



Staff Report to the Board of Adjustment

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action on a request to appeal the construction of a home located at 3946 N 3175 W.
Agenda Date:	Thursday, August 13, 2020
Applicant:	Kristin Zaugg, represented by Zane Froerer
File Number:	BOA 2020-06

Property Information

Approximate Address:	3946 N 3175 W
Project Area:	1.50 Acres
Zoning:	Agricultural Zone (A-1)
Existing Land Use:	Residential
Parcel ID:	19-392-0002
Township, Range, Section:	T7N, R2W, Section 22

Adjacent Land Use

North: Residential	South: Residential
East: Residential	West: Residential

Staff Information

Report Presenter:	Steve Burton sburton@co.weber.ut.us 801-399-8766
Report Reviewer:	RG

Applicable Land Use Codes

- Weber County Land Use Code Title 102 (Administration) Chapter 3 (Board of Adjustment)
- Weber County Land Use Code Title 104 (Zones) Chapter 15 (Agricultural A-1 Zone)

Background

The appellant submitted the appeal application on June 25, 2019. Under Weber County's Land Use Code (Sec 102-3-3), The Board of Adjustment has the following duties and powers:

- To act as the appeal authority from decisions applying and interpreting this Land Use Code and Zoning Maps.**
- To hear and decide variances from the requirements of the Land Use Code.

The appellant has not cited a specific land use decision of which they are appealing. As such, it is unclear what is being appealed. Under the board's decision criteria for appeals (Sec 102-3-4 (a)(4)), "All appeals to the board of adjustment shall be filed with the planning division not more than 15 calendar days after the date of the written decision of the land use authority."

The parcel number provided in the appeal application is 19-392-0002. The Planning Division has neither record of land use decisions being made, nor any written decisions, for applications related to this parcel 15 days prior to June 25, 2019. The most recent land use decision made for the subject parcel was the issuance of a building permit and land use permit on May 6, 2019.

The building permit was for a single-family dwelling which received final occupancy from the county on October 18, 2019. The county does not issue written decisions for land use or building permits and an appeal application was not submitted within 15 calendar days from either the date of building permit issuance or occupancy.

The appellant states that the county made legal error in permitting a subdivision on the subject parcel. The property is part of the Schildhauer Subdivision. The written decision of final approval of the Schildhauer Subdivision was dated November 22, 2018. The current appeal application was not filed within 15 calendar days of that date.

The appellant states that notice was not mailed in a timely manner to property owners within 500 feet. The county does not send notice, nor does it have regulations requiring notice, to surrounding property owners for building permits. For subdivisions, the county does send a 7 day notice to property owners within 500 feet. Regardless of the timing of notices, an appeal application was not filed timely.

Staff Recommendation

Staff recommends that the appeal request BOA 2020-06 be denied. The recommendation is based on the following findings:

1. It is unclear which land use decision is being appealed.
2. The appeal application was not submitted within 15 calendar days from the date of a land use decision or the date of a written decision.

Exhibits

- A. Appeal application and narrative.