

Variance Request Form



INTERNAL UDOT USE ONLY

OLP Application ID No:	118832	Project Name:	Gateway Estates
-------------------------------	--------	----------------------	-----------------

Access-related variances are governed by Utah Administrative Code R930-6-9. A variance may be considered for any design standard of this rule that is not applicable or feasible given the proposed physical and operational characteristics of the site. Applicants seeking a variance for these design standards must submit a thoroughly detailed variance request using this form.

The applicant must clearly demonstrate the variance request meets minimum acceptable engineering, operation, and safety standards. The applicant must also clearly demonstrate the variance is not detrimental to the health, welfare, and safety of the public.

INSTRUCTIONS: Complete all fields below and submit with a complete application. Additional sheets may be attached, however a summary of your responses must be included in the spaces provided below. Simply stating "see attached" is considered insufficient information.

PROPERTY OWNER INFORMATION		APPLICANT INFORMATION	
Name:	OVB INVESTMENTS LLC	Name:	Matt Lowe
Mailing Address:	3319 BASIN VIEW CIRCLE	Mailing Address:	5028 S. Ridgeline Drive, #203
City, State, Zip:	MOUNTAIN GREEN, UT. 84050	City, State, Zip:	South Ogden, Ut. 84403
Email:		Email:	matt@lowecompanies.com
Phone:		Phone:	801-648-8829

PROPOSED ACCESS INFORMATION			
Physical Address:	11100 E. Hwy 39	Parcel Number:	210130007, 210130009, 210130001
State Route ID:	39	Milepost Marker:	22.92
Latitude (decimal degrees)	41.2648445	Longitude (decimal degrees)	-111.6892755
Access Width:	16 ft.	Access Use Type:	Residential

PRE-APPLICATION COORDINATION MEETING INFORMATION

Has a pre-application coordination meeting been held with the appropriate Region?

Yes: Meeting Date: No:

VARIANCE REQUEST OVERVIEW

Describe why this variance is being requested:

The distance between the proposed shared access for Lots 3 & 4 of the Gateway Estates Subdivision (north side of SR-39) and the existing access to the Ruby Resort (south side SR-39) is approximately 422', less than the 500' for driveway access spacing on a category 4 roadway.

VARIANCE JUSTIFICATION (1)

Describe how the applicant has considered all other feasible alternatives to provide reasonable alternative access to the property or development and demonstrate that better alternatives in terms of highway operations are not feasible or do not exist:

The access locations for the 10 lots of the Gateway Estates Subdivision that front along SR-39 have been located as per discussion with UDOT. Shared accesses have been planned for the lots and accesses location opposite existing access locations where possible for. Only the access for lots 3 & 4 does not comply with the distance requirement.

VARIANCE JUSTIFICATION (2)

Describe how the applicant has considered access through a shared use driveway or access point with an adjacent land use and such a shared use access is not feasible:

A shared access is planned for these lots along the lot lines to minimize the overall access locations. This also locates the access the furthest away from the existing access along lot 3.

VARIANCE JUSTIFICATION (3)

Describe how the applicant is voluntarily providing on-site or off-site mitigation efforts that might offset the negative impacts of approving an access that does not meet the provisions of the rule. Examples, may include, but are not limited to: installing acceleration/deceleration or turn lanes, installing raised median barriers, or other devices that physically restrict turning movements, or the consolidation of existing access connections.

No roadway modifications are proposed to SR-39.

VARIANCE JUSTIFICATION (4)

Describe how the applicant has considered and demonstrated trip reduction strategies that allow the access to properly function without creating a negative impact to the highway:

N/A

VARIANCE JUSTIFICATION (5)

Describe the traffic engineering or other studies the applicant has provided to determine the access will not degrade the efficient flow of traffic on the highway in terms of safety, capacity, travel speed, and other functional features of the highway.

An exhibit has been prepared including sight triangles for the accesses of the development, including the lot 3 and 4 access.

LIST OF ATTACHED DOCUMENTS

In the spaces provided below please list each document being attached in support of this variance request.

#	Description	#	Description	#	Description
1		5		9	
2		6		10	
3		7		11	
4		8		12	

APPLICANT/OWNER CERTIFICATION AND ACKNOWLEDGEMENT

The applicant and owner declare under the penalty of perjury, and any other applicable state or federal law, that all information provided on this form and submitted attachments are true, factual, and accurate. The applicant and owner also hereby acknowledge any false or misleading information contained herein is grounds for variance denial and/or permit revocation.

Owner Name (Printed):	Matthew Lowe	Sign Name:	<i>Matthew Lowe</i>	Date:	10/26/2021
-----------------------	--------------	------------	---------------------	-------	------------

Applicant Name (Printed):		Sign Name:		Date:	
---------------------------	--	------------	--	-------	--

INTERNAL UDOT USE ONLY

Pursuant to Utah Administrative Code R930-6-9(2)(b), the Department shall not approve variances that, in the Department's determination, pose hazards to public mobility, health, safety, and welfare. The Department shall not approve variances for procedural requirements. The department shall review the variance request for consistency with the purposes of this rule.

Pursuant to Utah Administrative Code R930-6-9(2)(d), the Department shall include in its files documentation of reasons for approving or denying a variance request. This form is established, in part, to fulfill this legal requirement.

Pursuant to Utah Administrative Code R930-6-9(2)(e), an approved access or encroachment permit may stipulate conditions and terms for the expiration of the permit when the necessity for the variance no longer exists. It may also require the permittee to improve, modify, eliminate, or correct the condition responsible for the variance when it is evident that the justification for the variance is no longer valid. Such stipulations and requirements shall be stated in the approved permit.

REGION PERMITTING OPERATIONS OFFICE RECOMMENDATION

Basis for recommendation:

RECOMMENDED FOR:

APPROVAL

DENIAL

Name (Printed):		Sign Name:		Date:	
-----------------	--	------------	--	-------	--

REGION ENGINEER FINAL DETERMINATION

This variance request is being granted due to the efforts of locating the access as close to the 500 ft spacing requirement as possible while identifying an appropriate access location based upon sight distance.

APPROVED

DENIED

Name (Printed):	David Alger	Sign Name:	<i>David F. Alger</i>	Date:	11/10/21
-----------------	-------------	------------	-----------------------	-------	----------