

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)	Receipt Number (Office Use)	File Number (Office Use)
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Property Owner Contact Information

Name of Property Owner(s) Robert, Tammy Bracken		Mailing Address of Property Owner(s) 2193 n. 500 e. North Ogden, ut 84414	
Phone 801-388-5015	Fax		
Email Address Brackenplace@msn.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) Self		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: Stream corridor set back
- 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: Change stream variance from 75' to 50'

Property Information

Approximate Address 4243 north Powder Mtn Rd Eden, Utah 84310		Land Serial Number(s) 222090008	
Current Zoning Residential			
Existing Measurements		Required Measurements (Office Use)	
Lot Area 46,686	Lot Frontage/Width 183	Lot Size (Office Use)	Lot Frontage/Width (Office Use)
Front Yard Setback 25'	Rear Yard Setback 30'	Front Yard Setback (Office Use)	Rear Yard Setback (Office Use)
Side Yard Setback 8'	Side Yard Setback 10'	Side Yard Setback (Office Use)	Side Yard Setback (Office Use)

Applicant Narrative

Please explain your request.

To get a variance on the river setback from 75' back to 50', which is what it was understood to be when we purchased the lot, this way we can build the house between river and irrigation setback without disrupting the more mature trees and shrubs

Variance Request

The Board of Adjustment may grant a variance only if the following five criteria are met. Please explain how this variance request meets the following five criteria:

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.

a. In determining whether or not enforcement of the land use ordinance 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.

b. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.

By following the ordinance we have to remove more of the natural look and vegetation, which is in direct conflict with the bylaws that request it to be left as natural as possible.

Variance Request (continued...)

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

a. In determining whether 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.

Please describe the special circumstances attached to the property that do not generally apply to the other properties in the same zone:

We have both a river and irrigation setback with the buildable area between them. The irrigation shows arching away from the house, but actually arches towards the house. our lot is 20 feet above the high water mark of the river, higher than any of our neighbors. The plat is correct but the irrigation is not actual and does not allow us to place the house where it is shown on the plat. To make the house fit would require us to move a lot of the mature trees and large boulders, plus making a larger foundation for the house.

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

If we can be granted the variance, we will be able to keep the grounds more natural and abide to the bylaws of the community. Other property owners in the subdivision are within the 50' variance and are much lower than our lot. So granting us the 25' variance brings us more in line with them.

Variance Request (continued...)

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

If we can be granted the variance we will be able to keep the grounds more natural and abide to the bylaws of the community.

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

We have a lot that is 20 feet above the high water mark of the river, it has barren spots on it that if allowed the 25 variance would prevent us from taking down more trees.

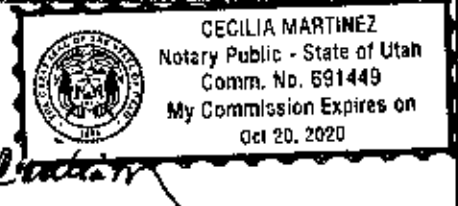
Property Owner Affidavit

I (We), Robert & Tammy Bracken, 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.

Tammy Bracken
(Property Owner)

Robert J Brack
(Property Owner)

Subscribed and sworn to me this 25 day of March, 2020



Cecilia Martinez

(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)

Powder mtn Road

50' easment

10'

15'

8'

30'

River

Bracken 4243 N. Powder mtn Rd.

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