a variance to reduce the front yard setback. He is offering to increase the rear yard setbacks on three vacant residential lots created by the Honeycut Hollow subdivision in exchange for granting the variance. The property is generally located at 3825 South Arroyo Road, hereby referred to as the “Subject Property.”

The setbacks are adopted into Millcreek’s Zoning Code (19.14.050), which can slightly vary between the various zones. The Subject Property is located within the R-1-10 (Single-Family Residential) Zone, which has a minimum front yard setback requirement of 30 feet and a minimum rear yard setback requirement of 30 feet or 15 feet, depending on whether the dwelling includes a garage, as highlighted in the table below.

**19.14.050 Yards**

Dwellings: The minimum yard requirements for a private garage or dwelling are as follows:

ZONE	FRONT YARD	SIDE YARD (Interior)	SIDE YARD (Facing a public street)	REAR YARD WITHOUT GARAGE	REAR YARD WITH GARAGE
R-1-3, R-1-4, R-1-5	20 feet	5 feet unless attached to a dwelling on an adjacent lot	20 feet	20 feet	15 feet
R-1-6, R-1-7, R-1-8	25 feet	5 feet one side and 11 feet on the garage or driveway side or 8 feet on each side	20 feet	30 feet	15 feet
R-1-10, R-1-15, R-1-21	30 feet	10 feet on each side	20 feet	Same as above	Same as above
R-1-43	30 feet	15 feet on each side	20 feet	Same as above	Same as above



Section 19.92.050.A. of Millcreek's zoning code, outlines the means for requesting and granting a variance to certain zoning codes as follows:

*The authority shall have the following powers to authorize an appeal in specific cases a variance from the terms of this title. The authority may grant a variance only if:*

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 this title;*
  2. *There are special circumstances attached to the property that do not generally apply to other properties in the same district;*
  3. *Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;*
  4. *The variance will not substantially affect the general plan and will not be contrary to the public interest; and*
  5. *The spirit of this title is observed, and substantial justice is done.*
- (Answers to questions are attached to document).*

The applicant has provided a written request and response to the above listed criteria for a variance (see applicant's request letter, attached).

Furthermore, Section 19.92.050. of Millcreek's zoning code states,

*"In determining whether enforcement of this title will cause unreasonable hardship, the authority may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought and comes from circumstances particular to the property, not from conditions which are general to the neighborhood. In determining whether or not enforcement of this title would cause an unreasonable hardship, the authority may not find an unreasonable hardship if the hardship is self-imposed or economic. In determining whether or not there are special circumstances attached to the property, the authority may find that special circumstances exist only if special circumstances relate to the hardship complained of and deprive the property of the privileges granted to other properties in the same district. The applicant shall bear the burden of proving that all the conditions justifying a variance have been met."*

*"In granting a variance, the authority may impose additional requirements on the applicant that will mitigate any harmful effects of the variance or serve the purpose of the standard or requirement that is waived or modified."*



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## STAFF FINDINGS & ANALYSIS

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### Staff Findings:

1. The Honeycut Hollow subdivision was approved by the Millcreek Planning Commission on 7/20/2022 as a three-lot residential subdivision and recorded on 3/22/2023.
2. Prior to the subdivision approval, the Applicant filed a variance application, seeking relief to Section 19.76.080 of Millcreek's Zoning Code, which states the following:

*"Except where the requirements of this section are reduced by permit of the land use bearing officer, the minimum area for any lot fronting on a private right-of-way, at least twenty feet wide, shall be one-half acre, and the minimum distance from the center of the right-of-way to the front line of the building shall be fifty feet; except that property that cannot be subdivided as outlined in the subdivision ordinance may be developed on a private street or right-of-way in any R zone upon approval of the development services division director. Such approval shall be governed by the official policies regulating such development, as adopted by the planning commission and on file at the planning commission office.*

3. On 5/5/2022, the Applicant was granted a three-part variance to; 1) the minimum (1/2 acre) lot size requirements, 2) the minimum 50-foot setback from center of the private road requirements and, 3) was allowed to have lots on a private road that is less than 42 feet wide, (see formal decision file #LUHO 2022-008)
4. The variance was granted subject to the following nine conditions;
  1. *The lots size shall not be reduced below the current R-1-10 zoning requirements.*
  2. ***The setbacks from the private right of way shall be a minimum 30 feet from the edge of right-of-way.***
  3. *The private right-of-way which accesses the Property may not be less than 25 feet wide (and must be widened in certain areas as set forth in Paragraph 6 below).*
  4. *Unless otherwise approved by the [City] Fire Marshall, "No Parking" signage shall be installed at the turn-around near the end of the private right of way and along the portion of the right of way between the Property and Arroyo Road.*
  5. *The use of the private right of way shall be limited to the current two adjacent users and the three residential lots located on the Property. This limitation shall be stated on the recorded plat amendment.*
  6. *The portion of the private right of way located on the Property shall be sufficiently widened to accommodate improvements including, but not limited to travel lanes in both directions, and street parking and sidewalk on one side, as may be recommended and approved by the City Engineer.*
  7. *The Applicant shall make a good faith effort to work with the neighboring property owners on either side of the portion of the private right of way that connects to Arroyo Road to eliminate and/or reduce the width of as many drive accesses into the private drive as possible.*



8. *The applicant shall make the necessary improvements with the Arroyo Road right of way to the property connect the private and public improvements, as may be required by the City Engineer.*
9. *The Applicant must meet all other applicable City requirements including land use, engineering, construction, and building permits.*
5. During the subdivision review process, existing and proposed improvement plans were provided, including a professional topographic survey of the entire property (see the attached grading and drainage plan).
6. According to the grading and drainage plan;
  - a. Lot 101 has the most significant change in grade of approximately twenty-one feet (21') as measured from the front of the lot to the back of the lot; note however, that the change in grade, as measured within the buildable area, is only roughly eleven feet (11').
  - b. Lots 102 and 103 have similar topography, with a change in grade of approximately eleven feet (11') as measured through the buildable envelope. However, these lots differ from Lot 101 in that the change in grade is more from side to side.
7. The Subject Property is in the same R-1-10 Zone as all other surrounding properties, which requires a standard 30' front yard setback as measured from the edge of the right-of-way.
8. Increasing the rear yard setback area, as proposed by the Applicant, is an option available with or without the requested variance being granted.
9. Setbacks are generally intended for but are not limited to fire separation, emergency access between and around structures, aesthetics, driveway depths, utility easements and maintenance, drainage, etc.
10. The Subject Property was initially entitled as two buildable residential lots prior to the Applicant creating Honeycutt Hollow three-lot subdivision. Because the right-of-way access was labeled and recorded as a "lot" and not a "parcel" the city worked with the applicant through a subdivision amendment application filed by the applicant, to adjust the access lot into a third buildable lot.
11. Lot 101 is 0.26 acres; Lot 102 is 0.29 acres; and Lot is 0.33 acres in size. Although all three lots are slightly smaller in size, as compared to surrounding properties, all three lots nonetheless exceed the minimum 10,000 square foot lot size as prescribed by the R-1-10 Zone.
12. The findings below were previously considered as part of the first variance request which may be relevant in the consideration of this, the second variance request;
  - a. *"Lots 27 and 28 were clearly intended as building lots, whereas Lot 29, due to its narrow-elongated shape and location, may have reasonably been intended to provide and ensure access to Lots 27 and 28, and not necessarily intended as a building lot, (see East Forrest Hills Subdivision). Nonetheless, Lot 29 was recorded as a "Lot", with its own description and parcel identification number."*



- b. *The applicant is seeking a 30-foot front yard setback as measured from the edge of the proposed private right of way, instead of a 50-foot front yard setback as measured from the center of the private right of way, which is similar to the standard setback requirements outlined within the R-1-10 Zone.*
- c. *According to the City's adopted Master Transportation Plan, a private right of way needs to be at least 42-feet wide (see City's Master Transportation Plan).*
- d. *Although less than the required 42-foot right of way width per the current standard for a private right of way, the approximate 25-foot-wide access was legally created at the time of the lots were originally platted and cannot be widened without another landowner's consent, whether by easement or fee simple ownership.*

**Staff Analysis:**

The burden of justifying a request for a variance is on the applicant. See Utah Code § 10-9a-702(3) and City Code §19.92.050

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 this title; In determining whether enforcement of this title will cause unreasonable hardship, the authority may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought and comes from circumstances particular to the property, not from conditions which are general to the neighborhood. In determining whether or not enforcement of this title would cause an unreasonable hardship, the authority may not find an unreasonable hardship if the hardship is self-imposed or economic. City Code §19.92.050.B***

**Staff Response:**

Staff acknowledges the following factors as it pertains to the topography of the Subject Property:

- There is some significant grade change across the Subject Property; however, grade change is somewhat common throughout Millcreek, particularly on properties located within the R-1-10 Zone and more so in the easterly portion of the city.
- By comparison, Lot 101 has the most significant change in grade (21') compared to Lots 102 and 103; however, the change in grade, as measured within the building envelope or buildable area, is roughly eleven feet (11') from front to back.
- The change in grade across Lots 102 and 103 is mostly from side to side, which has less to do with the front yard reduction, as requested by the applicant.
- Retaining walls and the foundation of the building are common methods for addressing grade changes across residential lots.



- The width of the access lane was reduced, as a measure to increase the depth and buildability of all three lots.

The Applicant has not demonstrated that 1) the change in grade or “*alleged hardship comes from circumstances particular to the property, [and] not from conditions which are general to the neighborhood,*” specifically as it pertains to the buildable area and, 2) the use of retaining walls and other methods for addressing the change in grade is an “*unreasonable hardship ... [that might be anything other than] self-imposed or economic*”.

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

***In determining whether or not there are special circumstances attached to the property, the authority may find that special circumstances exist only if special circumstances relate to the hardship complained of and deprive the property of the privileges granted to other properties in the same district. City Code §19.92.050.B***

Staff Response:

- Using a previously granted variance, the right-of-way width was reduced from the standard 50-foot width to a 35-foot width, thus adding 15 additional feet of depth of buildable area to the front of each lot.
- All lots have a minimum buildable area of 53 feet deep by 65 feet wide. Although Lot 101 has the greatest change in grade from front to back, it also has the widest buildable area of 85 feet.
- Increasing the rear setback has little to do with the circumstances related to the hardship complained about on Lots 101 since setbacks are minimums. In this case, an applicant wouldn’t necessarily need to exhaust the entirety of a buildable area.
- Reducing the front yard setback has little to do with the circumstances related to the hardship complained about on Lots 102 & 103, since the change in grade is primarily from side to side.

