



BOARD OF ADJUSTMENT

MEETING AGENDA
Thursday, April 28, 2016
4:30 p.m.

**Pledge of Allegiance*

Regular Agenda Items

1. Minutes Approval of the February 25, 2016 meeting minutes
2. BOA 2016-02 Consideration and action on a variance request for a 13 foot variance into the front yard setback located at 6706 E 6675 N in the Forest Residential -3 (FR-3) Zone. (Joe Sadler agent for Joe DePiano, Applicant)
3. Adjournment:

The meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1st Floor, 2380 Washington Blvd., Ogden, Utah



In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8791.

Minutes of the Board of Adjustment held February 25, 2016 in the Weber County Commission Chambers, 2380 Washington Blvd., Ogden UT

Members Present: Rex Mumford, Chair; Douglas Dickson, Phil Hancock, Nathan Buttars, Bryce Froerer

Staff Present: Rick Grover, Planning Director; Scott Mendoza, Assistant Planning Director; Jim Gentry, Principal Planner; Charles Ewert, Principal Planner; Courtlan Erickson, Legal Counsel; Kary Serrano, Secretary

**Pledge of Allegiance*

Regular Agenda Items

1. **MINUTES:** Approval of the January 14, 2016 meeting minutes

MOTION: Doug Dickson moved to approve January 14, 2016 meeting minutes with the noted corrections. Bryce Froerer second. A vote was taken with members Douglas Dickson, Phil Hancock, Nathan Buttars, Bryce Froerer, and Chair Mumford voting aye. Motion Carried (5-0)

2. **BOA 2016-01:** Consideration and action on a variance request for a detached garage to encroach 25 feet into the 30 foot rear yard setback on property located at 962 Ogden Canyon in the Wilcox Camping and Boating Resort area of the Ogden Canyon (Rick Golde, Applicants)

Jim Gentry said the applicant is requesting a variance to allow a 25 foot variance to the setback and the proposed garage. The requested variance would be to build a 26 x 20 foot garage into the 30 foot rear setback. The property is zoned F40 which requires 40 acres and 660 feet of frontage. The applicant's property was created and occupied by a single family dwelling prior to zoning; and the lot is significantly smaller than the required zoning. This is considered a legal nonconforming lot that has a smaller width than required for the zone; it could be developed in a manner that does not exceed the allowed reduction in side yard setbacks. In our ordinance under the non-conforming chapter, there is a provision that allows non-conforming lots to have reduced setbacks.

Jim Gentry said that he had listed the duties and powers of the Board of Adjustment, and what they should consider when they decide on variance criteria. This is based on the location of the property, physical characteristics (steep slopes to the east, stream to the west) of the Wilcox Camping and Boating Resort area; that includes having drain field, septic tank, access in the rear of the lot. It would be difficult for the garage to be moved to the 30 foot setback; this is the home existing septic tank, an existing drain field, and the road that comes in with the driveway into the lot. The lot has 8,276 sq. ft. and is a legal non-conforming lot; the existing house could be built on the parcel, if all building requirements could be met. The 25 foot encroachment will not have impact on any of the surrounding lots. Many of the surrounding lots have structures that encroach into the setbacks, and they were allowed to because they were built prior to zoning. The circumstances attached to this property are special and do not generally apply to other properties in the same zone. There are physical characteristics of the lot; such as the size, stream, the road, and that the lot was created prior to zoning.

Jim Gentry said that granting the variance is essential to the enjoyment of a substantial property right possessed by other properties in the same zone. The applicant would like a place to store vehicles, equipment, and other personal items in a secure location. If the variance is granted it will not affect the goals or objectives as outlined in the Ogden Valley General Plan. If granted, the variance will maintain a 75 foot setback from the stream corridor. There is already an access road through part of the rear of the property and the proposed structure will encroach no farther than the access road. Based on that; staff is recommending approval of the variance to encroach 25 feet into the required rear yard setback.

Chair Mumford asked staff to clarify if the septic tank and that leech field were correctly drawn. On the drawing if the survey was accurate, and it looked like they found rebar with caps. On the drawing it showed 1.44 feet on the left side and 10 feet on the right corner, so why is the applicant asking for 25 when they only need 20. Mr. Gentry replied to his knowledge they are asking for 25 feet to give them a leeway for the other things that are on the property. The applicant is going to try and keep it at 10 feet, but may require more wiggle room to get that to fit. He may be able to wiggle some to the front but he doesn't want to get too close, and that is why he is asking 25 feet.

Doug Dickson asked of the topography on the ground sloped more out of the where that driveway starts on that property. Mr. Gentry replied that it was steeper towards the back; it's the hillside that goes up and starts to flatten out as they come onto the lot.

Chair Mumford asked if water was running down towards the driveway, would it run into the garage, is that part of that consideration? Mr. Gentry replied that would be a question for the applicant.

Bryce Froerer asked how did the applicant get the driveway, does he own the lot next to it, or as previously mentioned a roadway of some sort? Mr. Gentry replied on the back of the lot there is an access easement for the homeowners to access to the lot. It's not showing on the drawing, but they actually come on the back side of these lots, and that is the way they access to these lots instead of crossing through the creek.

Chair Mumford asked if 962 were a separate lot behind, and what is going through that, is that the river. Mr. Gentry replied on 962 is this one and that's the river.

Frederick Goldie, 4783 Panorama Drive, Ogden UT, said he would like to address the issue about the water running down the driveway. It is a slab foundation for the garage that it's going to be high enough; there will be an apron that tapers down to the ground level. He plans on three or four feet of them tapered from the garage floor level down to the grade level. It should work out fine and he would have it built up high enough off the grade so it wouldn't be an issue.

Chair Mumford asked on the side of the garage, it shows 10 feet but then there is a 5.00 handwritten on that. Mr. Goldie replied that was a survey that he had done. He had asked the surveyor to put in the garage in that corner about 10 feet, because he thought that's what he would need. He actually wrote that on there as part of the application, because he thought that due to the grade in that corner. He thought he might have to get that close and was advised it would be okay. He has a draft sketch plan and he wanted to show mainly due to the grade; since that other plan did not have the road on it. He walked through that property and tried to figure out where that road is in relation to his property line. The original intent was to have the garage parallel to the property line like it showed on the application. What he will probably have to do is tilt it so that it will basically hug the contour of part of the property that is below the road.

Chair Mumford asked that he would still be 10 feet away from the property line on the back of the lot. So that hand written 5.00 that would be the side lot. He asked staff what would be the side lot and if they were okay with five feet. Mr. Gentry replied yes, based on the reduction that's allowed for non-conforming lots.

Chair Mumford said that he liked that picture, it helped clarify some things. It also explained that if the applicant moved too much forward that it may encroach in the drain field.

