



# Staff Report to the Weber County Board of Adjustment

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** BOA 2024-09 - Consideration and action on a request for a variance to the west side yard, and north rear yard setbacks, for the construction of a home within lot 144 of the Summit Eden Phase 1C Amendment 7 Subdivision.

**Agenda Date:** Thursday, December 12, 2024

**Applicant:** Graham Brindle, Representative

**File Number:** BOA 2024-09

### Property Information

**Approximate Address:** 8428 E Copper Crest Rd, Eden Utah

**Project Area:** 20255 SF

**Zoning:** Destination Recreation Resort (DRR-1)

**Existing Land Use:** Residential

**Proposed Land Use:** Residential

**Parcel ID:** 23-156-0001

**Township, Range, Section:** T7N, R2E, Section 8

### Adjacent Land Use

<b>North:</b>	Vacant	<b>South:</b>	Residential
<b>East:</b>	Open Space	<b>West:</b>	Residential

### Staff Information

**Report Presenter:** Felix Lleverino  
flleverino@co.weber.ut.us  
801-399-8767

**Report Reviewer:** TA

## Applicable Codes

- Title 102 (Administration) Chapter 3 (Board of Adjustment)
- Title 104 (Zones) Chapter 29 (Destination Recreation Resort-1 Zone)

## Development History

This parcel of land was platted as a subdivision lot on August 23, 2018.

## Background

The applicant is requesting variances to the side and rear yard minimum setbacks. This variance would bring the home within two feet of the west side yard and within eight feet of the north rear yard. The residential structure will conform to the remaining setbacks of the DRR-1 zone and the building height will remain below the 35' maximum threshold. The vacant parcel west of this lot will remain vacant for the purpose of open space.

The applicant has provided a detailed narrative with exhibits to help inform the board's decision. See Exhibit A.

## Summary of Board of Adjustment Considerations

LUC §102-3 states that one of the duties and powers of the Board of Adjustment is to hear and decide variances from the requirements of the Weber County Land Use Code. For a variance to be granted it must be shown that all of the following criteria have been met:

- a. *Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Land Use Code.*
  - 1. *In determining whether or not literal enforcement of the land-use code would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought, and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.*
  - 2. *In determining whether or not literal enforcement of the land-use code would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.*
- b. *There are special circumstances attached to the property that do not generally apply to other properties in the same zone.*
  - 1. *In determining whether or not there are special circumstances attached to the property, the appeal authority may find that special circumstances exist only if the special circumstances relating to the hardship complained of, and deprive the property of privileges granted to other properties in the same zone.*
- c. *Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.*
- d. *The variance will not substantially affect the general plan and will not be contrary to the public interest.*
- e. *The spirit of the land use ordinance is observed and substantial justice is done.*

The list below are points taken from the applicant's narrative:

- a. The applicant's narrative states that literal enforcement of the setbacks and the public utility easement add the to limited building area available.
- b. The applicant states that the lot configuration and size are special circumstances that do not generally apply to other properties in the same zone.
- c. The applicant's narrative argues that granting a variance is essential to enjoy a substantial property right possessed by other properties in the same zone due to the amount of buildable area the other lots in the subdivision enjoy.
- d. The variance will not substantially affect the general plan and will not contradict the public interest. The applicant reasons that there will be no added visual impacts and granting this variance avoids extra grading and earthwork which will scar the site.
- e. The applicant explains that the impact on the neighboring properties is minimal, and is in the public interest because the open space parcel to the west will remain vacant.

Staff recommends the board review the variance request in Exhibit A.

## Exhibits

- A. Applicant's Narrative

## Area Map



8428 E Copper Crest Rd  
Weber County Variance Request  
11/08/2024





**Property Address:** 8428 E Copper Crest Rd, Eden, UT 843310  
**Planning Zone:** DRR-1 – Ogden Valley Destination and Recreation Resort  
**Powder Mountain District:** Village House  
**Powder Mountain Lot:** 144

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info@turkeldesign.com

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OWNER:  
**Brandon Richardson**

Sheet Name:

**site aerial**

Project Address:  
**8428 E Copper Crest Ridge,  
Powder Mountain, Eden, Utah, 84310**

TITLE:  
**Richardson Residence  
Variance Request**

REVISION DATE:  
**11.08.2024**

SCALE:  
**A2**

PAGE NO.  
**A2**





open space

lot 144

This property sits at the tip of a wedge-shaped block of land. The parcels get smaller as they move towards the west. Resulting in our plot which is the smallest in the neighborhood.

The property is also unique because it has no adjoining neighbor on the west side of the property. This is open land, that is too narrow to be developed. There will be no house or building on the adjacent parcel.

site lot

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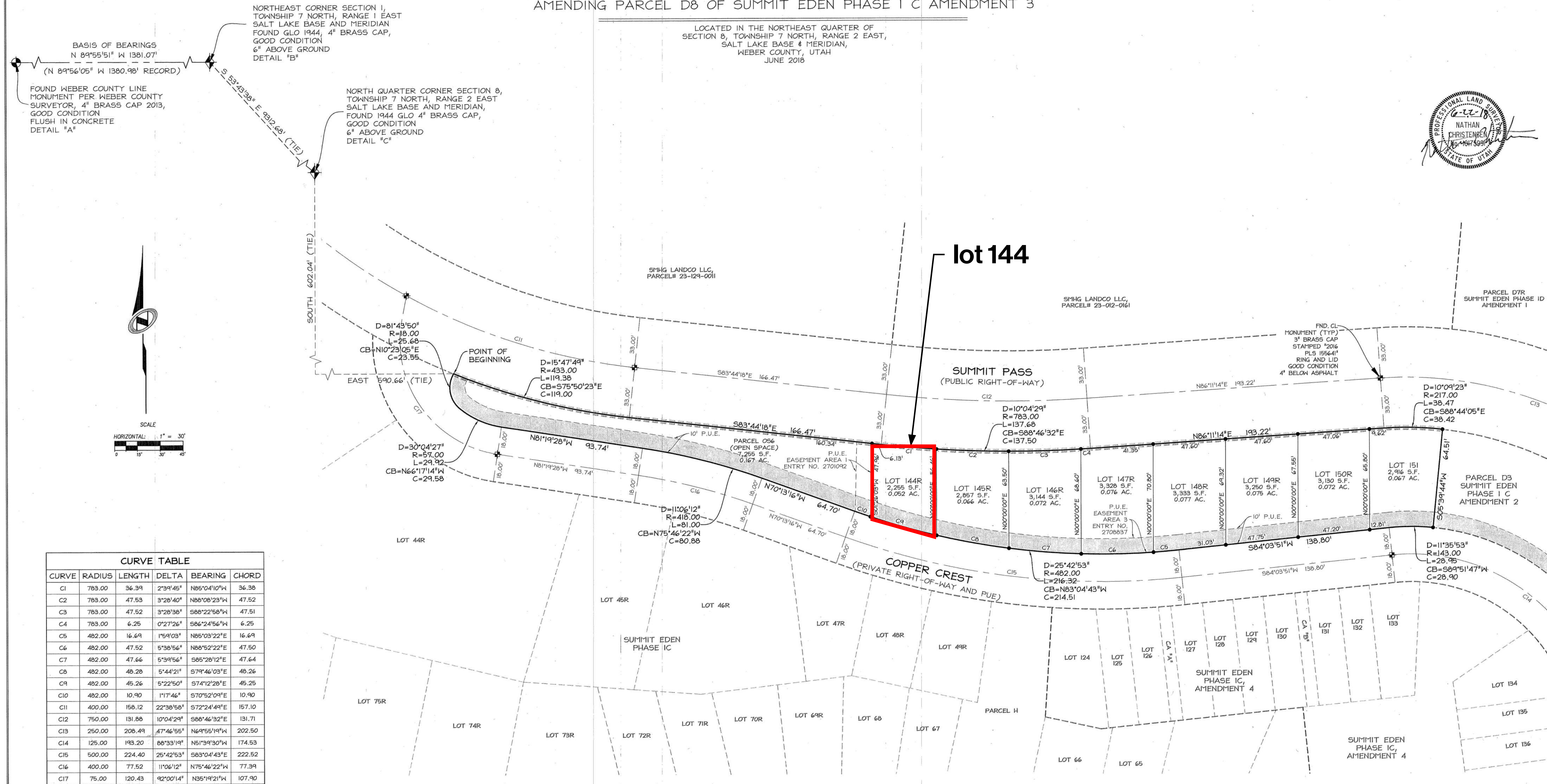
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PAGE NO.  
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83-86