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

Staff Response:

Retaining walls, landscaping, sloped driveways, and/or using the building’s foundation are viable options for addressing an even greater change in grade than the Subject Property. These options are commonly used on properties within the surrounding neighborhood and throughout Millcreek.

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



Staff Response:

While the General Plan does promote infill development and the ability to create more housing within the city, it also seeks to protect the health, safety, and welfare of property, individuals, and the general public. In this request, reducing the front yard setback may likely not significantly impact the public interest since front yard setbacks are less than 30 feet on smaller lots throughout Millcreek and other cities.

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

Staff Response:

By granting the requested variance, the authority may create an unintended precedent for future developments that were previously granted variance and unintentionally invite an applicant to apply for multiple and subsequent variances related to the same property and for the same issue(s).

Furthermore, the setbacks/buildable area and known change in grade were considered when the first variance was sought. This was further understood when the applicant conducted a professional topographical survey and yet still pursued a new subdivision to further subdivide the property in an effort to obtain one additional lot. This consequently reduced the buildable area and overall lot sizes, even though each new lot still exceeded the minimum lot sizes.

**Conclusion:**

Based on the above findings and other supporting documents contained within this report, the following conclusions can be made:

1. Although the original subdivision was recorded as three legal lots, only two of the lots were realistically buildable, as the third lot was only 20 feet wide and intended as an access, the applicant desired to exercise a technicality allowed within the parameters of the city and state code to adjust the lot lines through an amendment to the original subdivision to create a third buildable lots. The result of having three lots instead of two lots, created a slightly smaller lot size than other surrounding lots, even though all lots meet the minimum lot size requirements of the R-1-10 Zone.
2. The previously granted variance established a front yard setback of 30 feet from the edge of the right-of-way instead of 50 feet from the centerline. The reduced right-of-way width added approximately 15 feet of additional depth to each lot to ensure buildability.
3. The request to reduce the front yard setback is insignificant in relation to the side-to-side change in grade on Lots 102 and 103.
4. Properties within the R-1-10 Zone are more commonly found in the center and easterly portion of Millcreek, where significant topography is more common and where most properties have successfully designed homes, which often include the use of retaining walls and other methods, to conform with changing topography.
5. As it pertains to the change in grade on Lot 101, the approximate eleven feet of elevation difference as measured through the buildable area could be mitigated through one or more



retaining walls and/or the use of the structure's foundation through various design options. Although these options could incur some additional cost, such economic circumstances should not be the means for granting a variance.

6. Each building lot and building envelope is sized and shaped appropriately for a typical size and shaped home commonly found within Millcreek.
7. A variance should be granted on its own merits, not in exchange for changes in other lots.

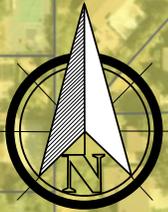
Based on the findings and conclusions listed above, it is Staff's opinion that the applicant has not met their burden of justifying a request for a variance, according to the criteria listed in Utah Code § 10-9a-702(3) and City Code §19.92.050 and therefore, the request for a variance is not supported by Staff.

### **SUPPORTING DOCUMENTS**

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- **Exhibit A** - Zoning Map
- **Exhibit B** - Variance Application and Applicant's Request
- **Exhibit C** - Honeycut Hollow Subdivision Recorded Plat
- **Exhibit D** - Honeycut Hollow Grading Plan
- **Exhibit E** - 2022 Variance Decision

# Zoning/Location Map



R-1-10

Mill Ln

R-1-10

R-1-10

R-1-10

R-1-8

Oakridge Drive

Arroyo Rd

Subject Property

Honeycut Rd

R-1-10

R-1-10

C-2

3900 South

# EXHIBIT B

## Variance Request Honeycut Hollow Subdivision Lots 101 through 103 November 13<sup>th</sup>, 2024

### Type of Variance

Front and Rear Yard Setback Variance (Millcreek City Code 19.14.050 “R-1-10 Yards”)

### Background

The Property, located at 3825 South Arroyo Road, was formally subdivided as a three-lot subdivision (“Honeycut Hollow”) on March 22<sup>nd</sup>, 2023. Critical to the approval of the Honeycut Hollow was a Variance Approval: File# LUHO 2022-008 (“Original Variance”) which allowed reprieve from (1) minimum ½ acre lot sizes on a private right-of-way (“ROW”), (2) reduction of the minimum 50’ setback requirement, and (3) reduction of the private ROW access width minimum of 42’. Since the Original Variance and Plat recordation the property has remained undeveloped. The applicant has attempted to sell the lots to private parties, however, among other things, building pad sizes and grade attributes of the Property have limited the project’s feasibility. The determination of this Variance Request will affect the building pads of Lots 101 through 103 of the Honeycut Hollow.

### Variance Request

The applicant requests that through variance the Front Yard Setbacks are *decreased* from thirty feet (30’) to twenty feet (20’) from private ROW and the Rear Yard Setbacks are *increased* from twenty feet (20’) to twenty-five feet (25’). This requested variance applies to §19.14.050 and condition #1 of the Original Variance.

### Purpose of Variance

The variance is being applied to promote the enjoyment of a substantial property right for lots in Honeycut Hollow. The unique location of the Honeycut Hollow and grade attributes of the Property result in the subject lots and the surrounding neighborhood being better served by decreased Front Yard Setbacks and increased Rear Yard Setbacks. As is discussed herein, the unique nature of the Honeycut Hollow’s circumstances are not standard in the R-1-10 Zone.

### Narrative

Honeycut Hollow is uniquely situated in the center-block of lots between Arroyo Road, Oakridge Drive, Honeycut Road, and 3900 South. Access to the Property is approved through a private ROW access from Arroyo Road. Given the “island-like” location of Honeycut Hollow both the homes on Oakridge Drive and 3900 South have a “rear yard relationship” to the Honeycut Hollow lots.

In a typical R-1-10 situation, where a “rear yard relationship” exists between two lots, it can be expected that there will be a minimum of forty feet

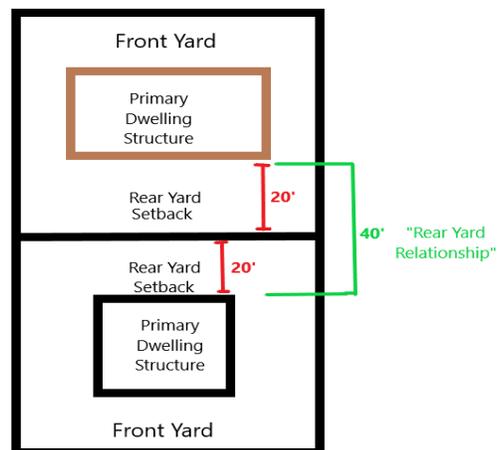


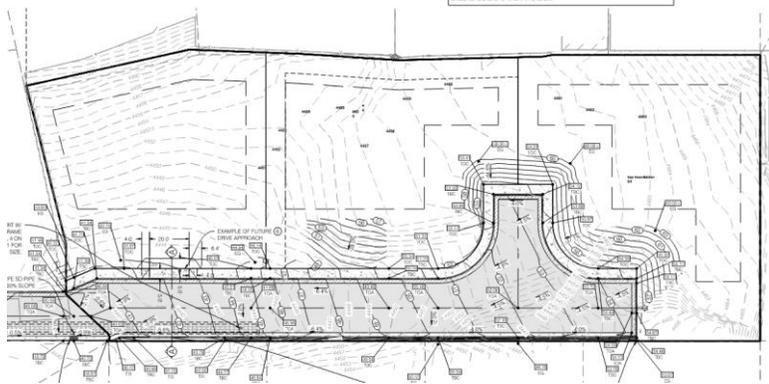
Image 1: Exhibit of “Rear Yard Relationship”

(40') between the principal dwellings of each lot via implementation of §19.14.050 twenty foot (20') rear yard setbacks.



**Image 2: Honeycut Hollow Subdivision on the Salt Lake County Assessor Map**

Honeycut Hollow includes significant grade differentials throughout the project. Lot 101 rises nearly twenty feet (20') from the top back of curb (“TBC”) to the rear lot boundary. The buildable areas of lots 102 and 103 are nearly ten feet (10') above TBC. To establish functional grading and drainage patterns in Honeycut Hollow significant retaining walls and grading methods will need to be employed to achieve buildable home pads.



**Image 3: Snippet of Honeycut Hollow Subdivision Approved Grading and Drainage Plan**

As setbacks are currently prescribed by City Code and Condition #1 of the Original Variance, much of the backyard setback of the three lots will be filled with retaining walls. Lots 102 and 103 will also need to employ expensive retaining walls and grading methods to absorb the grade from TBC to the front of a home.

By granting the requested variance the buildable area will be ten feet (10') closer to the TBC and five feet (5') further from the rear property lines. While this will only result in a net five foot (5') deeper building pad it will work to provide more usable areas (unrestricted by retaining walls) open back yards and allow the front of the home structures to act as some of the functional retaining for the front yards. Resulting in a much better and livable outcome for the eventual homeowners of Lots 101-103.

While the variance will inherently benefit the Honeycut Hollow subdivision, it will also benefit homes along Oakridge Drive. Should this variance be granted, the Oakridge Drive homes would enjoy a minimum “rear yard relationship” of Forty-Five Feet (45') instead of the currently required Forty Feet (40').

The unique layout of Honeycut Hollow maintains that even with the Front Setback reducing by Ten Feet (10') the “rear yard relationship” to homes along 3900 South remains in excess of the Code anticipated Forty Feet (40'). This is due to the fact that the Honeycut private ROW (which is Thirty-Five Feet {35'} wide) runs along the rear of the 3900 South lots. Combining the width of the private ROW and the Front Yard Setback: no principal dwelling structure would be within 55' of the 3900 South Lots and result in a minimum “rear yard relationship” of Seventy-Five feet (75').

Furthermore, because the private ROW only includes the three subject lots, there will be no homes across the street like in a traditional neighborhood. Therefore, moving homes closer to the private ROW has no impact on a streetscape or neighboring home.

