



435-874-2323  
435-874-2603  
www.hildalecity.com

# ZONE CHANGE APPLICATION

Fee: \$500 + \$2 p/ mailing notice

<i>For Office Use Only:</i>	
File No.	_____
Receipt No.	<u>202212115</u>

6/13/2024  
AC

Name: Misty Finicum (was Higgins) Telephone: 435-899-1621

Address: 260 E Utah Ave Fax No. \_\_\_\_\_

Agent (If Applicable): \_\_\_\_\_ Telephone: \_\_\_\_\_

Email: mistyfinicum@gmail.com

Address/Location of Subject Property: 260 E Utah Ave

Tax ID of Subject Property: 1089856 Existing Zone District: Commercial

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

Residential - I just found out that my homeowners insurance will not cover loss if it is zoned commercial. I also cannot get home equity loan if zoned commercial.

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 6:00 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: \_\_\_\_\_

**Account 1089856**

<u>Location</u>	<u>Owner</u>	<u>Value</u>
<b>Account Number</b> 1089856	<b>Name</b> HIGGINS MISTY	<b>Market (2024)</b> \$950,200
<b>Parcel Number</b> HD-11-M	PO BOX 1424	<b>Taxable</b> \$522,610
<b>Tax District</b> 02 - Hildale Town	HILDALE, UT 84784	<b>Tax Area: 02 Tax Rate: 0.007265</b>
<b>Acres</b> 0.52		<b>Type Actual Assessed Acres</b>
<b>Situs</b> 260 E UTAH AVE , HILDALE		Primary \$950,200
<b>Legal S:</b> 34 T: 43S R: 10W COMMENCING AT THE CLOSING COR FOR SECTION 34 AND 35, TOWNSHIP 43 SOUTH, RANGE 10 WEST, SALT LAKE BASE AND MERIDIAN (A BLM 1994 ALUMINUM CAP); THENCE NORTH 00°31'43"WEST, ALONG THE SECTION LINE A DISTANCE OF 1392.13 FEET; THENCE NORTH 90°00'00"WEST, A DISTANCE OF 1592.07 FEET TO THE POINT OF BEGINNING SAID POINT BEING ON THE EASTERLY SIDE OF AN EXISTING WALL; THENCE SOUTH 02°18'28" EAST ALONG SAID WALL A DISTANCE OF 135.19 FEET TO A CORNER OF SAID WALL; THENCE SOUTH 45°52'53" WEST ALONG SAID WALL A DISTANCE OF 29.34 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF UTAH AVENUE (800 NORTH STREET); THENCE SOUTH 89°37'10" WEST, ALONG SAID RIGHT OF WAY A DISTANCE OF 127.68 FEET; THENCE NORTH 00°21'13" WEST ALONG THE EASTERLY SIDE OF AN EXISTING WALL A DISTANCE OF 155.70 FEET, TO A POINT ON THE NORTHERLY SIDE OF AN EXISTING WALL; THENCE SOUTH 88°03'49" EAST, ALONG SAID WALL A DISTANCE OF 17.26 FEET; THENCE NORTH 89°26'23" EAST, ALONG SAID WALL A DISTANCE OF 127.01 FEET TO THE POB.	Improved \$522,610 0.520	

**Parent Accounts** 0390875  
**Parent Parcels** HD-11-C-3  
**Child Accounts**  
**Child Parcels**

AFFIDAVIT  
PROPERTY OWNER

STATE OF ~~UTAH~~ Arizona  
COUNTY OF ~~Washington~~ Mohave

I (we), Misty Finicum, being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained, and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (we) also acknowledge that I have received written instructions regarding the process for which I am applying, and the Hildale City Planning staff have indicated they are available to assist me in making this application.

Misty Finicum Misty Finicum  
(Property Owner)

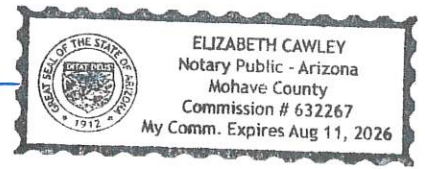
\_\_\_\_\_  
(Property Owner)

Subscribed and sworn to me this 13 day of June 2024

E. Cawley  
(Notary Public)

Residing in: Mohave County, AZ

My Commission Expires: Aug 11, 2026



Agent Authorization

I (we), \_\_\_\_\_, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) \_\_\_\_\_ to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

\_\_\_\_\_  
(Property Owner)

\_\_\_\_\_  
(Property Owner)

Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
(Notary Public)

Residing in: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



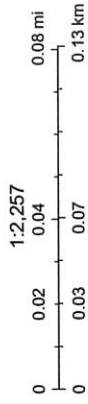
# REZONE 260 E Utah Finicum



7/15/2024, 11:09:07 AM

Municipal Boundary

Washington County Parcels



Maxar, Microsoft, Esri Community Maps Contributors, Cocentino County, Utah Geospatial Resource Center, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, USFWS

Hildale City  
Sunrise Cloud SMART GIS®

From: Eric Duthie, Hildale City Manager  
To: Hildale City Council  
Date: July 10, 2024  
Subject: Zone Change request

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**Applicant Name:** Misty (Higgins) Finicum  
**Application Type:** Zone Change request  
**Project Address:** 260E Utah, Hildale, UT 84784  
**Current Zoning:** General Commercial (GC)  
**Requested Zoning:** Residential 1-15 (R1-15)  
**Date:** July 10, 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-11-M, commonly addressed as 260 E. Utah Ave., Hildale, Utah from the current General Commercial (GC) Zone to Residential 1-15 (R1-15) Zone.

