

Ewert, Charles

From: Colby Keddington [rcolbyk@gmail.com]
Sent: Friday, February 12, 2016 9:27 AM
To: Ewert, Charles
Cc: Jeff Callahan; rvance25@gmail.com
Subject: Re: Variance request -- Need the rest of the info...

After coming to the board of adjustment meeting Jan 14, for and separation and legalization of Parcel B including Parcel #'s 20-019-0004, 20-019-0001, 20-019-0003. based on 2 different owners owning 2 different homes on what was supposed to have been 1 legalized parcel in 2004 (parcel B). We were tabled by the The B.O.A. To work with the Planning Department of Weber County to sort out Charles Ewerts recommondation to included surrounding Parcels A, C, and 20-019-0014 in a new Subdivision and abandoning Wilcox Camp and Boat Community. New information was also presented at that meeting showing that all included Parcels are currently in the same form they have been sold in 1980, and going back to 1920's. This information has been sifted through over the last month and discovered to be accurate, and the 2004 adjustment conditions where never fully followed through. We would like to abandon Wilcox Camp and Boat Community which has existed over 100 years and has been a "Third World Country" or "Bermuda Triangle of Utah" for weber county officials, property owners, and local citizens. and request approval of "Pineview Point" which will have legal and documented Ingress and Egress, Legal Parcels providing Legal sell and enjoyable occupation of owners, owner confidence to beautify there property and homes, proper utility easements, and many more modern and present day standards of living and property ownership. Based on the Property lines and information that has existed since the early 1900's.

Please feel free to make alterations or suggestions for success.

Colby Keddington

On Feb 12, 2016, at 8:49 AM, Ewert, Charles <cewert@co.weber.ut.us> wrote:

Gentlemen,

I still do not have Colby or Aren's written request for the variances, as discussed in Tuesday's meeting. Even though positive support is likely from staff, the burden of proving that the variance request complies with the law falls on the land owner. Please review again the criteria below and submit to me your written reasoning as to why the variance requests comply.

If I do not receive the written request by noon today I will only forward Jeff's original request back to the BOA for the 25th, and the other two lots will have to go another time on a separate application.

Sec. 102-3-4. - Decision criteria and standards.

...

(b)

Variances from the requirements of the Land Use Code.

(1) Any person or entity desiring a waiver or modification of the requirements of the Land Use Code as applied to a parcel of property that they own, lease, or in which they hold some other beneficial interest may apply to the board of adjustment for a variance from the terms of the Land Use Code.

(2) The board of adjustment may grant a variance only if the following five criteria are 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 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.

2. 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.

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.

<image005.jpg>

Charlie Ewert, AICP

Weber County Planning

801-399-8763

cewert@co.weber.ut.us

<image006.jpg>

From: Robert Keddington [<mailto:rcolbyk@gmail.com>]

Sent: Wednesday, February 10, 2016 2:10 PM

To: Ewert,Charles

Subject: Fwd: new plat

Thanks again for all your help

Sent from my iPhone

Begin forwarded message:

From: jess <mountainengineering@msn.com>

Date: February 10, 2016 at 11:44:58 AM MST

To: Robert Keddington <rcolbyk@gmail.com>, Jeff Callahan

<jcallahan83@hotmail.com>, aren zamani <rockimagesexcavation@gmail.com>

Subject: new plat