MOTION: Doug Dickson moved to approve BOA 2016-01 on a variance request for a detached garage to encroach 25 feet into the 30 foot rear yard setback on property located at 962 Ogden Canyon in the Wilcox Camping and Boating Resort area of the Ogden Canyon based on the conditions of approval and the bullet points listed in staff's recommendations. Nathan Buttars seconded. A vote was taken with members Douglas Dickson, Phil Hancock, Nathan Buttars, Bryce Froerer, and Chair Mumford voting aye. Motion Carried (5-0).

3. **BOA 2015-08:** Consideration and action on a request for a variance from setback requirements, lot area requirements, lot width requirements, and lot access requirements on parcels with Tax ID 20-019-0001 and 20-019-0004 (being combined), 20-019-0003, 20-019-0002 and 20-018-0004 (being combined), and 20-019-0014 located at approximately 940 Ogden Canyon Road (Richard Vance, Jeffrey Callahan, Colby Keddington, & Aren Zamani, Applicants)

Charles Ewert said he would like to take the time to go over the facts of the case; it's a little bit of a complicated case and is in the same area that the BOA request that they just approved. It is the entrance of Wilcox Camping and Boating Resort Subdivision; which was created in 1910 and then it created a number of lots all the way to 30 lots. This all predated zoning which was implemented in the late 50's and early 60's. There were a number of lots that were created prior to the existence of zoning. When the applicants came in and asked for variances; staff started their evaluation, and when he did the research on the parcels, he went back to a 2004 lot line adjustment. In 2004 this lot line adjustment was proposed to the county and was approved. It essentially modified the boundary lines of the different lots of Wilcox Camping and Boating Subdivision; it was in accordance with the parcels A thru G, but the subject parcel that was discussed in the last meeting was Parcel B. When staff went back and did the research for approval, they were under the assumption that

Parcel B would be a legal lot if it was all in one contiguous parcel. It was not it was in three different parcels; there is a parcel up front, a parcel in between, there is a creek and a parcel in the rear.

Charles Ewert said that the applicants had asked to get a variance to be able to have the buildings already on those parcels to be considered legal; staff hesitated because there were more lots than were approved in 2004. These parcels have houses on them and technically the parcel boundaries transect the buildings in some cases. The facts here are obscure in the 1960's, when they adopted zoning to 1980's; they are not sure what happened to the parcels in the area. They do know with the applicants providing staff with evidence; as of 1980 these two parcels were separate parcels. In 2004 when the Lot Line was approved to consolidate all the parcels; those were two separate parcels at that time, and after the approval those parcels were never consolidated. The applicants have worked with staff, with their own surveyor, and are trying to make some clarity in the record to come up with a logical outcome. When staff went through their review; they counted the number of lots that predated zoning in this area, and there were approximately 10 lots. With this proposal the intent is to have five lots. Parcel C is not part of the variance request because it's got some non-conforming entitlement; based on that 2004 lot line adjustment, and staff was not asked to consider that property.

Charles Ewert said there is a foundation there but ultimately the use of the property; having a house on it is no longer conforming, because it had been abandoned for a great number of years. On Lots 27 to 30 was propose to be combined together into another lot, but there is no history of a building being on that lot. To clarify; the portion to the back is actually a county right-of-way, and at some point in the record the county acquired a good portion of all of these lots on that side. That is probably one of the reasons this area was not included in the 2004 Lot Line Adjustment. Currently one of the landowners Mr. Keddington; owns these parcels and has looked into making it legal so he could build on.

Bryce Froerer asked if the proposal was for Lots 1 and 4 be together and Lot 3 be separate. Mr. Ewert replied yes.

Charles Ewert said the survey that has been proposed; Lot 34 is the parcel that is not under consideration. Lot 33 currently has a home on it; they are currently asking for variances for rear, front, and side setbacks conform to reduce setback requirements for non-conforming lots. On Lot 35 has this back lot line that follows the old rock wall, and the river creek run along that back with an existing house on it. What the applicants have asserted is that staff hasn't argued against was that they have a number of historic lot lines; and the green lines cuts through the Wilcox Camping and Boating Subdivision. The applicants have stated that by reducing the lots from 10 lots to 5 lots, this reduces the number of parcels, thus making the lots into larger parcels. What this board would be doing by granting the variance; is paving a way for the applicants to formalize the Lot Line adjustments made 2004, with the addition of an additional lots and creating this lot to be considered legal. If all the variances are granted for each of these lots; they are still going to amend the Wilcox Camping and Boating Subdivision plat to reconfigure these lots, and they are currently working with a surveyor to create that subdivision plat.

Nathan Buttars asked staff if they had talked a rebuild letter and which parcel are they talking about. Mr. Ewert replied the parcel in question; the original applicant Jeff Callahan owned this parcel, and he asked for a rebuild letter. He had looked at some financial options to see what he could do to make the property legal. He asked the county to determine whether it was legal or not and it wasn't. The county's original research said it had been unlawfully divided, specifically with the two parcels in creating an extra lot. This was the same research the staff had done when they were looking at the original variance evaluation. Upon further consideration with the 1910 subdivision plat, that parcel was actually larger then some of the other parcels.

Chair Mumford asked to clarify some questions on the drawing; and if that is a 16 foot right-of-way and also the county right-of-way. If the county right-of-way is 44 feet, then where is that 16 foot right-of-way? Is Lot 36 large enough to have a structure on it? Is that 60 foot right-of-way actually deeded to the property owners? Is that 44 foot road actually a county road and does that access to these lots this other road? Mr. Ewert replied that the 16 foot right-of-way is from original Wilcox Camping and Boating Subdivision plat. It's a little confusing and they need to go to the 1910 plat. It's difficult to read in that the surveyor said it's a 16 foot right-of-way. In 1910 there weren't a lot of regulations and subdivision codes and zoning codes didn't exist at that time. The survey plat may have intended to preserve the front of these lots public access; and if this other plat is approved, they would be looking to the applicants to not block access to this right of way by platting straight through there. Staff's request is to hold out a little flexibility in granting the variance for Lot 32; so that the applicants can configure how they want to access. Lot 36 is a small lot and the reason they are asking for the five foot setback, is to allow for a variance on the property. If they look at the survey boundary; that's 70 feet wide along this course so that the five foot here and there would give them 60 feet towards that. The assumption is that they defer it until it goes

to platting; but it's probably a public right of way of some sort. There is a gate in this area; that is owned by Weber County and it extends up that canyon.

Bryce Froerer asked if there were any issues with the creek. Mr. Ewert replied the code requirement is a 75 foot setback from that creek. The applicant for Lot 36 is requesting to reduce to 50 feet. The surveyor has drawn the 75 foot bank offset and they are asking for the 50 foot bank offset. This gives more area considering how thin that lot is to try and figure where to put a building, a drain field, and all the requirements.