### **Background**

The applicant submitted the application on June 13, 2024, to the Hildale City offices and paid the fee of \$504.

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, East and West by General Commercial properties; On the South by Utah Avenue.



**Analysis**

The zone change request complies with required standards for approval, as identified in Hildale Planning and Zoning ordinance, section 152-13-3 Uses allowed; and Sec 152-13-4 Development Standards In Residential Zones, as follows:

**Sec 152-13-3 Uses Allowed**

Residential uses:	R1-15
Assisted living facility	C
Boarding house	N
<b>Building, accessory</b>	<b>P</b>
<b>Dwelling, earth sheltered</b>	<b>P</b>
Dwelling, multiple-family	N
<b>Dwelling, single-family</b>	<b>P</b>
<b>Dwelling, single-family with accessory dwelling unit</b>	<b>P</b>
<b>Dwelling, temporary</b>	<b>P</b>
Dwelling, two-family	N
<b>Guesthouse or casita with direct access to main dwelling unit</b>	<b>P</b>
Guesthouse or casita without direct access to main dwelling unit	C
<b>Manufactured home</b>	<b>P</b>
Manufactured/mobile home park	N
Manufactured/mobile home subdivision	N
Protective housing facility	N
Rehabilitation/treatment facility	N
<b>Residential facility for elderly persons</b>	<b>P</b>
<b>Residential facility for persons with a disability</b>	<b>p</b>
Residential facility for troubled youth	N
<b>Short term rental.</b>	<b>P</b>
Transitional housing facility	N

**Sec 152-13-4 Development Standards In Residential Zones**

DEVELOPMENT STANDARDS IN RESIDENTIAL ZONES	
	<b>ZONES</b>
Development Standard	<b>R1-15</b>
<b>Lot standards:</b>	
Average lot area <sup>2</sup>	<b>15,000 sq. ft.</b>
Minimum lot area or acreage	<b>12,000 sq. ft.</b>
Minimum lot width and/or project frontage	<b>90 ft.</b>
<b>Building standards:</b>	
Maximum height, main building <sup>3</sup>	<b>35 ft.</b>
Maximum height, accessory building <sup>4</sup>	<b>20 ft.</b>
Maximum size, accessory building	<b>1,200 sq. ft.</b>
Building coverage: See subsection 10-37-12l of this title	<b>50% of lot</b>
Distance between buildings	<b>No requirement</b>
<b>Setback standards - front yard:</b>	
Any building <sup>5</sup>	<b>25 ft.</b>
<b>Setback standards - rear yard:</b>	
Main building	<b>20 ft.</b>
Accessory building, including private garage <sup>6</sup>	<b>20 ft.</b>
<b>Setback standards - interior side yard:</b>	
Main building	<b>10 ft.</b>
Accessory building, including private garage	<b>See note 6</b>
<b>Setback standards - street side yard:</b>	
Main building <sup>7</sup>	<b>20 ft.</b>
Accessory building	<b>See note 6</b>

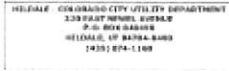
Notes:

**6. If located at least 10 feet from main building, 2 feet from the dripline of the roof. Otherwise, same as for main building.**

The purpose of the rezone is to designate a long existing residential structure to a residential zone. Apparently, the General Commercial designation was attached to the property when the Zoning Map was established. The homeowner recently discovered problems with insurance and potential loans. The homeowner requests the rezone.

**Recommendation**

Staff recommends approval of the zone change request.



Hildale City  
 320 E. Newel Ave  
 Hildale, UT 84784  
 (435) 874-1160  
 ar@hildalecity.com

XBP Confirmation Number: 202212775

▶ Transaction detail for payment to Hildale City.		Date: 06/13/2024 - 1:39:58 PM MT	
<b>Transaction Number: 220592680</b> <b>Visa — XXXX-XXXX-XXXX-5476</b> <b>Status: Successful</b>			
Account #	Item	Quantity	Item Amount
	Land Use	1	\$504.00
Notes: ZONE CHANGE APPLICATION			

**TOTAL: \$504.00**

**Billing Information**  
 MISTY FINICUM  
 260 EAST UTAH AVENUE  
 HILDALE, UT 84784  
 mistyfinicum@gmail.com

Transaction taken by: Admin AChatwin