



BOARD OF ADJUSTMENT

MEETING AGENDA Thursday, February 25, 2016 4:30 p.m.

**Pledge of Allegiance*

Regular Agenda Items

1. Minutes Approval of the January 14, 2016 meeting minutes
2. BOA 2016-01 Consideration and action on a variance request for a detached garage to encroach 25 feet into the 30 foot rear yard setback on property located at 962 Ogden Canyon in the Wilcox Camping and Boating Resort area of the Ogden Canyon (Rick Golde, Applicants)
3. BOA 2015-08 Consideration and action on a request for a variance from setback requirements, lot area requirements, lot width requirements, and lot access requirements on parcels with tax ID 20-019-0001 and 20-019-0004 (being combined), 20-019-0003, and 20-019-0002 and 20-018-0004 (being combined), and 20-019-0014 located at approximately 940 Ogden Canyon Road (Richard Vance, Jeffrey Callahan, Colby Keddington, & Aren Zamani, Applicants)
4. Adjournment:

The meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1st Floor, 2380 Washington Blvd., Ogden, Utah



In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8791.

Minutes of the Board of Adjustment held January 14, 2016 in the Weber County Commission Chambers, 2380 Washington Blvd., Ogden UT

Members Present: Rex Mumford, Chair; Deone Ehlers-Rhorer, Douglas Dickson

Staff Present: Sean Wilkinson, Community & Economic Development Director; Scott Mendoza, Assistant Planning Director; Charles Ewert, Principal Planner; Courtlan Erickson, Legal Counsel; Kary Serrano, Secretary

**Pledge of Allegiance*

Regular Agenda Items

1. **Minutes:** Approval of the July 16, 2015 and August 20, 2015 meeting minutes

MOTION: Deone Ehlers-Rhorer moved to approve July 16, 2015 meeting minutes as written. Douglas Dickson second. A vote was taken with members Deone Ehlers-Rhorer, Douglas Dickson, and Chair Mumford voting aye. Motion Carried (3-0)

MOTION: Deone Ehlers-Rhorer moved to approve August 20, 2015 meeting minutes with the minor typos to be corrected that will be submitted by the Chair and to correct the Legal Attorney present from Chris Crockett to Courtland Erickson that was present. Douglas Dickson seconded. A vote was taken with members Deone Ehlers-Rhorer, Douglas Dickson, and Chair Mumford voting aye. Motion Carried (3-0)

2. **BOA 2015-08:** Consideration and action on a request for a variance from setback requirements, lot area requirements, lot width requirements, and lot access requirements on parcels with tax ID 20-019-0001, 20-019-0003, and 20-019-0004. (Richard Vance, Jeffrey Callahan, & Colby Keddington, Applicants)

Charles Ewert staff member presenting the case recommend denial stating that the case is not without merit. The variance the applicants have put together has a compelling argument with some unique circumstances attached to the property. Staff's recommendation is for denial but it does have some possible alternatives. The subdivision is the Wilcox Boating and Camping Subdivision which was platted in 1910. There is a lot of history to the subdivision and it predates zoning. The Wheeler Creek area does not conform to current zoning which is currently F40. In the nature of nonconforming uses, are essentially grandfathered, which entitles them the uses that have been legally established. The lots that they were talking about, described in the exhibit was Parcel D, and was from a 2004 lot adjustment determination. The request was made to consolidate some parcels into bigger parcels and move lot boundaries around that resulted in lots A through F; in the upper top portion of the Wilcox Loading and Camping Subdivision.

Charles Ewert said in 2005 the property was further divided into three different parcels. Around the timeframe of 2012 the current applicants acquired the property; and they are just trying to put things together again so both properties have rights that they thought they had purchased without violating any applicable ordinances. The reason for staff's recommendation of denial is because in 2005 there was a division of land. Whenever there is a division you need to go through the subdivision process, which was not followed, this resulted into significantly smaller parcels that were allowed in the F-40 Zone. Even if the parcels had nonconforming rights, when dividing property into smaller parcels, the resulting parcels have to conform to the current ordinance.