SUMMIT EDEN PHASE 1C AMENDMENT 7  
AMENDING PARCEL D8 OF SUMMIT EDEN PHASE 1 C AMENDMENT 3

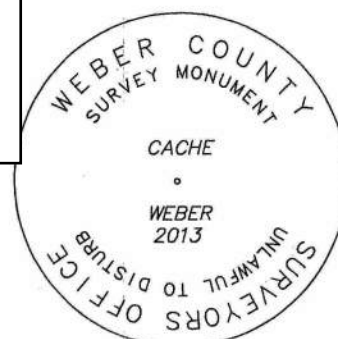
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Layout  
2014-1-17  
NONE  
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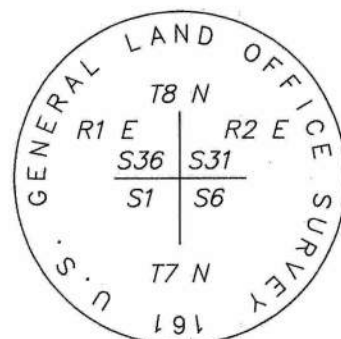
CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	783.00	36.39	2°34'45"	N85°04'10"W	36.38
C2	783.00	47.53	3°28'40"	N88°08'23"W	47.52
C3	783.00	47.52	3°28'38"	S88°22'58"W	47.51
C4	783.00	6.25	0°27'26"	S86°24'56"W	6.25
C5	482.00	16.69	1°59'03"	N85°03'22"E	16.69
C6	482.00	47.52	5°38'56"	N88°52'22"E	47.50
C7	482.00	47.66	5°39'56"	S85°28'12"E	47.64
C8	482.00	48.28	5°44'21"	S79°46'03"E	48.26
C9	482.00	48.26	5°22'50"	S74°12'28"E	48.25
C10	482.00	10.90	1°17'46"	S70°52'09"E	10.90
C11	400.00	158.12	22°38'58"	S72°24'49"E	157.10
C12	750.00	131.88	10°04'29"	S88°46'32"E	131.71
C13	250.00	208.49	47°46'55"	N69°55'19"W	202.50
C14	125.00	193.20	88°33'19"	N51°39'30"W	174.53
C15	500.00	224.40	25°42'53"	S83°04'43"E	222.52
C16	400.00	77.52	11°06'12"	N75°46'22"W	77.39
C17	75.00	120.43	92°00'14"	N85°19'21"W	107.90

The parcel is 600 s.f. smaller than any of the nearby properties. Our lot also has the smallest width and depth of all the lots in this row.

SMHG PHASE 1, LLC.  
3632 N. WOLF CREEK DR.  
EDEN, UT, 84310



DETAIL "A"



DETAIL "B"



DETAIL "C"

LEGEND

- BOUNDARY LINE
- SECTION LINE
- ADJOINER DEED LINES
- RIGHT-OF-WAY LINE
- ROAD CENTERLINE
- NO ACCESS LINE
- SECTION CORNER AS NOTED
- FOUND CL MONUMENT
- SET NO. 5 X 24" LONG REBAR WITH PLASTIC CAP STAMPED "TALISMAN"

ADDRESS TABLE	
LOT #	STREET ADDRESS
144	8428 EAST COPPER CREST
145	8434 EAST COPPER CREST
146	8442 EAST COPPER CREST
147	8448 EAST COPPER CREST
148	8454 EAST COPPER CREST
149	8462 EAST COPPER CREST
150	8470 EAST COPPER CREST
151	8476 EAST COPPER CREST



5217 SOUTH STATE STREET  
SUITE 200  
MURRAY, UT 84107  
801.743.1300

RECORDED #  
STATE OF UTAH, COUNTY OF WEBER,  
RECORDED AND FILED AT THE  
REQUEST OF: SMHG PHASE 1  
ENTRY NO. 298717  
DATE: 02-06-15 TIME: 2:43  
BOOK: 83 PAGE: 85+86  
FEE \$ 69  
LEANN H. KILTS  
WEBER COUNTY RECORDER

Sheet 2 of 2

83-86

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Brandon Richardson

Sheet Name:

site lot

Project Address:  
8428 E Copper Crest Ridge,  
Powder Mountain, Eden, Utah, 84310

TITLE:  
Richardson Residence  
Variance Request

REVISION DATE:  
11.08.2024

SCALE:  
PAGE NO.  
A4



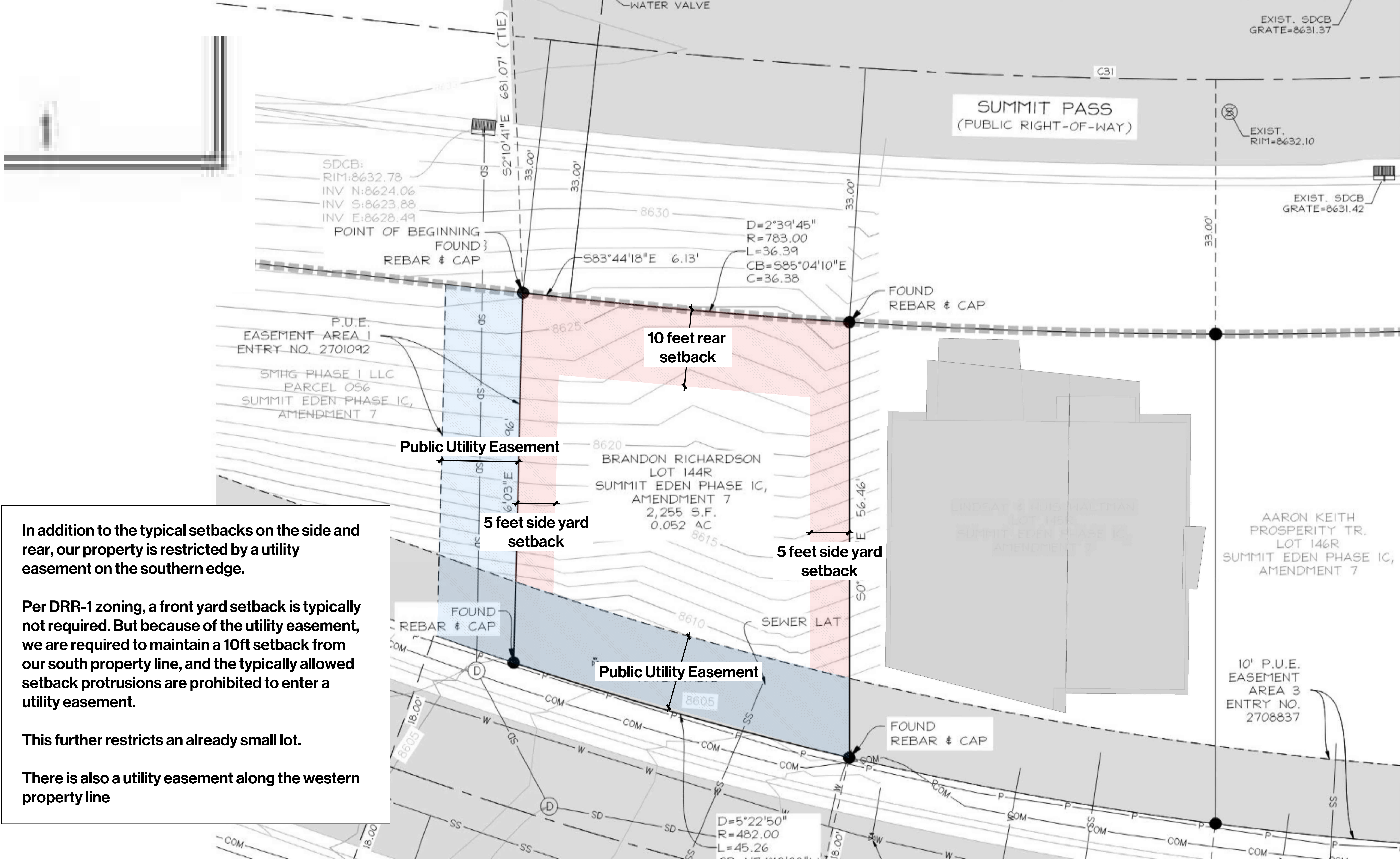


The Village House neighborhood has steeply sloping lots. Each house is oriented towards the primary southern view, which is visible above the roofs of the downhill neighboring houses.

Powder Mountain guidelines restrict these Village Houses to 3 stories, and 2,500sq.ft. max.

Due to the current setbacks we are only able to fit 2,000 sf of interior space on this lot. The neighborhood allows for 2,500 sf max interior space, which the other adjacent lots can accomodate.





In addition to the typical setbacks on the side and rear, our property is restricted by a utility easement on the southern edge.

Per DRR-1 zoning, a front yard setback is typically not required. But because of the utility easement, we are required to maintain a 10ft setback from our south property line, and the typically allowed setback protrusions are prohibited to enter a utility easement.

