

## 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)	File Number (Office Use)
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### Property Owner Contact Information

Name of Property Owner(s) <i>Jeff Burningham</i>		Mailing Address of Property Owner(s)	
Phone <i>801-358-4517</i>	Fax	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Email Address <i>cw4185@hotmail.com</i>			

### Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s) <i>Casson Young Solitude Builders</i>		Mailing Address of Authorized Person <i>PO Box 829 Eden UT 84310</i>	
Phone <i>801-452-5020</i>	Fax	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Email Address <i>cw4185@hotmail.com</i>			

### 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>6803 East 6675 North Eden UT 84310</i>		Land Serial Number(s)	
Current Zoning			
Existing Measurements		Required Measurements (Office Use)	
Lot Area <i>12,205</i>	Lot Frontage/Width <i>84.48</i>	Lot Size (Office Use)	Lot Frontage/Width (Office Use)
Front Yard Setback <i>25</i>	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.

*Please see Attached*

**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.

*Attached*

**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:

*Attached*

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

*Attached*

Variance Request (continued...)

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

*Attached*

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

*Attached*

Property Owner Affidavit

I (We), Jeff & Sally Bunnigham, 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)

*[Signature]*  
(Property Owner)

Subscribed and sworn to me this 31 day of Oct, 2016



*[Signature]*  
(Notary)

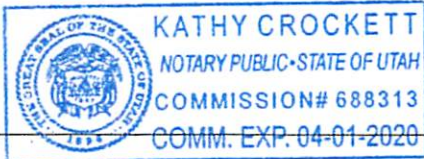
Authorized Representative Affidavit

I (We), Jeff & Sally Bunnigham, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), Carson Young, 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.

*[Signature]*  
(Property Owner)

*[Signature]*  
(Property Owner)

Dated this 31 day of Oct, 2016, personally appeared before me Jeff & Sally Bunnigham, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.



*[Signature]*  
(Notary)

## Narrative

We are requesting a 12' front front yard setback because of the steepness of the slope off the lot .

Granting a 12' front yard setback will enable us to build a HOA required garage and also give the required off street parking .

1- Caring out resort ordinance DRR1 . Front Set-back of 0'

2- This lot has a steeper slope then most lots in this zone . Which makes it very difficult to meet the requirements set for building in this zone . It also enables us to build a drive way that meets Weber County requirements of driveway slope .

3- Granting this variance is essential to this property to be able to build a safe and usable driveway because of the steepness of the lot . It is also essential for this variance to be granted in order to met the requirements of Weber County and the subdivisions requirements .

4-This variance will not effect the general plan of the zone because the rest of the zone is a zero front yard setback .

5- We are trying to maintain a front yard set back when the rest of the zone has a zero front yard setback .

# POWDER MOUNTAIN WEST SUBDIVISION - PHASE 3

PART OF SECTION 1, T. 7 N., R. 1 E., S. L. B. & M.

WEBER COUNTY, UTAH

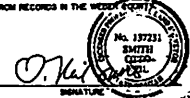
MAY 1995

**SURVEYOR'S CERTIFICATE**

I, O. MEL SMITH, A REGISTERED LAND SURVEYOR IN THE STATE OF UTAH, DO HEREBY CERTIFY THAT THIS PLAT OF POWDER MOUNTAIN WEST SUBDIVISION - PHASE 3, IN WEBER COUNTY, UTAH HAS BEEN CORRECTLY DRAWN TO THE DESIGNATED SCALE AND IS A TRUE AND CORRECT REPRESENTATION OF THE FOLLOWING DESCRIPTION OF LANDS INCLUDED IN SAID SUBDIVISION BASED ON DATA COMPILED FROM RECORDS IN THE WEBER COUNTY RECORDS OFFICE AND OF A SURVEY MADE ON THE GROUND.

SIGNED THIS 22<sup>ND</sup> DAY OF MAY, 1995.