Charles Ewert said that the applicant's variances request is based on a survey produced by Mountain Engineering. The desire is that they have three parcels now; two of the parcels have homes on them, and those homes predate zoning 1920's/30's era. On Parcel B's image, it showed the one lot with two homes on it. In the new survey the applicants have put together, there are two separate lots with a home on each lot, and what the survey does is combine two of the unlawfully divided lots into one, with two resulting parcels. It still creates a new lot with its own single family dwelling unit on it. Mr. Ewert explained in the staff report why this is significant, why it is important to ensure that they are not creating new lots with new primary buildings on them. Currently there are two residences in that area and are occupied with separate ownership; if it was one single parcel the level intensity of the uses of would be less. This is not applicable in every case. Once the lot is separated it, they inherently increase the potential impacts of the allowable uses. Splitting the lot making it smaller doubles the impact in the F40 zone.

Charles Ewert indicated the purpose of the F-40 Zone is for general forestry uses; residential uses are allowed with a 660 foot front setback. In order to facilitate the applicant's request, staff put forward a different scenario to show different variances and setbacks, and what the existing parcel boundaries currently are and what the proposed variances would look on the proposed survey plat. In our evaluation if this property had not been divided in 2005; the variance request would not be necessary because those nonconforming rights would run with it. There is an alternative, it would be a preferred recommendation if the applicants would accept it, but it's not what they applied for, and that's why staff is recommending denial.

Parcel A and a few of the other parcels on the plat map are also owned by the applicants. Whether they take Parcel B back to its previously nonconforming property boundaries; or they start looking at the broader area in other parcels that are owned, maybe there is a way to reconfigure property in the areas that result in no more single family dwelling lots than what has previously existed, they could find a way to work with the applicants and provide some flexibility and recommend some alternative variances to enable the application to move forward. If a reasonable solution could be found that the applicants would be happy with and not circumvent the ordinance.

Chair Mumford asked what is the purpose; are they trying to build a new home or are they trying to get a rebuild letter. He noticed on the map that was historically Lots 1, 2, 3, and so on, and then there is A, B, C. Lot A for example is actually Lots 1, 2, and part of 3, is the current dimension of that particular lot. So Lot A does encompass two and a half of the old historic lots; and Lot B likewise is part of 3, 4, and 5. Mr. Ewert replied there was a request for a rebuilt letter on the front portion of the parcel which is owned by Callahan that resulted in a notice of nonconformance or notice of an unbuildable parcel. The applicants have some financial considerations they are trying to overcome. Lot A is correct and is shown in the 2004 lot line adjustment that was approved. There is a rebuild letter that has been issued for parcel C, and there has been some research to show that is a buildable parcel.

Chair Mumford asked is Lot B an unlawful subdivision with two homes on it as it currently stands. Was Lot B was then changed in 2005 and was it subdivided without approval. So when was Lots A, B, and C actually approved. Mr. Ewert replied correct if he would look at the division of land it separates the interest of the two houses, so the division goes right between the two homes about a year after the lot-line adjustment. Lot B was 2-1/2 lots, of the original Wilcox Boating and Camping Subdivision. Lots A, B, and C were approved in 2004.

Douglas Dickson asked to clarify the 2004 and 2005 incident. Mr. Ewert showed a survey plat from 1970, and it did not show any kind of corrections on properties that we have been discussing. It actually addresses property further up the road, but the surveyor did provide some dimensions for these parcels. The basic of this map is that the survey plat of 1970 substantially follows the same line that they will find in the original subdivision. Sometime between 1970 and 2004 the owners of that property came forward to consolidate some of these other parcels together into larger parcels. So for clarification purposes; in 2004 the parcels were taken from the 1970's survey dimensions, and turned them into deeded dimensions, Parcel A, B, C, as well as other parcels going down the road. In 2005 approximately a year later, the owner of the property deeded out the front portion to one owner, the middle lot to another, and the rear lot to the same person of the front portion.

Chair Mumford asked where the access road was located. Mr. Ewert replied they have two access roads; in the original plat, the right-of-way running down the center of the lots. Overtime there were floods, the river shifted, and the right of way or a portion of it may be currently in the river. Due to the creation of the dam and the construction of the Highway 39 going up the canyon; there have been some changes of how people get access to the homes. In the case of these two lots, they would consider the frontage of rear lot, just for the benefit of the applicants. They would consider this side as frontage for one home; and the other side the front for the other home, so that right-of-way runs through the back and runs right past the corner of the home. The owners of both homes gain access.

