

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 12-6-12	Fees (Office Use) \$225.00	Receipt Number (Office Use) 1170	File Number (Office Use) BOA2012-03
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Property Owner Contact Information: **KENT BUILD, INC**

Name of Property Owner(s) RK PROPERTY RESERVES, LLC		Mailing Address of Property Owner(s) 358 SO. RIO GRANDE, S DEZSD SALT LAKE CITY, UT 84101	
Phone 501-631-9105	Fax —		
Email Address vkbuie@rkbuieco.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) KEVIN MURRAY		Mailing Address of Authorized Person 638 E 1700 N NORTH OGDEN, UT 84414	
Phone 801 690 2195	Fax		
Email Address Kevin.Murray09@gmail.com		Preferred Method of Written Correspondence <input checked="" 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 1559 S 7500 W WEST WARREN UT 84404		Land Serial Number(s)	
Current Zoning A2			
SEE EXHIBIT 3 Existing Measurements		Required Measurements (Office Use)	
Lot Area 9.45 ACRES	Lot Frontage/Width 30'	Lot Size (Office Use)	Lot Frontage/Width (Office Use)
Front Yard Setback 623'	Rear Yard Setback 1311.31'	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)

Variance Request (continued...)

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

Property Owner Affidavit

R. Kent Berra, MHR

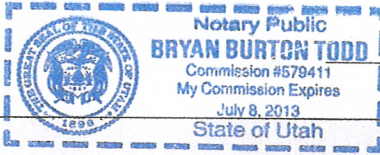
I (We), RK Property Reserve, LLC, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

R. Kent Berra, MHR

(Property Owner)

(Property Owner)

Subscribed and sworn to me this 5th day of December, 20 12,



[Signature]

(Notary)

Authorized Representative Affidavit

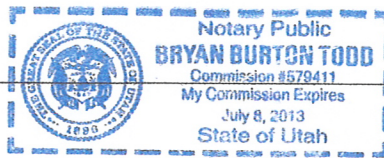
I (We), RK Property Reserve, LLC, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), Kevin Murray, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body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

R. Kent Berra, MHR

(Property Owner)

(Property Owner)

Dated this 5th day of December, 20 12, personally appeared before me R. Kent Berra, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.



[Signature]

(Notary)

**FLAG LOT APPLICATION
KEVIN MURRAY
EXHIBIT 1**

GLOBAL MITIGATION

The large tract of land west of 7500 West in Weber County held by Global Mitigation (GM) was acquired for the purpose of providing alternate wetlands mitigation area for lands impacted by the Legacy Highway (North Davis County). The project was delayed by litigation between UDOT, et al and a consortium of environmental groups. In an effort to resolve the matter Governor Mike Leavitt offered approximately 1,600 acres of high value wetlands along eastern shoreline of the Great Salt Lake. The Leavitt offer was accepted and eventually became a significant part of the current Legacy Parkway complex.

Currently the Global Mitigation tract remains as an undeveloped asset of which GM has and is attempting to offer potential mitigation sites for other large and intermediate projects throughout the Wasatch Front. Recent conversations with its management indicate that GM currently has no plan to develop the property at this time.

PROVIDING ACCESS TO ADJOINING PROPERTY

The proposed flag lot parcel consists of approximately 9-acres including a stem for access to 7500 West, a improved dedicated road. The access road extends approximately 700 feet then opens on to a meadow/pasture area containing the majority of the acreage.

The property shares a 578 ft. boundary to well over one-thousand acres of undeveloped land currently held by Global Mitigation, an Arizona based firm that acquired the large tract in the mid 1990's as a displaced wetlands mitigation site for the Legacy Highway.

Global Mitigation shares other boundaries with several other parcels held by various individuals and concerns consisting of over a mile in length. Combined the following sets forth the nature and extent of other additional boundaries from which Global Mitigation may gain access at some future date (See Attached Exhibit).

- Contiguous Boundary 5,981 Lineal Feet
- 7500 West Access Potential 3,500 Lineal Feet
- Acreage Contained 150-acres

With such an abundance of potential connectivity from these various properties, it seems a heavy burden to place upon a 9-acre parcel. Providing such an access through the

proposed 9-acre flag lot is disproportionately high burden to be brought to bear for the benefit of over 1,000-acres of undeveloped land.

As future development plans come forward in years and decades to come, there will be ample opportunity to layout a more comprehensive road plan that suites the specific requirements of that development. Were the proposed flag lot the only and last opportunity to provide connectivity to adjoining properties, the case could be better justified, however, at present that is not the case – there exists many and various means whereby access can be provided in more coordinated ways tied to a coherent development plan(s) from contiguous properties with large acreage and significant lengths of common boundaries with the Global Mitigation property.