### **Purpose of City Code**

The Purpose of Title 19 is defined in §19.02.020:

*“This title is designed and enacted for the purpose of promoting the health, safety, morals, **conveniences**, order, prosperity and welfare of the present and future inhabitants of City, including,*

*among other things, the lessening of congestion in the streets or roads, **securing safety from fire and other dangers, providing adequate light and air**, classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy in governmental expenditures, fostering the City's agricultural and other industries, and the protection of both urban and nonurban development”*

§19.14.010 goes on to further define the purpose of its R-1-10 Provisions:

*“...to establish single-family neighborhoods which provide persons who reside therein a comfortable, health, safe and pleasant environment.”*

§19.04 defines Yards (Setbacks) as:

**Yard** *"Yard" means a space on a lot, other than a court, unoccupied and unobstructed from the ground upward by buildings or structures*

**Yard, Front** *“Front yard” means a space on the same lot with a building, between the front line of the building and the front lot line, and extending across the full width of the lot. The “depth” of the front yard is the minimum distance between the front lot line and the front line of the building. Front yards serving single-family dwellings... shall be defined as the space on the same lot with a building, between the designated front of the residence and any lot line abutting a street or private right-of-way.*

While not explicitly defined in Millcreek Code, rear setbacks are desirable because they produce an open space between principal structures and what has been defined herein as the “rear yard relationship”. This “rear yard relationship” promotes *conveniences, secures safety from fire and other dangers*, and provides *adequate light and air*. The variance being requested has no impact on the minimum “rear yard relationship” between any homes and in both cases arrives at a result that is well more than the minimum “rear yard relationship” of Forty Feet (40’) anticipated by the R-1-10 Zone.

### **Request of Applicant**

The applicant requests that the unique location and grade conditions of the Honeycut Hollow Subdivision are recognized by the Appeal Authority. The requested variance allows for a greater outcome for the future Millcreek City inhabitants that will eventually build homes in this subdivision. At the same time the variance has no real impact on the minimum “rear yard relationship” that is enjoyed by all other homes in the zone.

### **Demonstration of Variance Minimum Standards (§19.92.050)**

- 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 this title;**

Literal enforcement of the setback ordinance does not consider the actual site conditions, unique layout, and location of the subject subdivision. Grade differentials inside of the lots require that significant rear yard retaining walls be built so as to reasonably accommodate single-family home development. The walls will compromise large sections of the rear lots. Increasing the rear yard setback distance allows for walls to sufficiently extend and leaves some portion of the rear lot

space to be used for usable yard area. Honeycut Hollow, quite literally, is a Hollow with nearly all the surrounding lots existing at a higher elevation than the subject subdivision.



**Image 4: Honeycut Hollow Elevation Differentials (demonstrating “Hollow” site conditions)**

All lots surrounding the subject property naturally slope (or have since retained) into the hollow. Therefore, nearly all the surrounding homes are set well above the eventual home sites that will be developed in this project. The general purpose of the setback title is to produce an open space between principal structures and what has been defined herein as the “rear yard relationship”. It has been clearly demonstrated that the requested variance does not reduce, in any way, the “rear yard relationship” that is intended to be codified by the ordinance. Literal enforcement of the code would squeeze the feasible building pad locations below what is typically realized by a similarly sized lot in the existing zone. Reducing the feasible building pad has no benefit to the surrounding neighborhood but creates an unreasonable hardship for the subject lots.

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

The subject property exists in an actual hollow. Honeycut Hollow includes significant grade differentials throughout the project. Lot 101 rises nearly twenty feet (20’) from the top back of curb (“TBC”) to the rear lot boundary. The buildable areas of lots 102 and 103 are nearly ten feet (10’) above TBC. To establish functional grading and drainage patterns in Honeycut Hollow significant retaining walls and grading methods will need to be employed to achieve buildable home pads.

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

Similarly sized lots in the zone are able to achieve buildable pads (the area of a lot inside of all setbacks) that are larger than what could be achieved at Honeycut Hollow if there is literal interpretation of the code. Given the significant grade mitigation that will need to be applied to this site, large sections of the lots will be compromised by retaining walls and unusable slopes. Granting the variance has no negative effects on the surrounding neighborhood while freeing usable space to the subject properties.

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

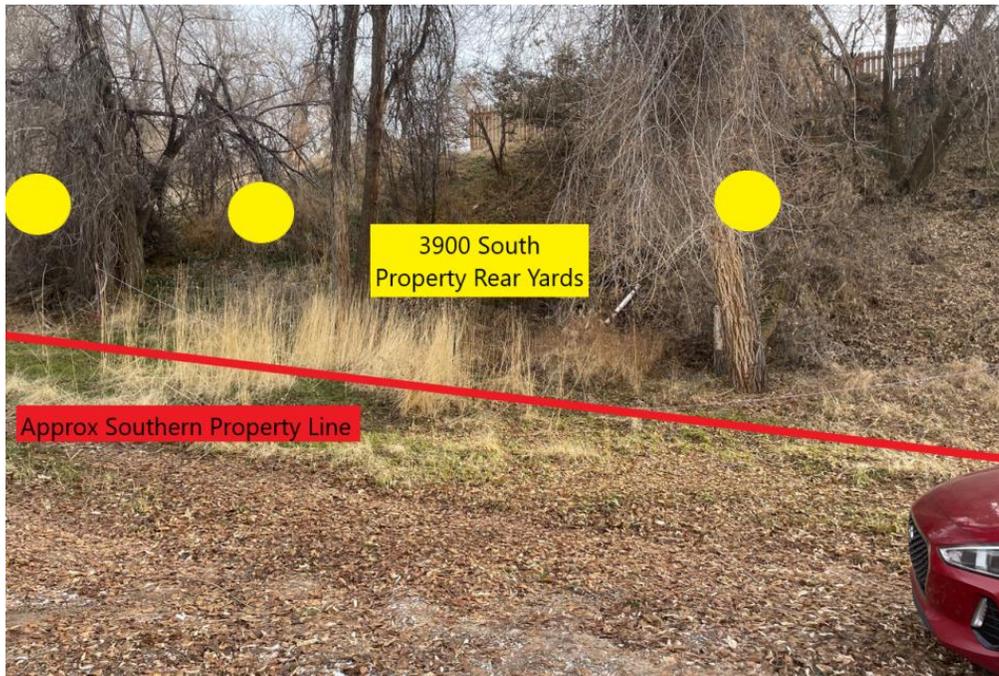
The variance will have no effect on the general plan. The variance supports the public interest in that it recognizes actual site conditions and employs reasonable solutions to preserve substantial property rights of the subject property. While preserving these rights it also functions to increase the setback for Oakridge Drive and does not functionally decrease the expected codified setback from 3900 south.

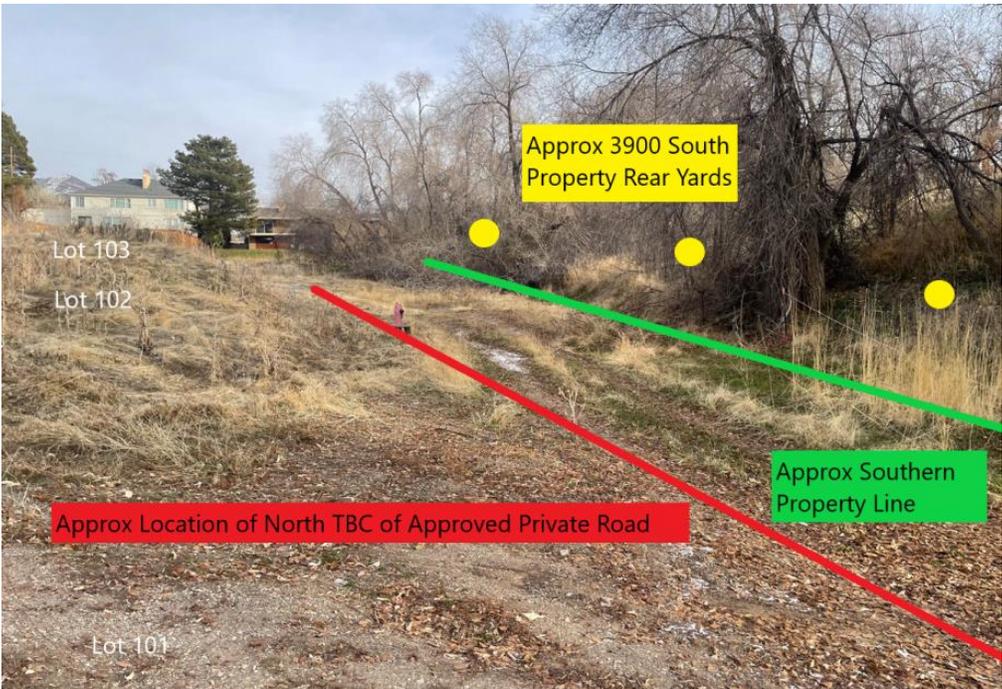
**5. The spirit of this title is observed and substantial justice is done.**

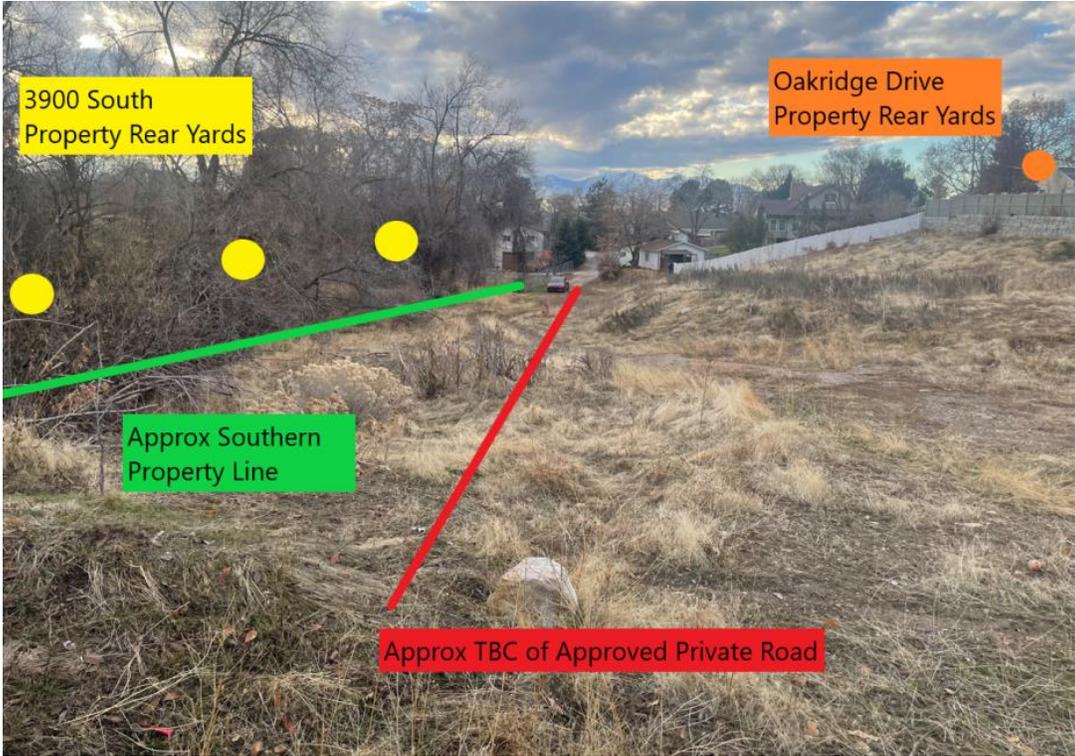
*This title is designed and enacted for the purpose of promoting the health, safety, morals, conveniences, order, prosperity and welfare of the present and future inhabitants of City, including, among other things, the lessening of congestion in the streets or roads, securing safety from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, ... (§19.02.020)*