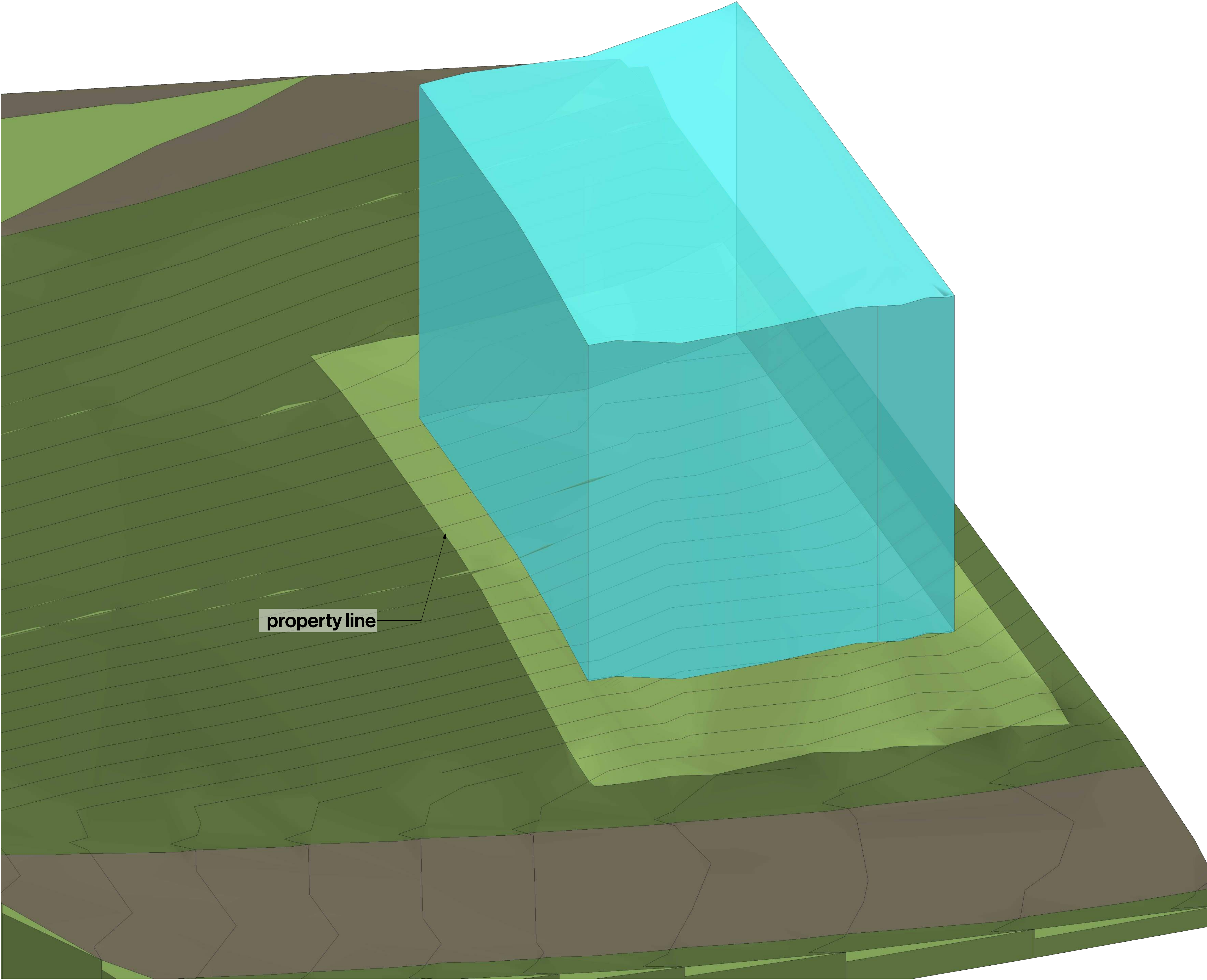
This further restricts an already small lot.

There is also a utility easement along the western property line



**The blue volume represents the buildable envelope for the lot.**

**The buildable envelope takes into account the setbacks, utility easements, and height limit which follows the slope of the land.**

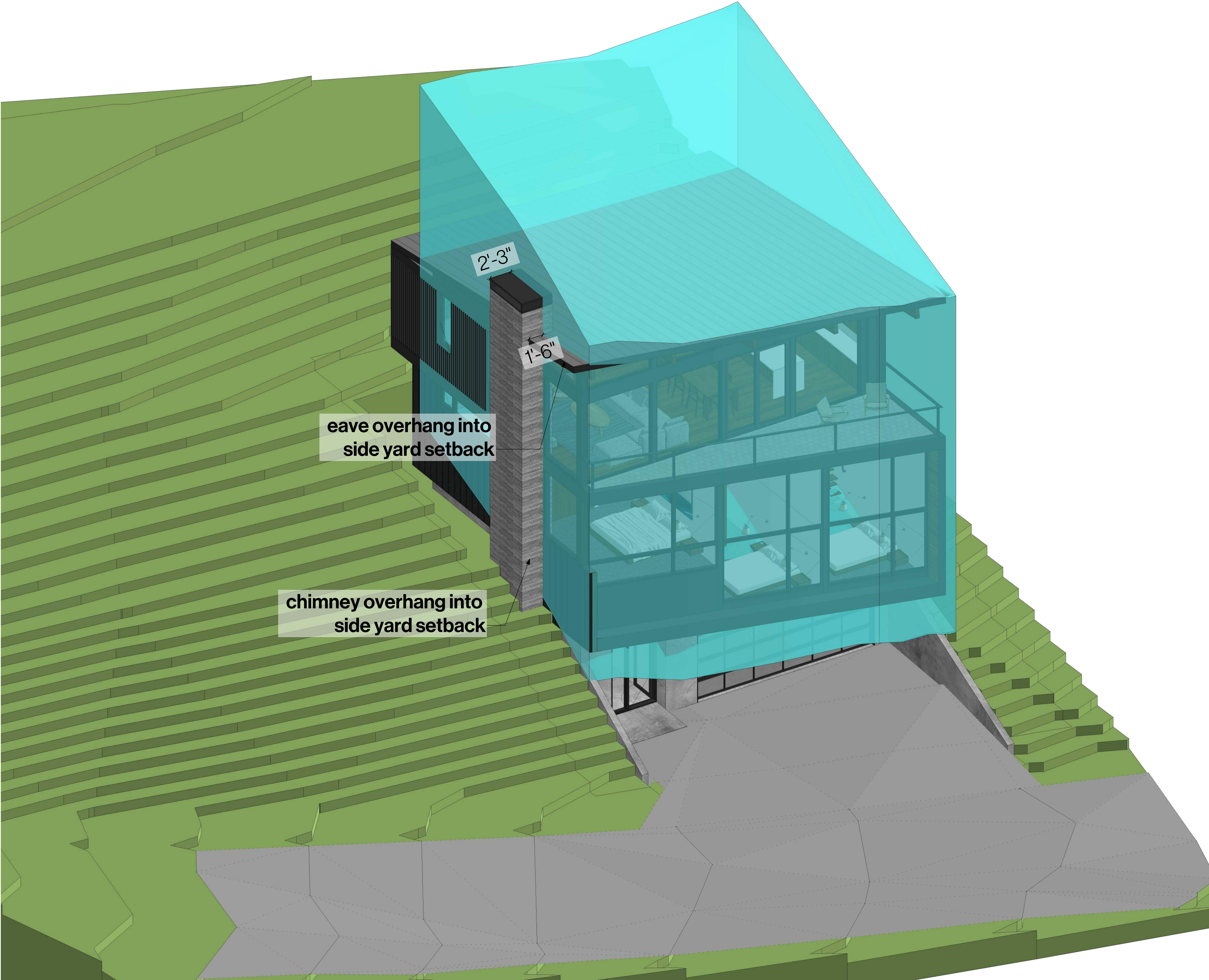




We have designed a house to fit within the buildable envelope.

We are protruding through the buildable envelope where allowed in order to maximize the usable space of this small lot.

