

Memo



To: Angela Adams, Hearing Officer
From: Ryan Robinson, Assistant City Administrator/Planner
Date: April 17th, 2023
Subject: Variance Request – Marcus Watkins building a detached structure within the designated setback.

Background

In preparation for the variance hearing scheduled for Monday, April 24, 2023, at 11:00 am at City Hall, city staff has prepared a memorandum regarding the request for an exception to the setback requirement for an accessory structure in the CR-20,000 zone. The applicant is proposing to build an indoor sports court detached structure on the property within the required setbacks for an accessory structure. Setbacks are meant to ensure buildings are safely and appropriately situated on a property, with sufficient space to minimize any potential hazards and nuisances to neighboring properties as well as preserving the overall aesthetic and character of the neighborhood.

Variance Request

Alpine Development Code (DCA) [3.03.050 Setback Requirements](#) requires accessory structures to have the following setbacks and additional standards:

1. Side Setback - Corner Lot, Side Abutting a Street. Accessory Structures shall be set back not less than forty (40) feet from the side lot line which abuts on a street.
2. Front Setback. Accessory Structures shall be set back not less than forty (40) feet from the front property line.
3. Side and Rear Setback - Interior Lot Line. Accessory Structures shall be set back not less than fifteen (15) feet from the rear lot line and ten (10) feet from the side lot line, except that a two (2) foot minimum rear or side setback shall be required when all the following conditions are met:
 1. The Accessory building is located more than twelve (12) feet from an existing dwelling on the same or adjacent lot.

2. If the Accessory Structure is an Accessory Building, it shall contain no openings on the side contiguous to the lot line;
3. No drainage from the roof will be discharged onto an adjacent lot;
4. The Accessory Structure shall be constructed of non-combustive materials or have fire resistive walls rated at one (1) hour or more;
5. The Accessory Structure will not be placed on land designated as a recorded easement, such as a utility or trail easement, unless the owner(s) of said easement agree(s) to allow the encroachment. Documentation of the agreement shall be provided to the City
 1. When utilities are present in an easement, the Accessory Structure shall not be permanently attached to the ground and can be moved or relocated within 24 hours. Fines shall be issued for buildings that cannot be moved within 24 hours.
 2. The owner acknowledges that they bear all costs of moving the Accessory Structure, including damage to the property, in the event an easement needs to be accessed.
6. The Accessory Structure will not be taller than twelve (12) feet six (6) inches to the top of the roof line;
7. If the Accessory Structure is an Accessory Building, it will not exceed 200 square feet in size;
8. The City Council may grant additional exceptions to the above conditions if the Accessory Structure will be located adjacent to a non-residential property; and
9. No minimum rear or side setback shall be required if the building will not be taller than ten (10) feet to the top of the roof line.

The applicant is requesting rear yard setbacks of three (3) feet from the property line and side yard setbacks of five (5) feet from the property line.

Response to the Five Findings...

1. My Lot is a very unusual shape and has a very steep Slope at the back of the Lot. I would like to build into the Hill to maximize the use of my property. By Building into the Hill it will minimize the structure size. As the roof would be winthing a few feet from ground at the top of the Hill.
2. My lot has an unusual shape and size.
3. Granting this Variance would give me the ability to enjoy my Property is a much better use. It has minimal impact for the Neighborhood and the surrounding area. I would be building into the Hill. My Hill is approximately 15-20 Ft tall from the base. I would dig down 3-8 ft down from the bottom of the hill. I could even keep my Roof flat so that it would be flat with the existing ground on the upper level. I would structure my roof as a flat roof. Visually it would stick out to the surrounding neighbors.
4. It would simply be a sports court for personal use. With building into the Hill it would minimize the view to neighbors.
5. Because of the Shape of my Lot and the Slope of my Backyard. Since I would build into the Hillside it wouldn't be a burden to surrounding neighbors and Neighborhood. Since I would get structural footings on the Back and sides of the property it would be a safe alternative to a steep slope in the backyard. This also cuts down my landscaping and would help cut down on Water use.

Thank you for considering this Variance.

-Marcus Watkins



Application to Request Appeal Authority

20 North Main Alpine, UT 84004 • 801-756-6347 (Phone) • 801-756-1189 (Fax) • www.alpinecity.org

A request shall be filed with the Zoning Administrator of Alpine City and must contain the following information as a minimum and all other additional information that will help the Hearing Officer make a decision.

☒ Variance ☐ Appeal of a Land Use Decision

Name Marcus Watkins Date 1/23/23

Address 410 E Watkins Cir, Alpine Utah 84004 Phone 801-866-2519 Email marcuswatkinsutah@gmail.com

Describe the reasons of the request for variance/appeal Seeking a Variance on the Setback Requirement for Building a Detached structure from my home into the steep slope a the back of my property. My Lot size is very unique and I have a steep slope. It limits my ability to use and enjoy my property. I am seeking a 5 ft Side Setback on both sides and then 3 ft setback at the rear setback. Since I would be building into the Hillside it would be less visable structurally than someone who would build on a flat lot. My Roof would be at or near the top of my Hill.

Variance

Address of the Property Involved 410 E Watkins Cir, Alpine, Utah 84004

Chapter, Section, and Paragraph of the Alpine City
Zoning Ordinance that you are seeking a variance from CR-20,000 zone Code: 3.03.050

Appeal of a Land Use Decision

Action of a Land Use Authority that is being appealed Alpine City

Date of action by Land Use Authority 1/23/23

Applicant Signature

Marcus Watkins
dotloop verified
01/23/23 4:56 PM MST
WVLJ-VHMC-3BWXP3MQ

Date 1/23/23

FOR CITY USE ONLY

Appeal Authority Fee (Actual Cost of Service)

Payment Amount _____ Payment Type _____ Receipt # _____



