



Weber County

Incoming Application Processing Form

Project Name: Neilson Hermitage Variance

Date Submitted: 5-6-2020 Zoning: _____ Received by: Felix

Culinary Water Provider: Ogden City Secondary Water Provider: NA Waste Water Provider: septic

Project Type:

- Alternative Access
- Board of Adjustment
- Building Parcel Designation
- Conditional Use Permit
- Design Review
- Hillside Review
- Land Use Permit
- Subdivisions:
 - Subdivision (Small/Amendment)
 - Subdivision-(Prelim/Final)
 - Subdivision-Cluster
- Zoning Text Amendment
- Zoning Map Amendment
- Zoning Development Agreement
- Vacation
- Other Variance

Project Description: Variance request for side yard set-back in FR-1 zone, located at 301 Ogden canyon.

Applicable Ordinances:

- Accessory Apartments
- Airport Zones and Height Regulations
- Cluster Subdivision
- Design Review
- Drinking Water Source Protection
- Hillside Development Review and Procedures and Standards
- Home Occupation
- Land Use Permit, Building Permit and Certificate of Occupancy
- Natural Hazards Overlay Districts
- Nonconforming Buildings, Uses and Parcels
- Ogden Valley Architectural, Landscape and Screening Standards
- Ogden Valley Lighting
- Ogden Valley Pathways
- Ogden Valley Sensitive Lands Overlay District
- Ogden Valley Signs
- Parking and Loading Space, Vehicle Traffic and Access Regulations
- Petitioner Requirements-Rezoning Procedure Development Agreement
- Planned Residential Unit Development
- Public Buildings and Public Utility Substations and Structures
- Signs
- Standards for Single Family Dwellings
- Supplementary & Qualifying Reg
- Time Share
- Zones & Districts

Weber County Review Agencies:

- Weber-Morgan Health Department-Drinking Water Division
- Weber-Morgan Health Department-Waste Water Division
- Weber County Addressing Official
- Weber County Animal Services
- Weber County Assessor's Office
- Weber County Board of Adjustment
- Weber County Building Inspection
- Weber County Commission
- Weber County Economic Development Partnership
- Weber County Engineering Division
- Weber County GIS
- Weber County CED
- Weber County Planning Division
- Weber County Recorder's Office
- Weber County Recreation Facilities
- Weber County Roads Division
- Weber County School District-Transportation Division
- Weber County Sheriff
- Weber County Special Events
- Weber County Surveyor's Office
- Weber County Treasurer's Office
- Weber Fire District
- Other _____

Outside Review Agencies:

- Bona Vista Water Improvement District
- Causey Estates Lot Owners Assoc.
- Central Weber Sewer Improvement
- Cole Canyon Water Company
- Centurylink
- Eden Irrigation Company
- Hooper Irrigation Company
- Hooper Water Improvement District
- Nordic Mountain Water Inc.
- Ogden Valley Starry Nights
- Powder Mountain Water & Sewer District
- Dominion Energy
- Rocky Mountain Power
- State of Utah Dept of Ag & Food
- Taylor Geotechnical
- Taylor-West Weber Water District
- Uintah Highlands Water & Sewer Dist
- US Forest Service
- Utah Department of Transportation
- Utah Division of Air Quality
- Utah Division of Drinking Water
- WC3
- Weber Pathways
- West Warren-Warren Water & Sewer
- Wolf Creek Water and Sewer Improvement District
- Other _____

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) Doug Neilson		Mailing Address of Property Owner(s) 3744 Van Buren Ave. Ogden, UT 84403	
Phone 801-624-9077	Fax —		
Email Address Douglasray15@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) SAME		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: _____

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 301 Ogden CYN Ogden, UT 84401		Land Serial Number(s) Parcel #: 20-030-0012 and 20-030-0011	
Current Zoning FR1			
Existing Measurements		Required Measurements (Office Use)	
Lot Area 8,398.68	Lot Frontage/Width 147	Lot Size (Office Use)	Lot Frontage/Width (Office Use)
Front Yard Setback 30	Rear Yard Setback	Front Yard Setback (Office Use)	Rear Yard Setback (Office Use)
Side Yard Setback 11.45	Side Yard Setback 9	Side Yard Setback (Office Use)	Side Yard Setback (Office Use)

Applicant Narrative

Please explain your request.

I am requesting a variance on the west side yard setback to 9 feet - similar to the surrounding homes. This will allow for adequate spacing for the proposed single family dwelling, septic system, and to give enough depth for the driveway to come off of Highway 39.

