

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 <i>Feb 2, 2016</i>	Fees (Office Use) \$225.00	Receipt Number (Office Use) <i>3730</i>	File Number (Office Use)
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Property Owner Contact Information

Name of Property Owner(s) <i>FREDERICK (Rick) and Deborah Golde</i>		Mailing Address of Property Owner(s) <i>4783 Panorama Drive Ogden, UT 84403</i>	
Phone <i>(801) 388-0124</i>	Fax <i>N/A</i>		
Email Address <i>rickyrocketman@hotmail.com</i>		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)		/	
Phone	Fax		
Mailing Address of Authorized Person			
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 <i>962 Ogden Canyon Ogden, UT 84401</i>	Land Serial Number(s) <i>20-019-0009</i>
Current Zoning <i>F40</i>	

Existing Measurements		Required Measurements (Office Use)	
Lot Area <i>.19 acre</i>	Lot Frontage/Width	Lot Size (Office Use)	Lot Frontage/Width (Office Use)
Front Yard Setback <i>30 feet</i>	Rear Yard Setback <i>30 feet</i>	Front Yard Setback (Office Use)	Rear Yard Setback (Office Use)
Side Yard Setback (NORTH) <i>8 feet</i>	Side Yard Setback (SOUTH) <i>5 feet</i>	Side Yard Setback (Office Use)	Side Yard Setback (Office Use)



Applicant Narrative

Please explain your request.

- Please See attached presentation for details.
- ▶ A variance of 25 feet into the 30 foot rear lot Setback (east side of property) is requested.

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.

Please see attachment.

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:

Please see attachment.

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

Please see attachment.

Variance Request (continued...)

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

Please see the attachment.

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

Please see the attachment.

Property Owner Affidavit

I (We), FREDERICK P. Golde, 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.

[Signature]
(Property Owner)

(Property Owner)

Subscribed and sworn to me this 2 day of Feb, 20 16

NOT Required
per Scott Mendaza (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) *NA*

(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)

Weber County Board of Adjustment

Variance Request for Frederick (Rick) and Deborah Golde,
962 Ogden Canyon, Ogden, Utah 84401
Parcel # 20-019-0009, .18 acre, Tax Unit 317

Introduction:

Insofar as the purpose of the F-40 Forest Zone lot requirements (shown in Weber County Wiki site 8-1) are designated to permit development compatible to the preservation of the areas and the objectives of establishing the forest zones to promote use of land and provide areas for homes, summer homes and summer camp sites and (8-2) permit uses including (4) home occupations.

Based on this purpose and these objectives, we respectfully request a variance adjustment approval from the Weber County Board of Adjustment for the property we own in Ogden Canyon (Wheeler Canyon, Parcel #20-019-0009, Lot 10 and part of Lot 11 as described in attachments). These variance requests are based on F-40 lot setback calculations provided by Weber County planners on March 1, 2013 which are shown pictorially on the attached Site Plan (Figure). Additional information on the description, intent and purpose for the variance request are also shown in attachments.

F-40 Setback Requirements 29-4 (2.B 1.a.) and (2.B.1.b.):

A garage to be located on southeast corner of property is required to properly and safely store personal property required by property owners as this will become their primary residence in the near future. A single variance request applies to the 30 foot setback required at the rear (eastern boundary) of the property). We respectfully request a variance of 25 feet into the 30 foot setback to allow the garage to be located in a suitable location on the lot and in regards to both the living space in the existing housing footprint and the adjacent access road / driveway at the rear of the property (near parallel to the rear property line). See Figure 8 for details.

The hardship to property owners should the variance not be granted would be to deny adequate, lockable storage for personal property required for a reasonable year-round living experience on the property and the inability to protect same personal property from theft and degradation from the elements. The ability to build an adequate size garage on the southeast corner of the property within the high water and rear property setbacks will also enhance the aesthetics and usefulness of the property for the owners. Without the garage the alternative will require the use of tarps and other much less attractive storage solutions.

The hardship is not self-imposed as the high water mark (Wheeler Creek) is a fixed natural feature on the property with a fixed relationship of position to the existing housing structure and the associated rear property line. In short, there isn't any other location on the property where a small garage would properly fit. The contour of the property on the eastern border increases in slope toward the southern end of the lot, and the gently sloping northern area of the lot is where the driveway access is the flat portion of the property. The suggested position for the garage will not create any entrance/exit issues for the adjacent property owners since the garage will be located well off the rear property boundary by at least 5 feet from the access road itself. This plan has been reviewed and agreed to with the adjacent property owner (Michael Sherman).