The title is intended to be thoughtful in its distribution of land development and utilization. Recognition of unique site conditions, reasonable accommodations, and variances are acceptable to preserve otherwise attainable property rights. When a variance that has no negative impact on the surrounding neighborhood, general zone, or general plan can help a property realize its full rights, justice is done.

**Additional Photo Evidence to Demonstrate Unique Lot Conditions**







# HONEYCUT HOLLOW SUBDIVISION

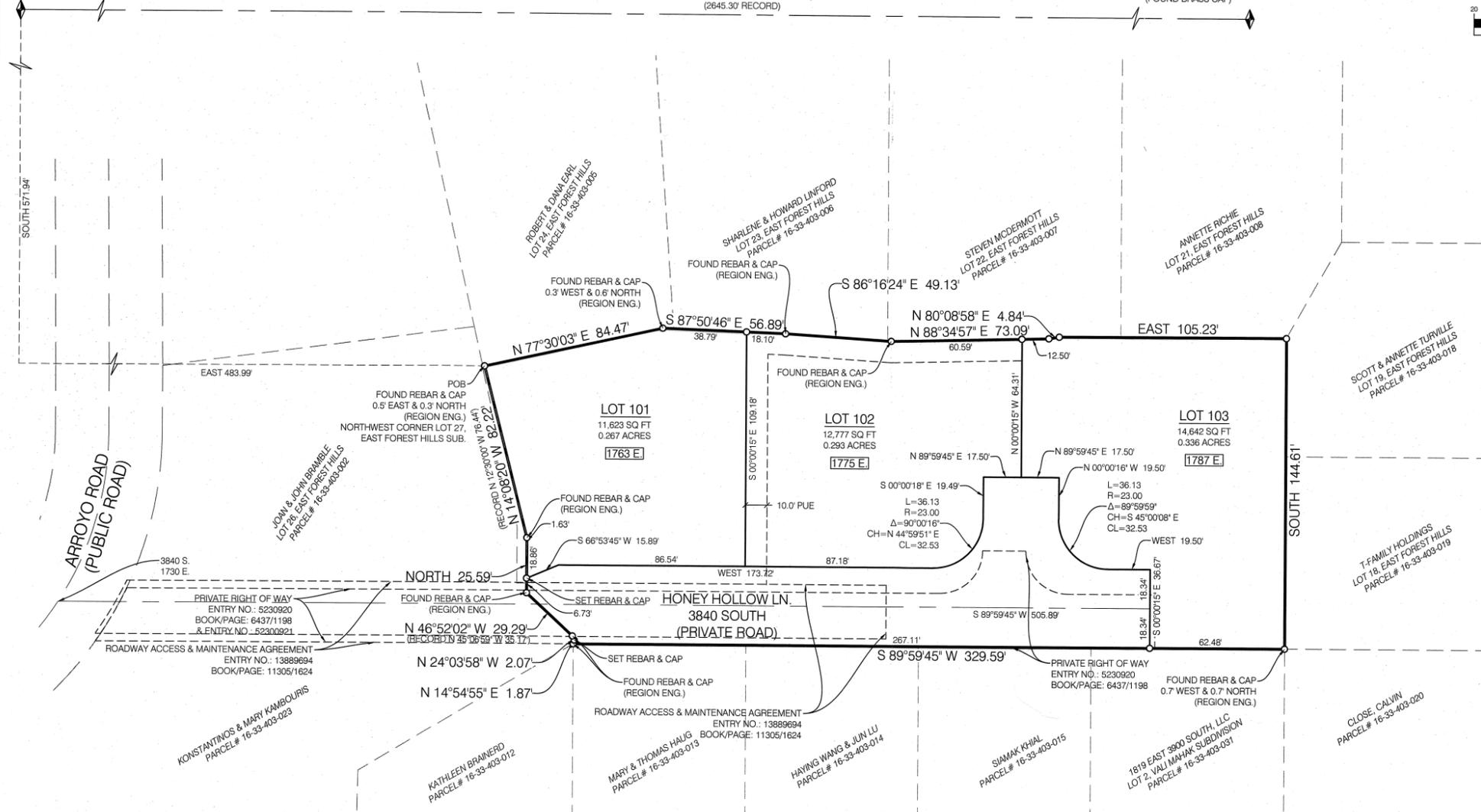
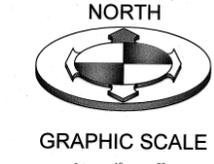
## AMENDING LOTS 27, 28 AND PART OF 29 OF EAST FOREST HILLS SUBDIVISION

EXHIBIT C

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 33,  
TOWNSHIP 1 SOUTH, RANGE 1 EAST,  
SALT LAKE BASE AND MERIDIAN  
MILLCREEK, SALT LAKE COUNTY, UTAH

CENTER QUARTER CORNER OF SECTION 33,  
TOWNSHIP 1 SOUTH, RANGE 1 EAST,  
SALT LAKE BASE AND MERIDIAN  
(FOUND BRASS CAP)

EAST QUARTER CORNER OF SECTION 33,  
TOWNSHIP 1 SOUTH, RANGE 1 EAST,  
SALT LAKE BASE AND MERIDIAN  
(FOUND BRASS CAP)



**LEGEND**

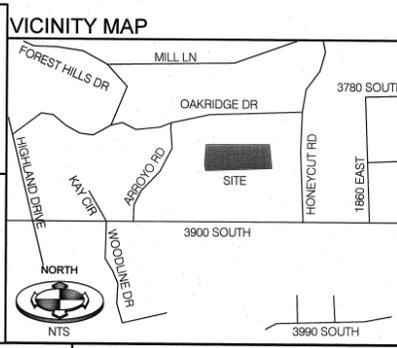
- SECTION CORNER & LINE (FOUND)
- BOUNDARY CORNER (SET 1/2 REBAR AND CAP MARKED "BENCHMARK ENG.") (UNLESS OTHERWISE NOTED)
- CENTERLINE OF ROAD
- LOT LINE
- RIGHT OF WAY LINE
- BOUNDARY LINE
- ADJACENT PROPERTY
- EASEMENT LINE
- PUE
- PUBLIC UTILITY EASEMENT
- EX. FIRE HYDRANT

DEVELOPER/OWNER:  
NAME: BILTMORE COMPANY, LLC  
PHONE NO.: 801-201-6263  
EMAIL: LANCEHOWELL@COMCAST.NET  
PROJECT ADDRESS:  
4832 S. WANDER LN.  
SALT LAKE CITY, UT

**NOTE:**

- LAND DISTURBANCE AND GRADING PERMIT MUST BE OBTAINED FROM MILLCREEK PRIOR TO DISTURBING ANY VEGETATION OR MOVING ANY SOIL. CONTACT DAN DRUMILER AT 801-214-2714.
- THE PRIVATE ROAD IS HEREBY DEDICATED AS A PUE.
- THE USE OF THE PRIVATE RIGHT OF WAY SHALL BE LIMITED TO THE CURRENT TWO ADJACENT THAT ARE CURRENTLY ACCESSING THE EXISTING PORTION OF THE RIGHT OF WAY AND THE THREE RESIDENTIAL LOTS LOCATED ON THE PROPERTY.
- GEOTECHNICAL INVESTIGATION WAS PREPARED BY AGEC APPLIED GEOTECH, PROJECT NO. 1220580 DATED AUGUST 17, 2022.
- FRONT PROPERTY CORNERS WILL HAVE PLUG AND WASHERS ON THE PROJECTED LOT LINE SET IN THE CURB AND GUTTER.
- A VARIANCE FOR LOTS ON A PRIVATE RIGHT-OF-WAY WAS GRANTED PURSUANT TO SEC. 19.76.090 OF THE MILLCREEK CODE. THE LAND USE HEARING OFFICER APPROVED THE VARIANCE (LHD-22-008) ON 5 MAY 2022.

