



VARIANCE HEARING

October 16, 2025

Subject: Variance Request – Setback Exceptions for Accessory Building Located at 617 W. Campfire Circle

Background

Alpine City has received an application for a variance at 617 W. Campfire Circle to allow reduced setbacks for the construction of an accessory building that will be thirty (30) feet in height.

In the CR-20,000 zone, the setback requirements for an accessory building on a side yard abutting a street are as follows:

- Minimum setback: 40 feet for buildings under 20 feet in height.
- Height adjustment: For each additional foot above 20 feet in height, an additional 2 feet must be added to the setback.
- Maximum allowable height: 30 feet, which requires a 60-foot setback from the side yard abutting a street.

Cities require setbacks for accessory buildings for multiple reasons:

- Fire separation: Reduces the risk of fire spreading between structures.
- Privacy: Minimizes overlooking or visual intrusion into neighboring yards.
- Noise control: Keeps accessory structures far enough from neighbors to reduce noise impacts.
- Drainage: Ensures stormwater runoff does not flow onto neighboring properties.
- Structural safety: Reduces the risk of erosion or foundation issues from construction too close to property lines.
- Aesthetics and neighborhood character: Prevents accessory buildings from dominating a lot or creating a cluttered appearance and maintains open space.
- Neighboring views: Protects views for adjacent properties.

VARIANCE REQUEST

The applicant requests a variance to reduce the required 60-foot setback to the standard 40-foot setback for an accessory building abutting a street.

Additional site considerations include:

- A 20-foot ditch access easement located in the middle of the property.

APPLICABLE LAW

As required by Utah State Code 10-9a-702 and Alpine Development Code 2.03.030, the hearing officer may grant a variance if the applicant demonstrates all of the following:

1. Literal enforcement of the ordinance would cause an unreasonable hardship not necessary to carry out the general purpose of the land use ordinance.
2. There are special circumstances attached to the property that do not generally apply to other properties in the same zone.
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.
4. The variance will not substantially affect the General Plan and will not be contrary to the public interest.
5. The spirit of the land use ordinance is observed and substantial justice is done.

The applicant has submitted responses to each of these criteria, which are included in the packet.

RELEVANT CODE SECTIONS

- Alpine Development Code 2.03.030 – Variances
- Alpine Development Code 3.05.050 – Setback Requirements
- Alpine Development Code 3.03.00 Building Requirements (2)

MEETING NOTES

Appeal Authority Angela Adams called the meeting to order at 1:02 pm.

Attendance: Steven Tiek (Architectural Designer), Cassidy Johnson (Assistant Designer), Ryan Robinson (City Planner), Jason Judd (City Engineer), Alan Wood (neighbor), Nate Hutchinson (neighbor), DeAnn Parry (City Recorder)

Steven Tiek explained that the McGees acquired the property behind them with the intent to build an accessory garage and sports structure. Their goal is to create a beautiful barn-like building to compliment the property and add value. It will have an equestrian feel that blends well with Alpine's history and the surrounding homes. They want to preserve the trees and vegetation as much as possible to maintain a beautiful landscape.

This parcel has a canal that runs through it, which is usually dry but has a recorded easement. Between Westfield Road and the canal there is not a lot of room for the 30-foot tall building. They are seeking a variance to the 60-foot setback, and would like approval for a 40-foot setback.

Appeal Authority Angela Adams asked questions about the owners of neighboring properties, if the McGee parcels had be re-platted, and the status of the canal.

Steven Tiek said the parcels have been combined at the County, and the canal goes through the entire parcel and continues for some distance.

Engineer Jason Judd clarified that this is not actually a canal, but is part of the city storm drain system. A landowner may choose to pipe the ditch, and concrete flatwork could be installed on top, but no structures may be built on it. In his conversations with the McGees, they are not planning to pipe the canal because of the high cost.

Authority Adams said she understands that the canal makes this property more challenging for building, but these types of easements are not uncommon in Alpine. It is harder to justify a variance if most properties in town have unique circumstances.

Neighbor Nate Hutchinson said he owns three properties on Campfire Circle, and he supports the variance proposal.

