

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	Fees (Office Use) \$225.00	Receipt Number (Office Use) 21041	File Number (Office Use) BoA 2011-5
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Property Owner Contact Information

Name of Property Owner(s) David and Traci Hayes		Mailing Address of Property Owner(s) 2260 Temple Drive Winter Park, Fl. 32789	
Phone 407-468-4416	Fax		
Email Address dvhayes@aol.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) Landmark Surveying, Inc. - any representative		Mailing Address of Authorized Person 4646 South 3500 W. #3 WestHaven, Ut. 84401	
Phone 801 731 4075	Fax (801) 731-8506		
Email Address lsurveying@aol.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Appeal Request

- ☐ 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
- ☐ 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 5800 Old SnowBasin Road Huntsville, Ut. 84317		Land Serial Number(s) Parcel Numbers 20-035-0022 and 20-035-052 which will be combined into one lot during the Subdivision process	
Current Zoning FV-3			
Existing Measurements		Required Measurements (Office Use)	
Lot Area 5.079 acres	Lot Frontage/Width approx 360 feet	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 have been granted a non-exclusive easement for a common access point (driveway entrance) off of Old SnowBasin Road. Please see the attached exhibit "A" for the easement legal description document and exhibit "B" for a Boundary Survey show both the easement and the two lots. We wish to use this easement as the access off Old SnowBasin Road which will be continued to the west as our driveway.

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.

No affect to the comprehensive plan of zoning in the County. Adherence to the strict letter of the ordinance would both require additional clearing of the natural vegetation and cause the slope of the drive way to be out of compliance with the ordinance

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.

No known circumstances

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.

No known circumstances.

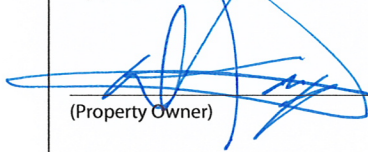
Variance Request (continued...)

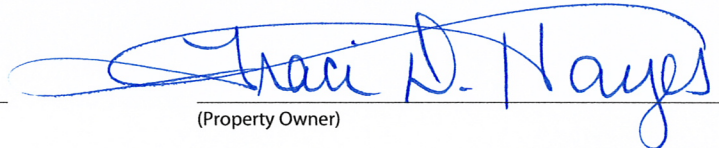
Explain how the previously listed special circumstances are not considered to be economic or self-imposed hardships.

No Known circumstances

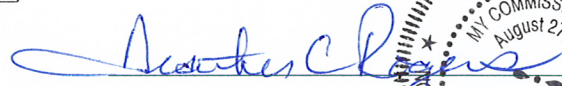
Property Owner Affidavit

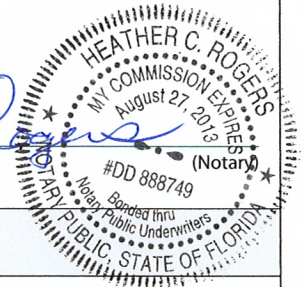
I (We), DAVID & TRACI HAYES, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.


(Property Owner)


(Property Owner)

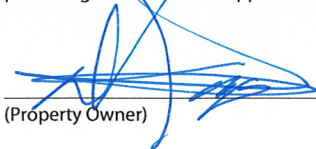
Subscribed and sworn to me this 21 day of June, 2011.

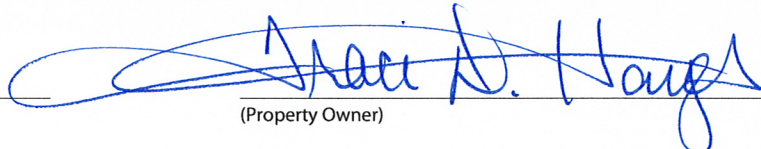




Authorized Representative Affidavit

I (We), DAVID & TRACI HAYES, the owner(s) of the real property described in the attached application, do authorize 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 21 day of June, 2011, personally appeared before me David & Traci Hayes, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.







