

# Weber County Board of Adjustment Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted / Completed <b>7/27/15</b>	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
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### Property Owner Contact Information

Name of Property Owner(s) <b>Jason and Jana Kelley</b>		Mailing Address of Property Owner(s) <b>6681 w 200 n</b>	
Phone <b>801-706-8915</b>	Fax	Warren Ut 84404	
Email Address <b>jason84404@gmail.com</b>		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

### Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s)		Mailing Address of Authorized Person	
Phone	Fax		
Email Address		Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

### Appeal Request

A variance request:

Lot area   
  Yard setback   
  Frontage width   
  Other: \_\_\_\_\_

An Interpretation of the Zoning Ordinance

An Interpretation of the Zoning Map

A hearing to decide appeal where it is alleged by appellant that there is an error in any order, requirement, decision or refusal in enforcing of the Zoning Ordinance

Other: \_\_\_\_\_

### Property Information

Approximate Address <b>6681 w 200 n</b> <b>Warren Utah 84404</b>		Land Serial Number(s) <b>101100001</b>	
Current Zoning <b>Agricultural C3</b>			
Existing Measurements		Required Measurements (Office Use)	
Lot Area <b>43466 SQ/ft</b>	Lot Frontage/Width <b>166 ft</b>	Lot Size (Office Use)	Lot Frontage/Width (Office Use)
Front Yard Setback	Rear Yard Setback	Front Yard Setback (Office Use)	Rear Yard Setback (Office Use)
Side Yard Setback	Side Yard Setback	Side Yard Setback (Office Use)	Side Yard Setback (Office Use)

**Applicant Narrative**

Please explain your request.

We would like to build a new steel building located behind our house on north west side of house(see overhead plot map)  
Current zoning says we need to be off of our west property line 40 ft. In addition to the county easement of an additional 40 ft we would have to start our our building almost 80 ft off the road. The west side of our property is the most logical place to build a new building. Our goal is to preserve as much pasture as possible. The property has a water share and flood irrigation is used to maintain crops. The natural drainage of property flows to the north west.  
I would like to request a varriance that would allow us to build at a minimum of 12 ft distance from our west property line also taking in to consideration existing county easement.

See Attachment 1 flow of flood irrigation

**Variance Request**

The Board of Adjustment may grant a variance only if the following five criteria are met. Please explain how this variance request meets the following five criteria:

- 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 Zoning Ordinance.
  - a. In determining whether or not enforcement of the land use ordinance 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.
  - b. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.

The enforcement of the ordinance would cause a hardship for applicant that is not nessessesary for general purpose. This will always be a side yard of a property and should not be considered any different than if there was another property located on my west property border.  
Following 40 ft set back would also cause planned building to be built over top of septic tank. Relocating the building any other place on property would limit livestock grazing on property and would also make flood irrigation located on south east of property un useable.

**Variance Request (continued...)**

2. There are special circumstances attached to the property that do not generally apply to the other properties in the same zone.

a. In determining whether there are special circumstances attached to the property, the appeal authority may find that special circumstances exist only if the special circumstances relate to the hardship complained of, and deprive the property of privileges granted to other properties in the same zone.

Please describe the special circumstances attached to the property that do not generally apply to the other properties in the same zone:

There are two special circumstances that do not generally apply to other properties in the same zone. We are part of a 9 house subdivision unlike any subdivision in area, we flood irrigate our pastures with water shares obtained from a canal. It is illegal to flood across the septic and/or leach field. Also this property lot is at the end of the secondary irrigation system and it is necessary to open head gates and drain underground plumbing for winterization. The topography of this lot makes it so that I am the only house in this subdivision with a overflow drain ditch to drain water out. Due to topography it would be impossible to change the natural directional flow of water. (See Attachment 1 head gate, water flow, and septic tank location) Relocation of building site to another location with in the property will impede in the ability to flood irrigate and use land for it's intended agricultural use

3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.

By granting a variance and allowing us start building at 12 ft off property line it will allow us to use the land for the purposes of horses and livestock and growing crops.