**MOUNT OLYMPUS IMPROVEMENT DISTRICT**  
SIGNED: *Dawn D. Ogden* 3/19/2023  
DATE



**HOLIDAY WATER CO.**  
Existing fireline and hydrant are private. HWC does not own it.  
SIGNED: *[Signature]* March 9, 23  
DATE

**PUBLIC UTILITY APPROVAL**  
CENTURY LINK: DATE: \_\_\_\_\_  
COMCAST: *Evaluated* DATE: 3/9/23  
ROCKY MTN POWER: DATE: \_\_\_\_\_  
DOMINION ENERGY: DATE: \_\_\_\_\_  
IRRIGATION COMPANY: DATE: \_\_\_\_\_

**UNIFIED FIRE AUTHORITY APPROVAL**  
SIGNED: *[Signature]* 3/10/2023  
DATE

**SALT LAKE COUNTY ADDRESSING APPROVAL**  
SIGNED: *[Signature]* 3/10/2023  
DATE

**MILLCREEK ENGINEERING**  
SIGNED: *[Signature]* 3/15/23  
DATE

**RECORD OF SURVEY**  
R.O.S. NO.: S-2020-12-0973  
SIGNED: *[Signature]* 3/10/23  
DATE

**BENCHMARK ENGINEERING & LAND SURVEYING**  
9138 SOUTH STATE STREET SUITE # 100  
SANDY, UTAH 84070 (801) 542-7192  
www.benchmarkcivil.com

**SALT LAKE COUNTY HEALTH DEPARTMENT**  
APPROVED AS TO FORM THIS 10th DAY OF March, A.D. 2023.  
SIGNED: *[Signature]*  
DIRECTOR, COUNTY HEALTH DEPARTMENT

**CHECK FOR ZONING COMPLIANCE**  
ZONE: R-1-10  
LOT AREA: 10,000 SF  
LOT WIDTH: 90'  
FRONT YARD: 30'  
SIDE YARD: 10'  
REAR YARD: 15'  
SIGNED: *[Signature]* 3/15/2023  
DATE

**MILLCREEK PLANNING COMMISSION**  
APPROVED THIS 15th DAY OF MARCH, A.D. 2023 BY THE MILLCREEK PLANNING COMMISSION.  
SIGNED: *[Signature]*  
MILLCREEK PLANNING COMMISSION

**MILLCREEK PLANNING AND ZONING DEPT.**  
APPROVED THIS 15th DAY OF MARCH, A.D. 2023 BY MILLCREEK PLANNING AND ZONING DEPARTMENT.  
SIGNED: *[Signature]*  
MILLCREEK COMMUNITY DEVELOPMENT DIRECTOR

**APPROVAL AS TO FORM**  
APPROVED AS TO FORM THIS 20 DAY OF March, A.D. 2023.  
SIGNED: *[Signature]*  
MILLCREEK ATTORNEY

**MILLCREEK MAYOR**  
PRESENTED TO THE MAYOR AND MILLCREEK COUNCIL THIS 20th DAY OF March, A.D. 2023, AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.  
SIGNED: *[Signature]*  
MAYOR

**SALT LAKE COUNTY RECORDER**  
RECORDED # 1408512e  
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF SACHEM STREET CAPITAL, LLC.  
DATE 3-22-23 TIME 3:41 PM BOOK 11407 PAGE 9191  
\$ 58.00  
FEE \$  
SIGNED: *[Signature]*  
DEPUTY, SALT LAKE COUNTY RECORDER

**SHEET 1 OF 1**

**SURVEYOR'S CERTIFICATE**

I, BRIAN A. LINAM DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 7240531, IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT; I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS SUBDIVISION PLAT IN ACCORDANCE WITH SECTION 17-23-17, HAVE VERIFIED ALL MEASUREMENTS, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS, TOGETHER WITH EASEMENTS, HEREAFTER TO BE KNOWN AS HONEYCUT HOLLOW SUBDIVISION AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND MONUMENTED ON THE GROUND AS SHOWN ON THIS PLAT.

**BOUNDARY DESCRIPTION**

BEGINNING AT THE NORTHWESTERLY CORNER OF LOT 27, EAST FOREST HILLS SUBDIVISION RECORDED AS ENTRY NO. 1036431 IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER SAID POINT BEING SOUTH 89°32'08" EAST ALONG THE QUARTER SECTION LINE 483.99 FEET AND SOUTH 467.49 FEET FROM THE CENTER OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE ALONG A BOUNDARY LINE AGREEMENT RECORDED ON FEBRUARY 12, 2021 AS ENTRY NO. 13565681 TO ENTRY NO. 13565685, THE FOLLOWING (8) EIGHT COURSES: 1) NORTH 77°30'03" EAST 84.47 FEET; 2) SOUTH 87°50'46" EAST 56.89 FEET; 3) SOUTH 86°16'24" EAST 49.13 FEET; 4) NORTH 88°34'57" EAST 73.09 FEET; 5) NORTH 80°08'58" EAST 4.84 FEET; 6) EAST 105.23 FEET; 7) SOUTH 144.61 FEET TO THE NORTHEASTERLY CORNER OF THE VALI MAHAK SUBDIVISION RECORDED AS ENTRY NO. 6891540 IN THE OFFICE OF SAID RECORDER; 8) SOUTH 89°59'45" WEST 329.59 FEET; THENCE NORTH 14°54'55" EAST 1.87 FEET; THENCE NORTH 24°03'58" WEST 2.07 FEET; THENCE NORTH 46°52'02" WEST 29.29 FEET; THENCE NORTH 25.59 FEET; THENCE NORTH 14°08'20" WEST 82.22 FEET TO THE POINT OF BEGINNING.

CONTAINS 51,011 SQ FT OR 1.171 ACRES  
3 LOTS



**OWNER'S DEDICATION**

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED ARE THE OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND, AND HEREBY CAUSE THE SAME TO BE DIVIDED INTO LOTS, PARCELS AND STREETS, TOGETHER WITH EASEMENTS AS SET FORTH TO BE HEREAFTER KNOWN AS

**HONEYCUT HOLLOW SUBDIVISION**  
AMENDING LOTS 27, 28 AND PART OF 29 OF EAST FOREST HILLS SUBDIVISION  
AND DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL ROADS AND OTHER AREAS SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE. THE UNDERSIGNED OWNER(S) HEREBY CONVEYS TO ANY AND ALL PUBLIC UTILITY COMPANIES A PERPETUAL, NON EXCLUSIVE EASEMENT OVER THE PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF UTILITY LINES AND FACILITIES. THE UNDERSIGNED OWNER(S) ALSO HEREBY CONVEY ANY OTHER EASEMENT AS SHOWN AND/OR NOTED ON THIS PLAT TO THE PARTIES INDICATED AND FOR THE PURPOSES SHOWN AND/OR NOTED HEREON.  
THIS 9th DAY OF March, A.D. 2023.

SACHEM STREET CAPITAL, LLC  
SIGNED: *[Signature]*  
SIGNATURE  
(PRINT NAME): Robert Ricks  
TITLE: Manager

**LLC ACKNOWLEDGMENT**

ON THE 9th DAY OF March, A.D. 2023, Robert George Ricks PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND SAID COUNTY OF Salt Lake, IN SAID STATE OF UTAH, WHOSE IDENTITY IS PERSONALLY KNOWN TO ME (OR PROVEN ON THE BASIS OF SATISFACTORY EVIDENCE) AND IS THE Manager OF SACHEM STREET CAPITAL, LLC, A UTAH LIMITED LIABILITY COMPANY, AND WHO DULY ACKNOWLEDGED TO ME THAT HE/SHE SIGNED THE ABOVE OWNERS DEDICATION FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES THEREIN MENTIONED FOR AND BEHALF OF SACHEM STREET CAPITAL, LLC, A UTAH LIMITED LIABILITY COMPANY.

MY COMMISSION EXPIRES: 04/26/2023 (DATE)  
COMMISSION NUMBER: 705961  
SIGNED: *[Signature]*  
PRINT NAME: Kira Beard  
NOTARY PUBLIC  
COMMISSIONED IN UTAH



**STORM DRAINAGE CALCULATIONS**

**Rational Method (Q=CIA)**

Area Identification (A)	Rational Coefficient (C)	C*A
Roof = 7,500	0.9	6750 S.F.
Pavement = 17,253	0.9	15527.7 S.F.
Landscaping = 30,591	0.2	6118.2 S.F.
Sum: 55344 S.F.		Sum: 28395.9 S.F.

NOAA ATLAS 14 (100 YEAR STORM)					Allowable Discharge = 0.06 cfs/acre Perce + Allowable Discharge 0.039 cfs	
Time (min)	Intensity (in/hr)	Rainfall (inches)	Rainfall Excess (cu ft)	Allowed Discharge (cu ft)	Volume to Detain (cu ft)	
5	6.66	0.555	1313	12	1302	
10	5.06	0.843	1996	23	1972	
15	4.18	1.045	2473	35	2438	
30	2.82	1.410	3337	70	3266	
60	1.74	1.740	4117	140	3977	
120	0.95	1.906	4510	280	4230	
180	0.65	1.935	4579	421	4158	
360	0.35	2.094	4955	841	4114	
720	0.21	2.496	5906	1683	4224	
1440	0.11	2.712	6417	3366	3052	

**HD R-Tank Underground Detention:**

Number of Triple Tanks = 225  
 Tanks Wide = 3  
 Tanks Long = 75

Tank Depth = 4.20 ft  
 Tank Width = 1.31 ft  
 Tank Length = 2.35 ft

Volume per Tank = 12.19 cf  
 Volume of Tanks = 2,743 cf

Stone above R-Tank = 0.58 ft  
 Stone around R-Tank = 1.00 ft  
 Stone below R-Tank = 1.50 ft

Total Depth = 6.28 ft  
 Total Width = 5.94 ft  
 Total Length = 177.94 ft

Volume of R-Tank System & Wrap (Total L\*W\*D) = 6,634 cf  
 Volume of Tanks Only = 2,743 cf  
 Void Ratio of Rock = 40%  
 Volume of Voids = (System&Wrap-Tanks)\*Void Ratio = 1,556 cf

Total R-Tank System Volume (Tanks + Voids) = 4,299 cf

**Percolation**

Percolation Rate 120.00 min/in  
 Surface Area 3366 s.f.  
 Percolation Discharge 0.039 cfs

**Tank Elevations:**

Top of Stone El. = 4,439.16 ft  
 Top of Tank El. = 4,438.58 ft  
 Pipe I.E. = 4,434.38 ft  
 Bottom of Tank El. = 4,434.38 ft  
 Bottom of Stone El. = 4,432.88 ft  
 Minimum Cover El. = 4,440.08 ft  
 Maximum Cover El. = 4,445.57 ft

Is there adequate storage? Storage Provided = 4,299 cf  
 Req. Storage = 4,230 cf **YES**

NOTE: IF GROUNDWATER OR OTHER WATER IS ENCOUNTERED, THE GEOTECHNICAL ENGINEER MUST BE CONTACTED PER THE GEOTECHNICAL REPORT.

NOTE: POT HOLE TO IDENTIFY ANY CONFLICTS BEFORE ANY PIPE INSTALLATION. CONTACT ENGINEER IF ANY CONFLICTS ARE IDENTIFIED.

