

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 March 5, 2013	Fees (Office Use) \$225.00	Receipt Number (Office Use)	File Number (Office Use) BOA 2013-02
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Property Owner Contact Information

Name of Property Owner(s) Brian J. & Mary Elaine Hockridge		Mailing Address of Property Owner(s) 3555 N Fox Run Dr. No. 305 Eden, UT 84310	
Phone 801-745-2782	Fax		
Email Address beehock1@gmail.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)		Mailing Address of Authorized Person	
Phone	Fax		
Email Address		Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Appeal Request

- A variance request:
 __ Lot area Yard setback __ Frontage width __ Other: _____
- 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
- 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 5518 E Powder Ridge Circle Eden, UT 84310	Land Serial Number(s) Parcel no. 22-195-0003
Current Zoning RE-15	

Existing Measurements		Required Measurements (Office Use)	
Lot Area 24,557 sq ft	Lot Frontage/Width 219.84	Lot Size (Office Use)	Lot Frontage/Width (Office Use)
Front Yard Setback 30	Rear Yard Setback 25	Front Yard Setback (Office Use)	Rear Yard Setback (Office Use)
Side Yard Setback 14	Side Yard Setback 48	Side Yard Setback (Office Use)	Side Yard Setback (Office Use)

Zoning Variance Request

The Hockridges respectfully request a zoning variance for the rear setback on lot 8 in Highlands at Wolf Creek subdivision. Owner asks for 25 feet setback, instead of 30 feet, as defined in the RE-15 zoning ordinance. This represents no change to the lot and setbacks as shown on the recorded plat, but officially establishes the rear setback since the proper variance was not obtained when the subdivision was created.

Material is provided in this application and in included files that demonstrate that the variance is warranted, and in fact, would correct a series of actions and errors that have occurred on this lot by the developer, engineers, and Weber County officials.

Owner requests a timely resolution to this issue to allow for intended house construction starting in March 2013.

The applicant notes that there are specific issues with this lot that occurred over 10 years ago by various organizations and requests that they be considered as the variance is reviewed:

Wolf Creek Resort Developer and Owner:

- Documented subdivision on 17 May 2002 (attachments).
- No variance for rear zoning setback on lot 8 has been found

Gardner Engineering:

- Building pad dimensions and setbacks were not explicitly labeled on recorded plat.
- Plat, however, is a scalable drawing – Rear setback is documented as 25 feet (attachments).
- No zoning variance has been found.
- Drawing with lot and building pad dimensions was created and made available for public use.

Weber County Planning Commission:

- Approved subdivision plat with rear setback documented as 25 feet (4 Jun 2002).

Weber County Surveyor:

- Certified recorded plat with rear setback documented as 25 feet (5 Jun 2002).

Weber County Engineer:

- Certified recorded plat with rear setback documented as 25 feet (6 Jun 2002).

County Recorder:

- Recorded plat with rear setback documented as 25 feet (6 Jun 2002) (attachments).

Variance Criteria and Owner Responses

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.*

Owner Response: The hardship is located on the property for which the variance is sought and the hardship comes from circumstances peculiar to the property (as described in the request above), not from general neighborhood conditions. The plan for subdivision building pads is well communicated on a subdivision website and also within the Process, Standards & Guidelines document of the Highlands Architectural Review Board. It is widely understood by current landowners and prospective home builders that building must occur only on the building pads. Accordingly, the Hockridges commenced the design of their home on the building pad for lot 8 (including rear setback of 25 feet) which was previously defined and publicly documented.

Adhering to the letter of the ordinance would require re-locating the building pad on the lot and the benefits described in the response to criteria number 2 would be negated.

The hardship is not self-imposed – it was caused by previous errors during the development and recording of the subdivision plat. These clearly are circumstances that are not in the control of the current landowner.

2) *There are special circumstances attached to the property that do not generally apply to other properties in the same zone.*

Owner Response: Highlands Lot 8 is on a Y-shaped street corner that uniquely aligns the main roadway directly with the front of the house. The Hockridge house has been designed within the provided building pad and is designed to take full advantage of sight lines as well as minimize effects of the oncoming roadway. The building pad is sited to the rear of the lot, which naturally benefits from higher elevation and pushes the structure further from the road to minimize oncoming car headlights and noise, as well as providing maximum privacy.