Under the Weber County Code we are allowed the right to build a building 1000 square ft or under and place it off of property line 20 ft. This would be the equivalent of a 48x20 building. Is there really a major difference between that and a 48x48 building. The impact from the street side would be exactly the same.

The extra square footage would be to the east behind the house.

In our area there are several buildings and houses close to the property line and it has not changed the impact in our area.

**Variance Request (continued...)**

4. The variance will not substantially affect the general plan and will not be contrary to the public interest.

The building would not affect any long term growth of the area. The building is going to be located behind our house. I am how ever willing to build the building with similar colors and materials as the house. By improving the esthetics of the building to look more like the house it will not affect the general plan and it should look good to the public and their interests.

5. The spirit of the land use ordinance is observed and substantial justice done.

This area is an agricultural and farming community. By granting the land use variance it will allow for maximum distance between our house and the residence to the south of us and will allow us to preserve as much pasture ground as possible. Our intent is to use building materials to try and match our house closely and to landscape with with trees to create a natural screen for the property.

**Property Owner Affidavit**

I (We), \_\_\_\_\_, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

\_\_\_\_\_  
(Property Owner)

\_\_\_\_\_  
(Property Owner)

Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_,

\_\_\_\_\_  
(Notary)

**Authorized Representative Affidavit**

I (We), \_\_\_\_\_, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), \_\_\_\_\_, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

\_\_\_\_\_  
(Property Owner)

\_\_\_\_\_  
(Property Owner)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, personally appeared before me \_\_\_\_\_, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

\_\_\_\_\_  
(Notary)



