

From: Eric Duthie, Hildale City Manager
To: Hildale City Planning and Zoning Commission;
Date: March 18, 2024
Subject: Zone Change request

Applicant Name: Lynn Gutzwiler
Agent: N/A
Application Type: Zone Change request
Project Address: 495 East Newel Ave., Hildale, UT 84784
Current Zoning: Residential 1-10 (R1-10)
Requested Zoning: Residential 1-8 (R1-8)
Date: January 22, 2024
Prepared by: City Manager Eric Duthie

Summary of Application

The Applicant is requesting approval of a Zone Change.

Amend the zoning map to re-zone Parcel HD-SHCR-9-24-B-1 & HD-SCHR-9-24-B-2, commonly addressed as 495 East Newel Ave., Hildale, UT from the current Residential 1-10 Zone (R1-10) to Residential 1-8 Zone (R1-8).

Background – REQUIREMENTS CONFIRMED

The applicant submitted the application on January 22, 2024, to the Hildale City offices and paid the fee of \$100.

The applicant submitted all required documents identified in the application.

The applicant provided addressed, stamped envelopes for all property owners within the required boundary of the subject property.

City staff prepared a Rezone Letter for Neighboring Properties and mailed the letters within the required notice time (included).

The Public Hearing for this zone change request was noticed, as required.

General Plan and Zoning

The property is bounded on the North by Jessop Avenue; On the East by Juniper Street; On the South by structures zoned RA-1; and on the West by structures zoned RA-1.

Analysis

The zone change request complies with required standards for approval, as identified in Hildale Planning and Zoning ordinance, section 152-11-2 Uses allowed; and Sec 152-11-2 Development Standards In Residential Zones, as follows:

Sec 152-11-2 Zone Purposes and Allowances

The purpose of the R1-15, R1-10, R1-8, and R1-6 zones is to permit development of detached single-family homes on individual lots at medium to high densities. Ancillary uses include churches, schools, and parks to serve neighborhood areas.

| PERMITTED AND CONDITIONAL USES ALLOWED IN RESIDENTIAL ZONES | | | | | | | | |
|--|-------|--------|------|-------|-------|-------|-------|--|
| | Zones | | | | | | | |
| | R1-15 | R1- 10 | R1-8 | RM- 1 | RM- 2 | RM- 3 | MH/RV | |
| Residential uses: | | | | | | | | |
| Assisted living facility | C | C | C | N | N | N | N | |
| Boarding house | N | N | N | N | N | N | N | |
| Building, accessory | p | p | P | p | p | p | p | |
| Dwelling, earth sheltered | p | p | P | p | p | p | N | |
| Dwelling, multiple family | N | N | N | p | p | p | N | |
| Dwelling, single-family | p | p | P | p | p | p | p | |
| Dwelling, single-family with accessory dwelling unit | p | p | P | N | N | N | N | |
| Dwelling, temporary | p | p | P | p | p | p | P | |
| Dwelling, two-family | N | N | N | P | p | p | N | |
| Guesthouse or casita with direct access to main dwelling unit | p | p | P | N | N | N | N | |
| Guesthouse or casita without direct access to main dwelling unit | C | C | C | N | N | N | N | |
| Manufactured home | p | p | P | N | N | N | p | |
| Manufactured/mobile home park | N | N | N | N | N | N | P | |
| Manufactured/mobile home subdivision | N | N | N | N | N | N | p | |
| Protective housing facility | N | N | N | N | N | N | N | |
| Rehabilitation/treatment facility | N | N | N | N | N | N | N | |
| Residential facility for elderly persons ¹ | p | p | P | p | p | p | p | |
| Residential facility for persons with a disability ¹ | p | p | P | p | p | p | p | |
| Residential facility for troubled youth | N | N | N | N | N | N | N | |
| Short term rental | p | p | P | N | N | N | N | |
| Transitional housing facility | N | N | N | N | N | N | N | |

