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) **Property Owner Contact Information** Name of Property Owner(s) Mailing Address of Property Owner(s) 3433 N. Elk Ridge Trail Eden, UT 84310 **Email Address** Preferred Method of Written Correspondence Email Fax 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 Email Fax 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 Land Serial Number(s) 3488 N. Elk Ridge Trail 22-130-0009 Eden, UT 84310 Family Residence Required Measurements (Office Use) Existing Measurements Lot Frontage/Width Lot Size (Office Use) Lot Frontage/Width (Office Use) Lot Area .45 acre 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.

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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 I 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 reconsisting a variance to the able stating the are requesting a variance to the code stating home must be 50 feet away from the high water

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 accomodate the setback regulations.

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Variance	Request	(continued)	۱

- $2. \ \ There are special circumstances attached to the property that do not generally apply to the other properties in the same zone.$
- 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 of points from the back of the home to the high water mark. The of 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),
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 thisday 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)



Covenant Restricting Use of Land
GRANTOR(s), Dennis P. & Ellen A. Barret , an individual, hereby grants, for consideration received to GRANTEE, Weber County, Utah, the following described covenant restricting the use of the following property (hereafter the Property):
Legal Description: EIK Horn Subdivision Phase 2, Lo
Parcel/Tax Identification # 22-130 - 0009
Grantor, his/her heirs, legal representatives, or assigns, including any future owner or leaseholder of the property, or any of them, shall not, nor will at any time during their ownership or control of the Property, use the Property for anything other than a single family residence. The construction and installation of a second kitchen within a single family residential dwelling is for the sole use and enjoyment of the single family living within the dwelling. No structure built or maintained on the property shall be used to provide two or more residences or residential units, as defined in the Weber County Codes.
This Covenant shall run with the property, and shall be binding on all future owners, heirs, assigns, leaseholders, or other legal representatives.
This Covenant is for the sole benefit of Weber County and shall not be assigned by the Grantee to any other party.
If this Covenant is breached or violated in any way, Weber County may at its option, require immediate termination of the offending use. Weber County hereby reserves all rights of enforcement and other remedies available at law. This Covenant shall remain in effect regardless of the amount of time the Property is used in violation of the Covenant.
Dated this 28th day of January, 2021. Signed Signed Signed
Dennis P. Barrett Ellen A. Barrett Printed Printed
State Of Utah)
County Of Weber)
On the 28th day of January 2,2021 personally appeared before me
My-Commission Expires: BRANDON S. PAYNE NOTARY PUBLIC • STATE OF UTAH COMMISSION NO. 703200 COMM. EXP. 11-06-2022