Weber County

Weber County Planning Division
www.co.weber.ut.us/planning
2380 Washington Blvd., Suite 240
Ogden, Utah 84401-1473
Voice: (801) 399-8791
Fax: (801) 399-8862

Board of Adjustment Review

The Board of Adjustment convenes as necessary to review applications for variances, deviations, interpretation, and special exceptions as outlined below.

A pre-application meeting is required prior to application submittal; please call (801) 399-8791 to make an appointment. Date of pre-application review meeting: _____ Time: _____

- **Staff member assigned to process application:** _____

APPLICATION DEADLINE: Thirty (30) days prior to the applicable Planning Commission meeting

The Board of Adjustment meets on the 2nd and 4th Thursdays of the month as needed.

Application Submittal Checklist

The Planning Division will only accept complete applications with supporting documents as outlined below. Submitting an application does not guarantee that your application will be placed on the next Board of Adjustment agenda.

The following is required as part of the application form submittal:

- ☐ Complete Application Form
- ☐ A non-refundable fee made payable to Weber County (see *Fee Schedule* below)
- ☐ Obtain signature of the owner(s) on the application and any authorized representatives
- ☐ All documents submitted in the application shall be accompanied by a PDF file of the respective document. All plans (including but not limited to site plans, architectural elevations/renderings, etc), and subsequent submittals and revisions, shall be accompanied by a full scale set of PDF files of the respective plans.
- ☐ A narrative explaining your request and if your request involves one of the three item listed below; how the request meets the requirements for: (see *Review Criteria*)
 - A. Variance
 - B. Flag Lot
 - C. Special exception

Fee Schedule

Property Zoning _____ Fee Required _____

- Board of Adjustment Review \$225

Duties and Powers of the Board of Adjustment

In addition to any other powers given by State law or the Weber County Zoning Ordinance Chapter 29, Board of Adjustment, upon the timely filing of an appeal, within 15 days, from the date of the final decision being appealed, after proper notice and Public Hearing, the Board of Adjustment shall have the following powers:



1. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, or refusal made in the enforcement of this Ordinance.
2. To hear and decide requests for decisions on special questions upon which such Board is authorized to pass.
3. To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship; provided, that the spirit of this Ordinance shall be preserved and substantial justice done.
4. To interpret the zoning map and zoning ordinance.
5. To reduce the amount of off-street parking required, where acquisition of land for such use would cause exceptional hardship.
6. Where a zone boundary line divides a lot in single ownership at the time of the passage of this Ordinance, permit the extension of a use or building situation on the portion of such lot which lies in the less restricted zone into the more restricted zone, provided that such extension shall be subject to all regulations of the less restricted zone and shall extend not more than one hundred (100) feet into the other portion of the lot in the more restricted zone.
7. Permit for a period not to exceed one (1) year in a residential zone a temporary building or use of a commercial or industrial nature which building or use is incidental and necessary to the construction of the residential development.
8. To permit a nonconforming use to be changed to another use permitted in the same or a more restricted zone than the one in which the nonconforming use would be a permitted use; and which, in the opinion of the Board of Adjustment either by general rule or on decision in a specific case, will be out of harmony or incongruous with existing and prospective uses in the neighborhood to a less degree than is the nonconforming use that it replaces, with respect to noise, odor, atmospheric emission or pollutant, or physical hazard, and to no greater degree with respect to traffic related to the proposed use, display or use of illumination, general activity, probable duration of the proposed use, or other factors having a bearing on the harmonious relation to one use to another.
9. To permit the relocation on a lot of a nonconforming building or structures occupied by a nonconforming use, provided the building or structure shall comply with all the height, yard, and area requirements in the zone in which it is located.
- 10A. To permit as a special exception and subject to No. 12 below, the construction of a dwelling or a building upon a lot, which does not have frontage on a street but has access to said lot by a private right-of-way, where the Board of Adjustment considers it unfeasible or impractical to extend a street to provide access to such lot because of unusual topographic or property boundary conditions. Before approval by the Board of Adjustment to build on any private right-of-way, the landowner of record shall place a covenant to run with the land agreeing to participate in the cost of developing any future road required by the county to replace the private right-of-way as required access to additional lots.
- 10B. To permit Lots with Access Strips known as Flag Lots by Special Exceptions meeting the following criteria:



1. Lots not having frontage on a street as required by this ordinance, but having access to such street by means of fee title access strips may be approved as "Special Exceptions" by the Board of Adjustment in any zone, provided that:
 - A. The Board of Adjustment determines that it is not feasible or desirable to extend a street to serve such lot or lots at that time. Criteria to be used in determining feasibility or desirability of a street shall include, but not be limited to, topography, boundaries, and/or an area in which a road would not open an area of 5 acres or more for development.
 - B. The access strip shall have a minimum width of 20 ft., a maximum width of 30 ft., a maximum grade of 15%, and a minimum vertical clearance of 14.5 ft.
 - C. The area of the access strip shall not be included within the minimum lot area requirement.
 - D. The lot shall meet all minimum yard and area requirements of the zone in which it is located, exclusive of the access strip.
 - E. Buildings shall be setback a minimum of 30 feet from any property line and 30 feet from the extension of the flag lot access strip. The depth of the front yard shall be the distance between the front line of the building and the property line or nearest line of the access strip, which the building faces.
 - F. The lot address shall be displayed in a prominently visible location at the street entrance to the access strip.
 - G. Each lot shall access a street by means of its own access strip. Successive stacking of lots on the same access strip is not permitted.
 - H. No building, structure or parking is allowed in the access strip, which is to be used solely as access to the lot.
 - I. The Board of Adjustment shall impose such other conditions to ensure safety accessibility, privacy, etc. to maintain or improve the general welfare of the immediate area.
 - J. No access strip shall exceed 800 feet in length.
 - K. A maximum of two flag lot access strips may be adjacent to each other.
 - L. A minimum turnout measuring at least 10 feet by 30 feet be provided adjacent to the traveled surfaces of the access strip at a maximum distance of 200 feet from the public street.
 - M. A turn-around area be provided at the home location to allow firefighting equipment to turn around. This area shall be a year round surface, capable of supporting fire equipment (a minimum inside turning radius of 30 feet and an outside turning radius of not less than 45 feet.)
 - N. Bridges, including decking and culverts shall be capable of supporting a minimum 20-ton weight capacity.
 - O. Switchback turns in sloped areas shall have a minimum 75-foot radius.
 - P. Road surfaces on private access ways shall have a minimum 12-foot finished road surface capable of supporting a 20-ton weight capacity with a surface approved by the County Engineer.
 - Q. A fire hydrant or other suppression method MAY be required by the Fire Chief.
 - R. The home location shall be shown on a plan submitted to the Fire District.
2. No flag lot shall be allowed which proposes to re-subdivide or include within it (including the access strip) any portion of an existing lot in a recorded subdivision.
3. The lot area exclusive of the access strip shall be a minimum of 3 acres.
4. The flag lot shall meet the minimum lot width requirements for the zone in which the lot is located, at the end of the access strip.