Chimneys, roof eaves, and covered balconies all project outside our buildable envelope as permitted by ‘Sec 108-7-2 Projections’

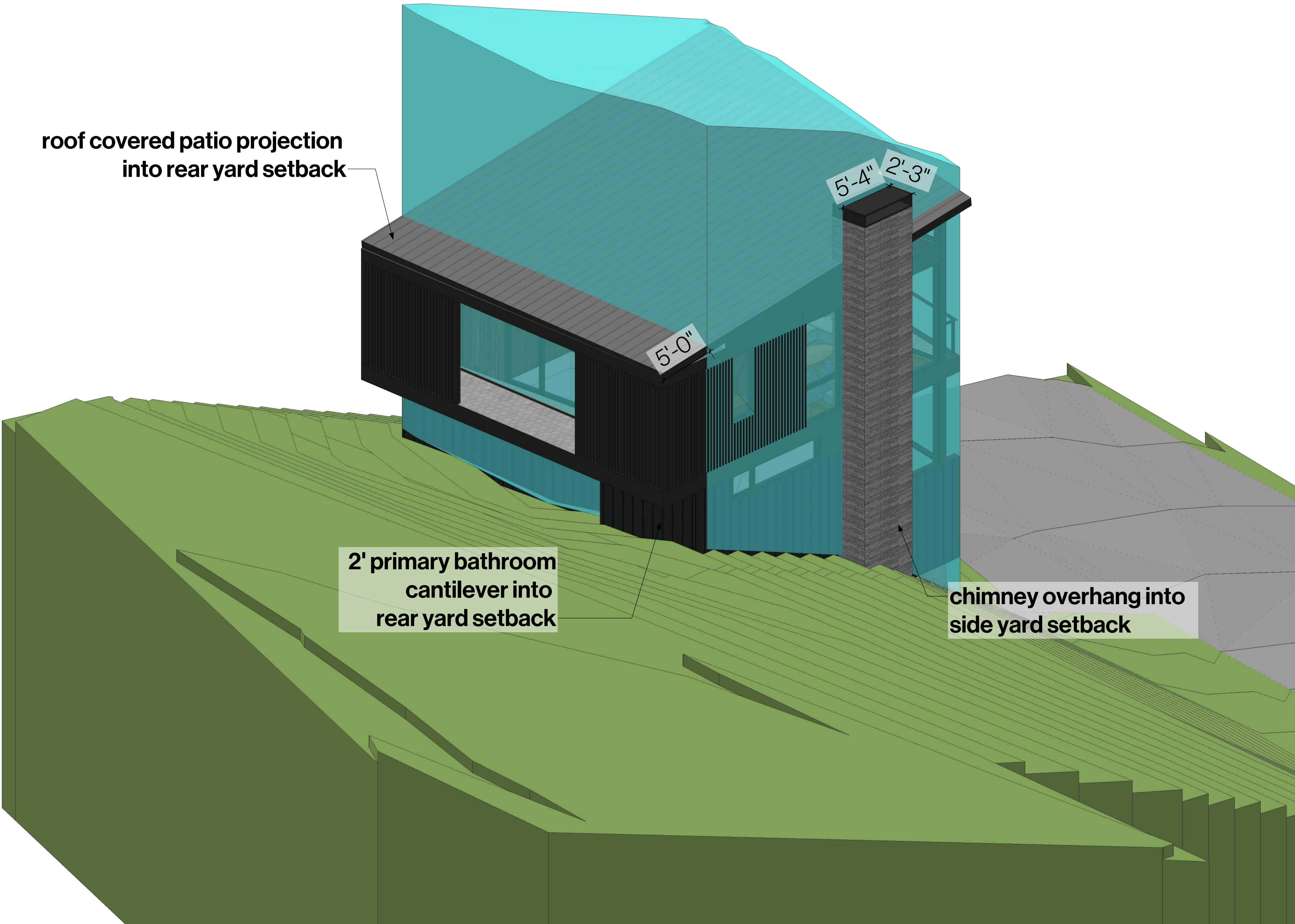




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**We are protruding through the buildable envelope where allowed in order to maximize the usable space of this small lot.**

**Chimneys, roof eaves, and covered balconies all project outside our buildable envelope as permitted by ‘Sec 108-7-2 Projections’**





We are applying for the following variances to the Weber County Zoning:

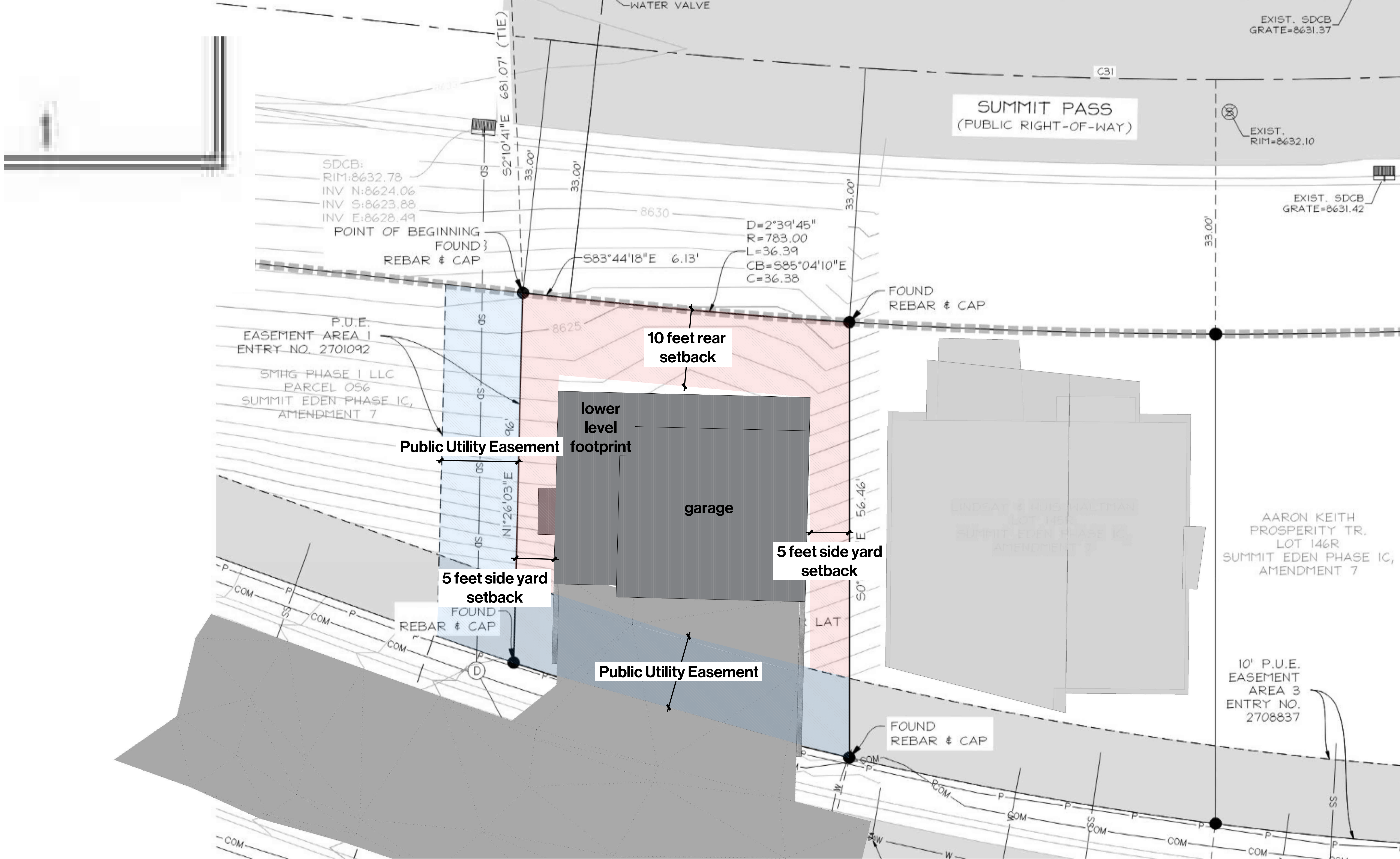
VARIANCE #1

Sec 104-29-2: Item (h)-(3): requires a 5ft side yard setback for a single-family dwelling  
We are requesting a variance to reduce this side yard setback to 2ft.