NOTE: PRIOR TO FABRICATION OR CONSTRUCTION, BEGIN AT THE LOW END OF ALL GRAVITY UTILITY LINES AND VERIFY THE INVERT ELEVATION OF THE POINT OF CONNECTION. NOTIFY ENGINEER FOR REDESIGN IF CONNECTION POINT IS HIGHER THAN SHOWN OR IF ANY UTILITY CONFLICTS OCCUR. GRAVITY CONNECTIONS MUST BE DONE PRIOR TO BUILDING FOOTINGS AND ROUGH PLUMBING ARE CONSTRUCTED.

NOTE: SAWCUT WIDTH, LOCATIONS AND TIE-IN ELEVATIONS TO EXISTING GRADE ARE APPROXIMATE. CONTRACTOR TO FIELD VERIFY LOCATION, EXTENT OF SAWCUTTING, AND TIE-IN SLOPES TO EXISTING GRADE PRIOR TO CONSTRUCTION. IT IS THE INTENT ON THESE PLANS THAT ALL PAVEMENT SHALL TIE INTO EXISTING GRADE PER SLOPES LISTED ON CGN.01 NOTE 68. SEE NOTES 64, 68, & 83 ON CGN.01 FOR FURTHER DETAIL.

**SURVEY CONTROL NOTE:**  
 THE CONTRACTOR OR SURVEYOR PERFORMING THE CONSTRUCTION SURVEYING SHALL BE RESPONSIBLE TO PROVIDE CONSTRUCTION LAYOUT PER THE APPROVED PLANS ONLY. THE SURVEYOR SHALL ALSO BE RESPONSIBLE FOR VERIFYING HORIZONTAL CONTROL FROM THE SURVEY MONUMENTS AND FOR VERIFYING ANY ADDITIONAL CONTROL POINTS SHOWN ON THE SURVEY OR IMPROVEMENTS PLANS OR ON ELECTRONIC DATA PROVIDED BY BENCHMARK ENGINEERING AND LAND SURVEYING. THE SURVEYOR SHALL ALSO USE THE BENCHMARKS AS SHOWN ON THE PLAN, AND VERIFY THEM AGAINST NO LESS THAN THREE EXISTING HARD IMPROVEMENT ELEVATIONS INCLUDED ON THESE PLANS OR ON ELECTRONIC DATA PROVIDED BY BENCHMARK ENGINEERING AND LAND SURVEYING. IF ANY DISCREPANCIES ARE ENCOUNTERED, THE SURVEYOR SHALL IMMEDIATELY NOTIFY THE ENGINEER AND RESOLVE THE DISCREPANCIES BEFORE PROCEEDING WITH ANY CONSTRUCTION SURVEYING. IT IS ALSO THE RESPONSIBILITY OF THE SURVEYOR TO VERIFY ANY ELECTRONIC DATA WITH THE APPROVED STAMPED AND SIGNED PLANS AND NOTIFY THE ENGINEER WITH ANY DISCREPANCIES.

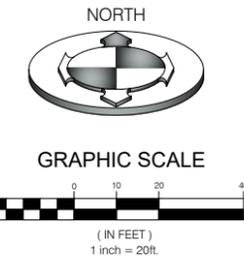
**BENCHMARK:**  
 CENTER QUARTER CORNER OF SECTION 33,  
 TOWNSHIP 1 SOUTH, RANGE 1 EAST,  
 SALT LAKE BASE AND MERIDIAN  
 ELEV = 4415.52

NO	DESCRIPTION	DETAIL
1	GRADE SITE TO ELEVATIONS SHOWN ON PLAN	
2	12" DIAMETER HDPE ADS N-12 STORM DRAIN LINE	
3	4x4 CB W/ SDIB LID	3/CDT.01
4	18F SNOOT	4/CDT.01
5	HD TRIPLE R-TANK SYSTEM (OR ENGINEER APPROVED EQUAL)	1/CDT.03
6	FUTURE DRIVE APPROACH	A/CGD.01

ALL HDPE/RCP CLASS III PIPE TO HAVE SOIL TIGHT JOINTS

NOTE: LAND DISTURBANCE AND GRADING PERMIT MUST BE OBTAINED FROM MILLCREEK PRIOR TO DISTURBING ANY VEGETATION OR MOVING ANY SOIL. CONTACT DAN DRUMILER AT 801-214-2714.

**STORM DRAIN NARRATIVE:**  
 THE STORM DRAIN SYSTEM IS A RETENTION SYSTEM WHERE ALL THE WATER FROM THE PRIVATE ROAD AND UNDEVELOPED LOTS IS ROUTED TO CATCH BASIN #201. FROM THERE IT IS ROUTED THROUGH A SNOOT (AN OIL/WATER SEPARATOR) TO AN UNDERGROUND STORM DRAIN SYSTEM.



**CALL BEFORE YOU DIG. IT'S FREE & IT'S THE LAW.**

BLUE STAKES OF UTAH  
 UTILITY NOTIFICATION CENTER  
 1-800-662-4111  
 www.bluestakes.org

NO.	DATE	DESCRIPTION
1	10/25/22	REVISED PER CITY COMMENTS
2	04/23/23	REVISED PER CITY COMMENTS

SCALE MEASURES 1/4" ON FULL SIZE SHEETS  
 1/8" ON REDUCED SIZE SHEETS

**PROFESSIONAL ENGINEER**  
 No. 11366833  
**ALLISON G. ALBERT**  
 STATE OF UTAH

NOT FOR CONSTRUCTION

**BENCHMARK ENGINEERING & LAND SURVEYING**  
 9138 SOUTH STATE STREET SUITE #100  
 SANDY, UTAH 84070 (801) 542-7192  
 www.benchmarkcivil.com

**BENCHMARK CIVIL**

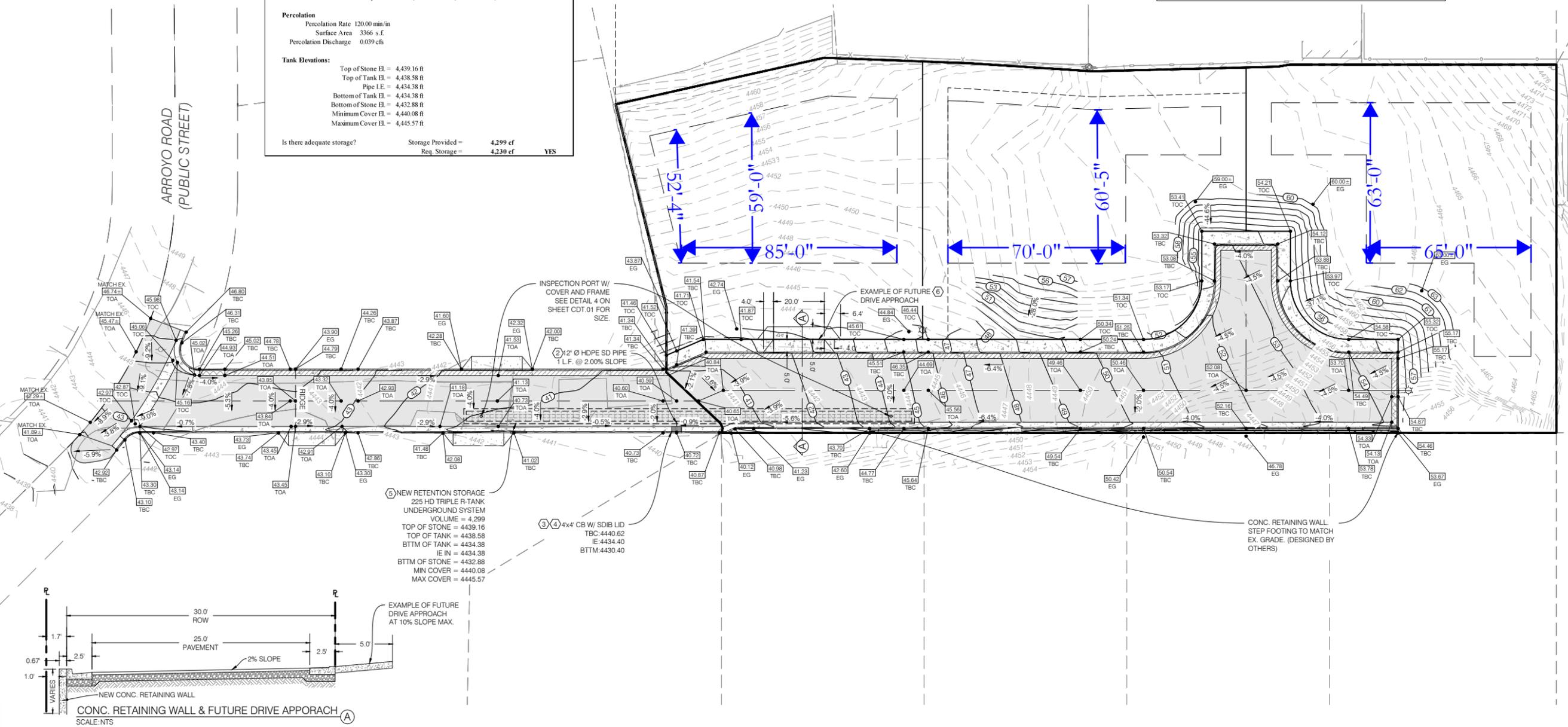
**HONEYCUT HOLLOW SUBDIVISION**

3825 SOUTH ARROYO ROAD  
 MILLCREEK, UTAH

PROJECT NO. 2107222

**GRADING & DRAINAGE PLAN**

CGD.01  
 6 OF 12

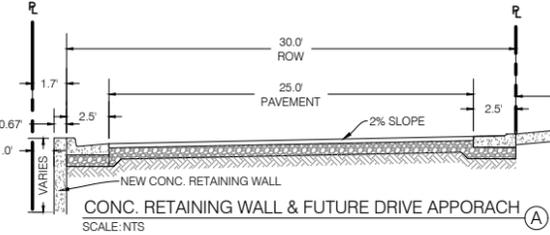


**5) NEW RETENTION STORAGE**  
 225 HD TRIPLE R-TANK  
 UNDERGROUND SYSTEM  
 VOLUME = 4,299  
 TOP OF STONE = 4439.16  
 TOP OF TANK = 4438.58  
 BTM OF TANK = 4434.38  
 IE IN = 4434.38  
 BTM OF STONE = 4432.88  
 MIN COVER = 4440.08  
 MAX COVER = 4445.57

**3) 4) 4x4 CB W/ SDIB LID**  
 TBC: 4440.62  
 IE: 4434.40  
 BTM: 4430.40

CONC. RETAINING WALL  
 STEP FOOTING TO MATCH EX. GRADE. (DESIGNED BY OTHERS)

EXAMPLE OF FUTURE DRIVE APPROACH AT 10% SLOPE MAX.