Sec 152-11-2 Zone Development Standards

| DEVELOPMENT STANDARDS IN RESIDENTIAL ZONES | | | | | | | |
|---|------------|------------|------------|------------|----------------|-----------------|-----------------|
| | Zones | | | | | | |
| Development Standard | R1-25 | R1-15 | R1-10 | R1-8 | RM-1 | RM-2 | RM-3 |
| Lot standards: | | | | | | | |
| Average lot area ² | 15,000 sf | 15,000 sf | 10,000 sf | 8,000 sf | n/a | n/a | n/a |
| Minimum lot area or acreage | 12,000 sf | 12,000 sf | 8,000 sf | 6,400 sf | 10,000 sf | 1 acre | 1 acre |
| Minimum lot width and/or project frontage | 89 ft. | 90 ft. | 80 ft. | 70 ft. | 80 ft. project | 100 ft. project | 200 ft. project |
| | | | | | 30 ft. unit | 30 ft. unit | 30 ft. unit |
| I | n/a | n/a | n/a | n/a | 6 units/lots | 10 units/lots | 15 units/lots |
| Building standards: | | | | | | | |
| Maximum height main building ³ | 34 ft. | 35 ft. | 35 ft. | 35 ft. | 35 ft. | 35 ft. | 35 ft. |
| Maximum height accessory building ⁴ | 19 ft | 20 ft. | 20 ft. | 20 ft. | 20 ft | 20 ft | 20 ft. |
| Maximum size, accessory building | 1,200 sf | 1,200 sf | 1,200 sf | 500 sf | 1,000 sf | 1,000 sf | 500 sf |
| Building coverage: See subsection 10-37-121 of this title | 50% of lot | 50% of lot | 50% of lot | 50% of lot | 50% of lot | 50% of lot | 50% of lot |
| Distance between buildings | None | None | None | None | 20 ft. | 20 ft. | 20 ft. |
| Setback standards - front yard: | | | | | | | |
| Any building ⁵ | 24 ft. | 25 ft. | 25 ft. | 25 ft. | 25 ft. | 25 ft. | 25 ft. |
| Setback standards - rear yard: | | | | | | | |
| Main building | 19 ft. | 20 ft. | 20 ft. | 10 ft. | 10 ft. | 10 ft. | 10 ft. |
| Accessory building, including private garage ⁶ | 19 ft. | 20 ft. | 20 ft. | 10 ft. | 10 ft. | 10 ft. | 10 ft. |
| Setback standards - interior side yard: | | | | | | | |
| Main building | 9 ft. | 10 ft. | 10 ft. | 10 ft. | 10 ft. | 10 ft. | 10 ft. |
| Accessory building, including private garage | See note 6 | See note 6 | See note 6 | See note 6 | See note 6 | See note 6 | See note 6 |
| Setback standards - street side yard: | | | | | | | |
| Main building ⁷ | 19 ft. | 20 ft. | 20 ft. | 20 ft. | 20 ft. | 20 ft. | 20 ft. |
| Accessory building | See note 6 | See note 6 | See note 6 | See note 6 | See note 6 | See note 6 | See note 6 |

Recommendation

Staff recommends approval of the zone change request to re-zone Parcel HD-SHCR-9-24-B-1 & HD-SCHR-9-24-B-2, commonly addressed as 495 East Newel Ave., Hildale, UT from the current Residential 1-10 Zone (R1-10) to Residential 1-8 Zone (R1-8).

Sample Motion – ZONING CHANGE

I move to recommend approval, to the Hildale City Council, of the zoning map amendment for to re-zone Parcel HD-SHCR-9-24-B-1 & HD-SCHR-9-24-B-2, commonly addressed as 495 East Newel Ave., Hildale, UT from the current Residential 1-10 Zone (R1-10) to Residential 1-8 Zone (R1-8).



