



## BOARD OF ADJUSTMENT

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### MEETING AGENDA Thursday, March 22, 2018 4:30 p.m.

*\*Pledge of Allegiance*

#### Regular Agenda Items

1. Minutes Approval of the June 8, 2017 and July 13, 2017 meeting minutes.
2. BOA 2018-01 Consideration and action on a request for a 20'4" variance to the front yard setback and a 2' variance to the side yard setback within the A-1 Zone, located at 307 S 4350 W in Ogden. (Phil Hancock, Applicant)
3. Rules of Order Approval of Rules of Order
4. Election: Election of Chair and Vice Chair for 2018
5. Adjournment

*The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1<sup>st</sup> Floor, 2380 Washington Blvd., Ogden, Utah.*

*Please enter the building through the front door on Washington Blvd. if arriving to the meeting after 5:00 p.m.*

*In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8791*

Minutes of the Board of Adjustment Meeting held June 8, 2017, held in the Weber County Commission Chambers, 2380 Washington Blvd. Floor 1, Ogden UT

Members Present: Rex Mumford – Acting Chair  
Douglas Dickson  
Nathan Buttars  
Phil Hancock

Member Excused: Neal Barker

Staff Present: Rick Grover, Planning Director; Courtlan Erickson, Legal Counsel; Tammy Aydelotte, Planner I

- Pledge of Allegiance
- Roll Call

### Regular Agenda Items

#### 1. Approval of Minutes from 3/23/2017 Meeting.

**Motion:** Nathan Buttars moves to approve the minutes from the March 23, 2017 Board of Adjustment meeting.  
**Second to the motion:** Rex Mumford **Vote taken:** All in favor (Phil Hancock recuses himself from the vote, as he had recused himself from an item on the agenda the day of the March 23<sup>rd</sup> meeting).

#### 2. BOA 2017-02: Consideration and action on a request for a 4 foot variance to the front yard setback in the FR-1 zone for the property located at 80 Ogden Canyon Road (parcel # 13-076-0018). Presenter: Rick Grover, Planning Director.

Director Grover gives overview of property – zoning setbacks, size of parcel, site plan. Mr. Grover explains the reason for the variance request. He then explains the criteria (typically 5 items) to take into consideration when examining a variance request. Mr. Grover feels the request meets the five criteria.

Acting Chair Mumford asks for clarification regarding examples included in the staff report, with reference to the subject request.

Owner: Troy Herald – 80 Ogden Canyon Rd. The applicant recently purchased the home. He gives more detail on the existing structures, relative to the slope located on the property. Mr. Herald requests the motion to be worded in a particular way, so as to not allow the proposed structure to be located any closer to the residence as the existing garage. Owner has not had a survey done, due to the expense.

Acting Chair Mumford asks if there are any questions. Board Member Phil Hancock asks if the existing garage will be demolished. The owner responds that they will convert the existing garage (once the new garage has been completed) to livable area of the home.

Director Grover explains that the motion may include wording that requests setbacks for the proposed structure be identical to the existing garage.

Mr. Dickson asks about the site plan, and an existing shed. The Board discusses with the applicant, the Planning Director, and the County Counsel, the setback requirements, and future development on the subject parcel.

**Motion:** Board Member Nathan Buttars makes a motion to grant the request for the variance for the new garage on the condition that the new structure's foundation must maintain the equivalent setbacks as the foundation for the existing attached garage. The motion is based on staff findings and recommendation for approval, taking into consideration the slope of the property. **Second to the motion:** Douglas Dickson. **Vote:** All in favor.

Motion to adjourn: Phil Hancock. Second to the motion: Nathan Buttars

1. **Public Comment for Items not on the Agenda**
2. **Remarks from Planning Commissioners**
3. **Planning Director Report**
4. **Remarks from Legal Counsel**
5. **Adjourn**

The meeting was adjourned at 7:20 p.m.

Respectfully Submitted,

Tammy Aydelotte, Planner I  
Weber County Planning Commission

Minutes of the Board of Adjustment Meeting held July 13, 2017 in the Weber County Commission Chambers, 1<sup>st</sup> Floor, 2380 Washington Blvd, commencing at 4:30 P.M.

***\*Pledge of Allegiance***  
**Regular Agenda Items**

*Present:* Rex Mumford, Acting Chair; Kevyn Grimes, Phil Hancock, Nathan Buttars

*Staff Present:* Steve Burton, Planner II; Rick Grover, Planning Director; Courtlan Erickson, Legal Counsel; Tammy Aydelotte, Secretary (Planner I)

Acting Chair Mumford – Acting Chair Mumford welcomes newly appointed Board member Kevyn Grimes. He then introduces 1<sup>st</sup> item – see staff report for wording\*\*

1. Mr. Burton, Weber County Planner, presents the item, and goes through his presentation. Request for a 15 foot variance in the Highlands. Request is to minimize site disturbance. Granting this request would protect view corridors for neighbors. Mr. Burton demonstrates the slop on a contoured map. He also presents photos taken on a staff site visit. This request conforms to variance criteria. Mr. Burton then goes on to explain staff findings as contained in the staff report. He explains that staff recommends approval based on criteria, and findings contained in the staff report. Mr. Burton mentions a request by Engineering that the applicant does not use the right of way for snow storage.

Acting Chair Mumford asks where snow will be stored. Mr. Burton responds and states that the snow may be stored on the actual parcel. Acting Chair Mumford asks regarding setbacks. Mr. Burton clarifies where home site would be located relative to neighboring properties, if the variance were not granted.

Director Grover inquires as to the position and slope of the driveway, if the variance were not granted.

Acting Chair Mumford requests clarification regarding the topographic map presented.

Ray Bertholdi – 2627 Harrison Blvd. – Discusses proposed home project having a minimal impact on surrounding slope and landscape.

Commissioner Hancock asks about the driveway length. Mr., Bertholdi explains there would still be about 25 feet from garage to the curb. Commissioner Hancock asks regarding the view corridor that would be preserved, assuming approval of the variance.

Commissioner Buttars asks about future development. Mr. Bertholdi explains that future development to the east would enjoy enhanced views if the variance were granted. Commissioner Buttars then asks regarding retaining walls and a longer driveway – if these are the main reasons for the variance request. Mr. Bertholdi outlines other reasons for the request, as well.

Acting Chair Mumford asks Director Grover if the property to the east will have similar issues. Director Grover states that the Board will most likely handle these requests on a case by case basis.

Acting Chair Mumford goes over the reasons to not consider a variance request. Asks for discussion – there is none.

Acting Chair Mumford asks for a motion. Commissioner Hancock makes a motion to approve the item based on findings in the staff report and input from the applicants' representative and the staff. 2<sup>nd</sup> to the motion: Commissioner Grimes. Vote taken: all ayes.