Neighbor Alan Wood says he is also receptive to the variance request.

Authority Adams and the attendees discussed the orientation of the buildings, the elevation of the barn, and its architectural design.

Authority Adams asked if there were any additional arguments beyond what is written.

Steve Tiek said they believe the situation constitutes a hardship, and they need a reasonable amount of space for a structure of this size. Forty feet is a typical setback along Westfield Road for frontage, so the variance would not conflict with surrounding structures and would allow them to preserve the trees.

Authority Adams said she will take the information under advisement and issue a written opinion in one or two weeks.

The meeting adjourned at 1:17 pm.

Variance Decision

Variance

In Re: Application for Variance for property located at 617 W. Campfire Circle

Applicant: Steve Tiek
Request: Front Setback Variance
Parcel/Tax ID: 35:834:0001

Pursuant to an application for a Variance filed by Steve Tiek and published notice, before the Hearing Officer, Angela Adams, as authorized by Utah Code Ann. §10-9A-701 and the ordinances of Alpine, Utah, a hearing was held on the 16th day of October, 2025, at Alpine City Hall, 20 North Main Street, Alpine, Utah 84004.

The applicant has applied for a variance from the requirements of Section 3.03.080(2) of the Alpine Development Code, which requires that accessory structures have a minimum setback of 60 feet from the property line abutting a road if they are the maximum height of 30 feet. Specifically, the applicant has applied for a variance to build a 30 foot tall accessory building with a setback of 40 feet from the property line abutting Westfield Road. The information provided by the applicant and the staff report prepared by Ryan Robinson, Alpine Assistant City Administrator, were reviewed.

Requirements to Grant a Variance

As required by state and local statutory provisions, five factors must be established in order for a variance to be granted. The applicant has the burden of proof to meet each factor. These factors are:

1. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purposes of the land use ordinance;
2. There are special circumstances attached to the property that do not generally apply to other properties in the same zone;
3. Granting of the variance is essential to the enjoyment of a substantial property right possessed by other property owners in the same zone;
4. The variance will not substantially affect the general plan and will not be contrary to the public interest; and
5. The spirit of the land use ordinance is observed and substantial justice done.

Findings of Fact

The Subject property is located at 617 W. Campfire Circle in Alpine City, Utah. The lot was originally platted as two separate lots. The owners of the lots have since

removed the interior lot line, making a single, unified lot. There is a 20 foot above ground storm drain easement running through the center of the newly created lot. The newly created lot also has double frontage because it is in between two streets. The neighbors on the other side of Westfield Road are elevated far above Campfire Circle.

Conclusions of Law

It is the opinion of the hearing officer that the applicant satisfied the five conditions and requirements set forth above.

First. Literal enforcement of the setback requirement would create an unreasonable hardship for the property owner. The double frontage creates two large setbacks for the lot. The easement in the center of the lot creates further difficulty in meeting the requirements of the building code.

Second. The special circumstances requirement is met due to the unique surroundings of the property. The property abuts Westfield Road and the neighboring properties are elevated far above Campfire Circle. Accordingly, even though the accessory structure will be 30 feet tall, it will not infringe on the rights of the neighbors whose properties border the lot in question.

Third. The granting of the variance is essential to the enjoyment of a substantial property right others enjoy in the area.

Fourth. The granting of the requested variance under these circumstances would not violate or substantially alter the general plan or be contrary to the public interest.

Fifth. The spirit of the land use ordinance is observed and substantial justice done. It is the opinion of the hearing officer that, in this case, the granting of a variance would allow the property owners the same type of use as others in the area with no negative effect.

Order

Based on the foregoing Findings of Fact and Conclusions of Law, the applicant's request for a variance from the provisions of Alpine Development Code §3.03.080(2) is granted as follows: the applicant is permitted to build an accessory building with a maximum height of 30 feet and with a minimum setback of 40 feet from the lot line abutting Westfield Road.

Dated this 6th day of November 2025.

By _____/s/_____
Angela Adams
Alpine City Hearing Officer