NOV 22 2023

☎ 435-874-2323

☎ 435-874-2603

🌐 www.hildalecity.com

ZONE CHANGE APPLICATION

Fee: \$100

For Office Use Only:

File No. _____

Receipt No. 1053649

check # 3551

angelene

Name: Lynn Gutzwiller Telephone: 385-237-7416

Address: 358 East Bridlewalk Lane, Murray UT. 84107 Fax No. _____

Agent (If Applicable): _____ Telephone: 385-237-7416

Email: gutzywest@gmail.com

Address/Location of Subject Property: 495 East Newel Avenue, Hildale, UT. 84784

Tax ID of Subject Property: See Attached Existing Zone District: R1-10

Proposed Zoning District and reason for the request (Describe, use extra sheet if necessary)

See attached paper.

Submittal Requirements: The zone change application shall provide the following:

- a. The name and address of every person or company the applicant represents.
- b. An accurate property map showing the existing and proposed zoning classifications.
- c. All abutting properties showing present zoning classifications.
- d. An accurate legal description of the property to be rezoned.
- e. Stamped envelopes with the names and addresses of all property owners within 250 feet of the boundaries of the property proposed for rezoning.
- f. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence that the applicant has control of the property

Note: It is important that all applicable information noted above along with the fee is submitted with the application. An incomplete application will not be scheduled for Planning Commission consideration. Planning Commission meetings are held on the third Monday of each month at 6:30 p.m. The deadline date to submit the application is 10 business days prior to the scheduled meeting. Once your application is deemed complete, it will be put on the agenda for the next Planning Commission meeting. A deadline missed or an incomplete application could result in a month's delay.

(OFFICE USE ONLY)

Date Received: _____ Application Complete: YES NO

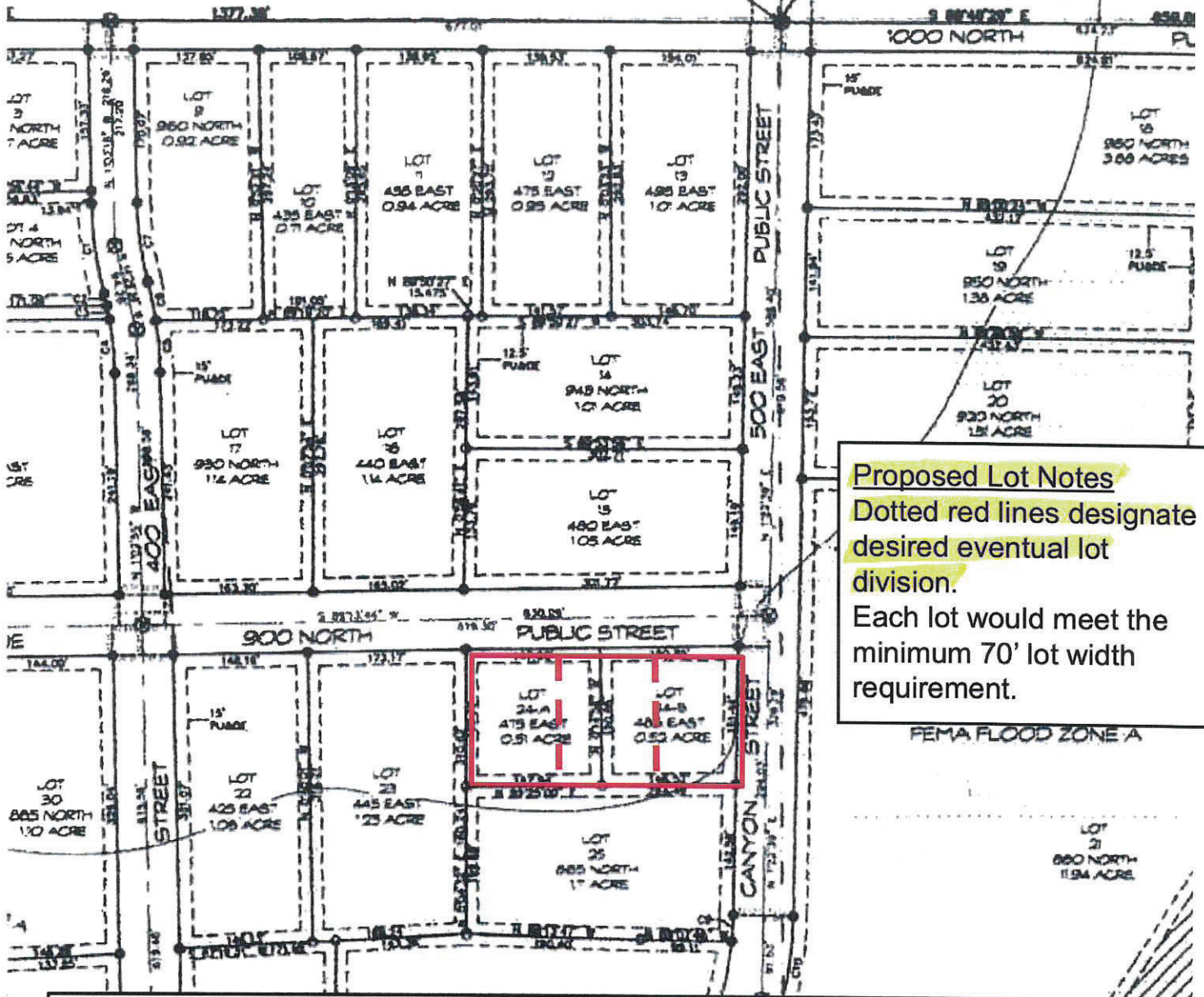
Date application deemed to be complete: _____ Completion determination made by: _____



