

Weber County Board of Adjustment Application

Application submittals will be accepted by appointment only. (801) 399-8374. 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) Dennis & Ellen Barrett		Mailing Address of Property Owner(s) 3488 N. Elk Ridge Trail Eden, UT 84310	
Phone 435-559-1047	Fax		
Email Address dennispbarrett1958@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)		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 3488 N. Elk Ridge Trail Eden, UT 84310		Land Serial Number(s) 22-130-0009	
Current Zoning Single Family Residence			
Existing Measurements		Required Measurements (Office Use)	
Lot Area .45 acre	Lot Frontage/Width 128.54 ft.	Lot Size (Office Use)	Lot Frontage/Width (Office Use)
Front Yard Setback 30 ft.	Rear Yard Setback 30 ft.	Front Yard Setback (Office Use)	Rear Yard Setback (Office Use)
Side Yard Setback 10 ft.	Side Yard Setback 20 ft.	Side Yard Setback (Office Use)	Side Yard Setback (Office Use)

Applicant Narrative

Please explain your request.

We are requesting a variance to the Weber County Land Use Code. Our property is in a developed area (subdivision) where other homes have the same controlled runoff stream. The stream is at the back of our property and is controlled by a valve approximately 1 mile away from our property that releases water from one retaining pond. The lowest portion of our proposed home is 5 feet above the high water mark. To be able to build our home on the property, we are requesting a variance to the code stating the home must be 50 feet away from the high water mark.

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.

Without the variance, we will not be able to build our proposed home on our lot. We have looked into shifting the home on the lot, but that won't work. We would be unable to accommodate the setback regulations.

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:

In order to be able to build our home and meet Weber County Land Use Code, a variance of 20 feet is being requested.

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

We purchased this lot in 2018. It was marketed, sold, and purchased by us as a building lot. We purchased the lot with the understanding that we would be able to build a home on this lot. We have since learned of the 50 feet from house to high water mark ordinance. Without the variance, we will be unable to build our home.

Variance Request (continued...)

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

The property is listed as a single family home building lot. It is expected for a home to be built on this lot. Granting the variance will not affect the general plan or be contrary to the public interest. There is already curb and gutter and utilities stubbed to the property.

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

We measured 4 points from the back of the home to the high water mark. The 4 points are 46', 36', 35' and 30'. The home will still sit substantially away and above the high water mark. This should be well within the spirit of the land use ordinance.

Property Owner Affidavit

I (We), _____, 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.

(Property Owner)

(Property Owner)

Subscribed and sworn to me this _____ day of _____, 20____

(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)