**Motion to adjourn: Commissioner Buttars**



# Staff Report to the Weber County Board of Adjustment

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action on a request for a 20'4" variance to the front yard setback and a 2' variance to the side yard setback within the A-1 Zone

**Agenda Date:** Thursday, March 22, 2018

**Applicant:** Phil Hancock, Owner

**File Number:** BOA 2018-01

### Property Information

**Approximate Address:** 307 South 4350 West Taylor, Utah

**Project Area:** 0.399 acres

**Zoning:** Agricultural Zone (A-1)

**Existing Land Use:** Residential

**Proposed Land Use:** Residential

**Parcel ID:** 15-639-0013

**Township, Range, Section:** T6N, R2W, Section 17

### Adjacent Land Use

<b>North:</b> Agricultural	<b>South:</b> Residential
<b>East:</b> Agricultural	<b>West:</b> Residential

### Staff Information

**Report Presenter:** Felix Lleverino  
 flleverino@co.weber.ut.us  
 801-399-8767

**Report Reviewer:** RG

## Applicable Codes

- Weber County Land Use Code Title 102 (Administration) Chapter 3 (Board of Adjustment)
- Weber County Land Use Code Title 104 (Zones) Chapter 5 (Agricultural A-1 Zone)
- Weber County Land Use Code Title 108 (Standards) Chapter 10 (Public Buildings and Public Utility Substations or Structures)

## Background

The applicant is requesting a variance for a reduction to the front and side yard setback for an unmanned secondary water system facility. For these circumstances, the front yard setback for a public utility substation (PUS) is a minimum of 30 feet. As found within LUC §108-10-2, "The side yard setback requirement shall comply with the typical setback specified in the applicable zone regulating the property." The minimum side yard setback for the A-1 Zone is 10 feet. The applicant is proposing to build a pump house that is 9'8" from the front the property line adjacent to a street and 8' from the side property line; this would require the approval of a 20'4" variance to the front yard standard and a 2' variance to the side yard standard. The application and an explanation of the request have been prepared by the applicant (Exhibit A). The entire detention basin facility is enclosed with a 5-foot chain link fence.

Henry Flats Cluster Subdivision plat was recorded on August 28<sup>th</sup>, 2017 (Exhibit C). There are several reasons why the applicant feels that a variance should be granted for this occasion. Firstly, the construction drawings were approved showing the location of the pump house. Second, when secondary water is available from Hooper Irrigation, the pump house will not be needed. Thirdly, due to the detention basin location, the canal to the north and the triangular shape of the parcel, there is not enough space to relocate the pump house further back. Fourthly, the applicant has reduced the size of the pump house by 32 square feet in an effort to minimize the variance request.

## Summary of Board of Adjustment Considerations

LUC §102-3 states that one of the duties and powers of the Board of Adjustment is to hear and decide variances from the requirements of the Weber County Land Use Code. In order for a variance to be granted it must be shown that all of the following criteria have been met:

- a. *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 Land Use Code.*
  1. *In determining whether or not literal enforcement of the land use code 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.*
  2. *In determining whether or not literal enforcement of the land use code would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.*
- b. *There are special circumstances attached to the property that do not generally apply to other properties in the same zone.*
  1. *In determining whether or not 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.*
- c. *Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.*
- d. *The variance will not substantially affect the general plan and will not be contrary to the public interest.*
- e. *The spirit of the land use ordinance is observed and substantial justice done.*

Staff's analysis and findings are discussed below:

- a. Literal enforcement of the Land Use Code would require an undesirable result. Literal enforcement of the 30-foot front yard setback and the 10-foot side yard setback would require redesigning of the detention pond and relocation of the already in place utility lines.
- b. The special circumstances that apply in this instance are due to the shape of the parcel and the canal to the north.
- c. Granting the variance would allow the owner of the parcel to build a pump house that is necessary to protect the equipment from the weather and vandalism. As well as providing private secondary water to the owners of the Henry Flats Home Owner's Association.
- d. The General Plan indicates that this area should be developed as is planned and zoned; thereby the variance and development is not contrary to any public interest.
- e. This variance request is not an attempt to avoid or circumvent the requirements of the County Land Use Code. The applicant has gone through the proper channels in applying for a variance. Granting this variance will be justified by adhering to the construction drawings that were approved in unison with the subdivision plat.

## Conformance to the General Plan

Public utility substations and their accessory structures are allowed as a conditional use in the A-1 Zone. If the requested variance is granted, it will not have a negative impact on the goals and policies of the Western Weber General Plan.

## Staff Recommendation

Staff recommends approval of a 20'4" variance to the front yard setback and a 2' variance to the side yard setback in the A-1 Zone. This recommendation is based on compliance with the applicable variance criteria discussed in this staff report and conditioned upon meeting all other applicable review agency requirements.

## Exhibits

- A. Application with Narrative
- B. Approved Detention Basin Grading plan
- C. Pump House Detail
- D. Master Grading Plan
- E. Master Utility Plan
- F. Pump House Plan
- G. Recorded Subdivision Plat
- H. Site Photos

Location Map 1



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 2-23-2018	Fees (Office Use) \$225.00	Receipt Number (Office Use)	File Number (Office Use)
Property Owner Contact Information			
Name of Property Owner(s) Henry Flats HOA.		Mailing Address of Property Owner(s) 5120 S. 275 E. STE A. Ogden, Utah 84405	
Phone 801-721-6720	Fax		
Email Address phancock@hancock.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) Phil Hancock		Mailing Address of Authorized Person SAME	
Phone 801-721-6720	Fax		
Email Address SAME		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Appeal Request			
<input type="checkbox"/> 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 <input checked="" type="checkbox"/> A variance request: __ Lot area <input checked="" type="checkbox"/> Yard setback    __ Frontage width    __ Other: _____ <input type="checkbox"/> 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 <input type="checkbox"/> An Interpretation of the Zoning Ordinance <input type="checkbox"/> An Interpretation of the Zoning Map <input type="checkbox"/> Other: _____			
Property Information			
Approximate Address 307 South 4350 West Ogden, UT 84404		Land Serial Number(s) 153690013	
Current Zoning A-1			
Existing Measurements		Required Measurements (Office Use)	
Lot Area 3.56 Acres.	Lot Frontage/Width	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.

Request a variance on side yard and front yard set back to allow construction of a pump house used for secondary water system for Henry Flats Cluster Subdivision. Approved subdivision plan shows a front yard setback at 3'0" and a side yard setback at 5'0". The requested variance is for a front yard setback of 9'8" and a sideyard of 8'.