CENTER QUARTER CORNER OF SECTION 33,  
TOWNSHIP 1 SOUTH, RANGE 1 EAST,  
SALT LAKE BASE AND MERIDIAN  
(FOUND BRASS CAP)

EAST QUARTER CORNER OF SECTION 33,  
TOWNSHIP 1 SOUTH, RANGE 1 EAST,  
SALT LAKE BASE AND MERIDIAN  
(FOUND BRASS CAP)

BASIS OF BEARINGS  
S 89°32'08" E 2642.89' (MEASURED)  
(2645.30' RECORD)

CALL BEFORE YOU DIG.  
IT'S FREE & IT'S THE LAW.

BLUE STAKES OF UTAH  
UTILITY NOTIFICATION CENTER

1-800-662-4111  
www.bluestakes.org



GRAPHIC SCALE



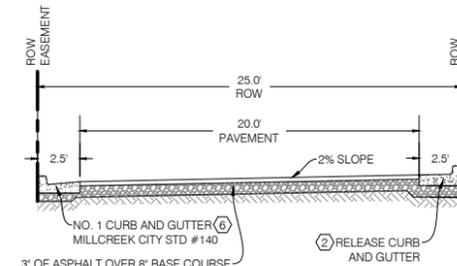
(IN FEET)  
1 inch = 30ft.

CONSTRUCTION KEY NOTE REFERENCE

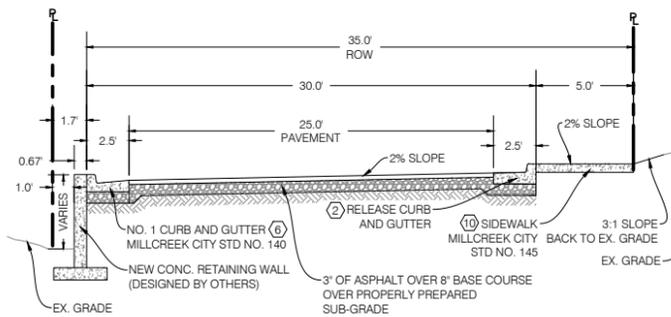
NO.	DESCRIPTION	DETAIL
①	ASPHALT PAVEMENT WITH GRANULAR BASE PER MILLCREEK CITY STDS	
②	30" RELEASE CURB AND GUTTER	2/CDT.01
③	SAWCUT AND REPLACE ASPHALT PER MILLCREEK CITY STDS	
④	"NO PARKING FIRE LANE" SIGN	
⑤	STOP SIGN AND NUMERICAL COORDINATE STREET NAME SIGN PER MC STDS	
⑥	30" CATCH TYPE 1 CURB AND GUTTER PER MILLCREEK CITY STD #140	3/CDT.02
⑦	TRANSITION CURB AND GUTTER	
⑧	CONC. RETAINING WALL (DESIGNED BY OTHERS)	A/CGD.01
⑨	DRIVE APPROACH PER MILLCREEK CITY STD # 125	2/CDT.02
⑩	SIDEWALK PER MILLCREEK CITY STD NO. 145	4/CDT.02
⑪	15 MPH SPEED LIMIT SIGN	
⑫	4' WATERWAY PER MILLCREEK CITY STD #116	1/CDT.02

AREA TABLE

PARTICULARS	S.F.	%
HARDSCAPE	11,968	21.4
LANDSCAPE	38,135	68.0
BUILDING AREA	6,000	10.6
ACCESS AREA	5,090	
AREA WITHOUT ACCESS	51,012	
TOTAL	56,103	100



PRIVATE LANE SECTION A  
SCALE: NTS



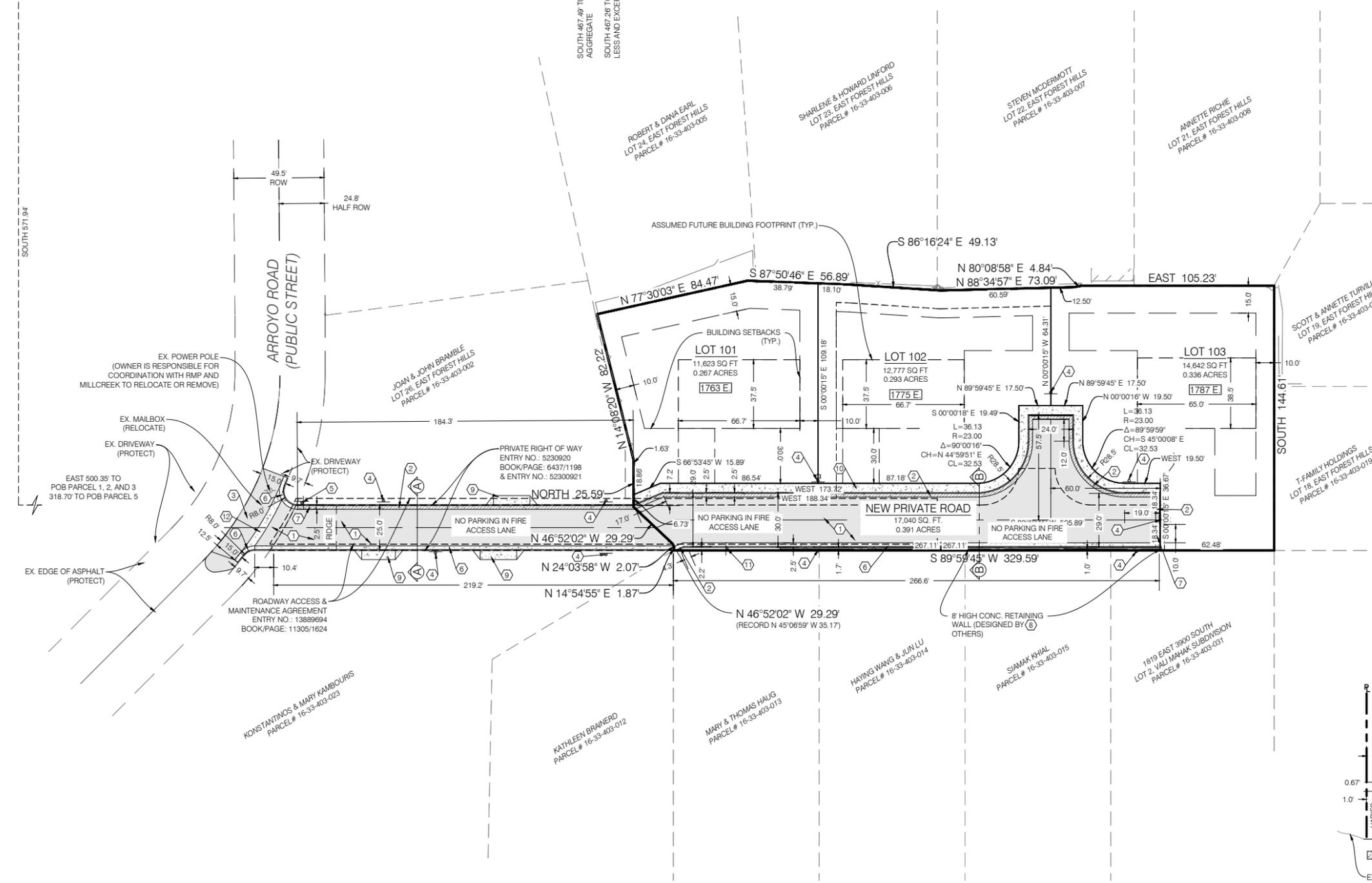
PRIVATE ROAD SECTION B  
SCALE: NTS

NOTE:  
WRITTEN PERMISSION MUST BE OBTAINED PRIOR TO ANY WORK WITHIN ADJACENT PROPERTIES.

BUILDING SETBACK NOTE:  
THE BUILDING SETBACKS FOR R-1-10 ARE:  
FRONT: 30 FEET  
SIDE: 10 FEET  
REAR: 15 FEET  
SETBACKS MUST BE VERIFIED PRIOR TO INDIVIDUAL LOTS PERMITTING OR CONSTRUCTION.

NOTE:  
ALL WORK WITHIN PUBLIC ROADS TO BE DONE IN STRICT ACCORDANCE WITH CURRENT MILLCREEK CITY STANDARDS AND SPECIFICATIONS.

DRIVEWAY NOTE:  
SAWCUT WIDTH, LOCATIONS AND TIE-IN ELEVATIONS TO EXISTING GRADE ARE APPROXIMATE. CONTRACTOR TO FIELD VERIFY LOCATION, EXTENT OF SAWCUTTING, AND TIE-IN SLOPES TO EXISTING GRADE PRIOR TO CONSTRUCTION. IT IS THE INTENT ON THESE PLANS THAT ALL PAVEMENT SHALL TIE INTO EXISTING GRADE PER SLOPES LISTED ON CGN.01 NOTE 68. SEE NOTES 64, 68, & 83 ON CGN.01 FOR FURTHER DETAIL.



NO.	DATE	DESCRIPTION
1	10/25/22	REVISED PER CITY COMMENTS
2	04/02/23	REVISED PER CITY COMMENTS

PROFESSIONAL ENGINEER  
No. 11366633  
ALLISON G. ALBERT  
STATE OF UTAH

BENCHMARK ENGINEERING & LAND SURVEYING  
9138 SOUTH STATE STREET SUITE #100  
SANDY, UTAH 84070 (801) 542-7192  
www.benchmarkcivil.com

HONEYCUT HOLLOW SUBDIVISION  
3825 SOUTH ARROYO ROAD  
MILLCREEK, UTAH

PROJECT NO. 2107222  
SITE PLAN  
CSP.01  
4 OF 12

EXHIBIT E

**MILLCREEK CITY LAND USE**

---

<b>REQUEST FOR A VARIANCE</b>	)	<b>APPROVAL</b>
<b>OF LOT SIZE, SETBACK AND</b>	)	
<b>PRIVATE ROAD REQUIREMENTS</b>	)	File # LUHO 2022-008
<b>FOR PROPERTY LOCATED AT</b>	)	
<b>3825 S ARROYO ROAD</b>	)	Hearing Officer
<b>IN MILLCREEK CITY</b>	)	J. Richard Catten

---

**Parcel ID #'s:** 16-33-403-026  
16-33-403-027  
16-33-403-028

**Property Address:** 3825 S Arroyo Road

**Applicant:** Robert Ricks

This request was heard by the Millcreek City Land Use Hearing Officer on April 28, 2022. The Applicant requests variances to 1) reduce the minimum ½ acre lot size; 2) reduce the minimum 50-foot setback requirement, as measured from the center line of a private right of way; and 3) develop lots which access into a private right of way less than 42 feet wide. The property consists of 3 lots within the East Forest Hills subdivision and is surrounded by developed parcels with an easement connecting the land to Arroyo Road. The total acreage of the 3 parcels is approximately 1.17 acres and a small ravine is located adjacent to and partly on the property (collectively, the 3 lots are referred to as the “Property”).

