



Weber County Planning Division
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Weber County Board of Adjustment
NOTICE OF DECISION

March 7, 2016

Jeff Callahan
1031 North Coyote Run
Saratoga Springs, UT 84045

Case No.: BOA 2015-08

You are hereby notified that your request to vary the application of certain provisions of the Weber County Land Use Code was heard by the Weber County Board of Adjustment in a public hearing held on February 25, 2016, after due notice to the general public and adjacent property owners.

The Board of Adjustment has considered your request relative to the merits, circumstances, and conditions affecting the subject property and hereby renders the following decision:

Your requested variances are approved subject to the following conditions:

1. To the degree practicable, the properties shall be platted in the manner depicted in the application survey, which combines the parcels with tax ID 20-019-0004 and 20-019-0001 into one lot, and combines parcels with tax ID Tax ID 20-019-0002 and 20-018-0004 into one lot.
2. That a contiguous and similar right-of-way shall be provided from the existing County infrastructure to the right-of-way depicted on the original Wilcox Camping and Boating Resort subdivision.
3. The varied standards shall be based on the proposal in the application survey, as documented in Tables 1-4 of this staff report. Minor modifications to the plat may be permitted only to enable a successful subdivision plat amendment pursuant to the applicable requirements of the County ordinances and applicable governing standards of subdivision review agencies.
4. That the reduced area and width requirements of lot 32 may be further reduced to provide for any necessary platting of rights-of-way, pursuant to the applicable requirements of County ordinances and applicable governing standards of subdivision review agencies.
5. That all local, state, and federal laws are observed.

This decision is based on the following findings:

1. The applicant's have demonstrated that the literal enforcement of the ordinances would cause an unreasonable hardship that is not necessary to carry out the general purposes of the Land Use Code in that if the literal ordinances were applied the subject properties may be deemed unbuildable – prohibiting development on lots 32 and 36 and rendering the existing single family dwellings on lots 33 and 35 illegal and incapable of obtaining any future land use permits, including a permit to rebuild the structures if they were destroyed.
2. The hardship is associated with peculiar circumstances of the characteristics of the property and is not self-imposed. The applicants did not create this hardship, but rather, the hardship exists in large part due to the advent of the small lots in the Wilcox Camping and Boating Resort subdivision, which was first platted in 1910, and further complicated by the adoption and application of the F-40 zone, which provides area, width, and setback standards that are development prohibitive if literally enforced.
3. The applicants have demonstrated that there are special circumstances attached to the property that do not generally apply to other properties elsewhere in the same zone, and these special circumstances are directly related to the specified hardship. Namely, the specified special circumstances are three-fold:



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- a. The undersized nature of the properties in the F-40 zone is a result of the original Wilcox Camping and Boating Resort subdivision, which pre-dates the development standards of the F-40 zone;
 - b. The creation of the buildings on lots 33 and 35 also predate the development standards of the F-40 zone.
 - c. The overall configuration of the original Wilcox Camping and Boating Resort subdivision as it relates to the subject parcels has not proven conducive to effective property ownership, maintenance, or management by past owners. The original property boundaries of the Wilcox Camping and Boating Resort subdivision have been found by the applicant's surveyor to transect existing dwelling units. This, together with the historic movement of Wheeler Creek, and the desire to separate ownership of the two existing single family dwelling units, have presumably led to the historic reconfiguration of parcel boundaries by previous property owners. Such reconfiguration was – in part – approved by the County in 2004.
4. The granting of the variances is essential to the enjoyment of a substantial property right possessed by other property owners in the same zone. If the ordinance is literally enforced the property right of creating or legally maintaining a single family dwelling and related uses on the parcels would be withheld.
 5. The variances do not substantially affect the intent of the general plan, nor are contrary to public interest. Literal enforcement of the ordinance would likely result in a lack of reinvestment in the neighborhood, leading to undesirable results. Granting of the variances will stimulate reinvestment in the area and encourage better perpetual property maintenance.
 6. The spirit of the Land Use Code is observed and substantial justice is done. The intent of the land use ordinances are, in part, to promote order, prosperity, and welfare. The granting of the variances would do better to provide for the advancement of these values.

This letter is intended to be a courtesy notice, and should not be construed as the complete written record. The complete written record, once approved, is on file in the Weber County planning division.

Respectfully,

Charles Ewert, AICP
Principal Planner

The approval of a Board of Adjustment Case is issued to the owner of the land as signed on the application and is valid for a period of time not longer than 18 months from the date of the Board decision or until an ordinance amendment changes the conditions upon which the decision was made. The issuance of a building permit for development stated in the Board of Adjustment case application constitutes full use of the variance or other benefit applied for.