O. MEL SMITH  
LICENSE NO.



**OWNER'S DEDICATION**

WE, THE UNDERSIGNED OWNERS OF THE HEREIN DESCRIBED TRACT OF LAND, HEREBY SET APART AND RESERVE THE SAME INTO LOTS AND STREETS AS SHOWN ON THIS PLAT AND NAME SAID TRACT, POWDER MOUNTAIN WEST SUBDIVISION - PHASE 3, AND HEREBY DEDICATE, GRANT AND CONVEY TO WEBER COUNTY, UTAH ALL THAT PORTION OF SAID TRACT OF LAND DESIGNATED AS PRIVATE ROADS, THE SAME TO BE USED AS PUBLIC UTILITY EASEMENTS AND ALSO DEDICATE TO WEBER COUNTY THOSE CERTAIN STRIPS AS EASEMENTS FOR PUBLIC UTILITY AND DRAINAGE PURPOSES AS SHOWN HEREON, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES AND DRAINAGE AS MAY BE AUTHORIZED BY WEBER COUNTY.

SIGNED THIS 07<sup>TH</sup> DAY OF May, 1995.

BY: Ray M. Moss  
RAY M. MOSS - CHAIRMAN FOR POWDER MOUNTAIN WATER AND SEWER IMPROVEMENT DISTRICT.

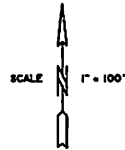
**BOUNDARY DESCRIPTION**

BEGINNING AT A POINT LOCATED WEST 2644.99 FEET AND SOUTH 6246 FEET FROM THE SOUTHWEST CORNER OF SECTION 36, T. 6 N., R. 1 E., S. L. B. & M.; SUCH POINT BEING ALSO LOCATED ON THE SOUTHWEST BOUNDARY OF ASPEN DRIVE 30 DESCRIBED AS PARCEL 9 OF POWDER MOUNTAIN WEST SUBDIVISION - PHASE 1; THENCE TO THE RIGHT ON THE ARC OF A CURVE WHOSE RADIUS IS 2100.00 FEET, A DISTANCE OF 24.10 FEET, WHOSE CHORD LENGTH IS 24.08 FEET AND A BEARING OF S 77° 10' 23" E, ALONG SUCH BOUNDARY, THENCE S 68° 57' 43" E 72.89 FEET, THENCE TO THE LEFT ON THE ARC OF A CURVE WHOSE RADIUS IS 2830.00 FEET, A DISTANCE OF 104.64 FEET, THENCE S 90° 00' 00" E 70.14 FEET, THENCE TO THE RIGHT ON THE ARC OF A CURVE WHOSE RADIUS IS 3630.00 FEET, A DISTANCE OF 98.99 FEET, THENCE S 74° 03' 53" E 117.79 FEET, THENCE TO THE LEFT ON THE ARC OF A CURVE WHOSE RADIUS IS 6400.00 FEET, A DISTANCE OF 249.88 FEET, THENCE N 82° 43' 30" E 144.87 FEET, THENCE S 07° 18' 30" E 134.70 FEET, THENCE S 84° 27' 03" W 333.87 FEET, THENCE N 78° 34' 08" W 448.11 FEET, THENCE N 39° 56' 02" W 108.20 FEET, THENCE N 10° 22' 03" E 53.49 FEET TO SAID POINT OF BEGINNING.

CONTAINS 10 LOTS AND 2844 ACRES.