5. Application for subdivision shall be filed and recorded within 18 months of approval of Flag Lot. If not filed and recorded within 18 months, said Flag Lot approval shall expire and be null and void.
6. No subdivision shall be vacated, re-subdivided or changed in order to meet the requirements of this chapter.
11. To allow by Special Exception access to lots at a location other than across the front lot line provided the following criteria are met:
 1. Special circumstances are attached to the property covered by the application, which does not generally apply to other property in the same zone.
 2. Special or unique boundary conditions exist regarding the property for which an application has been submitted.
 3. Topographic or other physical conditions exist which would cause an undesirable or dangerous condition to be created for property access.
 4. The Board of Adjustment shall consider but not be limited to the following:
 1. The access strip shall have a maximum grade of 15%.
 2. A minimum turnout measuring at least 10 feet by 30 feet be provided adjacent to the traveled surfaces of the access at a maximum distance of 400 feet from the public street.
 3. A turnout area be provided at the home location to allow firefighting equipment to turn around. This area must be a year round surface capable of supporting fire equipment (a minimum 45 foot radius if circular).
 4. Bridges including decking and culverts must be capable of supporting a minimum 20-ton weight capacity.
 5. Switchback turns in sloped areas must have a minimum 75 foot radius.
 6. Road surfaces on private access ways shall have a minimum 12 foot road surface width and be capable of supporting a 20,000 pound weight capacity with a surface approved by the County Engineer.
 7. A fire hydrant or other fire suppression method may be required by the fire district.
 8. The home location shall be shown on a plan submitted to the fire district.

Process

1. Before making its decision, the Board shall hold a hearing upon the appeal. Notice of the time and place of such hearing shall be sent by mail to the appellant, to the owners of all property contiguous to the property with which the appeal is concerned. Such notice shall contain the name of the appellant, the time and place fixed for the hearing, and a brief statement of the error alleged by the appellant or of the special exception or other question or variance for which the appellant appeals.
2. The hearing may be adjourned from time to time, and if the time and place of the adjourned meeting be publicly announced at the hearing at the time of the adjournment, no further notice of such adjourned meeting shall be required.



3. Each appeal, filed in proper form shall be placed upon the calendar of the Board and shall be heard in the order in which they appear on the calendar, unless advanced for hearing by order of the Board for good cause shown. The calendar of cases to be heard shall be posted in five days before the meeting at which the hearing is scheduled.
4. A Letter or Decision or any other action of the Board shall be sent to the applicant informing him/her that the minutes of such meeting are available at the Planning Commission Office upon the Board's approval of the minutes. The minutes shall contain findings as the basis for the Board's decision or action and the vote of each member of the Board, those absent being so marked.

Review Criteria

In exercising the above-mentioned powers, such Board may, in conformity with the provisions of the law, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken; provided, that before any variance may be granted it shall be shown that:

1. 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.
2. Special circumstances attached to the property covered by the application, which do not generally apply to the other property in the same zone.
3. That because of said special circumstances, property covered by application is deprived of privileges possessed by other property in the same zone; and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.
4. That the condition and/or circumstances are not considered economic or self-imposed hardships.

For Your Information

This application can be filled out online at the following Planning Division web site: www.co.weber.ut.us/planning
Copies of the applicable Weber County Zoning Ordinances and other helpful information are also available at this web site.

Mail Tax notice to:
Grantee
5800 South Old Snowbasin Road
Huntsville, UT 84317
MNT File No.: 23002
Tax ID No.:

WARRANTY DEED FOR EASEMENT

Wadman Investments, L.L.C., A Utah Limited Liability Company

GRANTOR of Ogden, State of Utah, hereby **CONVEYS** and **WARRANTS TO**:

Monte Stewart and Syrina Stewart, husband and wife, as joint tenants

GRANTEE of 5800 South Old Snowbasin Road, Huntsville, UT 84317 for the sum of TEN AND 00/100'S DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, the following described tract(s) of land in Weber County, State of Utah:

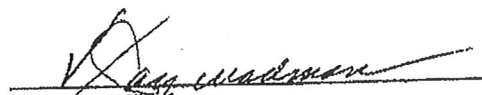
AS MORE FULLY DESCRIBED ON SEPARATE EXHIBIT "A" HERETO ATTACHED AND MADE A PART THEREOF.

SUBJECT TO: County and/or City Taxes not delinquent; Bonds and/or Special Assessments not delinquent and Covenants, Conditions, Restrictions, Rights-of-Way, Easements, Leases and Reservations now of Record.

