



VARIANCE HEARING

October 16, 2025

Subject: Variance Request – Front Yard Pool Setback at 2241 N. Three Falls Way

Background

Alpine City has received a request for a variance to the front yard setback for a swimming pool located at 2241 N. Three Falls Way.

Under Alpine City Code, swimming pools are required to maintain a forty (40) foot setback from the front property line. According to Alpine Development Code 3.01.110, Definitions:

YARD, FRONT: A space between the front of the main building on a lot and the front lot line or line of an abutting street or right-of-way, extending across the full width of a lot. The depth (or setback) of the front yard is the minimum distance between the front lot line and the front-most part of the primary structure of the nearest main building at the foundation level. (Primary structure includes overhangs, porches, and decks.)

The purpose of front-yard setbacks, particularly for swimming pools, is to:

- Maintain a consistent open appearance along the street.
- Preserve the streetscape and curb appeal.
- Provide space for emergency access and ensure pools are not located too close to sidewalks or roads, reducing potential hazards for children, wildlife, or pets.
- Ensure adequate distance to meet safety codes without encroaching on public rights-of-way.
- Reduce noise impacts from social gatherings at the pool.
- Create a privacy buffer for both the pool owner and neighboring properties.
- Comply with Alpine City fencing requirements, which mandate a minimum 48-inch fence around all swimming pools.

VARIANCE REQUEST

The applicant requests a variance to reduce the front-yard setback from forty (40) feet to ten (10) feet. The applicant notes that the road along the front of the property is designated as a fire

access road, used only by the Three Falls subdivision in emergencies. These roads are gated and accessible only by the city and the Lone Peak Fire Department.

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.

RELEVANT CODE SECTIONS

- Alpine Development Code 2.03.030 – Variances
- Alpine Development Code 3.05.050 – Setback Requirements (#2b)

MEETING NOTES

Appeal Authority Angela Adams called the meeting to order at 1:18 pm.

Attendance: Benji Snedegar (Northland Design Group Landscape Architect), Ryan Robinson (City Planner), Jason Judd (City Engineer), DeAnn Parry (City Recorder)

Benji Snedegar explained that they are requesting a variance for the Harrington property because the pool will be built along a road that is only for emergency access.

Appeal Authority Angeal Adams and the attendees discussed the following:

- The location of the emergency access road gates, which are always locked
- Three Falls Way connects with Alpine Cove to the south
- The ownership of the neighboring properties, and that Winter Creek Properties LLC has purchased several nearby lots to preserve their view.
- Three Falls HOA has offered their approval in a letter, subject to Alpine City granting the variance
- The slope on the Harrington's lot is quite steep and will need to be retained

Benji Snedegar concluded by saying they are making the request because of the limitations caused by the required building envelope for the home and the gated fire access road. They would like the south lot line to be considered a rear yard instead of a side yard for setback purposes.

Authority Adams said she will provide a written opinion within the next two.

The meeting adjourned at 1:28 pm.

Variance Decision

Variance

In Re: Application for Variance for property located at 2241 N. Three Falls Way

Applicant: Northland Design Group
Request: Front Setback Variance
Parcel/Tax ID: 53:695:0050

Pursuant to an application for a Variance filed by Northland Design Group 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 provisions and requirements of Section 3.05.050 of the Alpine Development Code. Specifically, the applicant has applied for a variance to build a pool in the “front” yard of the property in question, within the 40 foot setback required. 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 2241 N. Three Falls Way in Alpine City, Utah. The property has a small frontage on Three Falls Way, which ends in a cul-de-sac. Beginning in said cul-de-sac, there is also a fire access road that runs behind the property. Because the fire access road is, technically, a street, the property owners are required to

maintain a 40 foot setback from the fire access road in their backyard, as though it were a front yard. In general, backyard setbacks in Alpine are 10 feet. The fire access road is accessible only to emergency personal and has a locked gate on both ends preventing normal traffic. The bulk of the property surrounding the property in question, is owned by the City of Alpine and will not be developed.

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 fire access road creates multiple “front” yard setbacks under the City ordinances.

Second. The special circumstances requirement is met due to the unique surroundings of the property. The property has no neighbors on the “street” adjacent to the pool and all of the surrounding property is owned by the City.

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 §3.05.050(2)(b) is granted as follows: the applicant is permitted to build a pool with a minimum setback of 10 feet from the property line in the rear of the residence and adjacent to the fire access road.

Dated this 30th day of October 2025.

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