**CURVE DATA**

NO.	DELTA	RAD	ARC	TAN	CHORD	CHORD BRNG.
(1)	06° 23' 17"	215.00	24.10	12.08	24.08	S 77° 10' 23" E
(2)	21° 02' 15"	283.00	104.64	92.82	104.06	S 79° 28' 52" E
(3)	10° 04' 00"	283.00	80.07	28.10	80.01	S 75° 09' 43" E
(4)	10° 06' 15"	283.00	84.57	27.27	84.43	S 84° 30' 02" E
(5)	10° 04' 07"	283.00	83.99	42.28	83.72	S 82° 27' 37" E
(6)	08° 38' 48"	283.00	42.33	21.13	42.31	S 90° 40' 32" E
(7)	08° 32' 23"	283.00	83.84	28.84	83.81	S 79° 08' 34" E
(8)	22° 30' 37"	640.00	249.88	126.40	248.00	S 84° 06' 12" E
(9)	00° 15' 43"	640.00	2.93	1.46	2.93	S 79° 03' 49" E
(10)	07° 18' 33"	640.00	81.09	40.80	81.03	S 78° 49' 22" E
(11)	07° 15' 33"	640.00	81.09	40.80	81.03	S 86° 04' 38" E
(12)	07° 32' 46"	640.00	84.48	42.30	84.42	N 84° 30' 24" E

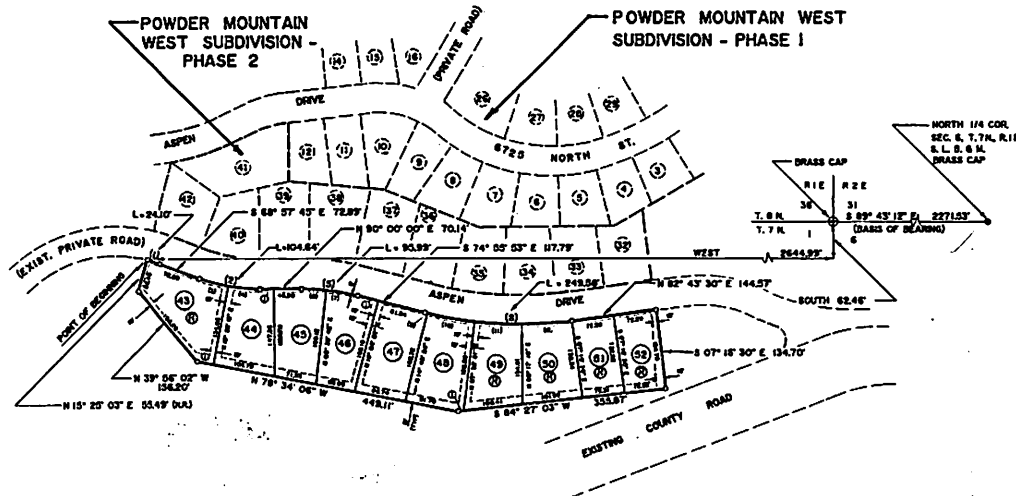


**LOT**

LOT NO.	BEARINGS	DIST.
(1)	S 78° 34' 08" E	28.27
(2)	N 90° 00' 00" E	23.94
(3)	S 74° 03' 53" E	33.85
(4)	N 84° 27' 03" E	8.81

**LOT INFORMATION**

LOT NO.	AREA (A.P.)	ADDRESS
(1)	13,340	6715 EAST ASPEN DRIVE
(2)	12,740	6727 EAST ASPEN DRIVE
(3)	12,281	6735 EAST ASPEN DRIVE
(4)	12,433	6733 EAST ASPEN DRIVE
(5)	13,248	6767 EAST ASPEN DRIVE
(6)	13,768	6777 EAST ASPEN DRIVE
(7)	12,711	6783 EAST ASPEN DRIVE
(8)	12,706	6801 EAST ASPEN DRIVE
(9)	8,502	6813 EAST ASPEN DRIVE
(10)	9,841	6825 EAST ASPEN DRIVE



- NOTES:**
- UTILITY EASEMENTS ARE INDICATED BY DASHED LINES. ALL EASEMENTS TO BE USED FOR IRRIGATION WATER LINES, POWER LINES, TELEPHONE LINES AND OTHER PUBLIC UTILITIES.
  - LOTS SHALL REQUIRE COUNTY HEALTH REVIEW APPROVAL.
  - PROPERTY CORNERS WERE STAKED WITH 1/2" REBAR WITHOUT CAPS IN 1983.
  - DAJ - NON-RACIAL.