SUBJECT TO: A DEED OF TRUST AND THE TERMS AND CONDITIONS THEREOF, WADMAN INVESTMENTS, L.L.C., A UTAH LIMITED LIABILITY COMPANY, AS TRUSTOR, ZIONS FIRST NATIONAL BANK, AS TRUSTEE, ZIONS FIRST NATIONAL BANK, AS BENEFICIARY, DATED AUGUST 27, 2009, RECORDED OCTOBER 26, 2009 AS ENTRY NO. 2441072.

WITNESS, the hand(s) of said Grantor, this 18 day of May, 2011.

Wadman Investments, L.L.C., A Utah Limited Liability Company


By: V. Jay Wadman

Its:

Exhibit "A"

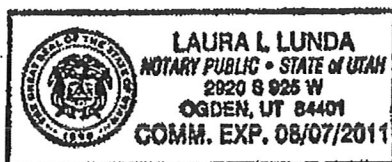
A NON- EXCLUSIVE EASEMENT OVER AND ACROSS THE FOLLOWING DESCRIBED PARCEL, TO BE USED AND APPURTENANT WITH PROPERTY ABUTTING ON THE WEST, FOR INGRESS AND EGRESS PURPOSES:

PART OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 6 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; BEGINNING AT A POINT ON THE WESTERLY LINE OF THE WADMAN INVESTMENTS LLC PARCEL, SAID POINT BEING NORTH 89°39'14" WEST ALONG THE QUARTER SECTION LINE 1680.00 FEET (1680.00 FEET SOUTH 89°56'25") AND NORTH 00°44'04" EAST 107.03 FEET (NORTH 107.33 FEET) AND NORTH 75°10'59" WEST 375.33 FEET (NORTH 75°55'20" WEST 375.33 FEET) TO THE NORTHWEST CORNER OF SAID WADMAN INVESTMENT PARCEL; THENCE SOUTH 00°44'21" WEST ALONG SAID WESTERLY LINE 522.26 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION 23 (BASIS OF BEARING BEING NORTH 00°22'47" EAST ALONG THE SECTION LINE BETWEEN SAID EAST QUARTER CORNER AND THE NORTHEAST CORNER OF SAID SECTION 23), AND RUNNING THENCE SOUTH 00°44'21" WEST ALONG SAID WESTERLY LINE 76.44 FEET, MORE OR LESS, TO A POINT ON THE NORTHERLY LINE OF SNOW BASIN ROAD, SAID POINT BEING ON A 229.85 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH 12°07'04" EAST); THENCE SOUTHEASTERLY ALONG THE ARC OF SAID 229.85 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF 24°55'39" A DISTANCE OF 100.00 FEET (CHORD BEARS SOUTH 89°39'14" EAST 99.21 FEET); THENCE NORTH 12°48'35" EAST 75.00 FEET TO A POINT ON A 304.85 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS SOUTH 12°48'35" WEST); THENCE NORTHWESTERLY ALONG SAID 304.85 FOOT RADIUS CURVE, PARALLEL WITH AND 75.00 FEET NORTHERLY OF SAID NORTHERLY LINE THROUGH A CENTRAL ANGLE OF 21°43'44" A DISTANCE OF 115.61 FEET (CHORD BEARS NORTH 88°03'17" WEST 114.92 FEET) TO THE POINT OF BEGINNING.

STATE of Utah, County of Weber) ss.

On this date, May 18, 2011, personally appeared before me V. Jay Wadman, who being by me duly sworn did say that he is a member/manager of Wadman Investments, L.L.C., the limited liability company that executed the above and foregoing instrument and that said instrument was signed on behalf of said company by authority of its Articles or Organization and/or Operating Agreement and said V. Jay Wadman acknowledged to me that said limited liability company executed same.