495 E. Newel Ave REZONE MAF



SEE DETAIL "A"



Proposed Lot Notes
 Dotted red lines designate desired eventual lot division.
 Each lot would meet the minimum 70' lot width requirement.

FEMA FLOOD ZONE A

Existing Lot Notes

Existing zoning for properties highlighted in red are R1-10. Proposed zoning for red properties would be R1-8.

Current square footage for Lot 24.A - 11325 square feet
 Current square footage for Lot 24.B - 11761 square feet
 Total for lots combined - 23,086 square feet

Per Hildale Municiple Code - R1-10 minimal lot size - 8,000 square feet
 Per Hildale Municiple Code - R1-8 minimal lot size - 6,400 square feet

Applicant would like to rezone to R1-8 with plans to divide the property into 3 lots of 7,695 square feet each. This would be well over the minimum lot size for R1-8 zoning.

Tax ID of Subject Property - HD-SHCR-9-24-B-1 & HD-SHCR-9-24-B-2

Re: 495 East Newell Ave, Hildale, UT

Rachael Coleman <rachael.coleman@jordandistrict.org>

Wed 12/6/2023 2:18 PM

To: Nathan Fischer <NathanF@hildalecity.com>; Lynn Gutzwiller <lynn.gutzwiller@jordandistrict.org>
Cc: Eric Duthie <EricD@hildalecity.com>; Jerry Postema <jerryp@hildalecity.com>

Thanks for your email. We understand that we will need to run new utility lines to the rezoned lot split (495 East Newell Ave.) and are willing to incur those costs.

Thanks so much,
Rachael Coleman
Lynn Gutzwiller

On Thu, Oct 5, 2023 at 12:03 PM Nathan Fischer <NathanF@hildalecity.com> wrote:

Greetings

The sewer line in Newel Ave is proposed. (not installed yet and will need to be completed to serve sewer to Lot 24-A and lot 24-B1) This will be at property owners expense.

The water meter shown on 24-B2 currently serves 24-A. We will require a new water service to be installed to serve 24-A as well as one for 24-B1

Gercane Energy handles the power, please reach out to them and they will be happy to answer any power related questions.

Thank you

Nathan Fischer

Phone: 435.922.5135

Utility Department

Email: nathanf@hildalecity.com



HCC UTILITY DEPARTMENT

MAXIMIZING COMMUNITATIONS

320 E Newel Ave, PO Box 840490

Hildale, UT 84784

Warranty Deed Page 1 of 4
Gary Christensen Washington County Recorder
10/27/2023 09:38:56 AM Fee \$40.00 By EAGLE
GATE TITLE INSURANCE AGENCY, INC.