While an access through the proposed flag lot to the Global Mitigation boundary may be possible, it imposes a disproportionate burden on such a small parcel as a means to resolving the matter of connectivity. The owner of the proposed flag lot, while having limited use of the land contained within the access area, would likely never know if and or when a road may be built. And it goes without saying that if the additional burden of bearing the cost of the improvements to the access were born by the flag lot owner of nearly 1,300 lineal feet of county standard roadway, the entire endeavor would be infeasible. The whole matter contains uncertainty for the proposed owner as to how best to utilize the access area, as well as bearing the cost of maintaining a considerable portion of the property without the benefit of permanent use, and what impact does the presence of an unimproved future access have on current and future value of property.

For these reasons, the placing of an access easement through the proposed flag lot is a disproportionate burden to be placed on a small parcel when there are many and various opportunities along lengthy contiguous boundary lines with Global Mitigation.

EXHIBIT 2

Kevin Murray <kevinmurray09@gmail.com>
Fwd: Kevin Murray Flag Lot Exhibits
December 4, 2012 10:38 AM

Sent from my iPhone

Begin forwarded message:

From: Kent Bule <kbule@rkbuleco.com>
Date: November 13, 2012 11:24:24 AM MST
To: smandora@co.webster.af.us, kevinmurray09@gmail.com
Cc: Candice Kunz <candicekunz@hotmail.com>
Subject: Kevin Murray Flag Lot Exhibits

Scott -

Please find several exhibits attached containing areas (in yellow shading) that are capable of potentially providing connectivity to the Global Mitigation property to the west. As is evident there are several locational opportunities for future access to the Global Mitigation Site.

Based upon Google Earth measurements we can calculate distances associated with contiguous boundaries.

Contiguous Boundary	5,981 Lineal Feet
7500 West Access Potential	3,500 Lineal Feet
Acreage Contained	150-acres

As is evident there are several locational opportunities for future access to the Global Mitigation Site. As mentioned earlier, it seems to be a heavy burden to place on a 9-acre parcel when there are numerous future opportunities to provide several points of connectivity to GM property.

Additionally, please find attached an exhibit of the proposed 9-acre flag lot containing a sixty foot access extending from 7500 West to the western boundary.

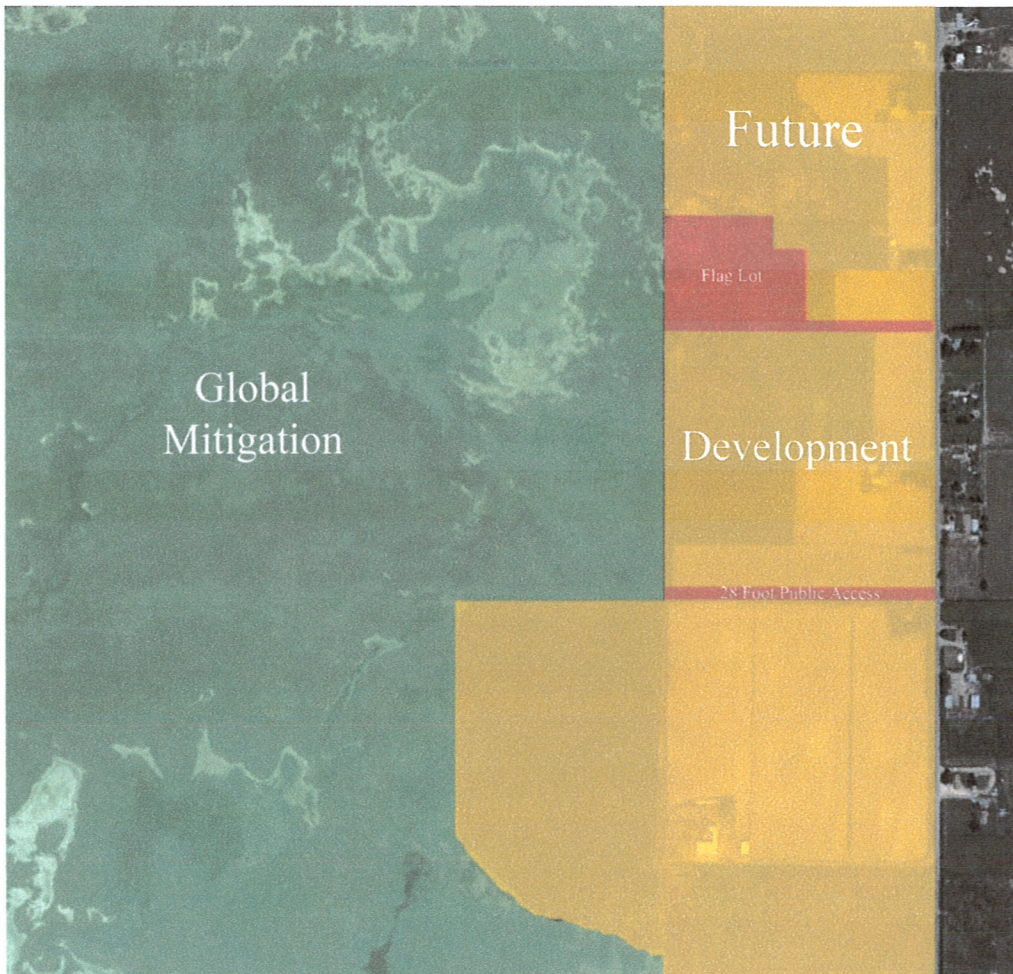
Finally, note one exhibit containing an existing 28 foot public access that extends to the Global Mitigation boundary.