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

Owner response: The location of the building pads by the developer was originally made with consideration of neighboring lots and the possible sight lines of those

Highlands at Wolf Creek - Lot 8 - Zoning Variance Request – Zone RE-15

houses. The site grading plan and house profiles for the Hockridge house have been designed using the provided location and dimensions of the building pad (including the rear setback of 25 feet); consequently, it is preferable to maintain the location and size of the current building pad.

As part of an established design process, the owner and architect designed in good faith, a house for the building pad as shown in the recorded plat. The same is expected from other owners, maintaining the intentions of the subdivision.

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

Owner response: The requested variance of rear setback is for a change of only 5 feet which will not affect either the general subdivision plan (it was already planned for), nor have a negative impact on neighboring property. In fact, there is an existing house on the adjacent lot to the east, and this house is oriented with its side to the rear of Lot 8.

Additionally, approval of this variance would have no impact on the general Weber County zoning plan.

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

Owner response: In granting approval to this zoning variance request, justice will be served by making a correction to an issue that was propagated through multiple actions and errors when the Highlands subdivision was developed and recorded. The recorded plat clearly shows the original intent for a rear setback of 25 feet on Lot 8, even if it wasn't properly obtained at that time. Subsequent documentation and communication of the building pad with the 25 foot rear setback led to the use of such in the design of the Hockridge house.

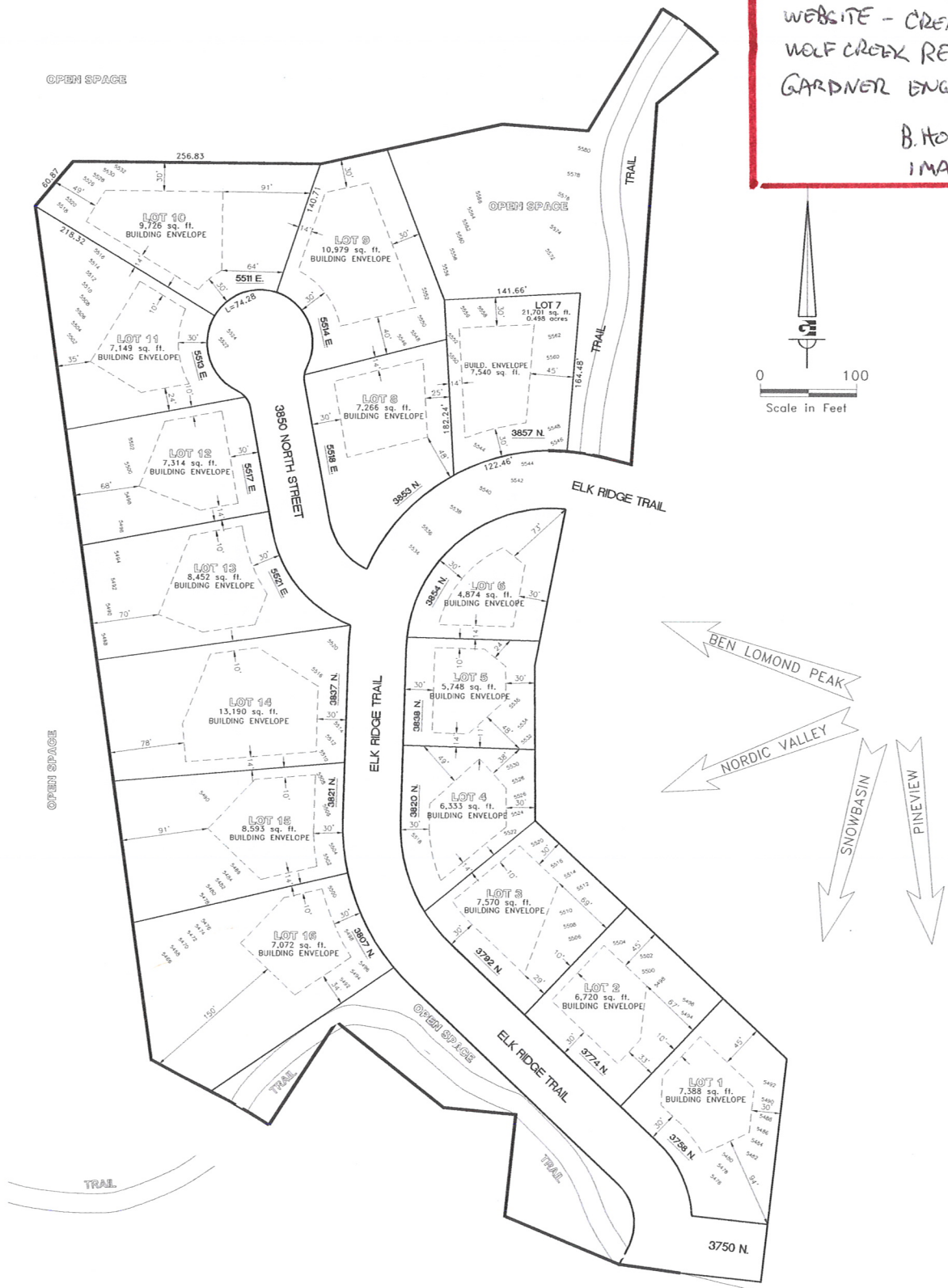
The intent of the RE-15 zone is to provide and protect residential development at a low density in a semi-agricultural or rural environment, and the owners believe that this purpose will not be sacrificed with approval of this request. In fact, landowners in the Highlands, and certainly those adjacent to subject lot already understood that the rear setback of Lot 8 was 25 feet.