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.

Due to the sharp angle of the west corner of the property, the shape of the lot is the main hardship. The wide frontage does not allow for a reduction on the side setback based on its ratio of what frontage code is for FR1 Zone. The wide frontage, short depth and sharp angle make it impossible to place a reasonable dwelling on the property.

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:

Even with the increased space from eliminating one lot, the shape and depth created by the sharp angle provide an unreasonable shape and space in which to fit the footprint of a home.

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

The square footage of this property is larger than its neighbors. Granting the variance would allow the new dwelling to have the same setback that it already has on its west side and will be similar or even better than others nearby.

Variance Request (continued...)

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

For 30 plus years the neighborhood has dealt with these properties that attract vandalism, are eyesores to the area and are hazardous in general. This variance would allow us to make sense of the property by spacing 301, 303 and 305 aesthetically, while utilizing the square footage rationally.

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

Similar to my answer in #4 - receiving this variance would allow me to develop the property, beautify the area, increase surrounding property values and make this home functional and practical by doing what other homes in this area have already done - All without going to unreasonable lengths to accomplish it.

Property Owner Affidavit

I (We), Doug Neilson, 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.

[Signature]
(Property Owner)

(Property Owner)

Subscribed and sworn to before me this 6 day of May, 2020.



[Signature]
(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)



Received From:

Receipt Number	134290
Receipt Date	05/06/2020
Receipt Time	04:57:42
Payment Method	CHECK

Clerk: Morby, Ann

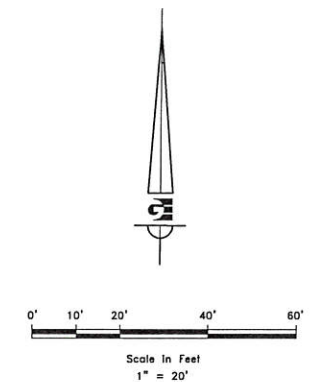
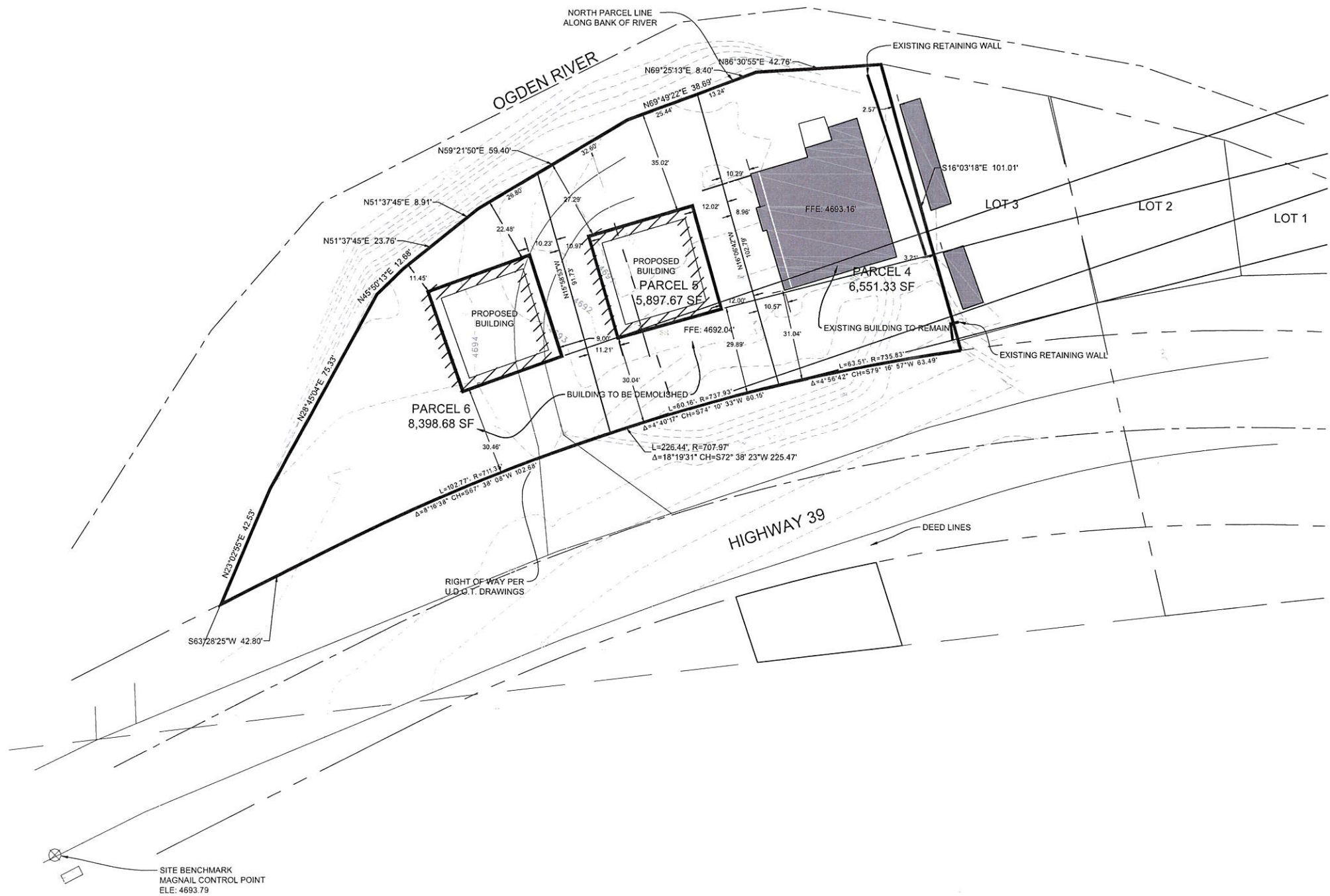
ITEM NO.	DESCRIPTION	AMOUNT
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Bill Number: 134290