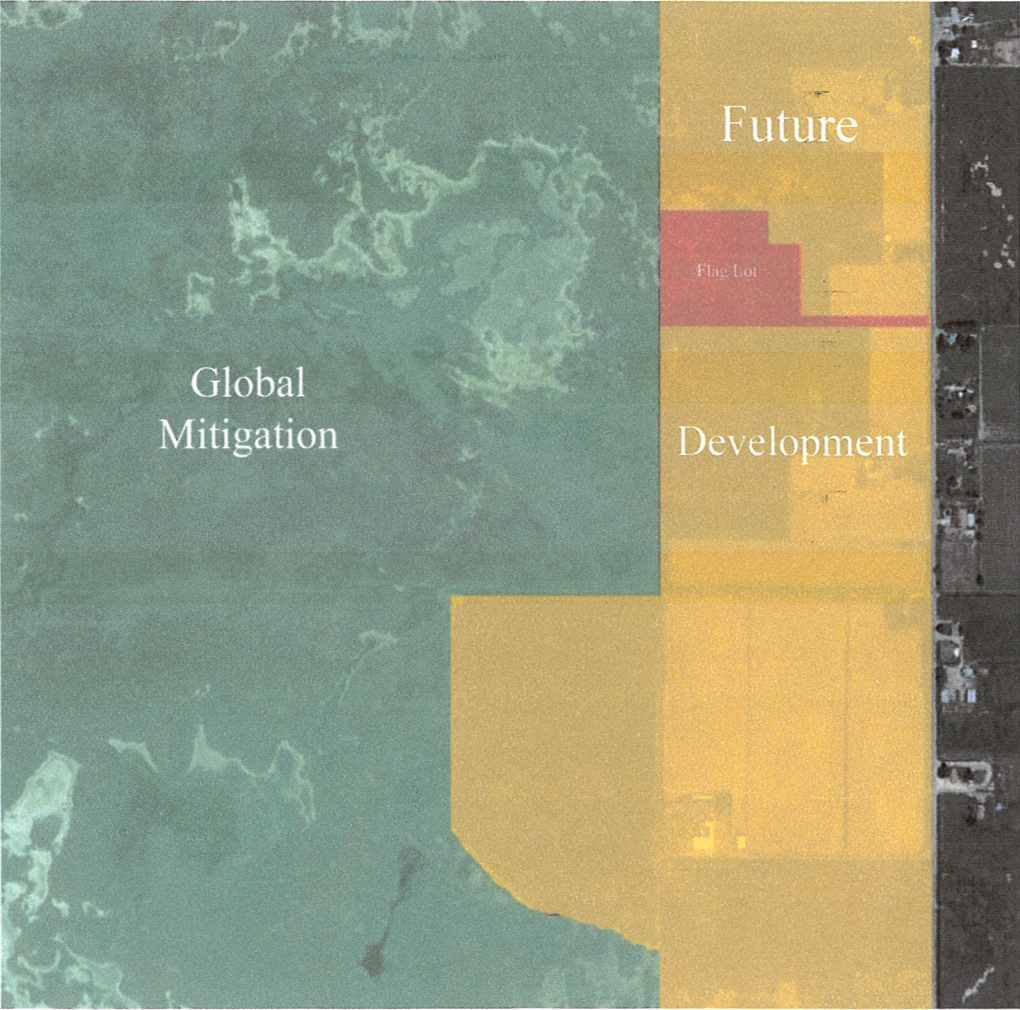
We have attempted to contact Craig Campbell at Global Mitigation to ascertain their intentions for the property. He has yet to return my call. Feel free to attempt to contact Mr. Campbell at 623-225-5500.

