

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) \$225.00	Receipt Number (Office Use)	File Number (Office Use)
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Property Owner Contact Information

Name of Property Owner(s) ELIAS HAZIK		Mailing Address of Property Owner(s) 1339 N LEWIS PEAK DR OGDEN, UT 84404	
Phone 801 510 3112	Fax		
Email Address ELIHAIK@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) KARL LUNDIN		Mailing Address of Authorized Person 2485 GRANT AVE #212 OGDEN, UT 84401	
Phone 801 395 1560	Fax 801 395 1561		
Email Address KLUNDIN70@YAMOO.COM		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Appeal Request

- 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
- A variance request:
 ___ Lot area Yard setback ___ Frontage width ___ Other: _____
- A Special Exception to the Zoning Ordinance:
 ___ Flag Lot ___ Access by Private Right-of-Way ___ Access at a location other than across the front lot line
- An Interpretation of the Zoning Ordinance
- An Interpretation of the Zoning Map
- Other: _____

Property Information

Approximate Address 5001 3373 FAIRWAYS DR EDEN, UT 84401 84310	Land Serial Number(s) 22-209 -0006
Current Zoning	

Existing Measurements		Required Measurements (Office Use)	
Lot Area 21,291	Lot Frontage/Width 159.98	Lot Size (Office Use)	Lot Frontage/Width (Office Use)
Front Yard Setback 25'	Rear Yard Setback 50'	Front Yard Setback (Office Use)	Rear Yard Setback (Office Use)
Side Yard Setback 8'	Side Yard Setback	Side Yard Setback (Office Use)	Side Yard Setback (Office Use)

Applicant Narrative

Please explain your request.

The purpose of this application is to be granted a variance due to undue hardship caused by the 75' Seasonal Stream Corridor Setback (SSCS) for the property at 5001 Fairways Dr, Eden, UT 84310. The proposed design of the home meets all required Weber county setbacks and has been placed in a manner to encroach minimally into the SSCS. The shape of this particular property creates an irregular building envelope which is further hindered by the SSCS. When this property was first subdivided, the SSCS was not in existence and likely not a consideration. Had it been a consideration at the time then the property likely would have been platted differently as to allow a better property shape upon which to build on.

Variance Request

Explain how the variance will not substantially affect the comprehensive plan of zoning in the County and that adherence to the strict letter of the ordinance will cause unreasonable hardships, the imposition of which upon the petitioner is unnecessary in order to carry out the general purpose of the plan.

The variance will not substantially affect the comprehensive plan of zoning in that it meets all of Weber County's typical ordinances regarding setbacks, size and mass. The general plan will not be contrary to public interest in that the home is designed to take into consideration as much of the properties buildable area as possible. Of the homes total developed area we are requesting a variance to allow less than 400 sq ft of developed area to encroach into the SSCS. A review of sheet "C1.2 – Site Plan Shaded" shows the corner of the home and the areas of the home that encroach into the SSCS. The solid shaded areas are enclosed areas of the home and the cross hatch area is open covered veranda area.

Variance Request (continued...)

List the special circumstances attached to the property covered by the application which do not generally apply to the other property in the same zone.

For demonstration purposes I have attached site plans for comparison review. For the comparison I have used the 50' rear setback for all the calculations. The first illustration is the "TYPICAL SITE PLAN" and shows a 110' wide x 193.55' deep (21,291 sq ft) with the same setbacks as is required for the parcel in this matter. The net building area is 10,906 sq ft. The Fairways property by comparison contains only 7,582 sq ft of buildable area as can be seen on sheet "C1.3 – Site Plan Net Area". That is 3,324 sq ft less than a standard property of the equal size and setbacks. This is a direct result of the very irregular shape of this property. This variance is essential to the enjoyment of this property. The property owner in this instance is one who believes that his home will be an asset to the community and will fit in harmony and style with his fellow neighbors. The home has been designed with the owner's minimal area needs for a one story home.

Based upon the previously stated special circumstances, clearly describe how the property covered by this application is deprived of privileges possessed by other properties in the same zone; and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other properties in the same zone.

Variance Request: We request that a variance be granted based on the determination that the 75' SSCS encroaches onto this property with adverse effects. This property is composed of 8 separate perimeter lot line segments creating a one of a kind irregular shape. The SSCS covers 14,029 square feet of the 21,291 total square feet of this property area of which we would like to encroach into it with less than 400 square feet of the proposed home or less than 3% of its area.