Recording requested by:
Eagle Gate Title Insurance Agency, Inc.

Mail Tax Notice To:
Lynn Gutzwiller
358 E Bridewalk Lane
Murray, Utah 84107

File Number: STG-100495-LH
Parcel ID: HD-SHCR-9-24-B-1 &
HD-SHCR-9-24-B-2

Warranty Deed

TERRILL JOHNSON,

Grantor, hereby CONVEY(S) IN WARRANTY to

Lynn Gutzwiller,

Grantee, for the sum of TEN AND NO/DOLLARS and other good and valuable consideration, the following tract of land in Washington County, State of Utah, to-wit

SEE ATTACHED EXHIBIT "A"

APN: HD-SHCR-9-24-B-1 & HD-SHCR-9-24-B-2

Subject to easements, restrictions and rights of way appearing of record and enforceable in law and subject to 2023 taxes and thereafter.

****See Deed Restrictions attached hereto and made a part hereof**

SHANN

WITNESS, the hand of said grantor, this 26 day of October, 2023

Terrill Johnson
Terrill Johnson

STATE OF UTAH
COUNTY OF WASHINGTON

On this 26 day of October, 2023, before me Leslie Hepler, a notary public, personally appeared Terrill Johnson, proved on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to this instrument, and acknowledged he/she/they executed the same.

Witness my hand and official seal

Leslie Hepler
Notary Public



Eagle Gate Title Insurance Agency, Inc
File STG-100495-LH

Exhibit "A": Legal Description

LOT 24-B-1, SHORT CREEK SUBDIVISION #9 AMENDED AND EXTENDED,
ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE
WASHINGTON COUNTY RECORDER'S OFFICE, MORE SPECIFICALLY DESCRIBED
AS:

BEGINNING AT A POINT ON THE SOUTH RIGHT OF WAY LINE OF NEWEL AVENUE,
SAID POINT BEING S 89°13'44" W 75.38 FEET ALONG SAID LINE FROM THE
NORTHEAST CORNER OF LOT 24, SHORT CREEK SUBDIVISION #9, RECORDED AND
ON FILE IN THE OFFICE OF THE RECORDER, WASHINGTON COUNTY, STATE OF
UTAH, AND RUNNING THENCE S 0°34'11" W 151.14 FEET, TO THE SOUTH LINE OF
SAID LOT 24; THENCE S 89°25'00" W 73.33 FEET; THENCE N 0°14'28" W 150.86 FEET,
TO A POINT ON THE SAID RIGHT OF WAY LINE OF NEWEL AVENUE; THENCE N
89°13'44" E 75.48 FEET, TO THE POINT OF BEGINNING.

LOT 24-B-2, SHORT CREEK SUBDIVISION #9 AMENDED AND EXTENDED,
ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE
WASHINGTON COUNTY RECORDER'S OFFICE, MORE SPECIFICALLY DESCRIBED
AS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 24, SHORT CREEK SUBDIVISION
#9, RECORDED AND ON FILE IN THE OFFICE OF THE RECORDER, WASHINGTON
COUNTY, STATE OF UTAH, SAID POINT ALSO BEING ON THE WEST RIGHT OF WAY
LINE OF CANYON STREET; AND RUNNING THENCE SOUTH 1°22'39" WEST 151.44
FEET, ALONG SAID LINE; THENCE SOUTH 89°25'00" WEST 73.23 FEET; THENCE
NORTH 0°34'11" EAST 151.14 FEET, TO A POINT ON THE SOUTH RIGHT OF WAY
LINE OF NEWEL AVENUE; THENCE NORTH 89°13'44" EAST 75.38 FEET, ALONG SAID
LINE, TO THE POINT OF BEGINNING.

