

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

Fees (Office Use)
\$225.00

Receipt Number (Office Use)

1557

File Number (Office Use)

BOA 2013-01

Property Owner Contact Information

Name of Property Owner(s)

Vickie and Patrick Ingram

Mailing Address of Property Owner(s)

2311 South 7500 West

Phone

(801) 624-9658

Fax

Ogden, UT 84404

Email Address

vickie.ingram@hill.af.mil

Preferred Method of Written Correspondence

☐ Email

☐ Fax

☐ Mail

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s)

Vickie or Patrick Ingram

Mailing Address of Authorized Person

2311 South 7500 West

Phone

(801) 624-9658

Fax

Ogden, UT 84404

Email Address

vickie.ingram@hill.af.mil

Preferred Method of Written Correspondence

☐ Email

☐ Fax

☐ Mail

Appeal Request

☒ A variance request:

XX

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

391 South 4700 West

Ogden, UT 84404

Land Serial Number(s)

Current Serial Number 15-048-0038

Past Serial Number 15-048-0031

Current Zoning

A1

Existing Measurements

Lot Area

43,110 SF

Lot Frontage/Width

185.02'

Front Yard Setback

Rear Yard Setback

Side Yard Setback

Side Yard Setback

Required Measurements (Office Use)

Lot Size (Office Use)

Lot Frontage/Width (Office Use)

Front Yard Setback (Office Use)

Rear Yard Setback (Office Use)

Side Yard Setback (Office Use)

Side Yard Setback (Office Use)

Applicant Narrative

Please explain your request.

(See attachment 1, 2 and 3) [Also see letter from Earnest Rowley]

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.

(See attachment 1, 2 and 3) [Also see letter from Earnest Rowley]

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.

(See attachment 1, 2, and 3) [Also see Ernest Rowley's letter]

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.

(See attachment 1, 2 and 3) [Also see letter from Ernest Rowley]

Variance Request (continued...)

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

(See attachment 1, 2 and 3) [Also see letter from Ernest Rowley]

Property Owner Affidavit

I (We), Patrick and Vickie Ingram, 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.

Patrick Ingram
(Property Owner)

Vickie Ingram
(Property Owner)

Subscribed and sworn to me this 28 day of JANUARY, 202013



NOTARY PUBLIC
KATIE BERGESON
Commission # 579954

My Commission Expires
August 9, 2013

STATE OF UTAH

Katie Bergeson
(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)

Attachment 1
Patrick and Vickie Ingram's Variance
for property located at
391 South 4700 West Ogden, UT

Also, see Ernest Rowley's February 2013 letter researching the government causes of the land dimension discrepancy.

Variances from the requirements of the Weber County Zoning Ordinance.

1. What unreasonable hardship would be felt by the application if the variance is not granted?
 - The Ingram's are in the process of selling the home which was originally built in 1932. Without the variance the home owners can neither sell nor rebuild if damage should happen to the home that is currently on the property.
 - Currently the home is under contract to sell awaiting the Board of Adjustment decision.
2. In the county's determination was the hardship self-imposed by the home/land owner?
 - This dispute was in no way caused by the current owners of the property. This dispute has been caused by the placement of the county monument marker.
 - Since the original home was built in 1932 there have been upgrades (building permits were requested and granted under a previous owner Ryan Stratford. The approximate time frame was around 1996)
3. Are there special circumstances attached to the property that do not generally apply to other properties in the same zone?
 - It has been determined by county research that the County marker placement was accomplished in the wrong area. This placement is causing the property to be in non-compliance to the Weber County Code. Because of the placement of the country marker this property has one set of dimensions on paper which differs from the survey of the actual land.
 - Because of the placement the county marker the property total square foot dimension is now determined to be less than the required 40,000 square feet.
4. By granting the variance will it affect the general plan for public interest?
 - The land/home is a residential property use with a home on the land since 1932 which is the same as those within the surrounding area.
 - During the ownership of the property under the Ingram's the use has only been, and will continue to be, for residential use.
5. By granting the variance will the spirit of the land use ordinance be observed?
 - The Ingram's have and will maintain the use of the land for residential only
 - The reason for the variance is due to the documentation of the land being recorded at greater than 40,000 square feet. But due to the above mentioned County marker placements the property survey has determine the actual land is less than the required 40,000 square feet.