Variance Request (continued...)

Explain how the previously listed special circumstances are not considered to be economic or self-imposed hardships.

The special circumstances in this matter are not considered to be self-imposed as the design of the home has utilized all of the area available on the property. The size of the home which is 2,399 sq ft of living area is in my opinion a small home compared to what is typically requested and even at that size it does not fit on a one half acre lot. All considerations have been taken into account and the home situated on the property to minimally encroach into the SSCS. The home has been designed as small as possible to maintain the majority portion of the house outside the SSCS. The home meets all other criteria set forth by Weber county rules and regulations. It is confirmed by the site plan demonstration that the home has been laid out in a manner to effectively stay out of the SSCS. Of the homes overall 2,399 square foot living area, 106 square feet of enclosed area and 281 square feet of open area are what is being requested to be granted this variance.

Property Owner Affidavit

I (We), ELIAS HARIK, 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 5th day of Feb ^{EA} 20 14
February

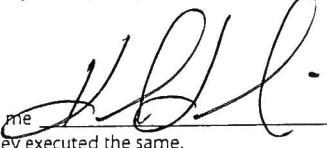
(Notary)

Authorized Representative Affidavit

I (We), ELIAS HARIK, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), KARL LUDDIN, 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 5 day of FEB, 20 14, personally appeared before me  the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

(Notary)



Weber County

Weber County Planning Division
www.co.weber.ut.us/planning
2380 Washington Blvd., Suite 240
Ogden, Utah 84401-1473
Voice: (801) 399-8791
Fax: (801) 399-8862

Board of Adjustment Review

The Board of Adjustment convenes as necessary to review applications for variances, deviations, interpretations, and appeals as outlined below.

A pre-application meeting is required prior to application submittal; please call (801) 399-8791 to make an appointment. Date of pre-application review meeting: _____ Time: _____

- Staff member assigned to process application: _____

APPLICATION DEADLINE: Thirty (30) days prior to the applicable Planning Commission meeting

The Board of Adjustment meets on the 2nd and 4th Thursdays of the month as needed.

Application Submittal Checklist

The Planning Division will only accept complete applications with supporting documents as outlined below. Submitting an application does not guarantee that your application will be placed on the next Board of Adjustment agenda.

The following is required as part of the application form submittal:

- Complete Application Form
- A non-refundable fee made payable to Weber County (see *Fee Schedule* below)
- Obtain signature of the owner(s) on the application and any authorized representatives
- All documents submitted in the application shall be accompanied by a PDF file of the respective document. All plans (including but not limited to site plans, architectural elevations/renderings, etc), and subsequent submittals and revisions, shall be accompanied by a full scale set of PDF files of the respective plans.
- A narrative explaining your request. If your request is for a variance please explain how the request meets the requirements for: (see *Review Criteria*).

Fee Schedule

Property Zoning _____ Fee Required _____

- Board of Adjustment Review \$225

Duties and Powers of the Board of Adjustment

1. To act as the appeal authority from decisions applying and interpreting the Weber County Land Use Code and Zoning Maps.
2. To hear and decide variances from the requirements of the Weber County Land Use Code.



Procedure

The Board of Adjustment shall adopt rules and regulations, consistent with Utah state code and Weber County ordinances, for conducting its business and may amend such rules from time to time. Such rules may include policies and procedures for the conduct of its meetings, the processing of applications, the handling of conflict of interest and any other purpose considered necessary for the functioning of the board.

1. Application and Notice.

- A. Any person or entity wishing to petition the Board of Adjustment for an appeal or interpretation of the Land Use Code or Zoning Maps, or for a variance from the requirements of the Land Use Code may commence such action by completing the proper application and submitting it to the Weber County Planning Division office. Applications must be submitted at least 30 days prior to the date of the meeting at which the application will be considered. The application must clearly explain the appeal, interpretation, or variance being requested, and must be accompanied by the required fee and applicable supporting information.
- B. After a complete application has been submitted and accepted, the Planning Division shall prepare a staff report to the Board of Adjustment, schedule a meeting of the Board, and send notice to property owners within 500 feet of the parcel on which the request has been made. Notice may be sent to other interested persons or organizations upon written request.