**WEBER COUNTY SURVEYOR**

I HEREBY CERTIFY THAT I HAVE INVESTIGATED THE LINES OF SURVEY OF THE FOREGOING PLAT AND LEGAL DESCRIPTION OF THE LAND DESCRIBED THEREIN, AND FIND THEM TO BE CORRECT AND TO ADHERE WITH THE LINES AND MONUMENTS ON RECORD IN THIS OFFICE.

SIGNED THIS 22<sup>ND</sup> DAY OF MAY, 1995.



**WEBER COUNTY ENGINEER**

I HEREBY CERTIFY THAT I APPROVE THE REQUIRED IMPROVEMENT STANDARDS AND DRAWINGS FOR THIS SUBDIVISION AND THE AMOUNT OF FINANCIAL GUARANTEE FOR THESE IMPROVEMENTS.

SIGNED THIS 11<sup>TH</sup> DAY OF May, 1995.

Chris Christensen  
SIGNATURE

**WEBER COUNTY ATTORNEY**

I HAVE EXAMINED THE SUBDIVISION DOCUMENTS SUBMITTED WITH THIS PLAT AND FIND THEY ARE IN CONFORMANCE WITH THE CREMANCE REQUIREMENTS NOW IN FORCE AND EFFECT.

May 9<sup>TH</sup>, 1995  
DATE

Monte Westcott  
COUNTY ATTORNEY

**ACKNOWLEDGEMENT**

STATE OF UTAH  
COUNTY OF WEBER  
ON THE 22<sup>ND</sup> DAY OF May, 1995 PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY OF WEBER IN THE SAID STATE OF UTAH, THE SIGNERS OF THE ATTACHED OWNERS DEDICATION, I, IN WITNESS WHEREOF I HAVE GIVEN THEM MY COMMISSION EXPIRES: May 19, 1997.

Carl Johnston  
NOTARY PUBLIC

**CORPORATE ACKNOWLEDGEMENT**

STATE OF UTAH  
COUNTY OF WEBER  
ON THE 07<sup>TH</sup> DAY OF May, 1995 PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID STATE AND COUNTY, LEGGED TO ME \_\_\_\_\_, IN WITNESS WHEREOF I HAVE GIVEN THEM MY COMMISSION EXPIRES: \_\_\_\_\_.

Ray M. Moss  
NOTARY PUBLIC

**COUNTY RECORDER**

ENTRY NO. 1342874 FILED FOR RECORD AND RECORDED 17-MAY-95, AT 1:48 PM IN BOOK 37 OF OFFICE RECORDS, PAGE 93.

Donna O'Roarty  
COUNTY RECORDER

**WEBER COUNTY PLANNING COMMISSION**

APPROVED BY THE WEBER COUNTY PLANNING COMMISSION ON THE 9<sup>TH</sup> DAY OF May, 1995.

Wayne B. Hillman  
CHAIRMAN

**WEBER COUNTY APPROVAL**

THIS IS TO CERTIFY THAT THIS PLAT AND DEDICATION OF THIS PLAT WERE DULY APPROVED AND ACCEPTED BY WEBER COUNTY, UTAH THIS 17<sup>TH</sup> DAY OF May, 1995.

James J. Smith  
TITLE County Recorder  
SIGNATURE



**Weber County Corporation**

Weber County  
2380 Washington Blvd  
Ogden UT 84401

Customer Receipt	
Receipt Number	28532

Receipt Date
11/16/16

Received From:  
solitude builders

Time: 13:20  
Clerk: tbennett

Description	Comment	Amount
BOA Application	BOA Application Fee	\$225.00

Payment Type	Quantity	Ref	Amount
CHECK		6104	

AMT TENDERED: \$225.00

AMT APPLIED: \$225.00

CHANGE: \$0.00