

From: lksimpkins7669@gmail.com **Sent:** Wednesday, March 8, 2017 8:41 PM
To: Bill Goodall <goodallbill@gmail.com>; 'Interlaken Clerk' <interlakenclerk@gmail.com>; Bob Marshall <IFISHOR1017@msn.com>; 'Gregory Cropper' <gcropper@joneswaldo.com>
Cc: 'Greg Harrigan' <greg@parkcityrealestateguide.com>; 'Scott Neuner' <neuner.scott@gmail.com>; 'Susan O'Nan' <sonan333@q.com>; 'Chuck O'Nan' <conan@promontoryclub.com>
Subject: RE: Cloward lot variance

Hi Bill,

Isn't this the lot that is for sale and across the street from Sue and Chuck? IF so it abuts State land which the set back is only 10 ft per code.

Lisa Simpkins

Yup, yup and yup. However....

Greg H is concerned that the road goes through their property and they could be another landowner who claims ownership of the road. Based on the information provided in the Wasatch variance request of 7/14/05, there seems to be no concern. However, based on the sketch supplied with the variance request, the actual front lot line appears to have been moved back 7.5' based on the actual road right-of-way. ***If there is any topic for the TC to discuss, I would suggest it is what to do about front setbacks for lots with front property lines that have been modified from the survey of record by the actual location of the road.***

Regards, Bill

Bart's e-mail states "The side and rear of the lot border Wasatch Mtn. State Park, and the granted variance of a 10 foot setback matches our current code. No problem there. He was also granted a 20 foot front setback variance from Jungrau, which conflicts with our 30 foot requirement." I can find no support for the claim of a 20 foot front setback variance. Based on the sketch, which I guess was submitted with the variance request, they have a good case for reducing the front setback by 7.5'. They would need to submit a variance request to Interlaken. This is not straight forward so it might be a good idea to have Epic verify the following:

Figure #1 – this is the survey that contained in Bart's original e-mail. If you look at the three notes I have pointed out, this survey shows the original lot been reduced by 7.5'. The road right-of-way as shown extends into the edge of property. This sketch isn't dimensioned so you can't really tell but it appears the East lot line is drawn straight North-South, which is not the same as the survey of record.

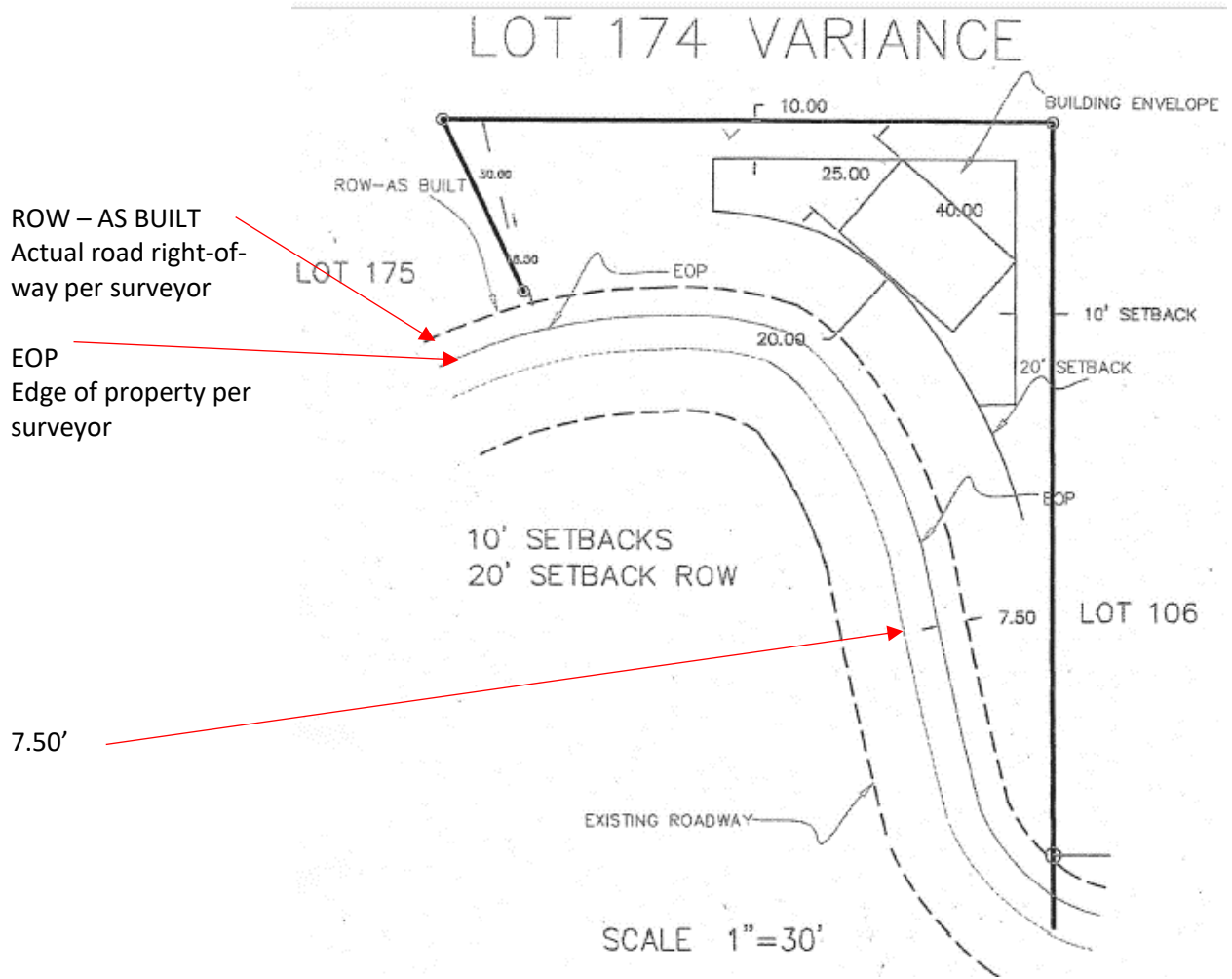
Figure #2 - The Wasatch County record of survey map – it looks similar but not the same.

