



LAND USE APPEAL HEARING MINUTES

24 September 2025

Appeal Authority Angela Adams called the hearing to order at 12:05 pm.

In Attendance

Appeal Authority: Angela Adams

Appellants: Codruta Boggs (680 E. Ridge Drive), Gary Laney (720 E. Ridge Drive)

Alpine City Staff: Ryan Robinson (Planning & Zoning), DeAnn Parry (City Recorder),
Don Quigley (Code Compliance), Steve Doxey (City Attorney)

Others: John & Jenny Wells (745 E. Ridge Crest Court), Lauren Parker (715 E. Ridge Crest
Court – pool slide owner), Parker Jones (General Contractor for Parkers)

Appeal Authority Angela Adams said that for the original meeting on September 3, information was provided by the appellants the night before and again when the meeting started. An hour-long discussion was held at that time, but because all parties must be able to examine the documents prior to the meeting, the hearing was rescheduled for today. Ryan Robinson created a new packet so everyone could review the information.

Authority Adams said she has read the submissions from both parties multiple times. In her 25 years of experience as an attorney she has learned that people usually want to repeat themselves. Very little repetition will be allowed today because she does not need to hear everything again. The parties may speak one at a time and may not clarify while someone else is speaking. They will be given an opportunity for response later, and she will ask questions as needed.

This appeal is to determine if the homeowners (Bret & Lauren Parker) are meeting the height and setback requirements as outlined in the city code for their pool structure.

Appellant Codruta Boggs talked about the letter from Don Quigley dated February 20, 2025, and the memorandum from staff dated July 22, 2025. She became involved with this situation in May of 2025, and was disappointed in the lack of response from city staff after repeated inquiries.

Ms. Boggs addressed the City Council during the public comment portion of the meeting on June 24, 2025, and asked the city to take action to bring the pool structure into compliance.

She also offered a public comment at the July 9, 2025, City Council meeting and gave folders with information and photos to the council members. She said that the pool slide was illegal and requested that the city require the Parkers to move the slide further from the fence.

In August Ms. Boggs submitted a GRAMA request for the building permit issued for the pool slide at 715 Ridge Crest Lane. The Recorder sent her the site plan, an explanation page, and an email about the slide. No building permit was provided.

The site plan is hand-drawn and was stamped prior to the owner adding the pool slide. Ms. Boggs said that the site plan does not comply with the requirements in the code, as it is missing the scale, lot lines, location of other structures, and average slope. It also needs to show the setbacks and building height.

Ms. Boggs questioned how the city issued a permit when the site plan showed the slide in violation of the code, and the setback and height could not be determined. She reported that Section 3.010.80 of the Alpine Development code says that the staff shall conform to the provisions of the ordinance and shall not issue a permit in conflict with the provisions. A permit issued in conflict with the provisions shall be null and void.

Authority Adams asked that they move past the building permit issue.

Ms. Boggs then reviewed the details of the two-foot setback exception allowed for accessory structures and the definition of a roof and a ridgeline. She stated that the city's decision was arbitrary, capricious, and illegal.

Appellant Gary Laney said he did not think the city responded to his concerns in a timely manner, and they did not explain the appeal process to him.

Authority Adams asked that they move past concerns about the appellants' right to appeal or timeliness of appeal as the city is not challenging their current right to appeal.

Mr. Laney said he requested many times that staff or City Council members visit the site, and it did not happen. The neighbors are appalled at the situation. The pool slide is a nuisance, and the city should deal with it, but nobody seems to care. Mr. Laney referenced Utah Code 76.9.402 and 76.10.803 regarding a nuisance.

Attorney Steve Doxey searched the online code and said those sections are not found in Utah code.

Mr. Laney said there was no pool slide on the original plan in 2024, and he requested multiple times that the city stop the construction process to evaluate the slide.

Authority Adams agreed that the drawing for the pool slide was added to the site plan which had already been stamped. It was not drawn in and then stamped.

Neighbor John Wells commented that he has lived in Alpine for 20 years and loves it. To keep everybody happy, we need to follow the rules.

Attorney Doxey congratulated Ms. Boggs and Mr. Laney on their presentations. He said he also lives in a neighborhood and understands that these types of issues are frustrating. It is easy to spread complaints to willing ears, such as City Council members.

Attorney Doxey said that we are meeting today to appeal a land use decision made by the Land Use Authority, which is not the City Council nor the mayor. The Land Use Authority issued the memorandum on July 22, 2025, which stated that based on the city's review, the pool slide and platform meet the conditions required to qualify for the two-foot setback exception. This decision provided an opportunity for an appeal to the exception. We do not need to revisit the issue of the building permit nor the timeliness of the city's response to complaints. All of that is beyond the scope of this decision.