VARIANCE #2

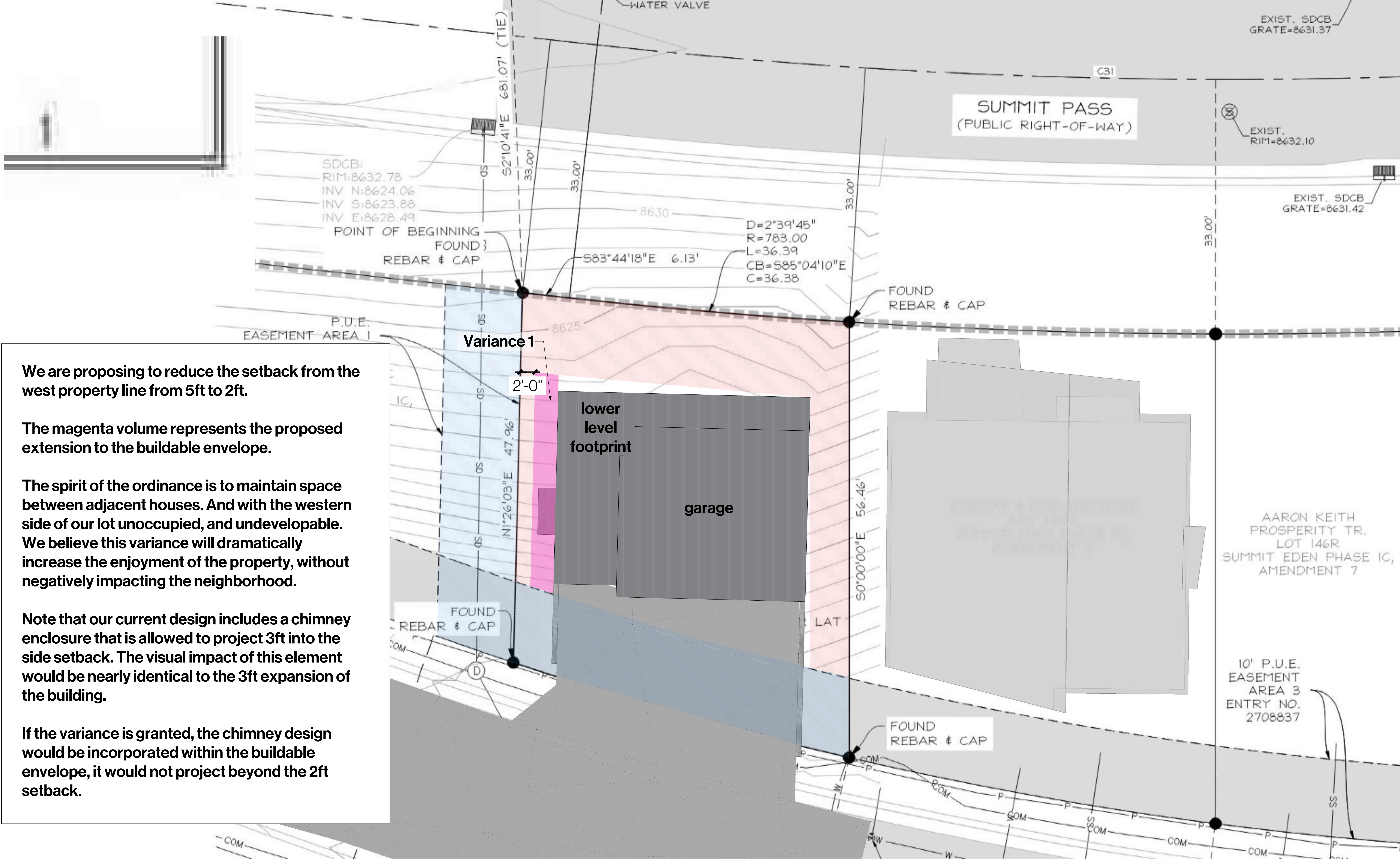
Sec 108-7-2: Item 5: permits a 2ft cantilever into a rear yard setback.  
We are requesting a variance to expand the building 2ft into the rear yard setback, without a cantilever.





<div><div>TURKEL</div><div>877-710-2518 turkeldesign.com info@turkeldesign.com</div><div><div>This document, and the ideas and designs incorporated herein, is the property of TURKEL DESIGN, LLC and may not be reused, in whole or in part, without the written consent of TURKEL DESIGN, LLC</div></div></div>	<div>OWNER: <b>Brandon Richardson</b></div>	<div>Sheet Name: <b>site location diagram</b></div>	<div>Project Address: <b>8428 E Copper Crest Ridge, Powder Mountain, Eden, Utah, 84310</b></div>	<div>REVISION DATE: <b>11.08.2024</b></div>	
			<div>TITLE: <b>Richardson Residence Variance Request</b></div>	<div>SCALE:</div>	<div>PAGE NO. <b>A11</b></div>





We are proposing to reduce the setback from the west property line from 5ft to 2ft.

The magenta volume represents the proposed extension to the buildable envelope.

The spirit of the ordinance is to maintain space between adjacent houses. And with the western side of our lot unoccupied, and undevelopable. We believe this variance will dramatically increase the enjoyment of the property, without negatively impacting the neighborhood.

Note that our current design includes a chimney enclosure that is allowed to project 3ft into the side setback. The visual impact of this element would be nearly identical to the 3ft expansion of the building.

If the variance is granted, the chimney design would be incorporated within the buildable envelope, it would not project beyond the 2ft setback.



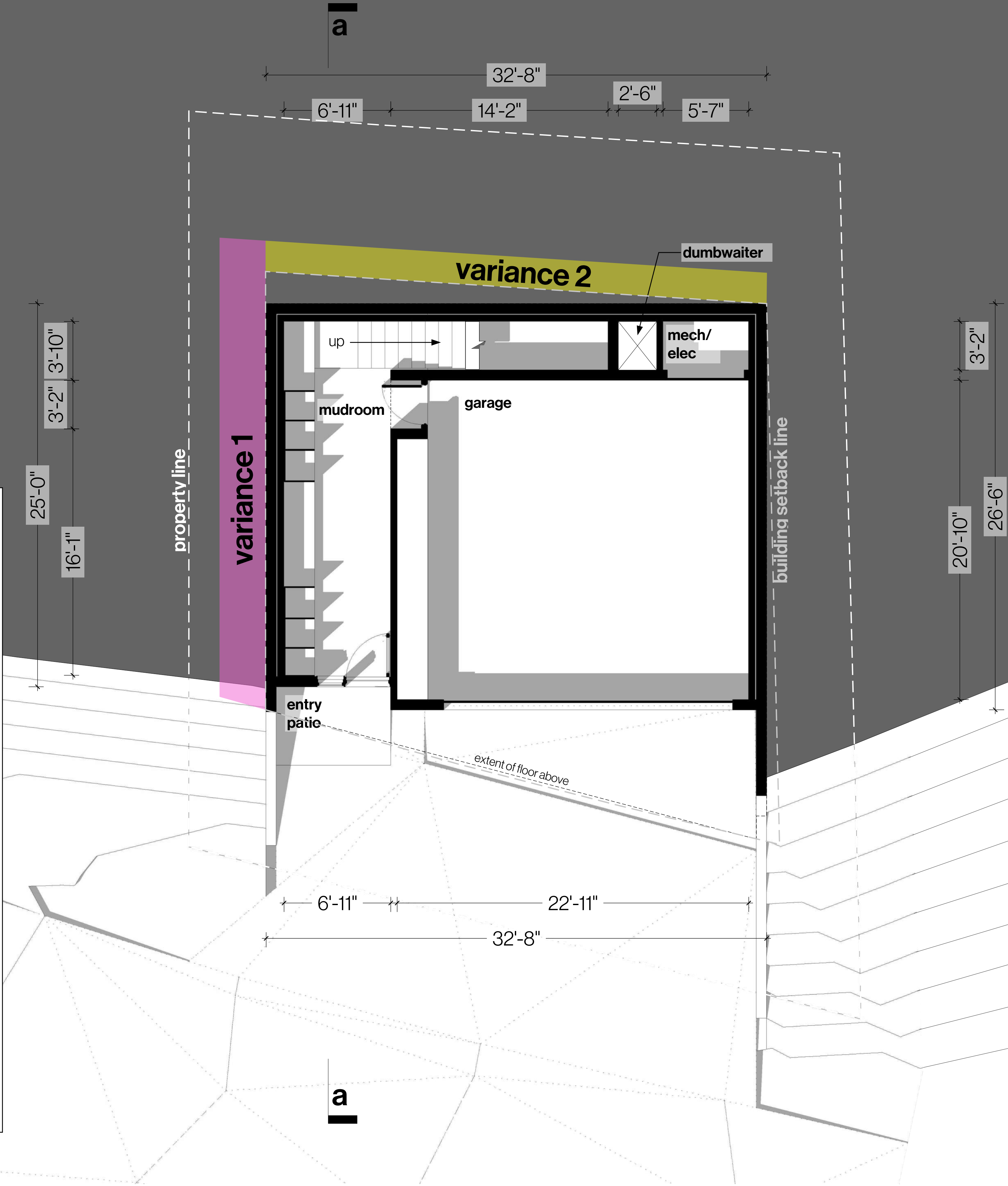
Due to the small size of the buildable envelope, we are only able to fit a 2,000 sf house. While the neighborhood allows for a maximum floor area of 2,500 sf.

Because of the limited depth of this particular property, our bedrooms must be arrayed E-W. Neighboring houses are able to layout bedrooms N-S, allowing for a larger number of bedrooms and larger sized bedrooms.

Our property is only able to fit three small bedrooms, with a minimum width of 9ft.

Without the variance the house has small and constrained spaces on all levels. Especially on level 2 where the owner is left with impractical and small bedrooms, or fewer bedrooms.

The variance would allow us to expand the width of each bedroom to a comfortable dimension.