Additional information

- Attached is a copy of the 2008 Boundary Line agreement between Ingram's and Hancock's was to substantiate the property boundary. No property owner was anticipated to lose any actual property by this agreement. {See Exhibit C page 2 dimensions of Ingram property 233' x 210'}
- Attached is a copy of the Weber County Recorder/Surveyor – Ownership Description Report
 - i. Property description states the dimensions to be 233' x 210' which equals 1.12 acres of ground at the time the Ingram's purchased the property.
- This variance request is being requested due to circumstances put into place by Weber Country. These changes have adversely effected the property owned by the Ingram's to which they now find what they originally bought is now decreasing in value.
- The country has also stated they have determined a 40' road easement for the future of 4700 west will not be adequate. Therefore, the country has changed the requirement to 50' road easement. This additional road easement has reduced the property even further than when the Ingram's first purchased the property
 - i. Original road variance 233' (East to west dimension reduce by 40' for road) x 210' (North to south dimension) equals 40,530 square feet
 - ii. New road variance 233' (East to west dimension reduce by 50' for road) x 210' (North to south dimension) equals 38,430 square feet

WEBER COUNTY RECORDER / SURVEYOR
OWNERSHIP / DESCRIPTION REPORT

Page 1 of 1

SERIAL NUMBER 15-048-0038

C-57



PRIOR SERIAL NUMBER(S)

(15-048-0031)

OWNER INGRAM, VICKIE & HUS
PATRICK HARVE INGRAM
MAILING ADDRESS 391 S 4700 W
OGDEN UT 84404

TAX UNIT
53

CHANGE DATES
Name 05-MAY-2008
Tax Unit 05-MAY-2008

PROPERTY ADDRESS

ADDITIONAL NAMES

CURRENT REFERENCES

Seq	EntryNbr	Book	Page	Kind of Instrument	Deed Date	Recorded Date
1	2126704			WARRANTY DEED J1	31 / 08 / 2005	02-SEP-2005
2	2339525			BNDRY LN AGRMNT	02 / 05 / 2008	05-MAY-2008

COMMENTS

DESCRIPTION OF PROPERTY 2008 ORIG.

ACRES 7914

1.12

PART OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN, U.S SURVEY; BEGINNING AT A POINT 901.45 FEET, MORE OR LESS, NORTH OF THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 17, SAID POINT BEING THE SOUTHEAST CORNER OF BERT J OPHEIKENS AND WIFE PROPERTY AS RECORDED IN BOOK 1434 OF RECORDS PAGE 735 (15-048-0023) AND RUNNING THENCE WEST ALONG OPHEIKENS SOUTH PROPERTY LINE 233 FEET, THENCE SOUTH 210 FEET, THENCE EAST 233 FEET, THENCE NORTH 210 FEET TO THE POINT OF BEGINNING

SUBJECT TO BOUNDARY LINE AGREEMENT E# 2339525

[NOTE: BECAUSE THE DESCRIPTION OF RECORD DID NOT CONTAIN AN AREA FOR THIS PARCEL, THE AREA FOR THIS PARCEL WAS CALCULATED BY THIS OFFICE FOR TAX PURPOSES.]

*** RUN DATE: 17-DEC-2012 09:52 AM ***

Area Re calculated

Boundary Line
Agmt long
Section

2670 08

LAURA 801-399-8502

Lea 801-399-8547

Atch 2

When recorded, return to:



W2335526

EN 2335525 PG 1 OF 4
ERNEST D ROWLEY, WEBER COUNTY RECORDER
05-MAY-08 1222 PM FEE \$19.00 DEP SPY
REC FOR: CURTIS J. HANDECK

BOUNDARY LINE AGREEMENT

This Boundary Line Agreement (the "Agreement") is made this 2nd day of MAY, 2008, by and between Curtis J. and Michelle Hancock, (Party of the First Part); of 222 South 4700 West, Ogden, UT 84404, and Patrick H. and Vickie Ingram, (Party of the Second Part) of 391 South 4700 West, Ogden UT 84404 with respect to the following facts and circumstances (collectively the Parties):