Figure #3 - So we go to the actual survey of record, dated 10/21/94. The actual dimensions are hard to read so you will find them in the Figure #4 a, b & c.

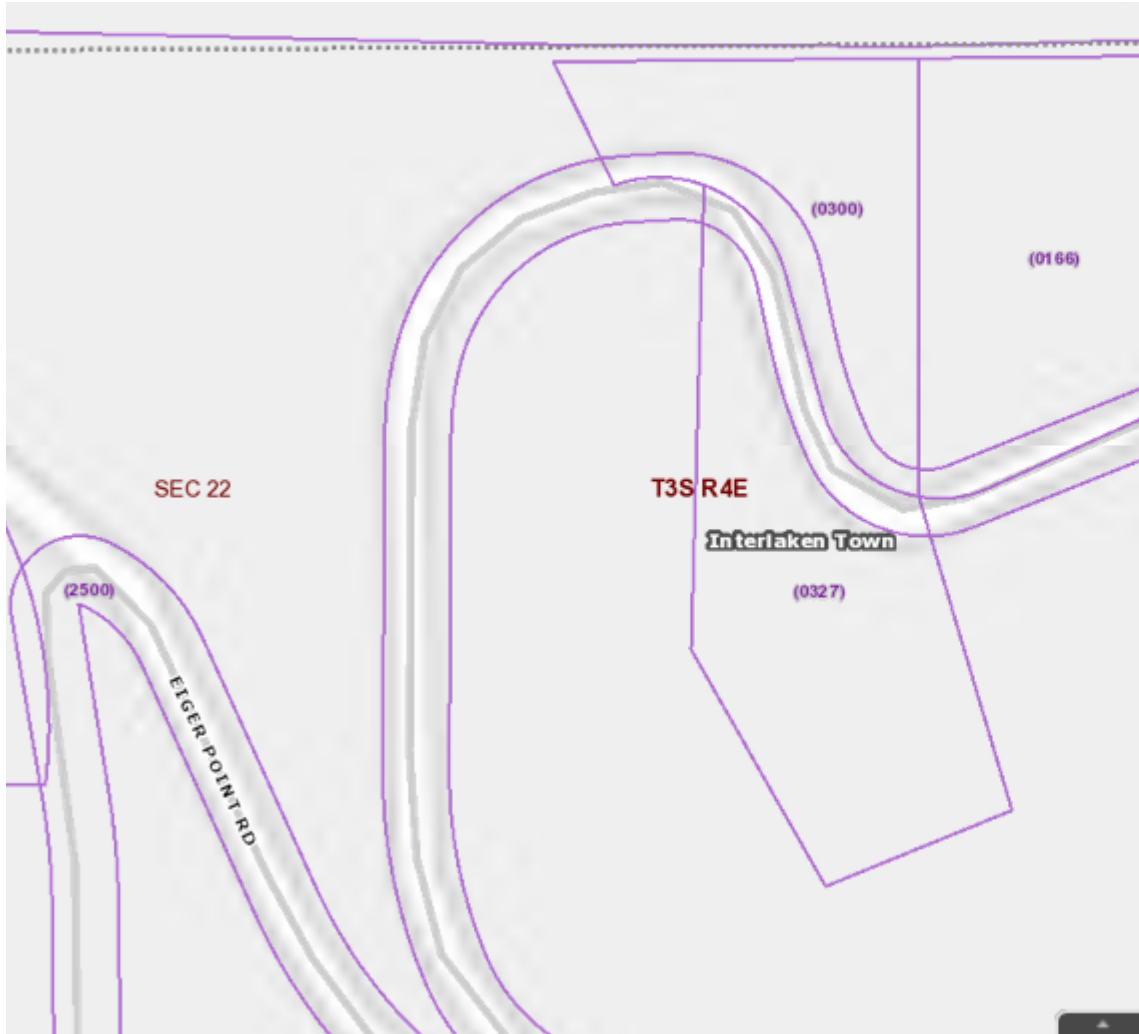
Figure #4 a, b & c – I have noted the survey dimensions on this page for easier reading. The line on the East side of the lot is shown at a slight angle off North. It's surveyed here as S 5° 26' 17" E; about 5 ½ degrees off a straight up North-South line. So it's hard to say what the sketch in the variance was based on. And that brings us to #5