### 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.

The pump house is used for the sole purpose of providing a pressurized secondary water system for the 12 lots in the subdivision and will be maintained by the subdivision H.O.A. The building has been reduced in size to only allow for installation and maintenance of equipment. The pumps and electrical equipment have to be protected from the elements and vandalism. When secondary water is available from Hooper Irrigation the pump will not be needed.

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.

The subdivision was approved and the underground utilities were all installed as per approved drawings. The pump house was shown on approved drawings. When a land use permit was applied for "set back" requirements for the pump house were determined not to meet zoning ordinance. This parcel is not a buildable lot, is used for the storm water detention, and secondary water system only. There not enough space on the lot to relocate the pump house to another area. All improvements were installed as per approved drawings.

Original approved drawings show the front setback at 3'-0" from property and the current application has moved it to the East for a setback of 9'-8". The side yard setback was shown at 5'-0" and current application is at 8'. An effort therefore is made to come as close to requirements as possible.

This small building is owned and maintained by the H.O.A. of the subdivision and has been reduced in size from 14'x8' to 10'x8' to reduce the foot print.

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.

**Variance Request (continued...)**

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

The details of the pump house were clearly shown on the approved drawings and were installed as shown prior to set back requirements becoming an issue. There is really no other location on this parcel that the pump house will fit.

**Property Owner Affidavit**

I (We), \_\_\_\_\_, 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 \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
(Notary)

**Authorized Representative Affidavit**

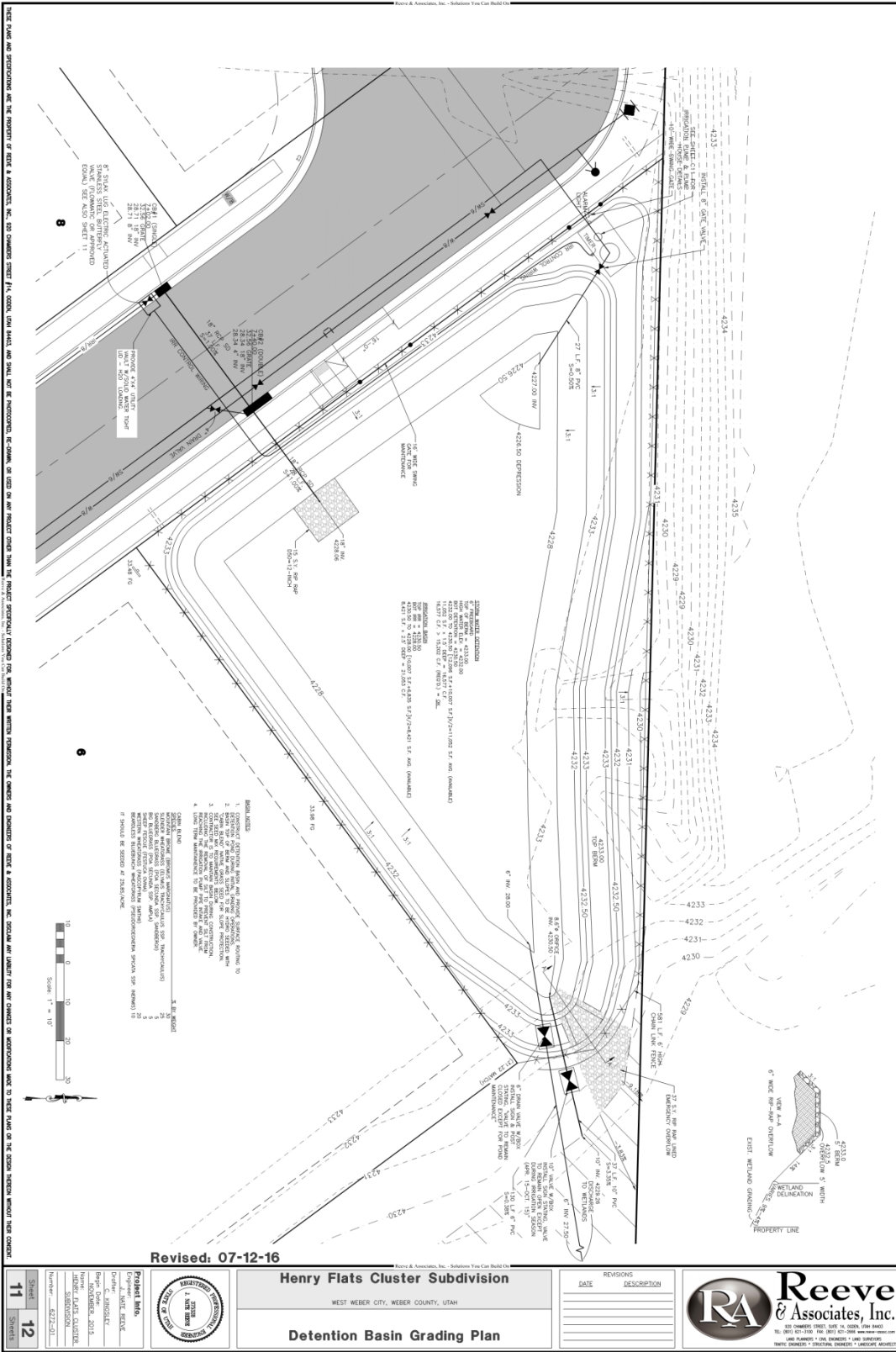
I (We), \_\_\_\_\_, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), \_\_\_\_\_, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