Chair Mumford said so this Lot 36 additionally needs reduction in the stream corridor to 50 foot. Mr. Ewert replied correct and the same thing for Lot 32. This is the 75 foot setback from the stream corridor; it gives them very little area to work with and that is why they are requesting a 50 foot variance. The other lots already have existing buildings on them; they do need that setback variance, but where the buildings already exist, knowing what that variance is a lot easier.

Chair Mumford asked on Lots 34 and 35, if they want to build an accessory building, are they granting this variance for future accessories. Mr. Ewert replied right now they are just granting variances for the existing buildings. They would like to have a little flexibility in there, to grant variances for accessory buildings, but no evaluation has been done at this time. Staff has discussed the option with Mr. Colby for Lot 34, and it may be more worthwhile to think about it in the future.

Doug Dickson asked if Lots 34 and 35 used to be three parcels, and if Lot 33 would incorporate that smaller lot. Mr. Ewert replied that currently these are three parcels, but they are hoping to make it into two, and Lot 35 would take in that smaller parcel. It was intended to take the full house but the property line runs through the house; which is the reason the same owner owns the two properties.

Colby Keddington, 198 East Bayview Circle, Saratoga Springs UT, owner of Lots 34, 35, and 36. In general what was recommended last time; was to work together with staff and they ended up turning this whole area into a new subdivision. They would abandon the Wilcox Camping and Boating Subdivision with 30 parcels and confine that down to much less. In working with staff; this is what was presented and it seems to be going well. This is something they could beautify the area and have comfort with legal parcels. They had the proposed name of Pineview Point; and have worked with all the departments and everyone seemed excited for this to happen.

Chair Mumford asked if he had anything to clarify and how stable is the stream on Lot 32? Mr. Keddington replied that the only clarification would be the 50 foot setback, to change that from 75 to 50; they felt that it would give them the space they needed to utilize the parcels where they couldn't before. There are also the health documents that a septic tank system is allowed to be buried up to 50 feet from the creek. On Lot 32 the stream is very stable, and actually has a good 15 feet down on the lower section where that is, and the stream is not building up to that elevation.

Nathan Buttars asked how many structures they are planning on building on these parcels. What is the condition on the cabin of Lot 34? Mr. Keddington replied one on Lot 36 and Lot 32. The condition of the cabin on Lot 34 is fair and it's been remodeled on the inside. There hasn't been any change in the footprint because it's difficult doing that. Once they get legal parcels to Lots 34 and 35; there will be substantial improvements to the exteriors. Both lots have had Craig Browne, Building Inspector look through that; as well as the Health Department, both Melissa and Summer had looked through that.

Jeff Callahan, 14476 S Stone Stream Street, Hyrum UT, Co-Owner of Lots 32 and 33, it shows on record three owners and Lot 32 also has three owners. He has worked with Mr. Ewert for three months, he has laid out what they needed to do, and has had them to back a couple of time to come up with a strong plan and that is why it took them awhile to come back.

Chair Mumford asked on Lot 32, what he considered to be the front and back. Mr. Callahan replied he would consider on the front on the right side to be the back; and where the road comes in to be the front. That right-of-way on the opposite side of the creek for their lots, they would not even access that. The road comes in right through both parcels that they own, and to come through their parcels and that is how the other owners receive access through the private easement. Everyone has worked on the revitalization; they hit a wall and that is why they want to take it to the next step.

Doug Dickson complimented everyone for working together to get this moving forward. Phil Hancock said that they did great job with a good presentation.

MOTION: Bryce Froerer moved to approve the request for a variance from setback requirements, lot area requirements, lot width requirements, and lot access requirements on parcels with Tax ID 20-019-0001 and 20-019-0004 (being combined), 20-019-0003, 20-019-0002 and 20-018-0004 (being combined), and 20-019-0014 located at approximately 940 Ogden Canyon Road, to include staff's recommendations and suggestions included for all three of those. Phil Hancock seconded.

FRIENDLY AMENDMENT: Phil Hancock suggested adding to include the findings of fact listed in the staff report.

VOTE: A vote was taken with members Douglas Dickson, Phil Hancock, Nathan Buttars, Bryce Froerer, and Chair Mumford voting aye. Motion Carried (5-0).

Director Grover asked the board members if they would prefer to have their packets emailed or hand delivered to them. There was a discussion among the board members; it was decided that they preferred the hard copy, and if there was an issue delivering the packets on time, the board members would pick up their packet at the office.

Director Grover said they would like to schedule some training with the Ombudsman; typically they try doing that every year, and it would be separate from this meeting. They would send a request to see if it meets with their schedule.

4. **ADJUSTMENT:** The meeting was adjourned at 5:35 p.m.

Respectfully Submitted,

**Kary Serrano, Secretary;
Weber County Planning Commission**



Staff Report to the Weber County Board of Adjustment

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request for a 13 foot variance to the front yard setback in the FR-3 Zone.
Agenda Date: Thursday, April 28, 2016
Applicant: Joe Sadler, agent; Joe DePiano, owner
File Number: BOA 2016-02

Property Information

Approximate Address: 6706 East 6675 North
Project Area: 0.22 acres
Zoning: Forest Residential Zone (FR-3)
Existing Land Use: Vacant
Proposed Land Use: Residential
Parcel ID: 22-110-0011
Township, Range, Section: T8N, R1E, Section 36

Adjacent Land Use

North: Ski Trail	South: Private Roadway
East: Residential	West: Ski Resort

Staff Information

Report Presenter: Ben Hatfield
bhatfield@co.weber.ut.us
801-399-8766
Report Reviewer: JG

Applicable Codes

- Weber County Land Use Code Title 102 (Administration) Chapter 3 (Board of Adjustment)
- Weber County Land Use Code Title 104 (Zones) Chapter 17 (Forest Residential FR-3 Zone)

Background

The applicant is requesting a variance for a reduction to the front yard setback in the Forest Residential FR-3 Zone. The front yard setback for the FR-3 Zone is 25 feet. The applicant is proposing to build a new single family dwelling 12 feet to the front lot line; this would require an approval of a 13 foot variance to the standard. The application and an explanation of the request have been prepared by the applicant (Exhibit A). A proposed site plan and building elevations for the home have also been provided (Exhibit B).