Figure #5 – The variance granted 7/14/05 from Wasatch County. The request was regarding the 30' rear setback requirements. There is no request for a front setback variance. A motion was made to approve the variance as requested, reducing the rear setback from 30' to 10', and the motion was approved.

#1

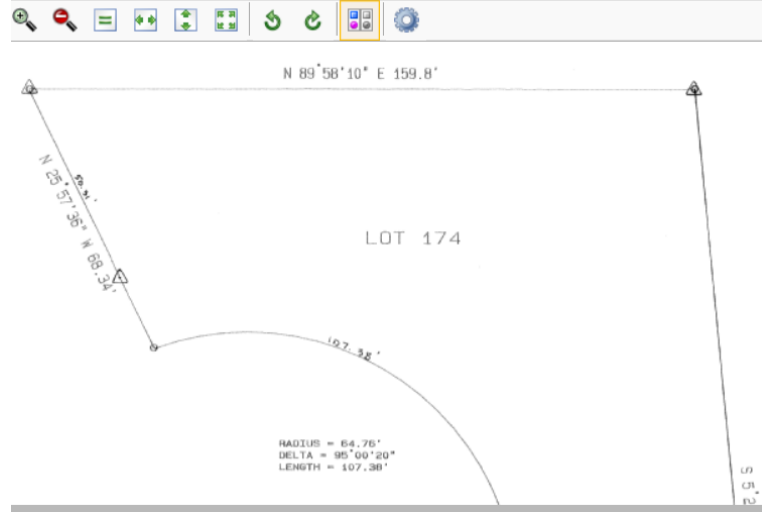


#2



#4 a, b & c

BEEBE CHARLOTTE, Sec: 22, T3S, R4E, Quarter Sec: SE - Survey Date: 10/21/1994

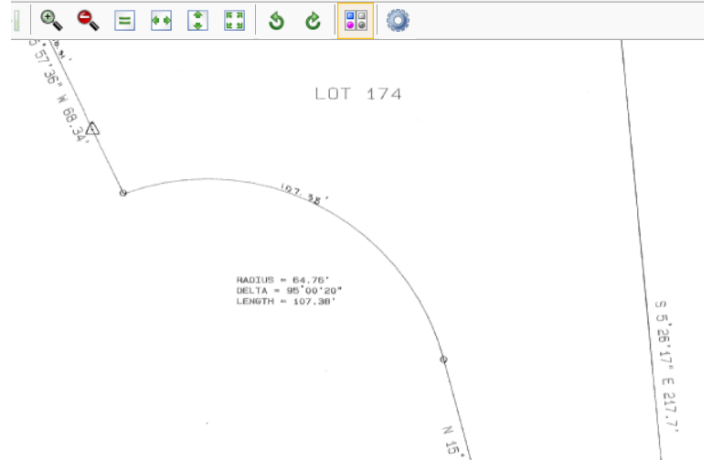


N 89 58 10 E 159.8'

N 25 57 36 W 68.34'