Authority Adams agreed that the building permit looks a bit "wild, wild west," but that the permit is not within the scope of this appeal.

Mr. Laney said that he asked for help with the appeal process from the city but did not receive assistance.

Authority Adams explained that the city and the appellants are opposing parties, so the city and their attorney do not give advice on how to proceed. The retention of legal counsel is an individual decision. The city's job is to define their decision and the appellants' job is to appeal.

Attorney Doxey spoke about the nuisance complaint and said he is not aware of a statute that compels or requires the city to enforce private nuisance issues. The statute provides a private right of action against private parties, which is not why we are here today.

Attorney Doxey explained the code and the measurement of setbacks, height, and the definition of roofs and ridgelines. He said that staff did the best they could with the existing ordinance. The new ordinance does not apply to this structure, as staff must use the ordinance that is in place at the time of approval. If the structure does not meet the setback and height requirements at completion, the city has the obligation to enforce those rules.

The letter dated February 20, 2025, stated that the city determined that the pool slide was constructed in full compliance with our building codes, and the appellants pointed out that it was not completed at that time. We must confine ourselves to the matter on appeal, to the

time of the decision, to the ordinance that was in effect at the time of the decision, and to the information available at that time. Attorney Doxey said that the memorandum is not arbitrary, capricious, or illegal, and should be sustained.

Ms. Boggs completely disagreed. She said the city's decision was both arbitrary and illegal, and the city interpreted the two-foot exception incorrectly. Her interpretation is that the previous council did not want structures without roofs to be set two feet away from a fence. Structures without roofs must be 15 feet from the property line, and she does not agree with allowing the homeowners to complete the structure and then to measure the setback. If they did not apply for a proper building permit at the beginning of construction, they should have obtained one later.

Mr. Laney said that structures must have a roof in order to use the two-foot exception. The original drawing does not show two platforms, and the current construction is way outside the scope of the original permit. They are appalled as citizens and feel that the city is not taking care of the adjacent neighbors. He thinks that this structure will devalue his property.

Attorney Doxey said the issuance or non-issuance of a building permit and the details of the site plan are beyond the scope of this appeal. The appellants state that the two-foot exception is only for accessory buildings. Several conditions in that section of code say 'if' the accessory structure is an accessory building. There is nothing in the record that supports the interpretation that this was solely meant for accessory buildings with roofs. Mr. Doxey thinks the facts are the reverse of Ms. Boggs' interpretation. We do not want buildings with windows, like garages, close to the lot line because they look into neighboring yards. This section of code applies both to accessory structures with rooflines and those without.

Authority Adams reminded the appellants that she did not want to hear repeats of previous statements.

Ms. Boggs stated her opinion that the two-foot exception applies to structures and buildings with roofs, which cannot be taller than 12'6", and it does not apply to structures without a roof. This structure should have a required 15-foot setback. The city's decision is capricious, arbitrary, and illegal.

Mr. Laney said the city told him they were going to apply the standards for a shed, and no one mentioned an accessory structure. He disagrees with the decision that it can be 13 inches from the property line. He stated that Ryan Robinson told him that setbacks are measured from the foundation. Mr. Laney argued that the pool slide does not have a foundation, but only support structures. He is appalled that his concerns were not heard and that he received no help from the city. He thinks the city has an obligation to deal with the nuisance factor.

City Planner Ryan Robinson clarified that a homeowner may use fill dirt to build up the grade as long as it is retained on site. If the city measures and the pool structure does not meet the height requirement of 12'6", the city will inform the Parkers that they have to move it. This is similar to when a home is built. The excavation contractor always over-digs when installing the foundation. The city does not measure from where they dig, but from the actual location of the foundation.

Ms. Boggs said that the city cannot tell how much fill dirt is being added, and a site plan is required to show the existing slope. She feels that dirt is being brought in to hide the real height of the slide. She does not think the slide was lawful under the old ordinance, and with the new ordinance this slide is completely illegal. It should not be considered a legal non-conforming structure.

Authority Adams said a lot of the discussion has centered on the two-foot or 15-foot setback. She asked Ms. Parker if she knew if the slide was within two feet of their fence/property line.

Contractor Parker Jones offered a response. He said that he did not build the slide, just the home, pool house, and garage. He has not measured the slide yet but thinks that the foundation is more than two feet from the fence, but the slide components are within the two-foot setback.