Laura L. Lunda
Notary Public



To: Metro National Title Company
1366 Legend Hills Drive
Clearfield, Utah 84015

Dated:
Escrow No. 23002
Property Address: Snow
Basin Road, Weber County

DEED INSTRUCTIONS

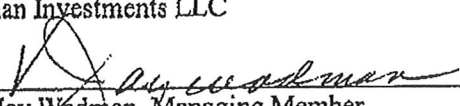
I/we hand you herewith a Warranty Deed of Easement executed by the undersigned in favor of Monte Stewart and Syrina Stewart, husband and wife, as joint tenants, covering the real property located on Snow Basin Road in the Southeast Quarter of Section 23, Township 6 North, Range 1 East, Salt Lake Meridian U.S. Survey.

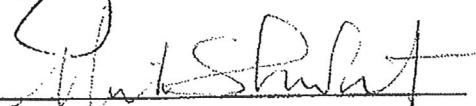
This deed is given to create an Easement Estate of the Grantee and you are hereby authorized and instructed to record said deed on the instructions of the Grantee, without collection and/or consideration for the account of the undersigned Grantor.

Any and all charges in connection herewith, to the account of Metro National Title Company, are to be paid by the Grantee.

THESE INSTRUCTIONS ARE EFFECTIVE UPON EXECUTION AND SHALL
~~REMAIN IN FULL FORCE AND EFFECT UNLESS WRITTEN INSTRUCTIONS~~
ARE RECEIVED BY ESCROW HOLDER PRIOR TO THE CLOSE OF ESCROW
FROM THE UNDERSIGNED WHICH MODIFIES THE TERMS AND CONDITIONS
OUTLINED HEREIN.

Wadman Investments LLC

By: 
V. Jay Wadman, Managing Member

★ By: 
Monte Stewart

By: 
Syrina Stewart

TO:

DATE:

ESCROW NO.: 23002

TITLE NO.:

PROPERTY ADDRESS: Property on Snow Basin Road

WAIVER OF RIGHT TO PURCHASE TITLE INSURANCE

The undersigned hereby acknowledge that Escrow Holder has informed them that Title Insurance may be available to protect their interest.

The undersigned further acknowledge that the Title Insurance Policy being issued through this escrow does not provide any coverage whatsoever for the undersigned.

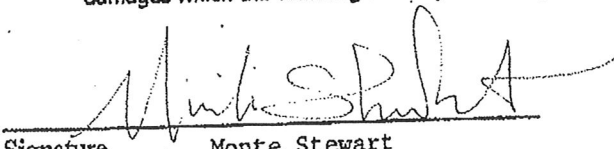
(PLEASE MARK YES OR NO -- If Yes, Please Indicate Policy Type)

☐ **YES.** I am interested in obtaining Title Insurance to cover my interest in the Real Property that is the subject of this escrow.


- ☐ CLTA Standard Coverage in the amount of \$ _____
- ☐ ALTA - R coverage in the amount of \$ _____
- ☐ ALTA - Homeowner Policy of Title Insurance Coverage in the amount of \$ _____
- ☐ ALTA Owner's Policy in the amount of \$ _____

☒ **NO.** I am declining Title Insurance Coverage for my interest in the Real Property that is the subject of this escrow and hereby release and hold Escrow Holder harmless of any loss or damages which the undersigned may sustain by reason of not obtaining Title Insurance.

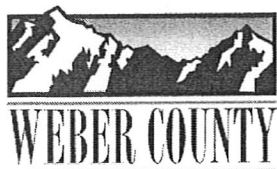
★


Signature Monte Stewart

5-23-11
Date


Signature Syrina Stewart

5-23-11



Weber County Public Works Department Official Receipt

Receipt Date 15-JUL-2011

01:10:02 PM

Description BOARD OF ADJUSTMANT APPLICATION

From Client DAVID VAUGHN

CHECK 225

Total Received: 225

Empl Id / Receipt Nbr: DK - 21041

Signature

*** Please Retain This Receipt For Your Personal Records ***