Chair Mumford asked where the third lot is located, and the other dwelling is in that smaller parcel. Is that owned by the same individual? Mr. Ewert replied yes, the western lot is owned by one owner, and eastern lot is owned by another person.

Deone Ehlers-Rhorer asked why the illegal subdivision had a tax id, and if the three tax identifications would have to be consolidated and if staff required that. Mr. Ewert replied that these three lots have different tax identifications; if the board approved the variances, then staff would ask that this be approved based on re-platting so that the two western

lots would be consolidated into one parcel. He also said anything that is presented to the County Recorder's office has to be recorded. If he were to file some type of deed in favor to someone else to the recorder's office, they are obligated to record that. Whether or not that follows county ordinances is an entirely different subject. So the way that staff navigates the complexity of land use laws; is if something was not lawfully divided in accordance with the land use regulations, or with subdivision regulations they don't get a land use permit.

Chair Mumford said that he did not see the smaller subdivided piece of land on page 3 of 42. Are either of these two lots more nonconforming than what they were historically. Charles Ewert replied the exhibit in his packet that is provided is what the applicant surveyor had produced. He wanted to make sure that they were looking at what they were approving based off the applicant's request. Historically yes, but if the question is going back to the original Wilcox Subdivision, that is a question that he didn't know.

Jeff Callahan, 1013 N Coyote Run, Saratoga Springs, said he is the lot owner for one of the lots. For clarification the larger home in the back is his home and his friend Richard Vance. The two front parcels that they had surveyed, is owned by Colby Keddington. All three owners were in attendance. Earlier when it was asked what their intent was, they replied it was for a rebuilt letter. Initially when they addressed this a year ago it was an attempt to get a rebuild letter for financing; and they couldn't get a certifiable appraisal, and that's when they found out that it was a nonconforming lot. This new survey is what they are proposing to the Board of Adjustment to grant a variance on. They asked Jess Holyoke with Mountain Engineering to speak, and as the board can see by the staff report, there have been plenty of surveys and plats that have been recorded throughout the years. There is confusion as to how this subdivision should have been done from day one; and how the two homes on this plat were overlooked, and why they weren't subdivided at the same time.

Chair Mumford asked when the applicant purchased this property, who was the seller, and was there any disclosure that this property was none rebuildable. Mr. Callahan replied that he purchased the property 2011/2012 from Stefanie McGrini who resides in the east coast. The only caveat that the realtor said was that it had a lot of problems, and it didn't have a connection to water or a septic system. Later they were informed by the Health Department that they had to put in water and a septic system. They have made major improvements to the property; and significantly invested in the property, they are just trying to recover the cost.

Deone Ehlers-Rhorer asked when he purchased this property did he use a title company and did he submit any claims. Jeff Callahan replied that he used Mountain Title, and back then there was no title insurance. When he was going to do financing, his banking institution had the title company do a policy but for some reason no title policy was done.

Colby Keddington, 198 E Bay View Circle, Saratoga Springs, said that he is the individual that owns the other four parcels. This property was originally recorded in 1910 as having 30 buildable lots in the area. What they noticed from the beginning was the geographical location didn't fit that map description in any way, shape, or form. It didn't describe a road that is actually the main access. The right of way is impassable just past his property, and there is an additional four parcels that have homes on it. He purchased in 2009 from Deone Smith's Firm and most of the residents have been trying to make the area nicer. One of the neighbors has taken three of the lots and turned it into one home and he would like to do the same.

Deone Ehlers-Rhorer said that a recommendation from staff might be a good option for them; why didn't they go with that recommendation. Mr. Keddington replied they didn't have a problem with staff's recommendation. Michael Sherman has taken the approved Parcel's F, D, and E; and turned into his own subdivision, and segregated itself from Wilcox Boating and Camping community. They would like to do the same thing from Parcel C, and be able to make all the parcels into the same number of buildable lots. He said what they are trying to accomplish is make Parcel B; split in two because of the two home owners. They are trying to accomplish what the county wants.