Attachments

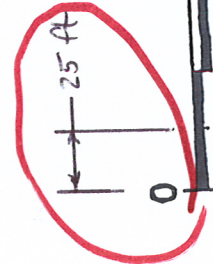
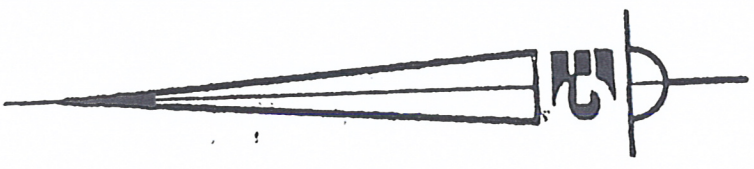
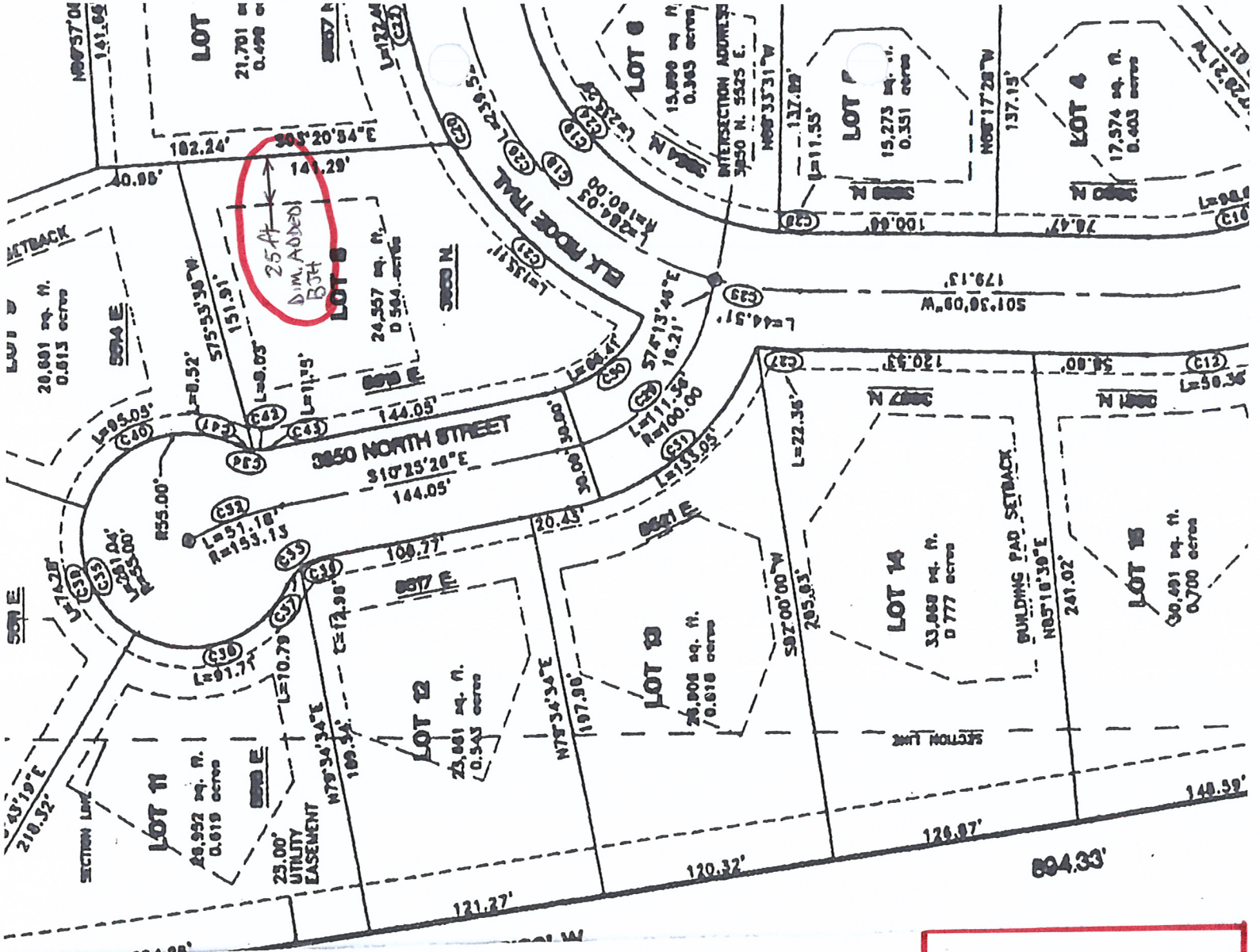
- Highlands at Wolf Creek Phase 1 - Recorded Plat – 6 Jun 2002
- Recorded Plat – Lot 8 Expanded
- Highlands Website Diagram of Lots and Building Pads for Phase 1