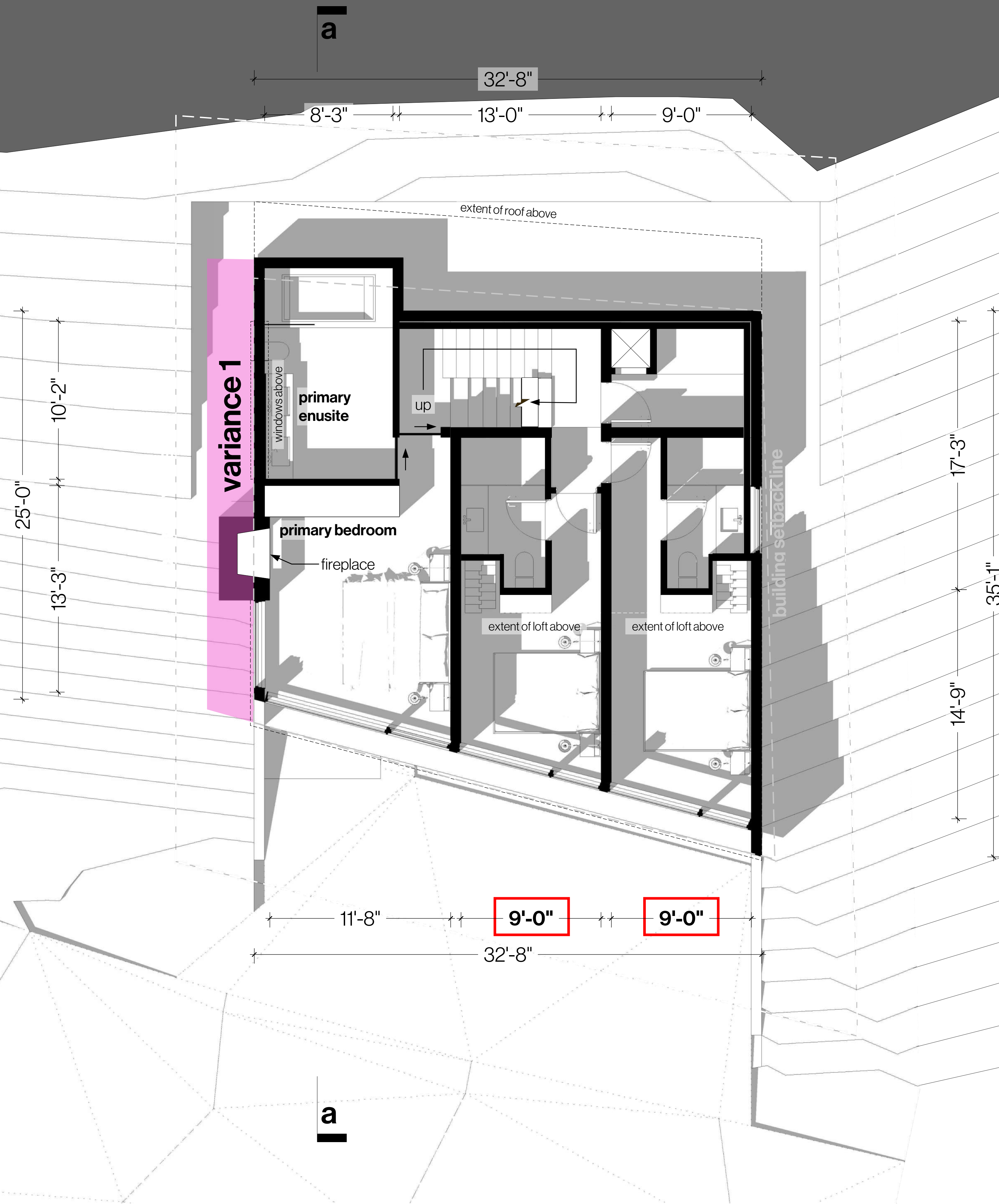
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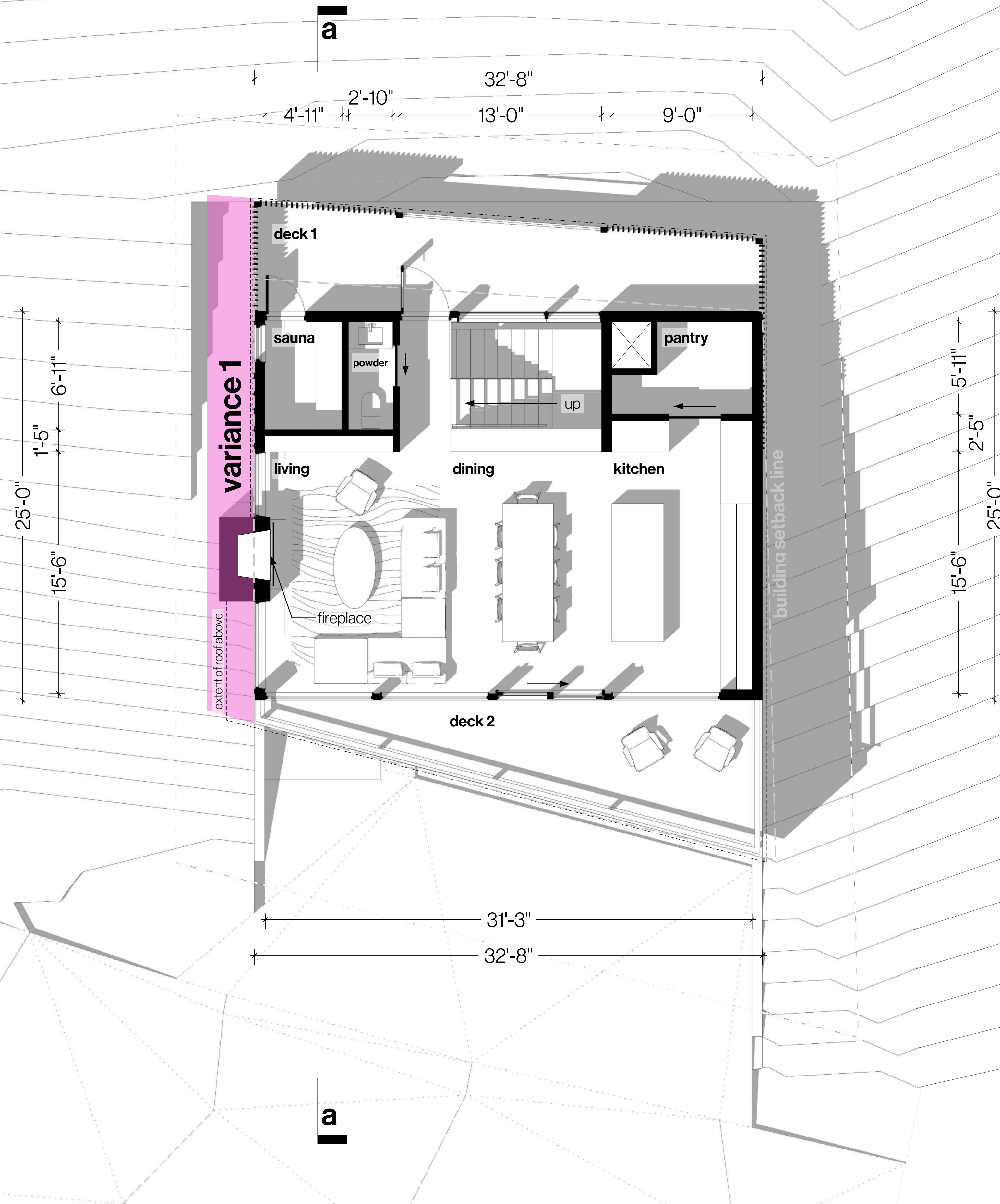
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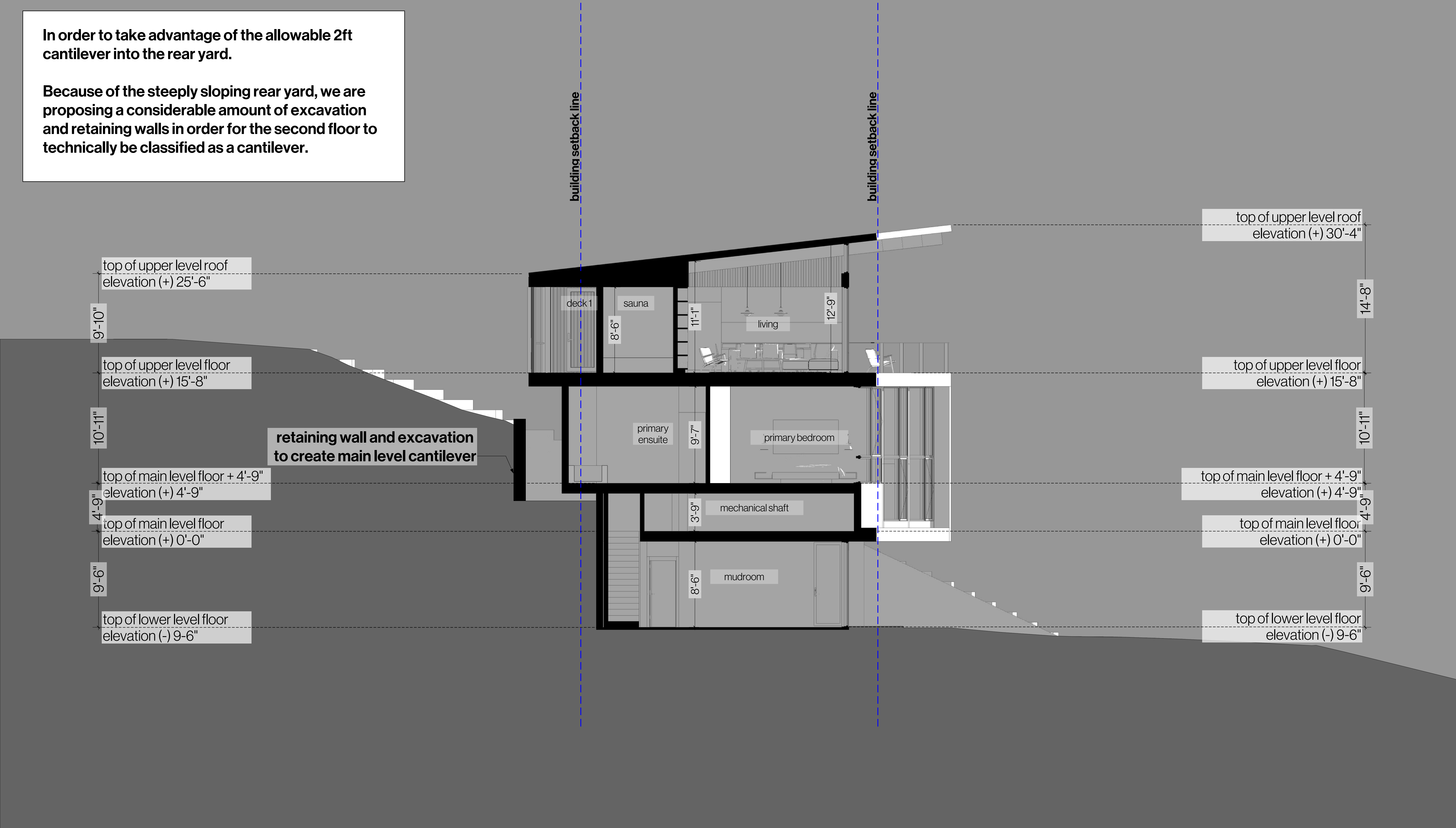
The variance would allow us to expand the width of each bedroom to a comfortable dimension.