Decision Criteria and Standards: (Section 102-3-4 (b)(2):

a). Literal enforcement of the ordinance (Five criteria)

29-4 (2.B.2.a.):

The special circumstances for this property is the location of Wheeler Creek on the western boundary of the property and the access road and eastern property line and the available space between these two boundaries and the existing structure (cabin) in between these two features.

- a.) Other properties in the same area (Wheeler canyon) have similar property setbacks in place; structures north of this property are as close (if not closer) to property lines and the eastern access road than this proposal. Not having the ability to build a garage for storage in the location noted would cause a hardship for the property owners who wish to habitate on the property full time and year round.

(2.B.3.):

Granting this variance is indeed essential for the property owner to fully enjoy the full benefits of property ownership and to take advantage of similar property rights possessed by other property owners in the same area (primarily the ability to safely store and protect personal property and have it conveniently available on the property).

(2.B.4.):

Granting of this variance will not substantially (negatively) affect the general plan (of the Wheeler Canyon residential area) and will not be contrary to the public interest; in fact, we believe that granting this variance will allow a pleasant structure (garage) and remodeled home to be built that will allow for personal property storage out of public view and will enhance the neighboring property owners living experience.

(2.B.5.):

The spirit of the land use ordinance will be observed and substantial justice will be done. Adjacent property owners have offered enthusiastic support for this proposal. In addition, we the property owners, are excited about making a significant enhancement to the overall aesthetics of this piece of property as well as the surrounding area in Wheeler Canyon. We wish to make a lasting contribution to the adjacent residential community through the significant upgrade of this property.

● Key points we would like to point out:

- 1.) Encroachment on Wheeler Creek watershed will not be affected by the house (location grandfathered) nor the proposed garage/outbuilding.
 - a. House boundary on the creek side will stay as is (will not move closer to creek but foundation may be set parallel to the property boundary).
 - b. Proposed garage location does not threaten or affect watershed (outbuilding only – no plumbing)
- 2.) Current dwelling is extremely energy inefficient and potentially unsafe for full-time occupation (snow load on roof).
 - a. Proposed remodel would provide owners with a safe, durable, energy efficient dwelling for primary residence and should be an enhancement to the Wheeler Creek area.

- 3.) Location of proposed garage does not detract from adjacent property owners use, view or utility.
- 4.) Significant investment in fresh-water well and delivery system with associated water rights has already been made to property.

Variations Requested:

- 1.) Garage setback from eastern (rear) property line (see Figure 8)
 - a. Current requirement: 30 feet
 - b. Requested setback: 5 feet (25 foot variance)

We thank you for your time and consideration of this variance request.

Respectfully;

Rick and Debbie Golde
4783 Panorama Drive
Ogden. Utah 84403

• Supporting Information:

- Lot Location (Wheeler Canyon)

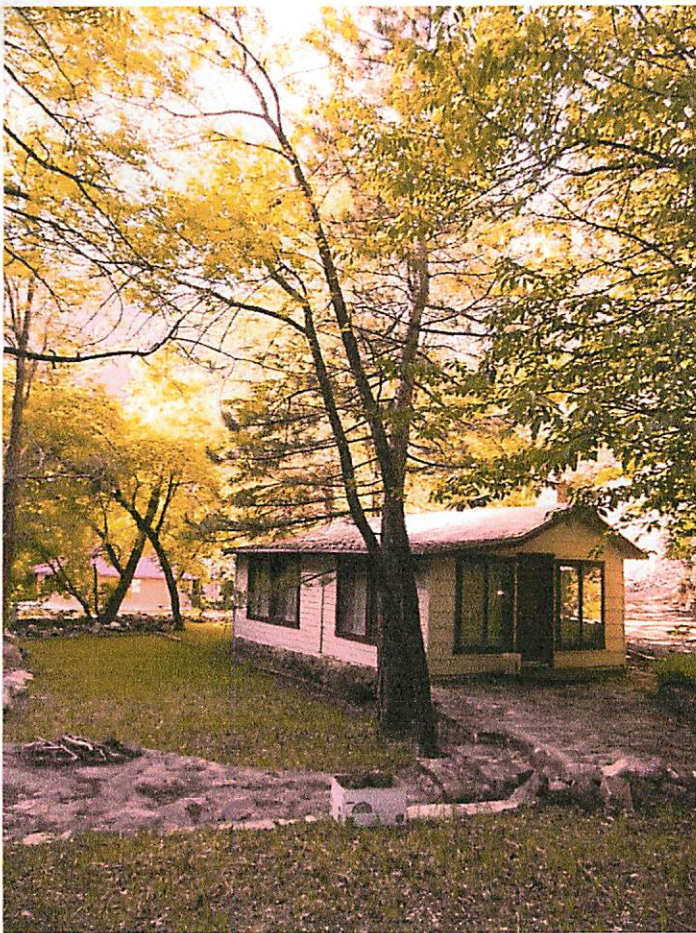


• Plot Plan / House and Garage Location



• Property Lines / House and Garage Locations are approximate and shown for reference