2. Meeting.

- A. The Board of Adjustment shall hold a public meeting to decide upon the appropriate action to be taken on an appeal, variance, or interpretation request. The concurring vote of at least three (3) of the five (5) Board members is required to decide in favor of the request.

3. Decision and Minutes.

- A. After the Board of Adjustment has made a decision, a notice of decision shall be prepared by the Planning Division, signed by the Board of Adjustment Chair or the Chair's designee, and sent to the appellant in accordance with Chapter 31 Section 4 of the Weber County Land Use Code. This notice acts as the Board's written decision for an appeal, variance, or interpretation request. Decisions of the Board of Adjustment shall be final at the time a notice of decision is issued.
- B. The minutes of all meetings of the Board of Adjustment shall be prepared and filed in the Weber County Planning Division office. The minutes shall be available for public review and access in accordance with the Government Records and Access Management Act.

4. Expiration.

- A. If the Board has decided in favor of a variance request, the approval is valid for a period of 18 months. If an approved variance request has not been acted upon within this time frame, the approval shall expire and become void.
- B. If the Board has made an interpretation to the Zoning Map or Land Use Code, the interpretation is valid until an amendment to the Zoning Map or Land Use Code is made which changes the conditions upon which the interpretation or decision was made.



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5. Appeal of Decision.

- A. Appeals from decisions of the Board of Adjustment are made directly to the District Court as designated in Utah state code.

Decision Criteria and Standards

1. Appeals from decisions applying and interpreting the Weber County Land Use Code and Zoning Maps

- A. The Board of Adjustment shall determine the correctness of a decision of the land use authority in its interpretation and application of the Weber County Land Use Code and Zoning Maps.
- B. The Board of Adjustment may hear only those decisions in which the land use authority has applied the Weber County Land Use Code or Zoning Maps to a particular application, person, or parcel.
- C. The appellant has the burden of proof that the land use authority erred.
- D. 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.
- E. Appeals to the Board of Adjustment shall consist of a review of the record. In cases where there is no record to review, the appeal shall be heard de novo.

2. Variances from the requirements of the Weber County Land Use Code

- A. Any person(s) or entity desiring a waiver or modification of the requirements of the Weber County Land Use Code as applied to a parcel of property that they own, lease, or in which they hold some other beneficial interest may apply to the Board of Adjustment for a variance from the terms of the Land Use Code.

- B. The Board of Adjustment may grant a variance only if the following 5 criteria are met:

- 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 Land Use Code.

- 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.

- 2. There are special circumstances attached to the property that do not generally apply to other properties in the same zone.



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- a. In determining whether or not 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.
 3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.
 4. The variance will not substantially affect the general plan and will not be contrary to the public interest.
 5. The spirit of the land use ordinance is observed and substantial justice done.
- C. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
- D. Variances run with the land.
- E. The appeal authority may not grant a use variance.
- F. In granting a variance, the appeal authority may impose additional requirements on the applicant that will:
1. Mitigate any harmful effects of the variance; or
 2. Serve the purpose of the standard or requirement that is waived or modified.

For Your Information

This application can be found at the following Planning Division web site: www.co.weber.ut.us/planning. Copies of the applicable Weber County Land Use Code and other helpful information are also available at this web site.



WEBER COUNTY CMS RECEIPTING SYSTEM OFFICIAL RECEIPT

*** Save this receipt for your records ***

Date: 06-FEB-2014

Receipt Nbr: 2758

ID# 17937

Employee / Department: CRAIG - 4181 - PLANNING

Monies Received From: LUNDIN DESIGN GROUP

Template: PUBLIC WORKS

Description: BOA

The following amount of money has been received and allocated to the various accounts listed below:

Total Currency	\$	_____	.00
Total Coin	\$	_____	.00
Total Debit/Credit Card	\$	_____	.00
Pre-deposit	\$	_____	.00
Total Checks	\$	_____	225.00
Grand Total	\$	=====	225.00

Account Number	Account Name	Comments	Total
2014-08-4181-3419-0550-000	ZONING FEES		225.00
TOTAL \$			225.00

Check Amounts

225.00

Total Checks: 1

Total Check Amounts: \$ 225.00

*** SAVE THIS RECEIPT FOR YOUR RECORDS ***