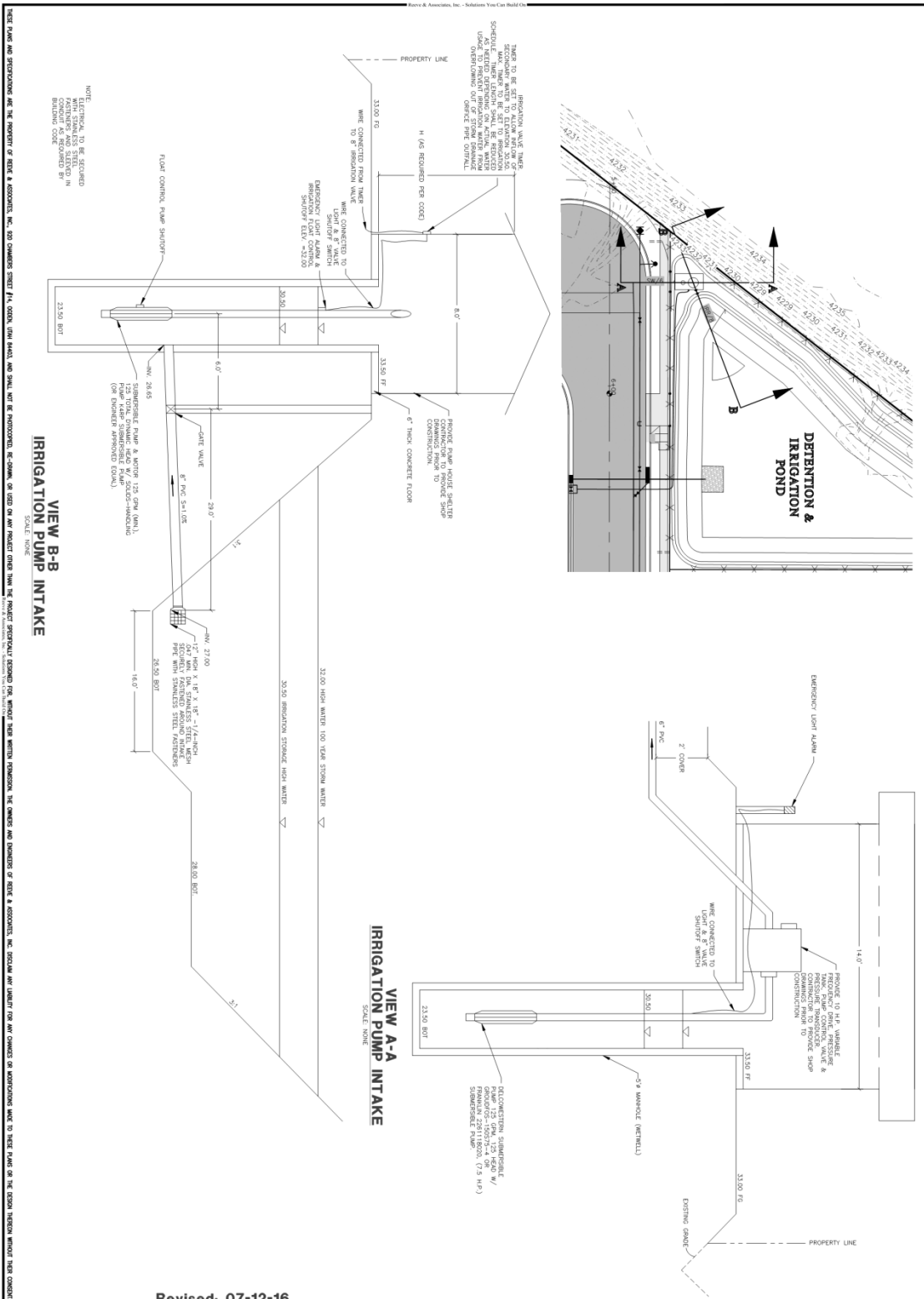
\_\_\_\_\_  
(Property Owner)

\_\_\_\_\_  
(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)





Revised: 07-12-16

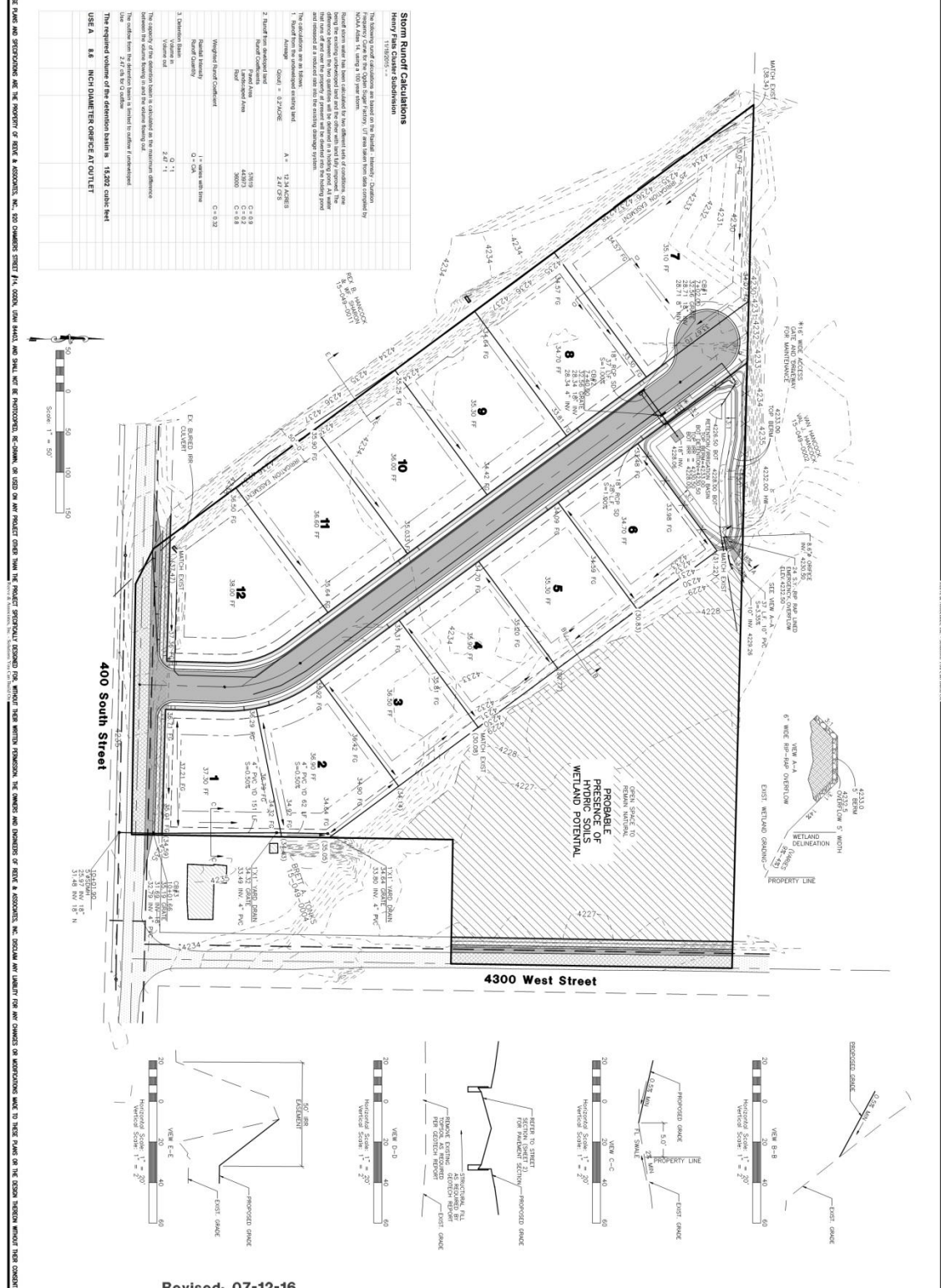
Henry Flats Cluster Subdivision  
WEST WEBER CITY, WEBER COUNTY, UTAH  
Irrigation Pump House Details