Figures 1a and 1b: Property location southwest of Pineview Dam



Figures 2a and 2b: Existing Cabin on property (circa 1930s), Front of property (left), Rear of property (right). Note driveway slope.



Fig. 3a: North end of lot (gently sloping entrance /driveway) Fig. 3b: South end of lot showing steep, rocky inclined area



Figure 4: Artist rendition of planned remodel of existing structure (on same footprint)

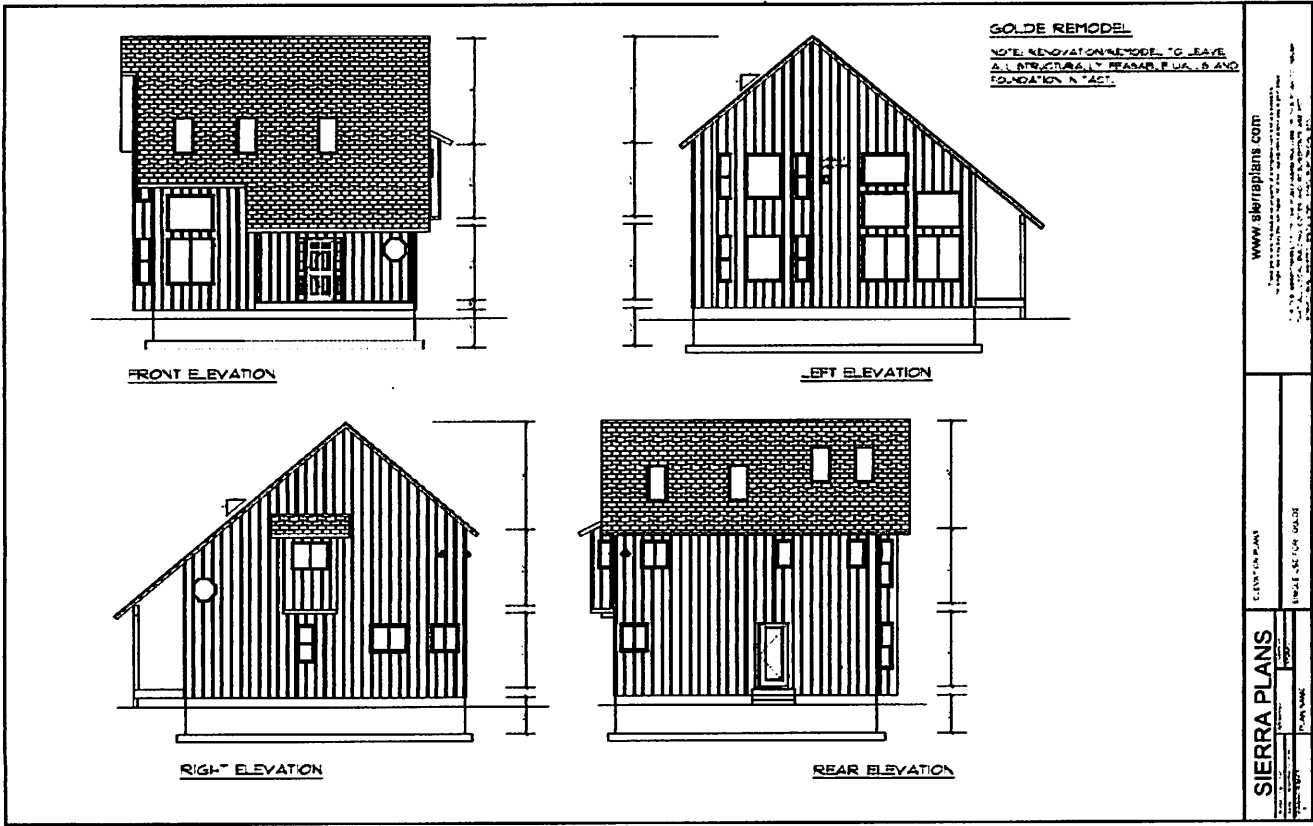


Figure 5: Professional plans already developed for remodeling (not yet engineered).