The Applicant was present and was represented by his attorney who spoke at the hearing. Millcreek City was represented by Planners Katie Larsen and Brad Sanderson. Public comment was allowed at the hearing and written comments received by the City

were also considered. The Hearing Officer, being fully advised in the premises and based on the material in the file, the information presented at the hearing, and the relevant ordinances and laws, NOW FINDS AS FOLLOWS:

### **REQUIREMENTS FOR APPROVAL**

The Millcreek City Land Use hearing officer may grant a variance from the land use ordinances if the request meets the criteria set forth the Utah Code and in the following section of the Millcreek City Code:

#### **19.92.050 Variances**

1. The authority shall have the following powers to authorize on appeal in specific cases a variance from the terms of this title. The authority may grant a variance only if:
  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 this title;
  2. There are special circumstances attached to the property that do not generally apply to other properties in the same district;
  3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;
  4. The variance will not substantially affect the general plan and will not be contrary to the public interest; and
  5. The spirit of this title is observed and substantial justice is done.
  
2. In determining whether enforcement of this title will cause unreasonable hardship, the authority may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought and comes from circumstances particular to the property, not from conditions which are general to the neighborhood. In determining whether or not enforcement of this title would cause an unreasonable hardship, the authority may not find an unreasonable hardship if the hardship is self-imposed or economic. In determining whether or not there are special circumstances attached to the property, the authority may find that special circumstances exist only if special circumstances relate to the hardship complained of and deprive the property of the privileges granted to other properties in the same district. The applicant shall bear the burden of proving that all the conditions justifying a variance have been met.

3. In granting a variance, the authority may impose additional requirements on the applicant that will mitigate any harmful effects of the variance or serve the purpose of the standard or requirement that is waived or modified.

In this case, the applicant has met the burden of proof on each requirement and the variance is granted, with conditions.

### **FINDINGS**

1. The proposed use to be placed on the Property consists of 3 single family homes. One home on each lot. The current lot configuration would not support this development, so the Applicant as applied to amend the subdivision and reconfigure the lots into 3 lots that each exceed 10,000 square feet. That application is pending with the City. The lots will be accessed by a private right of way connecting to Arroyo Road.

2. The current zoning of the parcel is R-1-10, which requires minimum 10,000, square foot lots.

3. Section 19.76.080, Millcreek City Code, requires one half acre lots for all lots fronting private driveways.

4. The 3 lots were platted as part of the East Forest Hills Subdivision which was recorded in 1946.

5. The Property was reconfigured by deeds recorded in 1992, however, since the land was platted and could not be reconfigured by deed, the City does not recognize those deeds as a valid subdivision of the Property. Salt Lake County does recognize the deeded parcels as separate tax parcels.

6. This Application for Variances does not create any new lots on the Property, nor does it reconfigure the existing lots.

7. In 1983, an access easement connecting the Property to Arroyo Road was recorded with the Salt Lake County Recorder.

8. Literal enforcement of the requirements of the Millcreek Code causes an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the ordinances. Granting the variances will allow the Applicant to construct homes on 3 lots that are otherwise in compliance with the City ordinances. This will allow the Applicant to develop the Property in a way that is consistent with the property rights possessed by other property located in the same district. Granting the variances is essential to the enjoyment of a substantial property right possessed by other property in the district.

9. There are obvious unique circumstances that are attached to the Property. Those circumstances include the following: 1) the Property is an infill parcel that is essentially landlocked by developed single family residential parcels and cannot be enlarged; 2) the Property is also constrained by the location of a small ravine upon and adjacent to a portion of the Property; 3) prior to the adoption of the current land use ordinances, the Property was approved for development by its 1946 subdivision into 3 lots and it is currently recognized as 3 separate taxable parcels by the Salt Lake County Assessor; 4) the only access to Arroyo Road is by a 25 foot wide private easement; and 5) the easement runs between two developed parcels that have existing homes and it is not practical or possible to widen the private easement.

10. Granting the variances will not substantially affect the general plan and will not be contrary to the public interest. To the contrary, granting the variances will allow the Property to be developed in harmony with the with the City's General Plan and

zoning ordinances. The Property is in an area designated for single family detached dwellings and is zoned R-1-10, which requires minimum 10,000 square foot lots. Approval of the variances will allow the lots to be developed in a manner consistent and compatible with the surrounding properties and will support the General Plans goal to protect and support neighborhoods. Although the construction of the 3 homes may affect the neighborhood and adjacent landowners, potential detrimental effects can be mitigated by the imposition of additional requirements on the new development.

11. Granting the variances is in keeping with the spirit of the ordinances and provides substantial justice to the parties.

12. The hardship found in this case is a direct result of the unique circumstances recited above in paragraph 9 and is not based on conditions which are general to the neighborhood.

13. The hardship found in this case is not self-imposed or economic.

### **ANALYSIS**

The Applicant has requested 3 separate variances to accommodate the development of 3 homes on 3 lots which are almost entirely surrounded by existing single family residential development. Each of the three variance requests meets the legal criteria for a variance to be granted.

Prior to granting any variance, it is necessary to determine if the literal enforcement of the City's land use ordinances causes a hardship to the Applicant. The hardship must be caused by special circumstances that are unique to the property and not common to the neighborhood in general. In this case, the special circumstances are both numerous and obvious and are set forth in detail in Finding paragraph 9 above. The

Property consists of three lots sitting in the middle of a developed residential subdivision with limited access to a public street. There is no indication that such a circumstance is common to the neighborhood, but rather, it is a unique situation. The setback variance is necessary to allow for sufficient building space on each lot; the private road width variance is necessary because of the landlocked nature of the access to Arroyo Road; and the lot size variance is necessary to allow development of all three lots.<sup>1</sup>

The unique circumstances related to the Property create a hardship for the Applicant because current City ordinances regarding applicable setbacks, private drive width, and lot size, would prohibit his development of the 3 lots as residential parcels. Even though the lots were created for that purpose when platted in 1946. Also, failing to grant the variances would deprive the Applicant of the ability to build homes on platted residential lots, a substantial right enjoyed by other property owners in the subdivision.

Granting the variances is also in keeping with the City's General Plan which envisions residential development on these lots. The current zone for the Property is R-1-10 and the proposed reconfiguration of the existing lots will meet the lot size standard for that zone. Granting the variances, with conditions, is not contrary to the public interest. The proposed development will result in lots sizes and homes that are similar to others in the neighborhood and provides for infill development that is consistent with surrounding properties.

There were several people from the neighborhood who provided either written comments, appeared at the hearing and spoke, or both, regarding the proposed development. The comments were generally against granting one or more of the

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<sup>1</sup> Each lot must still comply with the 10,000 square foot minimum lot size requirement of the R-1-10 zone.

variances, particularly the lot size reduction. Taken as a whole, there were concerns about traffic and parking, but the most common concern was that three homes could be built on the Property. The neighborhood clearly would prefer two homes, rather than three.

However, the Applicant is the owner of three lots, not two. Whether you look at the 1946 plat or the lots as reconfigured by deed in 1992, under any scenario, there are three lots. One of the original lots as shown on the 1946 subdivision plat is small and shaped like it is intended to be an access to the area, but it is not labeled as an access and is platted and numbered just as every other lot in the subdivision. The Applicant has proposed amending the plat to change the configuration of the 3 lots, but that is outside the scope of this variance request. The variances granted do not change any of the platted lot lines.

Ultimately it is clear that, given the unique nature of the property, the literal application of the City's land use ordinances cause the Applicant an unreasonable hardship that is not necessary to carry out the general purposes of those ordinances and would deprive the Applicant of a property right enjoyed by the other properties in the vicinity. Granting the variances, with the conditions stated below, will further the goals of the general plan, be in keeping with the spirit of the ordinances, not be contrary to the public interest and will do substantial justice.

### **APPROVAL**

Based on the applicable law and the forgoing findings, the Applicant's Request for Variances is approved as follows:

1. The variance from the lot size requirement of Section 19.76.080, Millcreek City Code is hereby granted.
2. The variance from the minimum 50-foot setback from the center of a private road is granted.
3. The request to develop lots on a private road that is less than 42 feet wide is hereby granted.

These variances are subject to the following requirements and conditions:

1. The lot sizes shall not be reduced below the current R-1-10 zoning requirements.
2. The setback from the private right of way shall be a minimum 30 feet from the edge of the private right of way.
3. The private right of way which accesses the Property may not be less than 25 feet wide (and must be widened in certain areas as set forth in paragraph 6 below).
4. Unless otherwise approved by the City Fire Marshall, "No Parking" signage shall be installed at the turn around near the end of the private right of way and along the portion of the right of way between the Property and Arroyo Road.
5. The use of the private right of way shall be limited to the current two adjacent users and the three residential lots located on the Property. This limitation shall be stated on the recorded plat amendment.
6. The portion of the private right of way located on the Property shall be sufficiently widened to accommodate improvements including, but not limited to, travel lanes in both directions, on-street parking and a sidewalk on one side, as may be recommended and approved by the City Engineer.

7. The Applicant shall make a good faith effort to work with the neighboring property owners on either side of the portion of the private right of way that connects to Arroyo Road to eliminate and/or reduce the width of as many drive accesses into the private drive as possible.

8. The Applicant shall make the necessary improvements with the Arroyo Road right of way to properly connect the private and public improvements, as may be required by the City Engineer.

9. The Applicant must meet all other applicable City requirements including land use, engineering, construction, and building permits.

DATED THIS 5th day of May 2022.



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J. Richard Catten  
Millcreek City Land Hearing Officer