1	ZONING FEES	\$600.00
	GL Account: 25410000-432016-	-\$600.00
	GL Account: POOL-100101-	\$600.00

PAYMENT TYPE	QUANTITY	REFERENCE	AMOUNT
CHECK	1	153 Dout Neilson	\$600.00

Previous Balance	\$600.00
Total Remitted	\$600.00
Adjustments	\$0.00
New Balance	\$0.00



- LEGEND**
- ⊗ WEBER COUNTY MONUMENT AS NOTED
 - ⊗ SITE BENCHMARK
 - PROPERTY BOUNDARY
 - - - ADJACENT PARCEL
 - SECTION LINE
 - - - EXISTING FENCE LINE
 - - - CONTOUR LINES
 - - - DEED LINES
 - ⊗ SEPTIC TANK MANHOLE
 - ⊗ SEPTIC CLEANOUT
 - ⊗ POWER POLE
 - ⊗ WATER METER
 - ⊗ WATER VALVE
 - ⊗ FIRE HYDRANT
 - ⊗ WATER MANHOLE
 - ⊗ ELECTRIC METER

SCALE:	1" = 20'
DATE:	2/27/2020
DESIGN:	
DRAWN:	RI
CHECKED:	KHW
DWG. - R2601 - MEC SURVEYING - 305 OGDEN CANYON ROAD, TOWNSHIP 6 NORTH, RANGE 1 EAST, S.L.B. AND M.	

TOPOGRAPHIC SURVEY FOR DOUG NEILSON
 305 OGDEN CANYON ROAD
 LOCATED IN THE SOUTHWEST QUARTER OF SECTION 18,
 TOWNSHIP 6 NORTH, RANGE 1 EAST, S.L.B. AND M.

SURVEYOR'S CERTIFICATE

I, KLINT H. WHITNEY, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD CERTIFICATE NO. 8227228 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS RECORD OF SURVEY PLAT IN ACCORDANCE WITH SECTION 17-23-20 AND HAVE VERIFIED ALL MEASUREMENTS; THAT THE REFERENCE MONUMENTS SHOWN ON THIS RECORD OF SURVEY PLAT ARE LOCATED AS INDICATED AND ARE SUFFICIENT TO RETRACE OR REESTABLISH THIS SURVEY; AND THAT THE INFORMATION SHOWN HEREIN IS SUFFICIENT TO ACCURATELY ESTABLISH THE LATERAL BOUNDARIES OF THE HEREIN DESCRIBED TRACT OF REAL PROPERTY.

SIGNED THIS _____ DAY OF _____, 2019.



KLINT H. WHITNEY, PLS NO. 8227228

GARDNER ENGINEERING
 CIVIL - LAND PLANNING
 MUNICIPAL - LAND SURVEYING
 5150 SOUTH 375 EAST OGDEN, UT
 OFFICE: 801.476.0202 FAX: 801.476.0066