**Project Info:**  
Project: HENRY FLATS CLUSTER  
Phase: CONSTRUCTION  
Date: NOVEMBER, 2013  
Client: WEST JORDAN CITY  
Designer: LANCE BIRCH

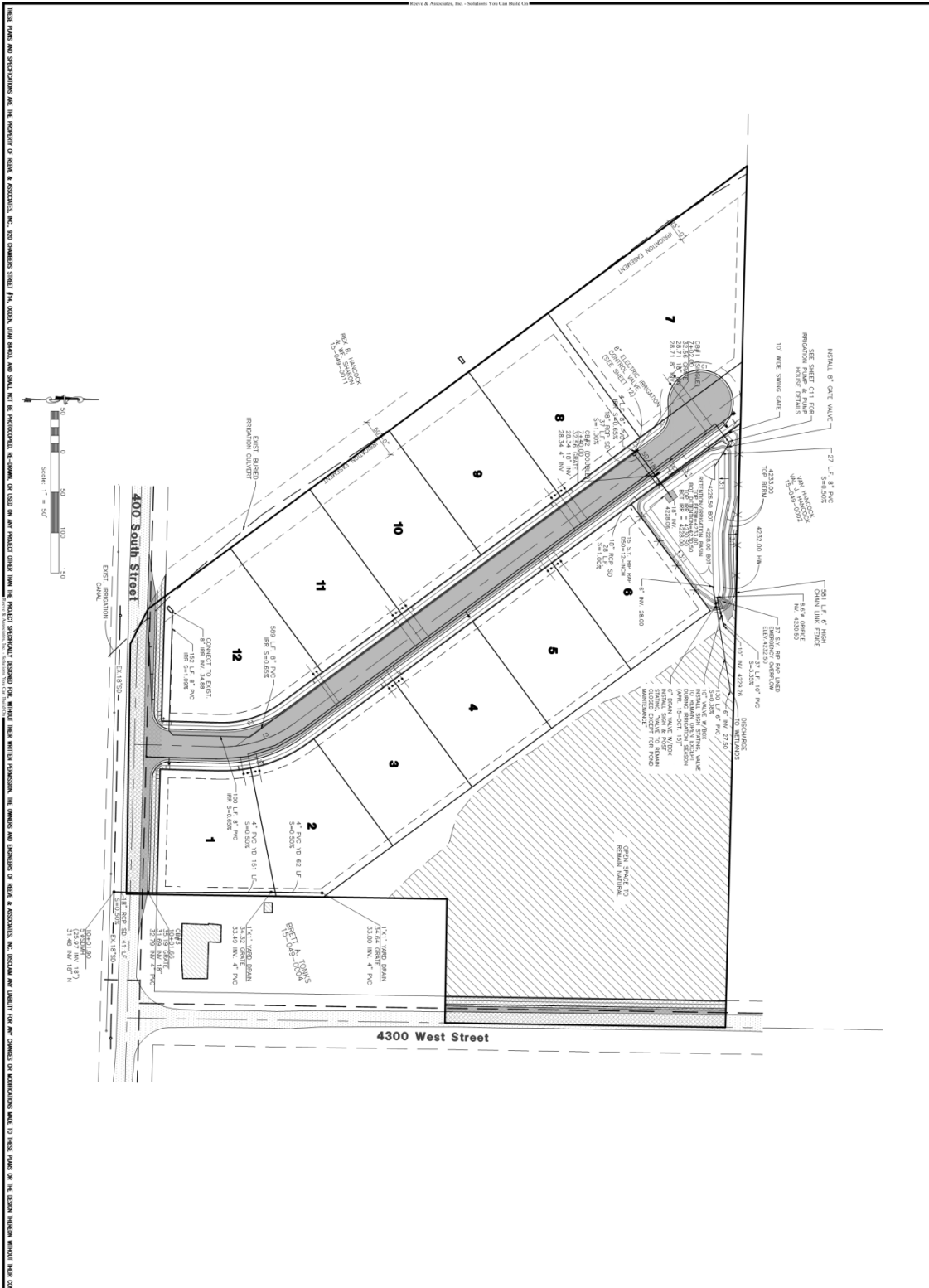
**Scale:** 10'  
**Sheet:** 12  
**Drawn:** SHERIDAN

**Reeve & Associates, Inc.**  
833 CHAMBERS STREET, SUITE 14, COOK, ILL. 60014  
TEL: 815-353-1300 FAX: 815-353-1301 WWW.REEVE-ASSOCIATES.COM  
LAND PLANNING • CIVIL ENGINEERING • LAND SURVEYING  
WATER ENGINEERING • STRUCTURAL ENGINEERING • UTILITY ENGINEERING

Reeve & Associates, Inc. - Solutions You Can Build On



<p><b>Revised: 07-12-16</b></p>		<p>Reeve &amp; Associates, Inc. - Solutions You Can Build On</p>									
<p><b>Henry Flats Cluster Subdivision</b></p> <p>WEST WEBER CITY, WEBER COUNTY, UTAH</p>											
<p><b>Master Grading Plan</b></p>		<p>DATE: _____</p> <p>REVISIONS:</p> <table border="1"> <tr> <th>NO.</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </table>		NO.	DESCRIPTION						
NO.	DESCRIPTION										
<p>Project Info:</p> <p>Project Name: HENRY FLATS CLUSTER</p> <p>Project Location: WEST WEBER, UTAH</p> <p>Project Number: 2015-00000000</p> <p>Project Date: 07/12/16</p> <p>Project Status: PRELIMINARY</p> <p>Project Engineer: [Signature]</p>		<p><b>RA</b> Reeve &amp; Associates, Inc.</p> <p>100 WEST WEBER STREET, SUITE 100, WEST WEBER, UTAH 84414</p> <p>TEL: 435-636-3300 FAX: 435-636-3301 WWW.REEVE-ASSOCIATES.COM</p> <p>ALL RIGHTS RESERVED. THIS PLAN IS THE PROPERTY OF REEVE &amp; ASSOCIATES, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.</p>									
<p>Sheet 7 of 12</p> <p>Sheets</p>											