APN(S): HD-SHCR-9-24-B-1 & HD-SHCR-9-24-B-2

Deed Restriction

**SUBJECT TO: No Utilities have been provided to these lots.
The City of Hildale will not issue any building permit for each lot
until all utilities have been installed at the cost of the Grantee,
herein.**


Lynn Gutzwiller

Hildale City
320 East Newel Avenue
P. O. Box 840490
Hildale UT 84784-0490 435-874-2323

Receipt No: 1.053649 Nov 22, 2023

LYNN GUTZWILLER

| | |
|-------------------------|--------|
| Previous Balance: | .00 |
| MISCELLANEOUS | |
| ZONE CHANGE APPLICATION | 100.00 |
| 495 EAST NEWEL AVENUE | |

| | |
|--------|--------------------------|
| Total: | ----- 100.00 ===== |
|--------|--------------------------|

| | |
|--------------------|--------------------------|
| Check - Zions Bank | |
| Check No: 3551 | 100.00 |
| Payor: | |
| LYNN GUTZWILLER | |
| Total Applied: | ----- 100.00 ===== |

| | |
|------------------|-----------------------|
| Change Tendered: | ----- .00 ===== |
|------------------|-----------------------|

11/22/2023 4:35 PM



📞 435-874-2323
📠 435-874-2603
🌐 www.hildalecity.com

March 11, 2024

RE: Notice of Public Hearing — Re-zone Request
Parcel Numbers: HD-SHCR-9-24-B-1 & HD-SCHR-9-24-B-2
Address: 495 East Newel Ave., Hildale, Utah

To Whom it May Concern:

You are invited to a public hearing to give any input you may have, as a neighboring property owner, regarding a request to rezone the above-listed parcel from Residential 1-10 (R-1-10) to Residential 1-8 (R1-8).

Residential 1-10 (RA-1-10) permits development of detached single-family homes on individual lots at medium to high densities. Ancillary uses include churches, schools, and parks to serve neighborhood areas.

Residential 1-8 (R1-8) permits development of detached single-family homes on individual lots at medium to high densities. Ancillary uses include churches, schools, and parks to serve neighborhood areas.

Development standards in residential zones vary and can be found, in detail, at Hildale City Land Use Ordinance, available from City Hall, or at https://hildale.municipalcodeonline.com/book?type=ordinances#name=CHAPTER_13_RESIDENTIAL_ZONES

The hearing will be held Thursday, March 21, 2024, at 6:00 pm (MDT), at Hildale City Hall, at 320 East Newel Avenue, Hildale, Utah. Any objections, questions or comments can be submitted in person at the Hildale City Hall, or by mail to:

City of Hildale Zoning Administrator
P.O. Box 840490, Hildale, Utah 84784
or Zoning Administrator (435) 874-2323
or at manager@hildalecity.com.

Any owner of property located entirely or partially within the proposed zoning map amendment may file a written objection to the inclusion of the owner's property in the proposed zoning map amendment, not later than 10 days after the day of the public hearing. Each written objection filed with the municipality will be provided to the Hildale City Council.

Sincerely,

Eric Duthie, City Manager / Zoning Administrator

[Back to normal view](#)

Query: AccountNumID = 0929791

Showing 1 result on 1 page

Account# Summary

| | | |
|---|---------------------------------------|--|
| 0929791 | Parcel #: HD-SHCR-9-16 | Owner: <i>WASHINGTON COUNTY</i> |
| | Situs: <i>440 E NEWEL AVE HILDALE</i> | Legal: Subdivision: SHORT CREEK 9 AMD & EXT |
| | <i>847840000</i> | (HD) Lot: 16 |
| | Acres: 1.14 | |
| Version: 05/13/2023 08:15:32-910 PM to: MAX | | |

[Back to normal view](#)

Query: AccountNumID = 0929784

Showing 1 result on 1 page

Account# Summary

| | | |
|---|---------------------------------------|--|
| 0929784 | Parcel #: HD-SHCR-9-15 | Owner: <i>ALLRED JAMES RULON AKA JIM</i> |
| | Situs: <i>480 E NEWEL AVE HILDALE</i> | Legal: Subdivision: SHORT CREEK 9 AMD & EXT |
| | <i>847840000</i> | (HD) Lot: 15 |
| | Acres: 1.05 | |
| Version: 05/08/2020 02:12:39-700 AM to: MAX | | |

