

Memo

Application for extension of alternative access for Franke Estates Subdivision (formerly submitted as Hipwell Estates)

Date: August 12, 2019

Regarding: Request to extend alternative access to allow for an additional single family building lot at 595 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

On May 31, 2018, Mr. and Mrs. Franke received approval from Weber County for a private driveway/alternate access to access a single family residential lot on a parcel which is approximately 12 acres in size. Access to a public Street is accomplished by using the alternative access/ private drive way connecting to 3600 West. The Frankes are requesting to extend this alternate access approximately 100 feet to the west to allow an additional single family residential lot and to allow for access to an additional home to be built in the future. This would make a total of two single family homes on the 12 acre site.

Since May, the access has been improved by removing an existing agricultural building, installing an 8 " water main, a gas main and electricity to the building site. The access has been graded, and a 20 foot travel way improved with appropriate material. The new home will be under construction as soon as building permits are issued by the County. A formal application for an amendment to Franke Estates Subdivision will be submitted if the alternate access extension is approved. The majority of the acreage (approximately 10 acres) will be a remnant parcel and 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 felt the 66' ROW should be dedicated and the private drive should be denied.

Prior to the administrative review meeting, the Franks 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. The new petition was approved on May 31, 2018.

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 approval of the last application, Mr and Mrs. Franke's situation regarding the right of way access from 3600 West has not changed. They still only have a 34' width connecting to 3600 West. There is not sufficient property to create the full 66' ROW required. The Franks are requesting approval of an extension of private drive for an single family residential building lot. If approved, an amendment to the Franke Estates Subdivision will be requested and ownership of the property will be transferred to the Franke's son who will build the home.

Since County Ordinance allows up to 5 lots on an alternative access and the circumstances regarding creation of the new public right of way off of 3600 West have not changed, the Franks request approval of the additional single family building lot.

3. The Franks will sign an agreement to provide the additional portion(33 feet) of the 66' ROW in the future for the two building lots. However, another party owns the remainder of the property needed for the 66' ROW.
4. 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.