Your efforts in this matter are appreciated.

Regards,

Kent Bule
801-831-9105
1





Mitigation

Flag Lot

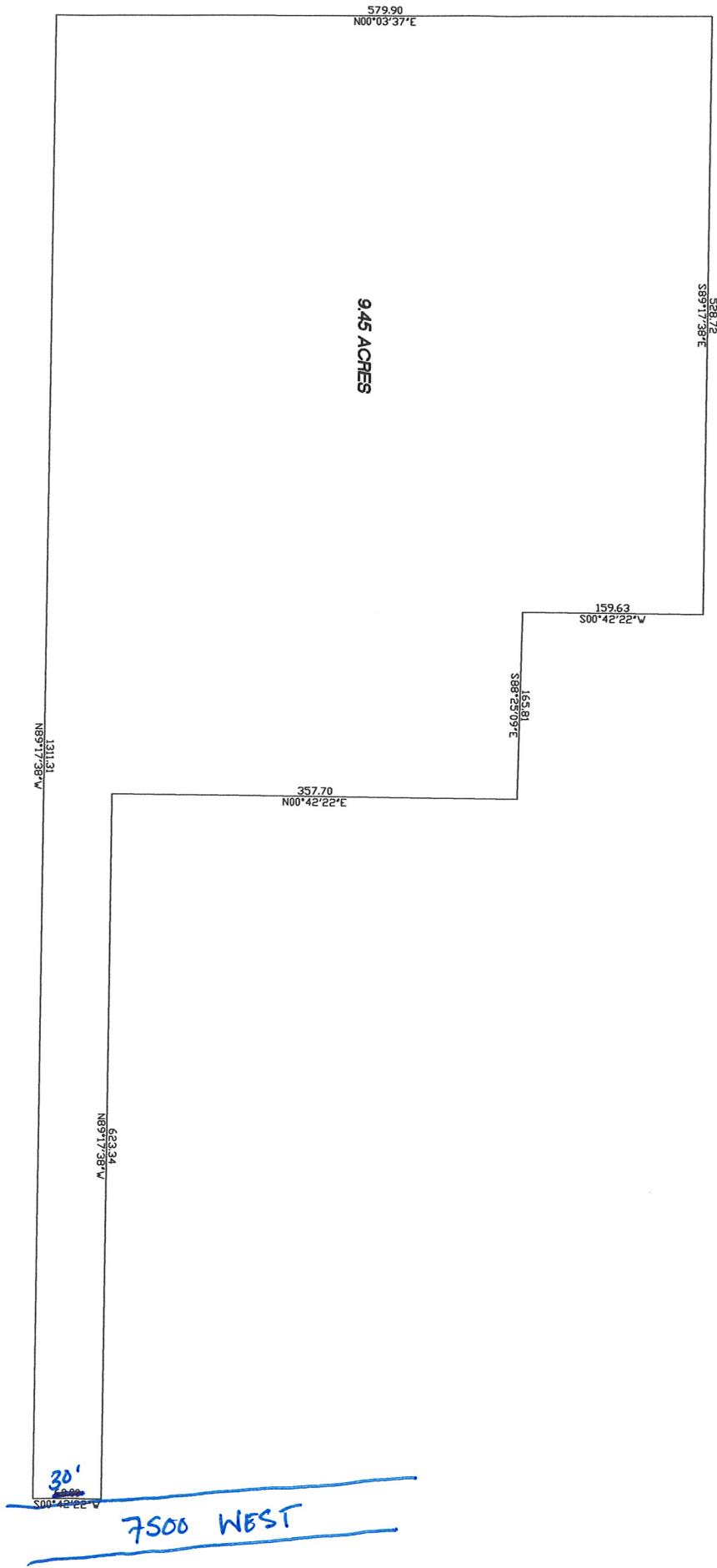
Future Development

60 Foot Easement

7500 West



EXHIBIT 3





WEBER COUNTY CMS RECEIPTING SYSTEM
OFFICIAL RECEIPT

*** REPRINT ***

Date: 06-DEC-2012

Receipt Nbr: 1170

ID# 8110

Employee / Department: ANGELA - 4181 - PLANNING
Monies Received From: KEVIN MURRAY
Template: PUBLIC WORKS
Description: BOARD OF ADJUSTMENT

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
2012-01-4181-3419-0550-000	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 ***