Authority Adams said that this situation is like a moving target because the structure is not complete. An individual is issued a building permit in compliance with the code. Then, if the owner wants to change the plan and the new structure still comes within the code, they can implement those changes. The Development Code allows an individual to change what they presented as long as it still fits inside the code.

Looking at the code and the photos, it appears 90 percent likely that this structure will not comply, but we are not the engineers nor the builders. None of us know at this point if the structure will come into compliance. A large quantity of fill dirt could raise the grade, or a retaining wall may be needed. However, these issues are not included in the appeal. The appeal today is about the height and setbacks.

Section 3.03.050 of the Development Code says, "No minimum rear or side setback shall be required if the building will not be taller than 10 feet to the top of the roof line." As set forth, this code could use some clarification. However, subsection 9 does not mention accessory structure, but accessory building. Because both 'structure' and 'building' are used in this section of code, we must read them the same. The roof line or ridgeline is the highest point, which includes railings. This means if the slide comes within two feet of the fence, then it needs to be no more than 10 feet from the ground to the top of the railing. If it is more than two feet from the fence the structure can be no more than 12'6" from the ground to the top of the railing.

If the finished slide complies then it is okay. If the final product does not comply it will need to be fixed. The largest risk here is to the homeowner, and the city will want to look at this carefully to make sure it fits inside the code. She hopes that it does come into compliance. The appellants may or may not have a cause of action, but there is not one today because the structure is not finished.

Ms. Boggs said that if they need to wait until the slide is finished to determine compliance, she would like to know what the neighbors can do. She spoke again about the setback requirements and the slide being a non-conforming structure that does comply with the new ordinance.

Homeowner Laurel Parker said that if neighbors had concerns, they should have come to them to talk about it. The Parkers understand the privacy concerns and are trying to make the neighbors happy. She said that when the work is completed, the neighbors will not have these concerns.

Authority Adams said that the new ordinance should not be considered. It was passed after the city approved the building of the slide and does not apply to a structure that was approved before the ordinance took effect. There may be a question as to how much a homeowner can alter the approved plan under the old ordinance without seeking additional approval from the city or meeting the requirements of the new ordinance.

Contractor Parker Jordan explained that the second platform is a landing for the stairs. Because the fences meet at an angle, the second platform moves the stairs away from the fence line so it will be in compliance with the code. He also mentioned that as a custom home builder, he applies for a building permit and then implements change orders throughout the construction process. He always works to make sure the changes are allowed in the code during this process.

Ms. Boggs said that under the new ordinance each element has to comply with the new requirements. Assuming the slide is currently legal, any new changes would have to be reviewed. She feels the adjustments that have been made are material changes.

Authority Adams stated that a number of issues have been presented: the new pool structure ordinance, the nuisance to neighbors, and the building permit, but they cannot be considered here. Those issues may have recourse, but that recourse is not in this forum.

She reiterated that the slide structure will have to comply with the ordinance. If it is within two feet of the fence, it must not be taller than 10 feet to the top of the railing. If it is outside two feet it must be no taller than 12'6" to the top of the railing.

Because this is a unique situation, the city will need to give the appellants notice of the final approval of the slide, along with the relevant data.

City Planner Ryan Robinson said that Bret Parker requested that final measurements be taken when the pool structure is finished. The city will measure at that time and will send the information to the parties.

Ms. Boggs asked about the process for further appeal.

Authority Adams said that she cannot give legal advice as the hearing officer, but the appellants may look at the ordinances to see what the options are with regard to the district court. If the Parker's slide is found in compliance, then the matter is resolved. We must assume that it will comply. The city will send the appellants a notice of completion and approval with the supporting facts. If the building permit was improperly issued and the appellants have damages, this is not the forum to address that.

Authority Adams said that the appellants are asking if the city's decision was arbitrary, capricious, or illegal, and she finds that it was not. When the pool structure is finished, it must comply with the ordinance as it was written at the time the slide was started.

Based on the record, there can be no finding today, other than that the city's decision was not arbitrary, capricious, or illegal, because the structure is not finished.

Ms. Boggs and Mr. Laney asked about their options for a further appeal.

Authority Adams said that the Parkers are taking the risk to continue with construction, understanding the possibility that they may have to move it in the future. We cannot require them to provide a date of completion. The final structure must be in compliance.

Authority Adams stated she will not be providing a written opinion in addition to the minutes of this hearing.

The meeting adjourned at 1:30 pm.