The subject property is Lot 42 R in the Powder Mountain West Subdivision Phase 2. This lot is in a remote area of the county surrounded by the Powder Mountain Ski Resort. Lot 42 R is at the far western part of the subdivision where the road (Aspen Drive) switches back up the hill and partly behind the lot. Aspen Drive is an unimproved and unmaintained private road which for many months is snowbound, causing owners to have to ski or snowmobile to their properties from the resorts parking area. Lot 42 R was deemed a "Restricted Lot" during subdivision review due to its slope, and will be required to undergo a Hillside Review.

Lots in the FR-3 Zone are often small in area, having a minimum lot area of 6,000 square feet for a single home. Likely due to the slope and remote location, Lot 42 has an area of 9,505 square feet. The FR-3 Zone also requires that lots have 40 % of its area left as open green space (104-17-5-g). This requirement can impact the potential building envelope on lots.

A unique occurrence is found in this subdivision (Powder Mountain West – Phase 2) as it is surrounded by the ski resort, and has a 20 foot wide ski easement for a ski trail running through the rear of the lots. By being at the end of the subdivision, Lot 42 R is impacted the most by the easement by extending beyond the typical 30 foot rear yard setback in the FR-3 Zone. This further reduces the potential building envelope on Lot 42 R as shown below.

	<u>Building Envelope area</u>
Lot 42 R	9,505 sq. ft.
Lot 42 R – 40%	5,703 sq. ft.
After setbacks	3,507 sq. ft.
With setbacks & easement	3,006 sq. ft.
Proposed w/ variance	3,900 sq. ft.

As staff discussed with the applicant the issues with Lot 42 R; there were concerns for placing the home too close to the right of way, some of which are:

- Sight visibility for traffic on Aspen Drive.
- Sight visibility for traffic pulling out of the garage and onto Aspen Drive.
- The proximity to other homes nearby.
- The ability for off street parking in the driveway.

The applicant has made modifications to the plan to address and incorporate those concerns into the design. The applicant has moved the home back as far as possible and rotated the direction of the home slightly to accommodate for traffic visibility both for the public and the owners. This also allowed space for a driveway for additional off street parking if needed.

It should be noted that an additional minor modification should be made and addressed during the Hillside Review, requiring that no portion of the retaining walls for the driveway be within the private right of way. As was suggested in the engineer's review, this can be achieved by addressing the slope on the western side of the drive.

Summary of Board of Adjustment Considerations

Title 102 Chapter 3 of the Weber County Land Use Code 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. In order 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 relate 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 done.*

Staff's analysis and findings are discussed below:

- a. Literal enforcement of the Land Use Code would require an undesirable result. As is suspected by the photos of this property the ski trail may extend beyond the provided easement. This request is the best scenario to address the unique circumstances of this lot avoiding impacts to the slope and ski trail.
- b. The special circumstances attached to this property are not self imposed or economic. The placement of the described easement and elevation of ski trail are the cause of the hardship.

- c. Other homes within this Zone and area are not impacted in the same way as Lot 42 R regarding slope and easements. Therefore granting of the variance preserves the rights intended for this property. The additional area requested by the variance fall in line with the building envelopes of similar properties in the subdivision.
- d. The General Plan indicates that this area should be developed as is planned and zoned; thereby the variance and development is not contrary to any public interest.
- e. This variance request is not an attempt to avoid or circumvent the requirements of the County Land Use Code, but provide justified compensation to the building envelope allowing for the single family dwelling to be built.

Conformance to the General Plan

Single-family dwellings are allowed as a permitted use in the FR-3 Zone and granting this request will not increase the number of existing dwelling units in the area. If the requested variance is granted, it will not have a negative impact on the goals and policies of the Ogden Valley General Plan.

Conditions of Approval

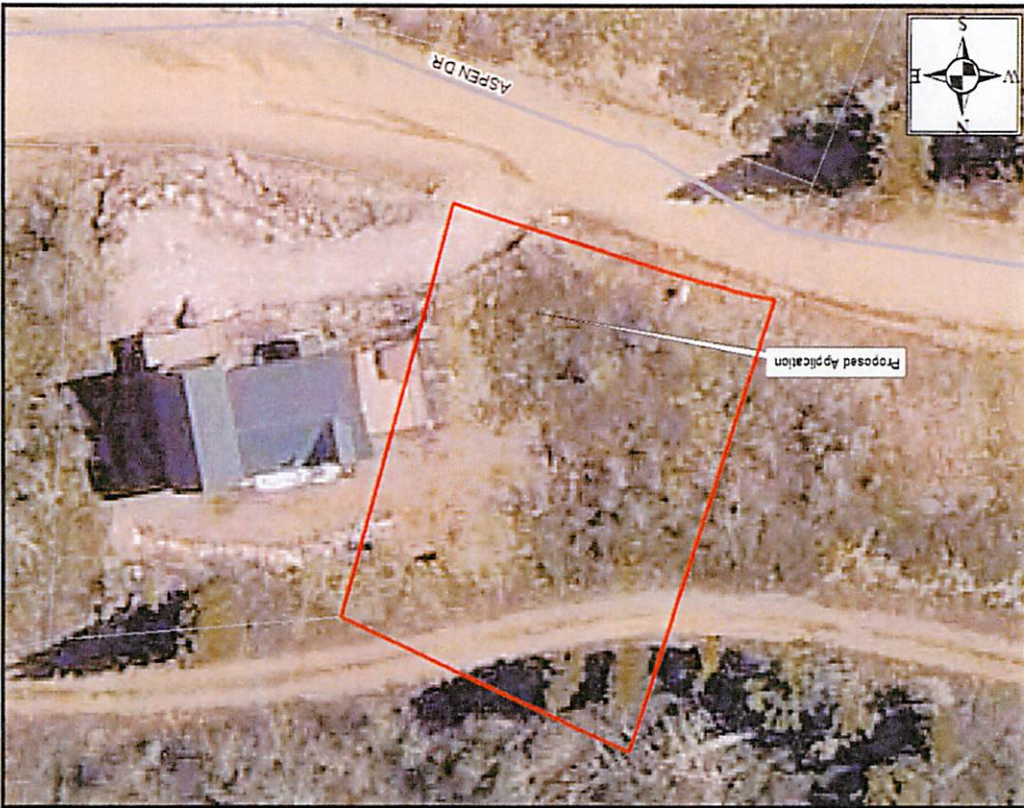
- Meet all other applicable review agency requirements.

Staff Recommendation

Staff recommends *approval* of the variance for Lot 42 R in the Powder Mountain West Subdivision Phase 2 for a reduction of 13 feet to the front yard setback. This recommendation is based on compliance with the applicable variance criteria discussed in this staff report.