0001 W 42 N, 000011, 01

Google Earth

Proposed New Build

48 x 48

LEACH FIELD

HEAD GATE

Flow of IRRIGATION

DRAIN DITCH





ATTACHMENT 2

PROPOSED BUILDING  
NEXT TO MY HOUSE



SAME COLOR MATCH  
& ROCK/WANS COAT

11  
16 FT  
10



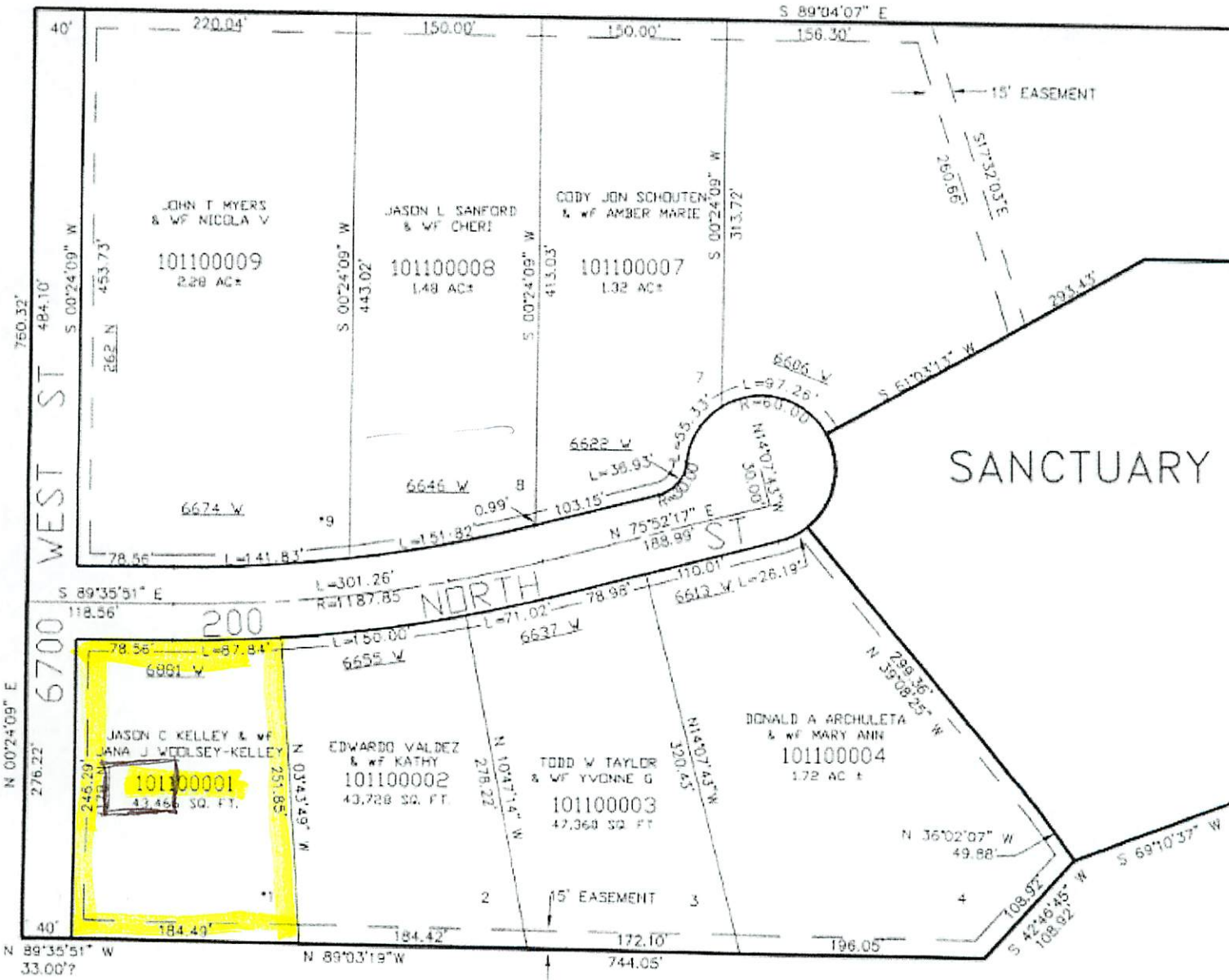
ATTACHMENT 5



TAN COLOR MATCH

Black  
Rock  
↓

SEE PAGE 35



SEE PAGE 35

S 89°04'07" E



S 89°35'51" E

118 56'

**200**

30.0' 30.0'

T=15

40.00'

**6700**

276.22'

78 56'

(10)

Non-Buildable  
Area Below  
Elev 4215

6681 West

**1**

43,466 sq.ft.

43,109 sq ft. Buildable  
(Above Elev. 4215)

246.29'

178 North

251.85'

70.17' 10" E (Rad)

Found Rebar & Cap  
"Hansen & Assoc."  
on Property line

40.00'

184.49'

**N 0°24'09" E**



**Jason Kelley - Fwd: Building code**

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**From:** Jason Kelley <jason84404@gmail.com>  
**To:** Jason Kelley <jasonk@superiorwaterandair.com>  
**Date:** 7/21/2015 10:15 AM  
**Subject:** Fwd: Building code

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Jason Kelley  
Superior Water and Air  
801-706-8915

Begin forwarded message:

**From:** Jana Woolsey <jwool\_z@hotmail.com>  
**Date:** June 18, 2015 at 8:11:35 AM MDT  
**To:** Jason Kelley <jason84404@gmail.com>, Daddy <wool\_z@comcast.net>  
**Subject:** Building code

So if I am understanding this correctly, it's 40 ft from the street?

**23-16 Large Accessory Buildings (1,000 Square Feet or Larger)**

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1. Accessory buildings 1,000 square feet or larger in area, that accommodate uses meeting zoning requirements shall:
  1. Be located at least 6 feet from the rear of a dwelling in the Residential Estates Zones and at least 10 feet from the rear of a dwelling in the Agricultural and Forest Zones.
  2. Have a side yard setback of at least 10 feet on an interior lot and 40 feet on a corner lot where the side property line is adjacent to a street.
  3. Have a maximum height of 25 feet.
  4. Exceptions: The side yard may be reduced to 3 feet (except in a forest zone) and the height increased to 35 feet if the accessory building is located at least 100 feet from a property line adjacent to a street and at least 40 feet from a dwelling on an adjacent lot.

Sent from my iPad