In order to take advantage of the allowable 2ft cantilever into the rear yard.

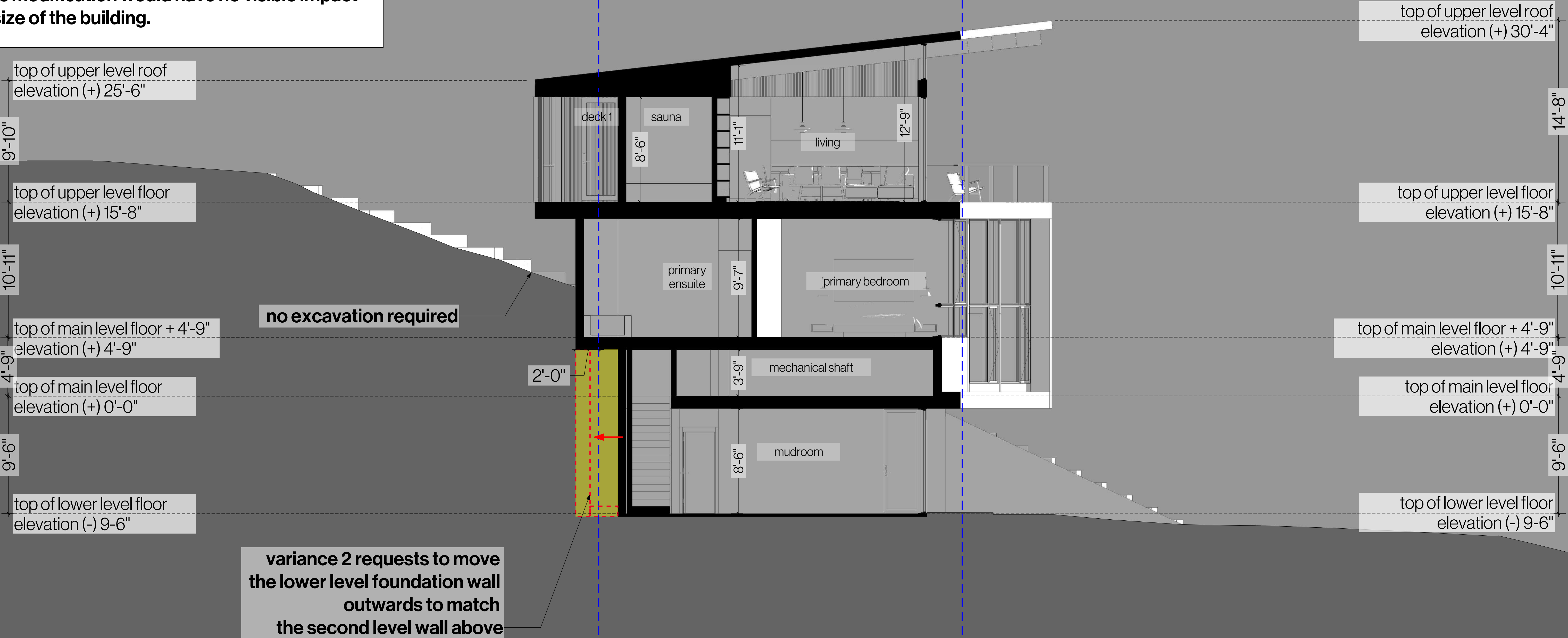
Because of the steeply sloping rear yard, we are proposing a considerable amount of excavation and retaining walls in order for the second floor to technically be classified as a cantilever.



Our request is to simply align the basement wall this second floor projection. So that it is no longer a cantilever, but simply a 2ft projection of interior space into the rear yard setback.

This would allow us to respect the spirit of the ordinance, avoid all the additional grading work that would disrupt the site.

And this modification would have no visible impact to the size of the building.







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OWNER:

**Brandon Richardson**

Sheet Name:

**south elevation**

Project Address:

**8428 E Copper Crest Ridge,  
Powder Mountain, Eden, Utah, 84310**

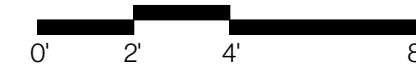
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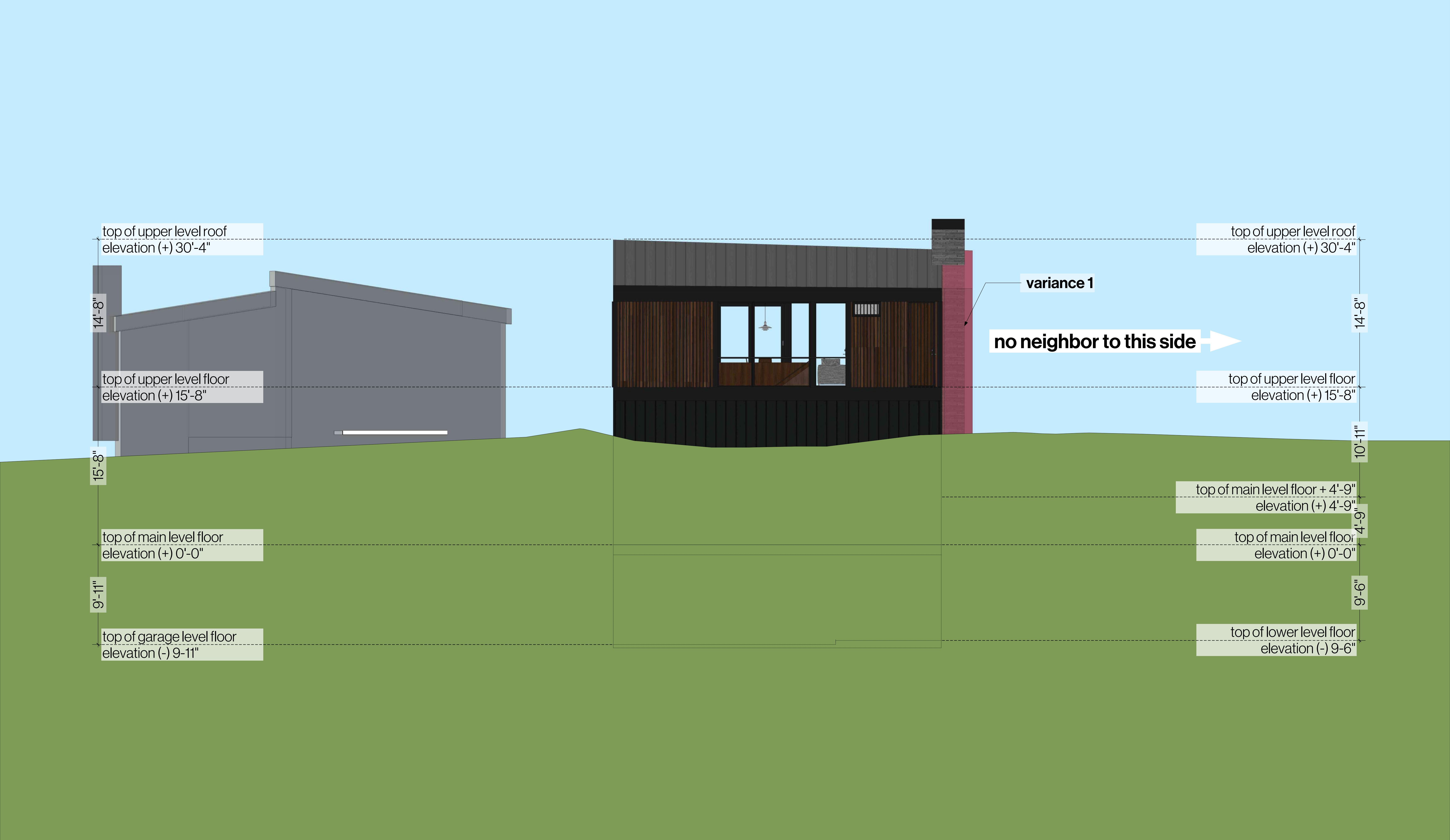
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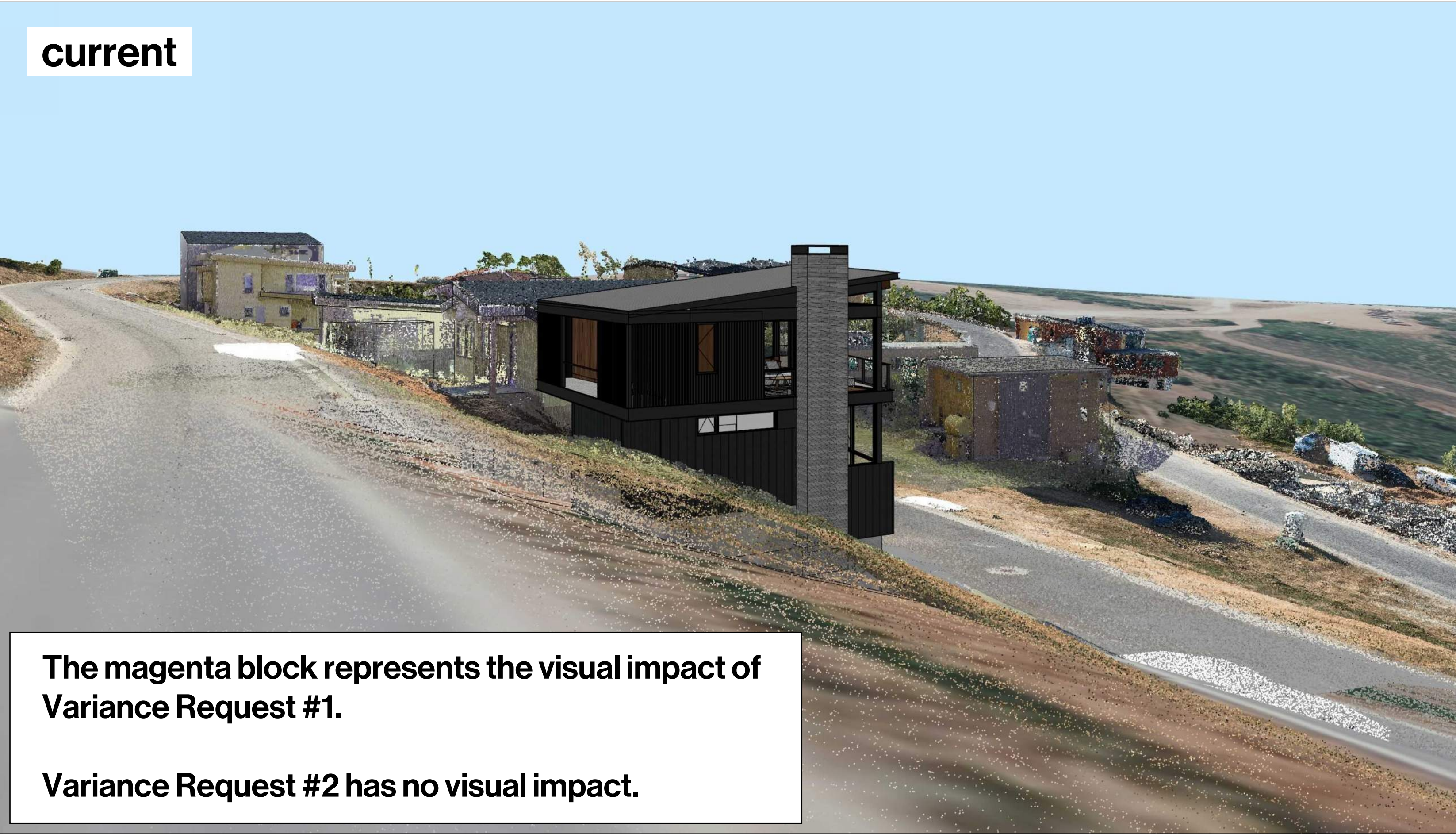
**A18**







current



The magenta block represents the visual impact of  
Variance Request #1.

Variance Request #2 has no visual impact.

proposed



current



proposed





current



proposed



current



proposed





VARIANCE #1

Sec 104-29-2: Item (h)-(3): requires a 5ft side yard setback for a single-family dwelling

We are requesting a variance to reduce this side yard setback to 2ft.

1. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Land Use Code.  
**Enforcing the full western setback, creates an incredibly small and restrictive site. The applicant is left with constrained space on all levels. Especially on level 2, the owner has to choose between impractical small bedrooms, or fewer bedrooms.**
2. There are special circumstances attached to the property that do not generally apply to other properties in the same zone.  
**Due to the wedge-shaped block of land, we have the smallest lot within the Village House neighborhood. Our lot is also unique because it does not have a western neighbor, and sits next to an open and undevelopable piece of land.**
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.  
**The lot is so small that we are not able to fit the allowable square footage. Neighboring lots can accommodate the full allowable square footage, and have the depth to accommodate a greater number of bedrooms, and reasonably sized bedrooms.**
4. The variance will not substantially affect the general plan and will not be contrary to the public interest.  
**The visual impact of the increased buildable envelope, is identical to the visual impact of the chimney enclosure which is already allowed to occupy this space. There is no neighboring building on the west side of our parcel.**
5. The spirit of the land use ordinance is observed and substantial justice done.  
**The intent of this ordinance is to separate houses. There is an open and undevelopable plot beside us. We believe that the reduction of the setback along this edge respects the spirit of the ordinance, and increases the enjoyment of the property.**

VARIANCE #2

Sec 108-7-2: Item 5: permits a 2ft cantilever into a rear yard setback.

We are requesting a variance to expand the building 2ft into the rear yard setback, without a cantilever.

1. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Land Use Code.  
**Requiring the 2ft protrusion to be a cantilever creates undue hardship due to the steeply sloping site. We will be required to do extensive earthwork and retaining walls in order to treat the second floor protrusion as a cantilever.**
2. There are special circumstances attached to the property that do not generally apply to other properties in the same zone.  
**Due to the wedge-shaped block of land, we have the smallest lot within the Village House neighborhood. Because of the small size of the parcel, we would like to take advantage of the allowable 2ft cantilevers. Cantilevers are not permitted into the front yard because of the utility easement. And cantilevers into the rear yard are extremely difficult due to the steeply sloping site.**
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.  
**This is the smallest parcel in the Village House neighborhood. We are not able to fit our allowable square footage. And we are further restricted by multiple utility easements.**
4. The variance will not substantially affect the general plan and will not be contrary to the public interest.  
**There is no visual impact that results from this variance. This variance will allow us to avoid extra grading and earthwork which will scar the site.**
5. The spirit of the land use ordinance is observed and substantial justice done.  
**This variance would allow for greater enjoyment of the property, with no visual impact. And would allow us to avoid intrusive additional earthwork.**