Exhibits

- A. Application
- B. Site Plan and Building Elevations



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 3/7/16	Fees (Office Use) \$225.00	Receipt Number (Office Use)	File Number (Office Use)
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Property Owner Contact Information

Name of Property Owner(s) Jim & Ally Depiano		Mailing Address of Property Owner(s) 97 WEST RIDGE ROAD STOWE, UT 05672	
Phone	Fax		
Email Address alibb797@gmail.com jimdepiano@hotmail.com		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) JOE SADOWER		Mailing Address of Authorized Person 1523 E SKYLINE DR. SUITE B OGDEN UT 84405	
Phone 811-476-1860	Fax		
Email Address joe@habitationsrdg.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Appeal Request

- 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
- A variance request:
 ___ Lot area Yard setback ___ Frontage width ___ Other: _____
- A Special Exception to the Zoning Ordinance:
 ___ Flag Lot ___ Access by Private Right-of-Way ___ Access at a location other than across the front lot line
- An Interpretation of the Zoning Ordinance
- An Interpretation of the Zoning Map
- Other: _____

Property Information

Approximate Address 6706 E. 6675 N. EDEN		Land Serial Number(s) 22-110-0011	
Current Zoning			
Existing Measurements		Required Measurements (Office Use)	
Lot Area 9,505 sq FT	Lot Frontage/Width ~87'	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 24 COMB 10 MIN	Side Yard Setback ←	Side Yard Setback (Office Use)	Side Yard Setback (Office Use)

Applicant Narrative

Please explain your request.

WE ARE REQUESTING A 12' FRONT SETBACK FROM THE PROPERTY LINE DUE TO A HARDSHIP ON THE LOT OF A STEEP SLOPE AND MOST IMPORTANTLY THERE IS A TRAIL/SKI RUN BASEMENT CROSSING THE LOT WHICH REALLY CREATES AN ISSUE WITH BOTH THE DEPTH OF THE ALLOWABLE BUILDABLE AREA, THE GRADING, AS THE SKI RUN HAS BEEN BUILT UP & CAUSES ADDITIONAL DRAINAGE ISSUES FOR THE HOME. WE ARE REQUESTING A SHALLOWER FRONT SETBACK TO ALLOW THE HOME TO DRAIN, BE A DECENT DEPTH HOME & GIVE US A BIT OF SPACE OFF OF THE SKI RUN BUFFER.

Variance Request

Explain how the variance will not substantially affect the comprehensive plan of zoning in the County and that adherence to the strict letter of the ordinance will cause unreasonable hardships, the imposition of which upon the petitioner is unnecessary in order to carry out the general purpose of the plan.

IN THIS PARTICULAR AREA THE DISTANCE FROM THE PROPERTY LINE FORWARD TO THE EDGE OF THE ROAD IS FURTHER THAN TYPICAL, AVG. APPX. 15' WHEREBY COUNTY PLANNING HAS MENTIONED THE FRONT SETBACK IS TO ASSIST & ALLOW FOR OFF STREET PARKING BESIDES THOSE AREAS ENCLOSED. WITH 15' IN FRONT OF THE PL & ANOTHER 12' FRONT SETBACK WE WILL HAVE ~ 27' OF OFF STREET/DRIVEWAY PARKING.

STRICT ADHERANCE TO THE FRONT SETBACK IN THIS AREA W/ THE SKI RUN IN THE REAR WOULD LIMIT THE DEPTH OF THE HOME TO APPX 30' WHICH REALLY DOESN'T ALLOW FOR A DECENT HOME DEPTH. THE STEEP SLOPE OF THE LOT ALSO CREATED A PARTICULAR HARDSHIP AS WE PUSH TO THE 25' FRONT SETBACK WE ARE AT ~16' ABOVE THE ELEVATION OF THE ROAD. IF WE CAN BRING THAT DOWN & SINK THE HOME OUR DRIVEWAY GRADE IS STEEP BUT MANAGEABLE. AS THE HOME GOES BACK THE SKI RUN CLIMBS STEEPER IN ELEVATION & CAUSES ADDITIONAL ISSUES W/ DRAINAGE & GRADING & BUFFER FROM SKIERS. ALLOWING THE SMALLER SETBACK ALLOWS THE HOME SPACE FOR DRAINAGE & RETENTION TO OCCUR AWAY FROM THE HOME.

WITH THE HOME BACK 25' ON THE STD. SETBACK & ANOTHER 15' FROM THE ROAD WE AT 40' FROM THE ROAD COULDNT GET A DRIVEWAY TO FUNCTION WITH THE 16' OF RISE THAT OCCURS IN THE GAME.

Variance Request (continued...)

List the special circumstances attached to the property covered by the application which do not generally apply to the other property in the same zone.

VERY STEEP GRADE BUT MOST IMPORTANTLY NONE OF THE OTHER PROPERTIES HAVE THE SKI RUN CUTTING RIGHT THROUGH THEIR BUILDABLE AREA. ALL OTHER PROPERTIES CONTAINING THE EASEMENT FOR THE SKI RUN CONTAIN THE RUN INSIDE OF THEIR ROAD STRACK NOT AFFECTING THEIR BUILDABLE AREA.

Based upon the previously stated special circumstances, clearly describe how the property covered by this application is deprived of privileges possessed by other properties in the same zone; and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other properties in the same zone.

PREVIOUSLY STATED W/ THE SKI RUN EASEMENT & ENCROACHMENT PROVIDING THE GREATEST AMOUNT OF HARDSHIP SPECIFICALLY INDIVIDUALLY WITH THIS LOT.

Variance Request (continued...)

Explain how the previously listed special circumstances are not considered to be economic or self-imposed hardships.

THE SKI RUN IS DEFINITELY NOT SELF IMPOSED & ACTUALLY ENCROACHES BEYOND ITS EASEMENT TOWARDS THE BUILDABLE AREA. WERE THE SKI RUN SIMILAR IN ITS POSITION TO THE OTHER LOTS BEING WITHIN THEIR REAR SETBACKS WE COULD COMPLY WITH THE CURRENT FRONT SETBACK & HAVE ENOUGH DEPTH FOR THE HOME IN THE STANDARD BUILDABLE AREA.

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)

Variance Request (continued...)

Explain how the previously listed special circumstances are not considered to be economic or self-imposed hardships.

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), James Depiano the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), Joe Seale and/or Alison Kaiser, 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.