RECITALS

- A. Party of the First Part is the owner of certain real property which is more particularly described as Exhibit A attached hereto.
- B. Party of the Second Part is owner of certain real property which is more particularly described as Exhibit B attached hereto.
- C. The Party of the First Part and the Party of the Second Part have discussed certain mutual advantages to be derived through the relocation and/or establishment of their common boundary line and are interested in establishing written evidence of their agreement.
- D. The Party of the First Part and the Party of the Second Part have reviewed and approved revised descriptions of their respective boundary which have been prepared in accordance with the terms of the agreement reached by said parties regarding the identification, alteration, or correction of their respective boundary. Attached hereto as Exhibit C is a description of the line which is being agreed to as their common dividing line.

NOW THEREFORE, for valuable considerations, the receipt and sufficiency of which are hereby acknowledged, The Party of the First Part and the Party of the Second Part hereby covenant and agree as follows:

1. The Party of the First Part hereby quit claims and conveys to the Party of the Second Part all that property lying Northerly of the Boundary Line as described as Exhibit C, and the Party of the Second Part hereby quit claims and conveys to the Party of the First Part all that property lying Southerly of the Boundary Line as described as Exhibit C, of which the Parties have interest.

Page 1

Atch 3

15

EXHIBIT A

(Party of the First Part Hancock property)

Current Serial Numbers: 15-048-0011 ✓

Part of the Northwest Quarter of Section 17, Township 6 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey: Beginning 420 feet North of the Southeast corner of the Northwest Quarter of Section 17; thence North 271.56 feet; thence West 233 feet; thence South 271.56 feet; thence East 233 feet to the point of beginning.

EXHIBIT B

(Party of the Second Part Ingram property)

Current Serial Numbers: 15-048-0031 ✓

Part of the Northwest Quarter of Section 17, Township 6 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey: beginning at a point 901.45 feet, more or less, North of the Southeast Corner of the Northwest Quarter of Section 17, said point being the Southeast Corner of Bert J Opheikens and wife property as recorded in Book 1434 of Records, Page 735 (15-048-0023) and running thence West along Opheikens South property line 233 feet; thence South 210 feet; thence East 233 feet; thence North 210 feet to the point of beginning.

EXHIBIT C

A part of the Northwest Corner of Section 17, Township 6 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey in Weber County, Utah:

Beginning at a point located 1923.43 feet South $0^{\circ}1'57''$ West along the Quarter Section Line from the North Quarter Corner of said Section 17; said point of beginning is also located 2670.08 feet North $1^{\circ}06'08''$ East along the Quarter Section Line to the Center of said Section 17 and 691.56 feet North $0^{\circ}41'57''$ East along the Quarter Section Line from the South Quarter Corner of said Section 17; and running thence North $89^{\circ}18'03''$ West 233.00 feet to the endpoint of this Boundary Line description.

15-048-0039(15-048-0011 + 0031) k1

15-048-0038(15-048-0031) k1

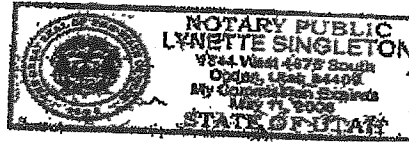
ATTEST:

State of Utah)
County of Wasatch) SS

On the 2nd day of May, 2008, personally appeared before me, a Notary Public in and for the State of Utah, Vickie Ingram

the signer[s] of the foregoing instrument, who duly acknowledged to me that he she they executed the same.

My commission expires: 5/11/08
Notary Public [Signature]



In the County of Wasatch, State of Utah, Subscribed and sworn to before me this 2nd day of May, 2008 by [Signature]

Notary Signature and seal





WEBER COUNTY CMS RECEIPTING SYSTEM OFFICIAL RECEIPT

cms314a
Page 1 of 1

*** REPRINT ***

Date: 28-JAN-2013

Receipt Nbr: 1557

ID# 9355

Employee / Department: ANGELA - 4181 - PLANNING
Monies Received From: PATRICK INGRAM
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 ***