Revised: 07-12-16

Henry Flats Cluster Subdivision  
 WEST WEBER CITY, WEBER COUNTY, UTAH

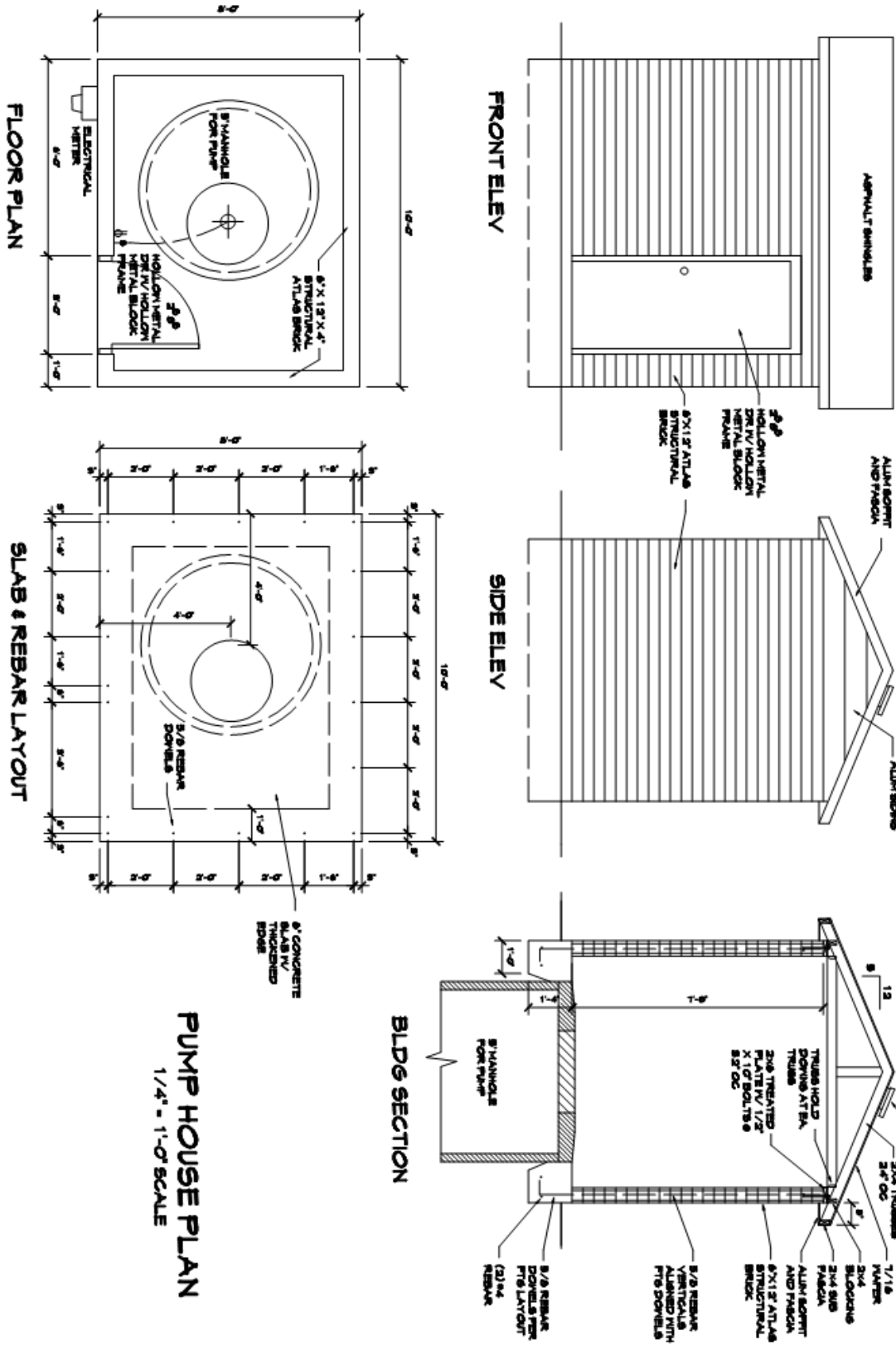
Master Utility Plan

DATE	REVISIONS DESCRIPTION

**Reeve & Associates, Inc.**  
 325 CHAMBERS STREET, SUITE 14, OGDEN, UTAH 84403  
 801.466.2100 FAX 801.466.2101  
 LAND PLANNERS • CIVIL ENGINEERS • LAND SURVEYORS  
 WATER ENGINEERS • TRAFFIC ENGINEERS • LANDSCAPE ARCHITECTS

**Project Info:**  
 Project Name: HENRY FLATS CLUSTER  
 Date: NOVEMBER, 2015  
 Designer: REEVE & ASSOCIATES, INC.  
 Number: 6272-201