James Depiano
(Property Owner)

(Property Owner)

Dated this 26th day of Feb, 2016, personally appeared before me James G. Depiano, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

Alison Kaiser
(Notary)
my term expires 2/19/2019


SITE PLAN
 ASPEN DRIVE
 LOT #42-R
 POWDER MOUNTAIN WEST PHASE 2
 EDEN CITY, WEBER COUNTY, UTAH

SCALE 1" = 10'-0"
 AREA = 9594 Sq Ft = 0.222 ACRE

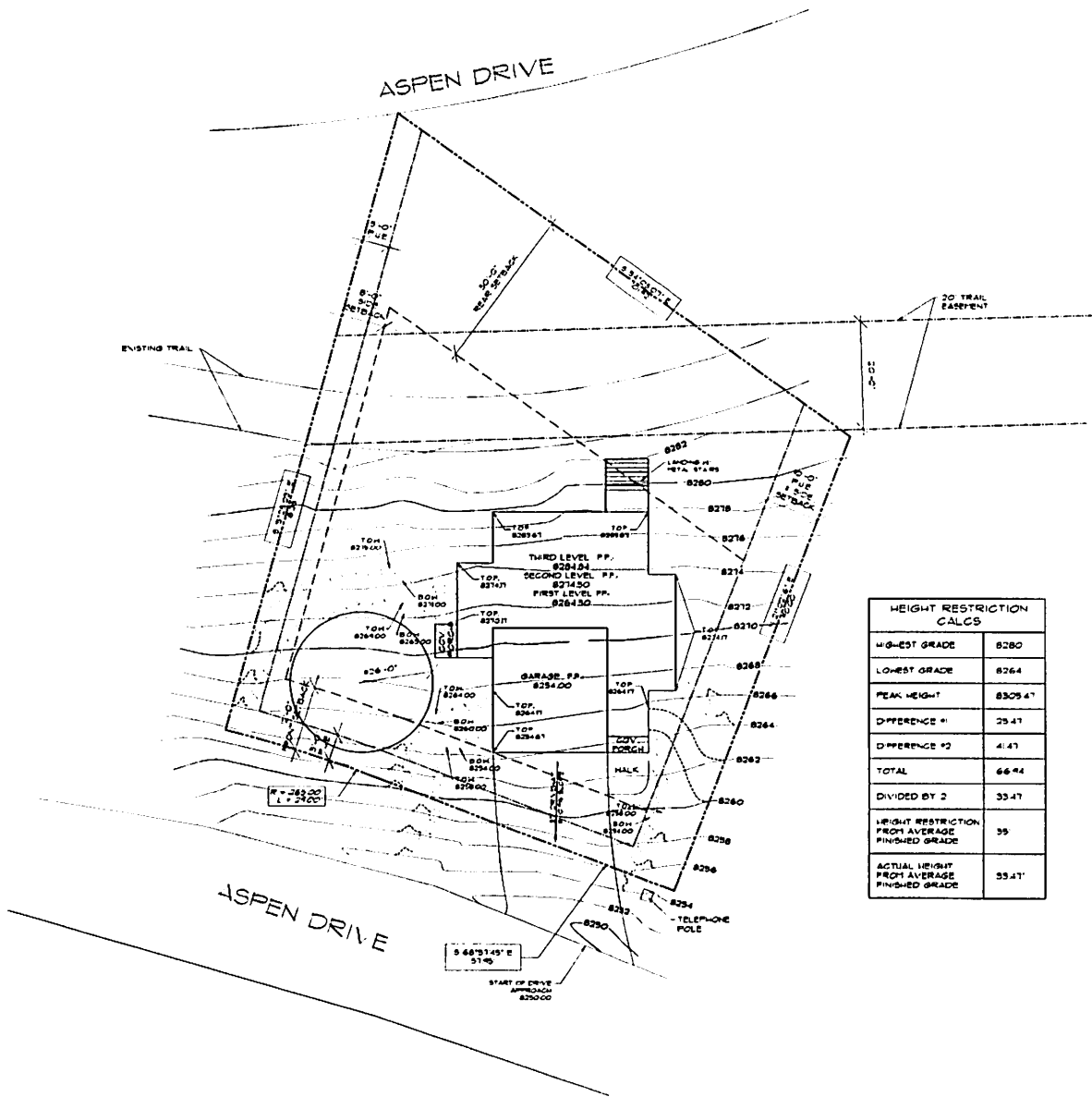
PLEASE NOTE:

1. SITE PLAN IS SHOWN FOR INFORMATION ONLY. OWNER /CONTRACTOR SHALL HAVE RESPONSIBILITY TO DETERMINE GRADES AND FINAL PLACEMENT AND ELEVATIONS OF FOOTINGS-FOUNDATIONS AND SHALL BE RESPONSIBLE FOR COMPLIANCE WITH ALL STATE, NATIONAL, AND LOCAL BUILDING CODES & ORDINANCES.
2. THIS SITE PLAN IS A REPRESENTATION OF CONCRETE FOUNDATIONAL BUILDING FOOTPRINT ONLY. ALL SETBACK INFORMATION SHOWN IS TO CONCRETE FOUNDATION WALLS ONLY. SITE PLAN DOES NOT INDICATE THE LOCATION OF ROOF OVERHANGS OR CANTILEVERS (HALL POPOUTS OR FLOOR OVERHANGS) OR OTHER ARCHITECTURAL ELEMENTS THAT MAY PENETRATE THE PROPERTY SETBACKS OR EASEMENTS. THE PLAN COUNTY, CITY OR OTHER JURISDICTION REVIEWER, CONTRACTOR AND OWNER SHALL REVIEW ALL PLAN SUBMITTAL DRAWINGS (FLOOR PLANS, ELEVATIONS, DETAILS, ETC.) IN CONJUNCTION WITH THE SITE PLAN TO IDENTIFY ANY PROPOSED WALL CANTILEVERS OR OTHER FEATURES THAT MAY ENOUGH INTO SETBACKS AND SHALL REPORT ANY CONCERNS TO THE DESIGNER PRIOR TO EXCAVATION AND/OR CONSTRUCTION.