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Query: AccountNumID = 0929830

Showing 1 result on 1 page

Account# Summary

| | | |
|---------|---|---|
| 0929830 | Parcel #: HD-SHCR-9-20 Situs: 920 N CANYON ST HILDALE 847840000 Acres: 1.51 | Owner: WAYMAN LUCINDA, WAYMAN JOSEPH S Legal: Subdivision: SHORT CREEK 9 AMD & EXT (HD) Lot: 20 |
|---------|---|---|

Version: 06/21/2023 08:51:25-148 AM to: MAX

[Back to normal view](#)

Query: AccountNumID = 0929847

Showing 1 result on 1 page

Account# Summary

| | | |
|---------|--|---|
| 0929847 | Parcel #: HD-SHCR-9-21 Situs: 880 N CANYON ST HILDALE 847840000 Acres: 11.94 | Owner: DOCKSTADER LEAH L Legal: Subdivision: SHORT CREEK 9 AMD & EXT (HD) Lot: 21 |
|---------|--|---|

Version: 07/26/2022 03:20:26-949 PM to: MAX

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Query: AccountNumID = 0929885

Showing 1 result on 1 page

Account# Summary

| | | |
|---------|---|--|
| 0929885 | Parcel #: HD-SHCR-9-25 Situs: 865 N CANYON ST HILDALE 847840000 Acres: 1.11 | Owner: <i>BARLOW DANIEL E</i> Legal: Subdivision: SHORT CREEK 9 AMD & EXT (HD) Lot: 25 |
|---------|---|--|

Version: 07/26/2022 03:20:32-872 PM to: MAX

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Query: AccountNumID = 1010469

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Account# Summary

| | | |
|---------|---|---|
| 1010469 | Parcel #: HD-SHCR-9-24-A | Owner: <i>JESSOP RON M</i> |
| | Situs: 475 E NEWEL AVE HILDALE 84784 | Legal: Subdivision: SHORT CREEK 9 AMD & EXT (HD) Lot: 24-A |
| | Acres: 0.51 | |
| | Version: 06/15/2021 01:36:22-763 PM to: MAX | |

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Query: AccountNumID = 0929861

Showing 1 result on 1 page

Account# Summary

| | | |
|---|---------------------------------------|--|
| 0929861 | Parcel #: HD-SHCR-9-23 | Owner: <i>BARLOW JOHN</i> |
| | Situs: <i>445 E NEWEL AVE HILDALE</i> | Legal: Subdivision: SHORT CREEK 9 AMD & EXT |
| | <i>847840000</i> | (HD) Lot: 23 |
| | Acres: 1.23 | |
| Version: 03/06/2024 04:55:34-554 PM to: MAX | | |

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Query: AccountNumID = 0929777

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Account# Summary

| | | |
|---------|---|--|
| 0929777 | Parcel #: HD-SHCR-9-14 Situs: 945 N CANYON ST HILDALE 847840000 Acres: 1.01 | Owner: UNITED EFFORT PLAN Legal: Subdivision: SHORT CREEK 9 AMD & EXT (HD) Lot: 14 |
|---------|---|--|

Version: 05/08/2020 02:12:20-822 AM to: MAX

To Whom It May Concern:

In response to the note about email request below, I am confirming that Lynn Gutzwiller (property owner) will take full responsibility for all utility costs necessary as a part of the lot separation for the lots noted below.

An email response has also been sent to this regard.

Thank you,

Lynn Gutzwiller

Copy of original message below.

Greetings

The sewer line in Newel Ave is proposed.(not installed yet and will need to be completed to serve sewer to Lot 24-A and lot 24-B1) This will be at property owners expense.

The water meter shown on 24-B2 currently serves 24-A . We will require a new water service to be installed to serve 24-A as well as one for 24-B1

Gercane Energy handles the power, please reach out to them and they will be happy to answer any power related questions.

Thank you