Sheet 6 of 12





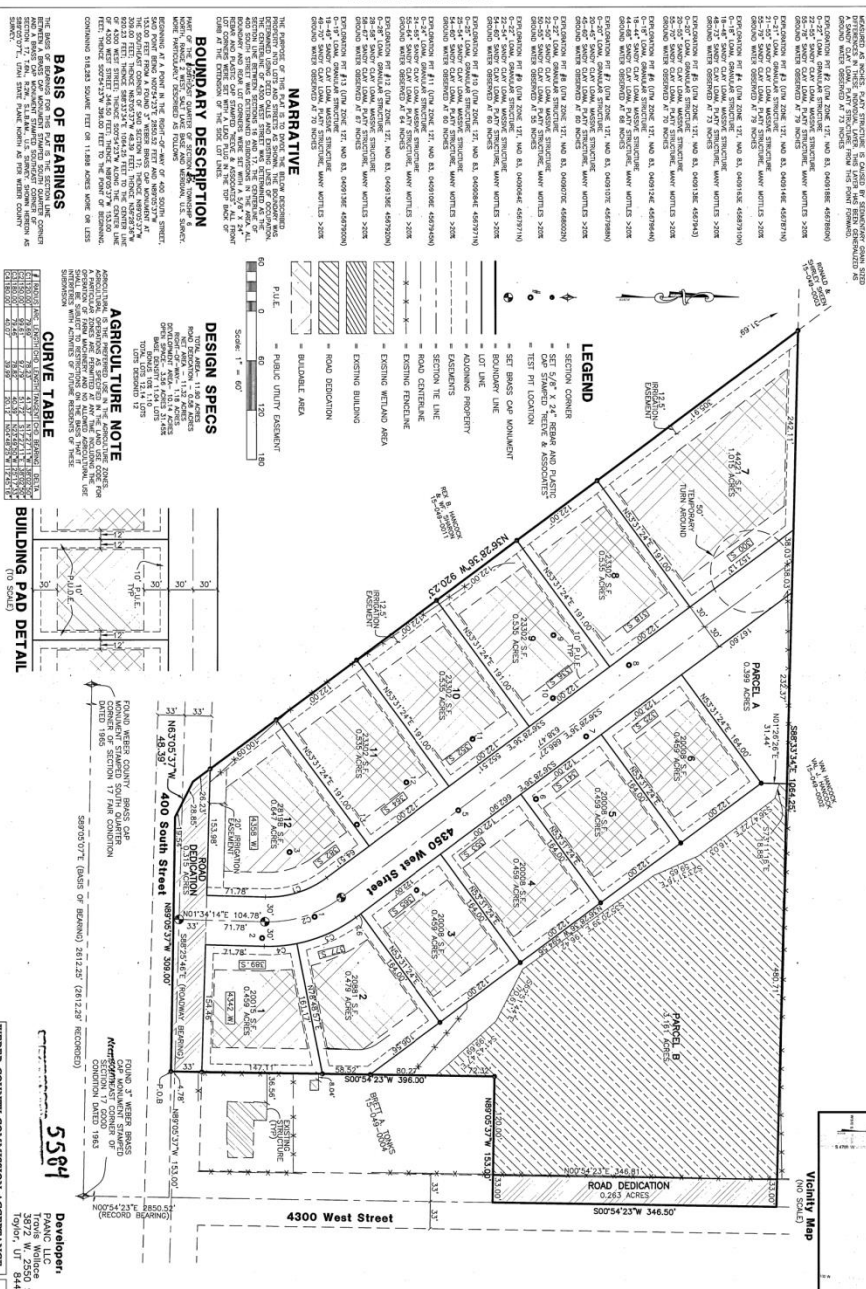
02-18

EXPLORATION PITS

AN EXAMINATION OF THE SITE AND SOILS AT THE ABOVE DESCRIBED ADDRESS... EXPLORATION PIT #1 (GRID ZONE 121, AND E1, COORDINATE 4458317.0)

HENRY FLATS CLUSTER SUBDIVISION

PART OF THE NE 1/4 OF SECTION 17, 16N., R2W., SLB & M., U.S. SURVEY  
WEBER COUNTY, UTAH  
SEPTEMBER, 2018



BOUNDARY DESCRIPTION  
THE BOUNDARY OF THE ABOVE DESCRIBED PROPERTY... BEING THE SOUTHWEST CORNER OF THE SECTION 17, 16N., R2W., SLB & M., U.S. SURVEY

AGRICULTURE NOTE  
THE PROPERTY IS CURRENTLY USED FOR AGRICULTURE... THE PROPERTY IS NOT TO BE USED FOR ANY OTHER PURPOSE

BUILDING PAD DETAIL  
A 10' x 10' BUILDING PAD IS SHOWN... THE BUILDING PAD IS TO BE USED FOR A RESIDENTIAL BUILDING

WEBER COUNTY PLANNING  
THIS IS TO CERTIFY THAT THE SUBDIVISION PLAN WAS REVIEWED... AND APPROVED BY THE WEBER COUNTY PLANNING COMMISSION

WEBER COUNTY ENGINEER  
I HEREBY CERTIFY THAT THE SUBDIVISION PLAN... AND THE ENGINEERING DRAWINGS THEREON... COMPLY WITH THE REQUIREMENTS OF THE UTAH SUBDIVISION ACT

WEBER-MORGAN HEALTH DEPARTMENT  
I HEREBY CERTIFY THAT THE SUBDIVISION PLAN... AND THE ENGINEERING DRAWINGS THEREON... COMPLY WITH THE REQUIREMENTS OF THE UTAH SUBDIVISION ACT

WEBER COUNTY ATTORNEY  
I HEREBY CERTIFY THAT THE SUBDIVISION PLAN... AND THE ENGINEERING DRAWINGS THEREON... COMPLY WITH THE REQUIREMENTS OF THE UTAH SUBDIVISION ACT

WEBER COUNTY COMMISSION ACCEPERANCE  
THIS IS TO CERTIFY THAT THE SUBDIVISION PLAN... AND THE ENGINEERING DRAWINGS THEREON... COMPLY WITH THE REQUIREMENTS OF THE UTAH SUBDIVISION ACT

DAVELOPER: DAVENPORT, TONYA MORGAN S  
1700 S. WILSON BLVD  
TOWN OF HENRY, UT 84401

SUBDIVISION CERTIFICATE  
I, TONYA MORGAN S, DAVELOPER OF THE ABOVE DESCRIBED SUBDIVISION... HAVE HEREBY RECEIVED FROM THE UTAH DEPARTMENT OF HERITAGE AND ARTS... THE SUBDIVISION CERTIFICATE

OWNERS DEDICATION AND CERTIFICATION  
WE, THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND... DO HEREBY DEDICATE AND RESERVE TO THE PUBLIC... THE TRACT OF LAND SHOWN ON THE ATTACHED MAP

ACKNOWLEDGMENT  
STATE OF UTAH, COUNTY OF WEBER, I, TONYA MORGAN S, DAVELOPER OF THE ABOVE DESCRIBED SUBDIVISION... DO HEREBY ACKNOWLEDGE THAT THE SUBDIVISION PLAN... WAS FILED FOR RECORD IN THE PUBLIC RECORDS OF THE COUNTY OF WEBER, UTAH

IRPA & Associates, Inc. logo and contact information. Includes name, address, phone, and website.





**WEBER COUNTY BOARD OF ADJUSTMENT  
RULES OF PROCEDURE AND ETHICAL CONDUCT**

A Board of Adjustment shall be governed by the provisions of all applicable Statutes, County Ordinances and these rules.

**I**

**MEMBERS**

The Board of Adjustment shall each consist of five voting members, and two alternates, all of whom shall be citizen members appointed by the County Commission in accordance with the provisions of Utah Code Annotated and Weber County Ordinances .

**II**

**OFFICERS AND DUTIES**

**A. Chair and Vice Chair**

The Board of Adjustment shall elect annually, during the first regularly scheduled meeting in January, a Chair and Vice Chair who may be elected to succeed themselves for one additional term only. The Chairman shall be elected from the voting members of the Board of Adjustment by a majority of the total membership. The Chair, or in his/her absence or incapacity, the Vice Chair, shall preside over all meetings and hearings of the Board of Adjustment and shall execute all official documents and letters of the Board of Adjustment.

**B. Secretary**

The Director of Planning or his/her designated Staff member shall be the Secretary of the Board of Adjustment.

**III**

**MEETINGS**

**A. Quorum**

Three (3) or more members shall constitute a quorum for the transaction of business and the taking of official action; however, in the case of only three members in attendance, a unanimous vote shall be required to approve or deny an application.

**B. Time of Meeting**

Regular meetings shall be held on the second and fourth Thursdays of each month, or at the call of the Chair, at a time to be scheduled by Staff in the Weber County Commission Chambers of the Weber Center, 2380 Washington Blvd., Ogden. The date of the regular meeting may be changed by the majority of the total membership of the Board of Adjustment provided at least one week notice is given each member of the new date of a regular meeting.

**C. Meetings Open to the Public**

All regular or special meetings of the Board of Adjustment shall be open to the public.