THE HIGHLANDS AT WOLF CREEK RESORT PHASE 1

DIAGRAM ON HIGHLANDS
WEBSITE - CREATED BY
WOLF CREEK RESORT AND
GARDNER ENGINEERING
B. HOCKRIDGE
1 MAR 2013

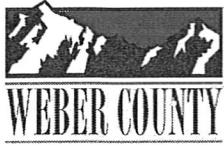


THIS DRAWING SHALL BE USED FOR IDENTIFYING THE SIZE AND LOCATION OF THE BUILDING PAD AS REFERRED TO IN THE COR'S. WOLF CREEK RESORT AND GARDNER ENGINEERING ASSUME NO RESPONSIBILITY FOR THE LEGAL ACCURACY OF THIS DRAWING. SEE THE RECORDED PLAT ON FILE WITH WEBER COUNTY FOR THE LEGAL DESCRIPTION OF THE LOT.



Scale in Feet

HIGHWAYS AT WOLF CREEK - PHASE 1, APR 2002.
 PORTION OF RECORDED SUBDIVISION PLAT (55-93)
 ENTRY NO. 1853134, 6 JUN 2002
 EXPANDED TO SHOW SCALABLE DIMENSIONS
 NOTE: REAR (EAST) SETBACK TO BUILDING PAD
 ON LOT 8 IS 25 FEET.
 B. HOCKRIDGE 1 MAR 2013



WEBER COUNTY CMS RECEIPTING SYSTEM
OFFICIAL RECEIPT

*** Save this receipt for your records ***

Date: 05-MAR-2013

Receipt Nbr: 1636

ID# 10087

Employee / Department: ANGELA - 4181 - PLANNING
Monies Received From: BRIAN HOCKRIDGE
Template: PUBLIC WORKS
Description: BOA

The following amount of money has been received and allocated to the various accounts listed below:

Total Currency	\$	_____	.00
Total Coin	\$	_____	.00
Total Debit/Credit Card	\$	_____	.00
Pre-deposit	\$	_____	.00
Total Checks	\$	_____	225.00
Grand Total	\$	=====	225.00

Account Number	Account Name	Comments	Total
2013-08-4181-3419-0550-000	ZONING FEES		225.00
TOTAL \$			225.00

Check Amounts

225.00

Total Checks: 1

Total Check Amounts: \$ 225.00

*** SAVE THIS RECEIPT FOR YOUR RECORDS ***