

Memo

Amended application, Hipwell Estates Subdivision alternative access

Date: April 30, 2018

Regarding: Amended Request for alternative access to proposed one lot subdivision at approximately 555 South 3600 West, Ogden Utah 84401.

Applicant: Alan Franke and Cynthia Franke, 3392 North, 2575 West, Ogden, Utah 84404, 801-644-9630, frankes5@juno.com

To: Weber County Planning Department, 2380 Washington Boulevard, Suite 240, Ogden Utah, 84401

Request

Mr. and Mrs. Franke would like approval from Weber County for a private driveway access to create a single residential lot on a parcel which is approximately 12 acres. Access to a public Street would be accomplished by using an alternative private drive way connecting to 3600 West. The intent is to allow construction of a single family home to be built in the future. A formal application for a residential subdivision for the new lot will be submitted this summer. The majority of the acreage (approximately 11 acres) will continue to be used as agriculture. The private access would be 12 to 20 feet in width and improved to specifications required by Weber County.

Reasons for the Request

1. The original request for a private drive submitted in March, 2018 indicated that the Frankes would have sufficient frontage on 3600 West to dedicate a 66' ROW. For this reason, the County Engineering Staff felt the 66' ROW should be dedicated and the private drive should be denied.

Prior to the administrative review meeting, the Frankes discovered that they would only be given 34' of frontage on 3600 West. Consequently, they no longer would have sufficient frontage to create the 66' ROW. They requested that their item be pulled from the agenda so an amended application could be created and submitted.

2. Ordinance LUC §108-7-31(1)(c) indicates a full developed right of way should be provided unless the following can be shown:

Based on substantial evidence, it shall be shown that it is unfeasible or impractical to extend a street to serve such lot/parcel. Financial adversity shall not be considered; however, circumstances that may support an approval of a private right-of-way/access easement as access to a lot/parcel may include but not be limited to unusual soil, topographic, or property boundary conditions.

Since submitting the original application, Mr and Mrs. Franke have discovered that property boundary conditions on the property have changed. In order to accommodate the other party being given property, Mrs Franke's Father (Lavar Hipwell) has changed the amount of property being given to the Franks. Consequently, the Franks will have less frontage property to create the required ROW. **The Franks will now have only 34.4' of frontage on 3600 West.** There is not sufficient property to create the full 66' ROW required. The Franks are requesting approval for a private drive for a single home. The other party and Mr. Hipwell have already recorded the warranty deed transferring ownership of the other part of the property to the other party.

3. The original application included a private drive for 3 new homes. However, since the County has indicated the full 66 ' ROW would be required, the other two parties wanting to build homes have decided to not build at this time. Further, The other property owner does not wish to participate in dedicating or developing the 66' ROW required by the County at this time.
4. The Franks will sign an agreement to provide their portion(33 feet) of the 66' ROW in the future. However, another party owns the remainder of the property needed for the 66' ROW. A copy of the recorded deed describing the property given to the Franks has been attached to show how much frontage the Franks own.
5. The majority of the property owned by the Franks will continue to be used as farm land. Only enough property to provide the private drive and to build the home and provide landscaping around the home will be in residential use.