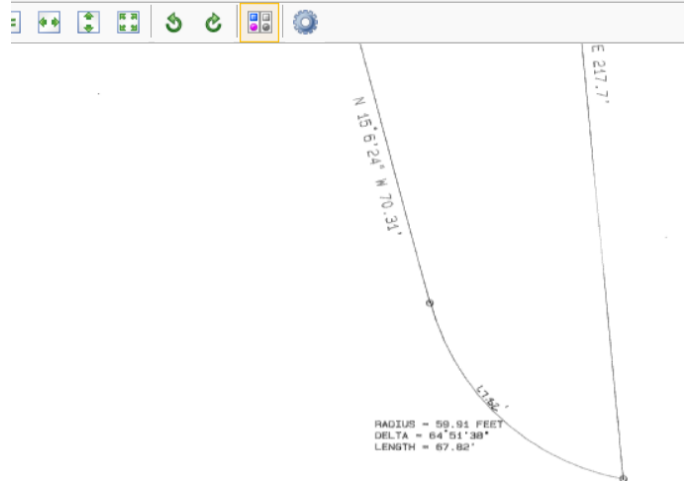
Radius = 64.76'
Delta = 95 00 20
Length = 107.38'

or: BEEBE CHARLOTTE, Sec: 22, T3S, R4E, Quarter Sec: SE - Survey Date: 10/21/1994



S 5 26 17 E 217.7'

LOTTE, Sec: 22, T3S, R4E, Quarter Sec: SE - Survey Date: 10/21/1994



N15 6 24 W 70.31'

Radius = 59.91'
Delta = 64 51 38
Length = 67.82'

#5

ITEM #2 A REQUEST BY JOHN AND KATHLEEN KURTZ FOR A VARIANCE TO THE TERMS OF TITLE 10, WASATCH COUNTY DEVELOPMENT CODE, REGARDING THE 30-FOOT REAR SETBACK REQUIREMENTS FOR THE RA-1 RESIDENTIAL-AGRICULTURAL ZONE. THE PROPERTY, LOT 174 OF INTERLAKEN ESTATES IS LOCATED AT 332 JUNGFRAU HILL ROAD IN MIDWAY; SECTION 22, TOWNSHIP 3 SOUTH, RANGE 4 EAST. (CONTINUED FROM THE JUNE 23, 2005 MEETING DUE TO LACK OF QUORUM)

Page 1 of 3

Wasatch County Board of Adjustment Meeting Minutes of July 14, 2005

W/02/2005/WED 03:35 PM Wasatch County Plan, FAX No. 435 6543218 P. 003

Staff:

Mike Henke, from the Planning Department, addressed the Board of Adjustment and indicated that the variance requested is for the setback requirements for a dwelling that will be located on lot 174 of Interlaken Estates. Wasatch County's current Development Code requires a thirty-foot setback from the rear lot line of any parcel in the RA-1 Zone. Mike stated that the request is to place the proposed building ten feet from the rear property line. He indicated that Terry Green, from the Utah State Parks, has submitted a letter to the Planning Office stating that the Utah State Parks has no objection to the proposed 10-foot setback. Mike also indicated that Sherry Bolca, of the Interlaken Home Owner's Association, also stated that the HOA would accept setbacks established by Wasatch County for property lines that border outside of the Interlaken Subdivision.

Applicant:

John Kurtz, the applicant, indicated that the hardship is the location of the road. John stated that if the road had been constructed where the plat showed it should have been built, then they wouldn't need a variance, but because the road intrudes on their property, they cannot meet the setbacks for the zone and still be able to construct a dwelling on the property. John indicated that their intent is to sell the lot to another party.

Chair Smedley then asked if there was any public comment concerning this matter.

Motion:

Phil Sweet made a motion to approve the variance based on the following findings:

1. That the literal enforcement of the zoning ordinance would cause an unreasonable hardship to the applicant that is not necessary to carry out the general purpose of the zoning ordinance, because they had nothing to do with the road misplacement and that it was put in when the subdivision was actually built.
2. That there are special circumstances attached to the property that do not generally apply to other properties in that area, and those special circumstances again include the road misplacement, and it should be noted that there are no neighbors objecting to them building within that ten foot area.
3. That the granting of the variance is essential to the enjoyment of the substantial property right possessed by other property in the same district, mainly because of the small size of the lot, which is the reason that they are here tonight, and again, it was nothing of their doing. It was the subdivision that was done forty years ago that they inherited.
4. That the variance will not substantially affect the general plan and will not be contrary to the public interests, again because the owner is not encroaching on any of the bordering property owners.
5. That the spirit of the zoning ordinance is observed and substantial justice done because it does in fact leave the separation between neighbors, that you know is desirable. Also, that Wasatch County is in receipt of a letter from the State Parks, who owns the property behind this particular lot, and the State Parks don't have any problem with this variance being granted.

Chip Turner seconded the motion.

The motion carries with the following vote:
AYE: Chip Turner, Greg Gagon, Phil Sweet
NAY: None.