LINETYPE LEGEND

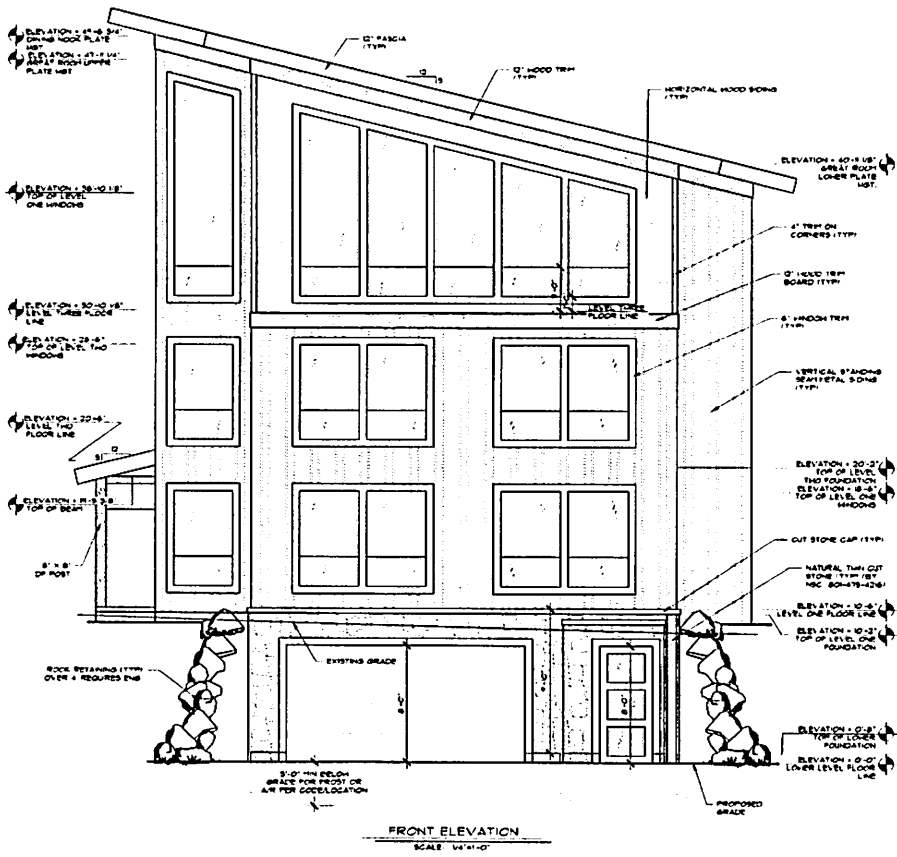
- PROPERTY LINE
- SETBACK LINE
- EASEMENT LINE
- ADJ. FOOTPRINT
- PROPOSED CONT.
- 10' CONT. LINE
- 2' CONT. LINE
- → → DIRECTIONAL DRAINAGE ARROWS

1. ALL STORM WATER AND DIRT WILL BE KEPT ON SITE DURING CONSTRUCTION UNTIL FINAL LANDSCAPING IS DONE.
2. THE GRADE AMAT FOOT FOUNDATION WALLS SHALL FALL A MINIMUM OF 8 INCHES WITHIN THE FIRST 10 FEET (3M).
3. STREET CURB AND GUTTER WILL BE INSPECTED AND CLEANED OF ALL MUD AND DIRT AT THE END OF EVERY DAY.
4. STREAM HATTLES (OR EQUIVALENT) TO BE PLACED AND MAINTAINED AROUND ANY STORM DRAIN INLET ADJACENT TO OR IMMEDIATELY DOWNSTREAM FROM SITE DURING CONSTRUCTION.
5. BERRS OR SHALES MAY BE REQUIRED ALONG PROPERTY LINES TO PREVENT STORM WATER FLOW ONTO ADJACENT LOTS. FINAL GRADING SHALL BLEND WITH ADJACENT LOTS.
6. ALL REAR DRAINAGE TO BE RETAINED ON THE PROPERTY.
7. PICTURES THAT HAVE FLOOD LEVEL REPS LOCATED BELOW THE ELEVATION OF THE NEXT UPSTREAM HANDBLE COVER OF THE PUBLIC SEWER SERVING SUCH PICTURES SHALL BE PROTECTED FROM BACK FLOW OF SEWAGE BY INSTALLING AN APPROVED BACKWATER VALVE. PICTURES HAVING FLOOD LEVEL REPS ABOVE THE ELEVATION OF THE NEXT UPSTREAM HANDBLE SHALL NOT DISCHARGE THROUGH THE BACKWATER VALVE. BACKWATER VALVES SHALL BE PROVIDED WITH ACCESS.
8. LONG-TERM DRAINAGE CONTROL BY STANDARD RESIDENTIAL LANDSCAPING INCLUDING GRASS, TREES AND BUSHES AND AN AUTOMATIC SPRINKLER SYSTEM.

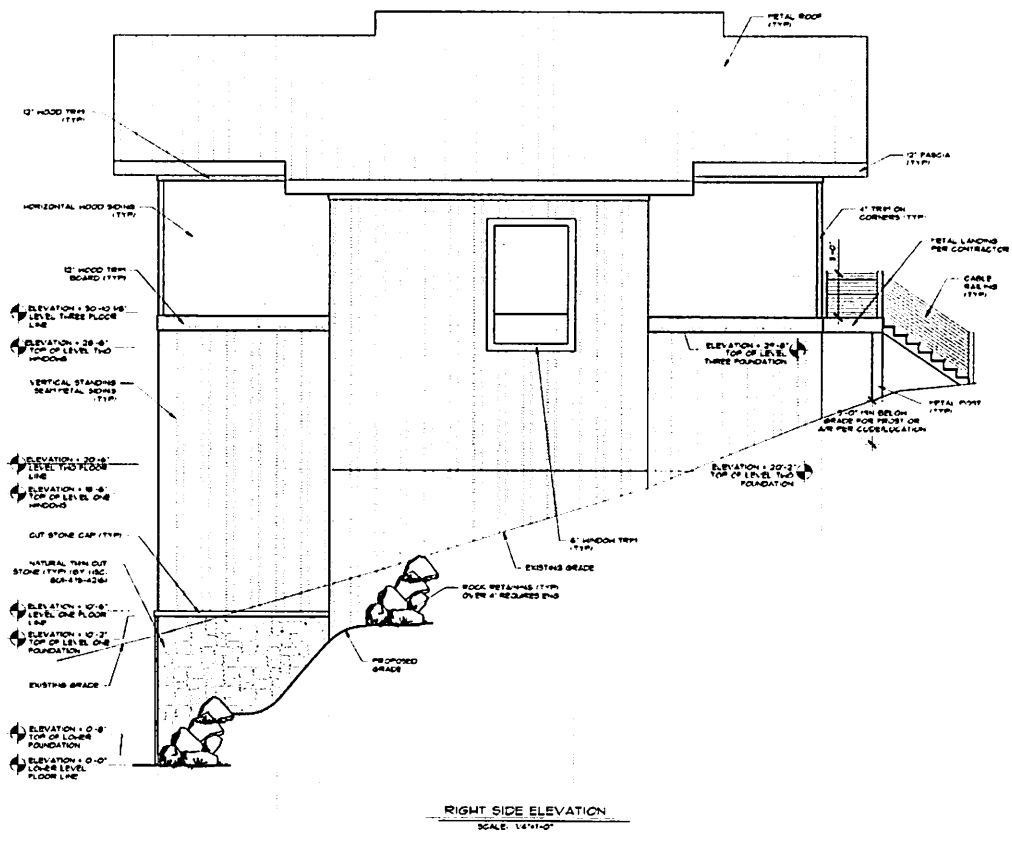


HEIGHT RESTRICTION CALCS	
HIGHEST GRADE	8280
LOWEST GRADE	8264
PEAK HEIGHT	8309.47
DIFFERENCE #1	25.47
DIFFERENCE #2	4.47
TOTAL	66.94
DIVIDED BY 2	33.47
HEIGHT RESTRICTION FROM AVERAGE FINISHED GRADE	35
ACTUAL HEIGHT FROM AVERAGE FINISHED GRADE	35.47