**D. Order of Business**

The order of business shall be:

1. Approval of the minutes of previous meeting
2. Petitions for Variance, Special Exceptions or other applicable matters.
3. Other Business
4. Adjournment

The Board of Adjustment may change the order of business or consider matters out of order for the convenience of the applicants or other interested persons.

**E. Voting**

An affirmative vote of the three (3) or more of the voting members present at the meeting shall decide all matters under consideration by the Board of Adjustment unless otherwise provided for in these rules.

Voting shall be by voice vote. The Chair votes on all questions unless the Chair has declared a conflict of interest on a specific issue under consideration before the Board of Adjustment. No voting member of the Board shall be allowed to abstain from voting on any matter under consideration by the Board, unless that member has declared a conflict of interest on the matter under consideration before the Board of Adjustment.

**F. Parliamentary Procedure**

Parliamentary procedure in Board of Adjustment meetings shall be governed by Robert's Rules of Order, as revised.

**G. Suspension of Rules**

The Board of Adjustment may suspend any of these rules by a majority vote of the entire Board.

H. Record of Meetings

The Secretary of the Board of Adjustment shall keep an accurate record of the proceedings and perform other duties as the Board of Adjustment may determine.

J. Meeting Agenda

The Planning Director or his designated Staff member shall review items proposed for the Board of Adjustment meeting agenda to determine whether all requirements necessary for Board of Adjustment consideration have been complied with. The Board shall establish reasonable deadlines for submission of applications and other items for Board of Adjustment consideration prior to a Board of Adjustment meeting to allow sufficient time for staff and agency review.

K. Non Performance or Misconduct - Removal from Office

In the event any member of the Board of Adjustment shall fail to attend more than seventy percent of the Board of Adjustment meetings held during any one year, the member may be removed from office by an affirmative vote of the majority of the County Commission. Any member of the Board of Adjustment may be removed for cause, upon written charges, by an affirmative vote of the majority of the County Commission. The member shall be provided a Public Hearing, if requested.

IV

CONSIDERATION OF APPLICATIONS

A. Hearing Procedure

Any person may appear in person, by agent or attorney at any meeting of the Board of Adjustment. The order of procedure in the hearing of each application shall be as follows:

1. Presentation by the Planning Staff of the application, including staff recommendation.  
Presentation shall include the reading of pertinent written comments or reports concerning the application.
2. Additional presentation by applicant or his/her agent.
3. Public comments in favor of application.

4. Public comments against application.
5. Rebuttals by invitation of the Chair.

**B. Decisions**

Decisions and/or recommendations of the Board of Adjustment shall be final at the end of the meeting at which the matter is decided. The Board of Adjustment Staff shall send a Letter of Decision to the applicant, his/her attorney or agent.

**V**

**RULES OF ETHICAL CONDUCT FOR A BOARD OF ADJUSTMENT MEMBER**

**Preamble**

1. Ethical practice has special relevance to all people who are charged with responsibilities in public service. Board members, whose decisions and actions have long-range consequences for later generations, must be keenly concerned to adhere to ethical principles.
2. Codes of ethics, as commonly adopted, present a catalog of temptations that are prohibited. It cannot be an exhaustive catalog: human imagination is sufficiently rich to discover new variations of old temptations. The existence of a code simply puts a challenge, to some, to find a gap or loop-hole. Emphasis must be put not on the letter of prohibition but on the spirit of observance. A performance standard of ethical behavior will be superior to a specification standard.

**A. Conflict of Interest**

A Board of Adjustment member to whom some private benefits may come as the result of a Board of Adjustment action should not be a participant in the action.

1. The private benefit may be direct or indirect, create a material, personal gain or provide a distinct advantage to relations or to friends or to groups and associations which hold some share of a person's loyalty. However, mere membership itself in a group or organization shall not be considered a conflict of interest as to Board of Adjustment action concerning such groups or associations unless a reasonable person would conclude that such membership in itself would prevent an objective consideration of the matter.
2. A Board member experiencing, in his/her opinion, a conflict of interest, should declare his/her interests publicly, abstain from voting on the action, and may excuse himself/herself from the

room during consideration of the action. He/she should not discuss the matter privately or with any other Board member. The vote of a Board member experiencing a conflict of interest who fails to disqualify himself shall be disallowed.

3. A conflict of interest may exist under these rules although a Board member may not believe he/she has an actual conflict; therefore, a Board member who has any question as to whether a conflict of interest exists under these rules should raise the matter with the other Board members and the County Attorney's representative in order that a determination may be made as to whether a conflict of interest exists.
4. No Board of Adjustment member should engage in any transaction in which he/she has a financial interest, direct or indirect, with the agency or jurisdiction that he/she serves unless the transaction is disclosed publicly and determined to be lawful.
5. The Board members that the County Commission, in making appointments to the Board of Adjustment, not attempt to exclude whole categories or associations of business, professional, or other persons in anticipation of conflict of interest problems. The service of competent people of good character need not be sacrificed. Their withdrawal from participation in planning matters is necessary only in those specific cases in which a conflict of interest arises.

**B. Gifts and Favors**

Gifts, favors or advantages must not be accepted if they are offered because the receiver holds a position of public responsibility.

The value of a gift or advantage and the relation of the giver to public business should be considered in determining acceptability. Small gifts that come in the form of business lunches, calendars or office bric-a-brac are often, not always, acceptable. In cases of doubt, refuse. In cases of marginal doubt, refuse.

**C. Treatment of Information**

It is important to discriminate between information that belongs to the public and information that does not.

1. Reports and official records of a public agency must be open on an equal basis to all inquiries. Advice should not be furnished to some unless it is available to all.



2. Information on private affairs that is learned in the course of performing planning duties must be treated in confidence. Private affairs become public affairs when an official action -- such as an application for Variance or Special Exception -- is requested with respect to them. Only then is a disclosure of relevant information proper.
3. Information contained in studies that are in progress should not be divulged except in accordance with established agency policies on the release of its studies.
4. Prearranged private meetings between a Board of Adjustment member and applicants, their agents, or other interested parties are prohibited. Partisan information on any application received by a Board of Adjustment member whether by mail, telephone, or other communication should be made part of the public record.

**D. Political Activity**

Membership in a political party and contributions to its finances or activities are matters of individual decision that should neither be required of nor prohibited to Board of Adjustment members.

1. The extent of participation in political activities should be governed by professional judgment as well as limited by any applicable civil service law or regulation.
2. The powers of the Board of Adjustment must not be exercised, nor their duties performed, in any way that will create special advantages for a political party. The special position of a Board of Adjustment member should not be used to obtain contribution or support for a political party and should not be used to obtain partisan favors.
3. Partisan debate of a community's planning program and the consideration of planning in a party's platform is proper. Planning Officials should, however, give political parties equal access to information.