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 HABILITATIONS
 RESIDENTIAL DESIGN GROUP
 3000 S. 1100 E. SUITE 100
 WALKER, UT 84143
 TEL: 801-441-4440
 FAX: 801-441-4441
 WWW.HABILITATIONS.COM
 DRAWN BY: M. STEELE
 CHECKED BY: J. STEELE
 DATE: 08/11/2016
 PLAN NUMBER: 354406
 SHEET NUMBER: 3 OF 19



FRONT ELEVATION
SCALE: 1/4"=1'-0"

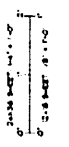


RIGHT SIDE ELEVATION
SCALE: 1/4"=1'-0"

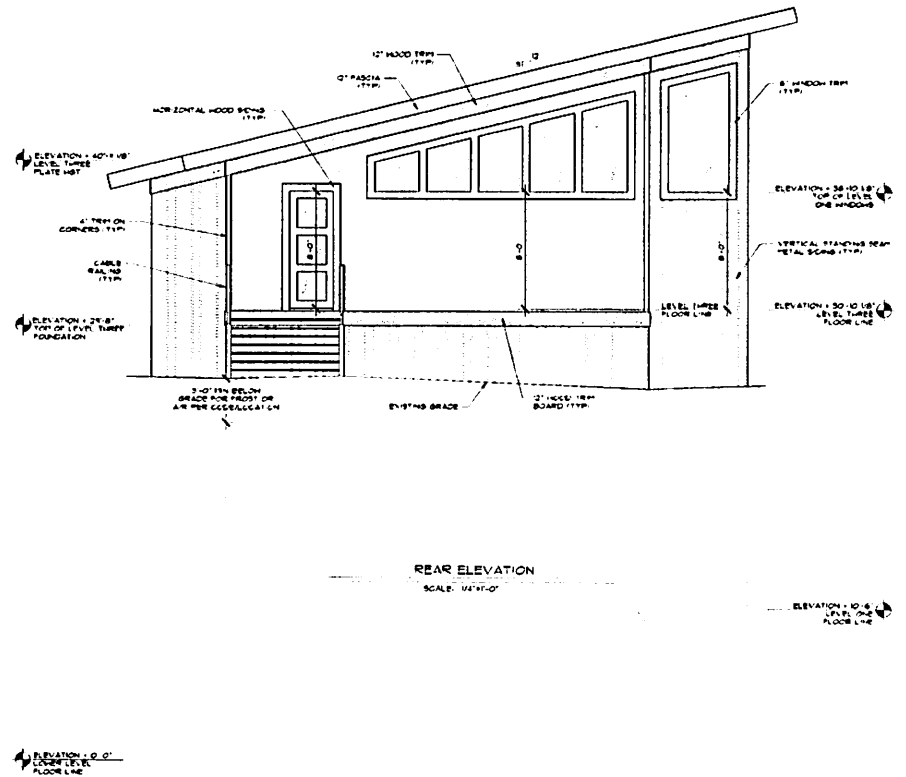
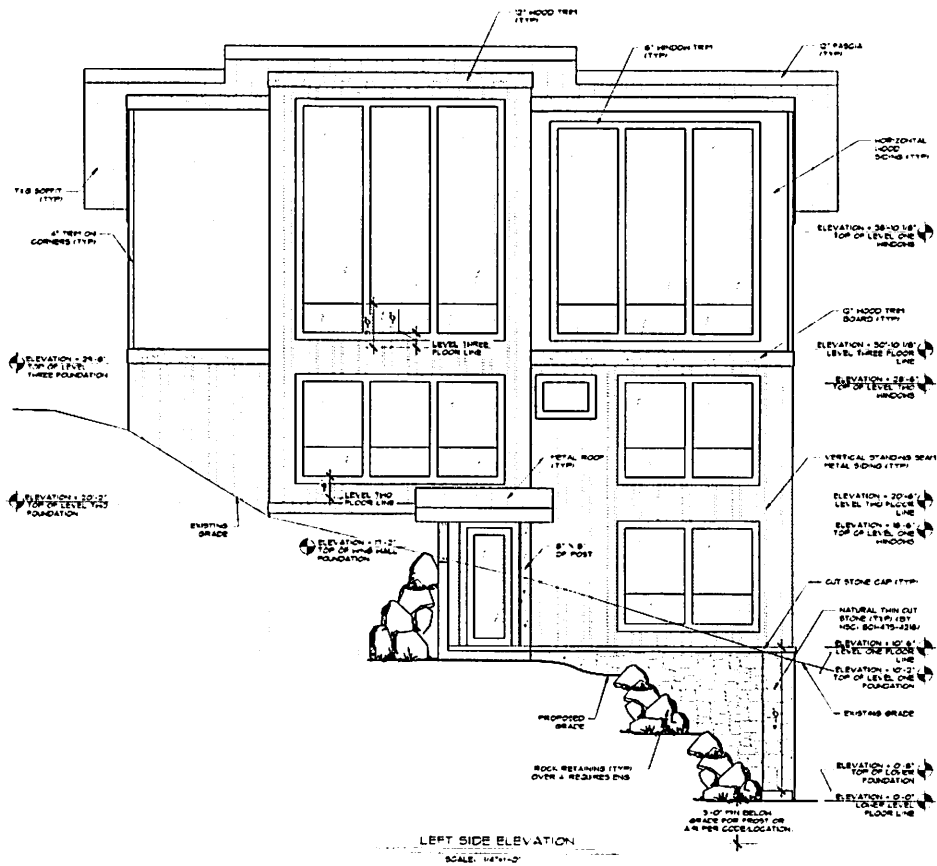
USE 80-716-840
TAX 80-716-828
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HABITATIONS
RESIDENTIAL DESIGN GROUP

HABITATIONS
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ROY, RIGHT SIDE
ELEVATIONS



DRAWN BY: M STEELE
CHECKED BY:
DATE: XX/XX/20XX
PLAN NUMBER: 354406
SHEET NUMBER: 4 of 19



HABITATIONS
 RESIDENTIAL DESIGN GROUP
 PROJECT NO. 106
 SHEET NO. 106-01
 DATE: 11/19/2016
 DRAWN BY: M. STEELE
 CHECKED BY:
 PROJECT NO. 106
 SHEET NO. 106-01
 DATE: 11/19/2016
 334406
 5 8 19