Deone Ehlers-Rhorer asked for clarification; the variance that they are requesting now is the way it had been recorded in 1980. Mr. Keddington replied correct and Jess Holyoke, their surveyor has the legal description of that. He hired Mr. Holyoke in 2009 with Michael Sherman to give them an idea where the area actual boundaries were. The boundaries don't go very well with the creek; the map shows that the creek actually runs through the center of one of the homes. The two parcels that he owns on the west side of Parcel B, actually split the house in half. He would be happy to combine those parcels on the west side; the problem is splitting Parcel B, because it becomes a smaller parcel.

Chair Mumford said for clarification; the west side of Parcel B was subdivided in 1980. Mr. Keddington replied in 1980 these homes were sold or deeded with the legal land description that they are currently showing and proposing.

Deone Ehlers-Rhorer asked in 1980; was that an actual approved subdivision or did someone make a new legal description and have that recorded. Mr. Keddington replied from he understood in 1980 was a quick claim portion that was not approved, but at that time it would not be breaking Parcel B in half but combining those 30 lots that were originally done in 1910. They quick claimed multiple lots together; combining Lots 3, 4, and 5 and then dividing them in half.

Doug Dickson said that some of the discussion tonight between the owners/staff could work toward a resolution and he thinks that they are at a point to make a proposal to approve staff and the applicants work together so a resolution could be made. Mr. Ewert replied that would be a reasonable solution if when making the motion staff will work with the applicants and their surveyor. Also in the motion if they could focus on the existing survey plat; upon approving the variances staff needs to know what they are comparing the existing standard to, and if there are small survey adjustments that need to be made.

Jess Holyoke, 2250 W Old Highway, Morgan said that he is the Land Surveyor from Mountain Engineering he was hired to prepare the plats. He said he wanted to clarify the timeline and how these things came about. When he was first went up there to do some research, trying to figure out where the property line was by the creek. He later found out that the creek had shifted over quite a ways. He stumbled unto this 1980 deed that talked about a legal description for these properties. He didn't know if this deed created these properties or if it was created prior to that and this was just a sale. He didn't believe that this was brought to Mr. Ewert's attention. What these 1980 legal descriptions actually created; two pieces of property divided somewhat along the survey line that they now have which has been adjusted a couple of times more or less. It describes the piece of property on the eastern side of the property and then in 2004 and do the A, B, and C parcels, and for some reason this lot line adjustment was approved, based on these being in the same parcel. It was not addressed at that time; and after that these properties were left as individual lots, but they were chopped down to match the lot line adjustment plat. When the properties were adjusted in 2005 to match up to the Lot line adjustment they were left separate. They never did the title work to combine the two properties as the lot line adjustment would require that.

Chair Mumford said that the request is to take the old lots from 2004, and the new lot was created in 2005. Mr. Ewert replied yes to his understanding, but Mr. Holyoke made a good point. The three parcels that were created in 2005, it is entirely possible since he was just looking at deeds of sale, that those configurations predated 2005. What Mr. Holyoke indicated was that they existed, the three separate parcels at the time the approved lot line adjustment went through. In 2004 when the lot line adjustment was approved; it was intended for all those lots to be consolidated into one in order to validate that approval.

Chair Mumford said that in order for Lot B to be made into those two nonconforming lots, they wouldn't grant a variance for setbacks, total area, and for the width. So that would be the challenge there.

Deone Ehlers-Rhorer said regardless of what staff comes up with; a variance is going to be needed by this board. Mr. Ewert replied if the applicants consolidated Parcel B back to Parcel B from 2004 plat, a variance wouldn't likely be needed but because the nonconforming standard is owned by two different owners that's the challenge. If they are looking at reconfiguring other parcels in the area or this parcel, a variance would be needed regardless.

MOTION Douglas Dickson moved to grant the variance based on the Drawing, Page 3 of 42 that showing that configuration and that the applicants work with the county. Motion died due to lack of second.

Courtlan Erickson, Legal Counsel said he would like to discuss some of the options. If they look on Page 7 of 42, staff has explained some of the options that are legally available to this board. There are three ways that they could go with this: Approve it with or without conditions, deny it, or table it speaking of the request for variance. If this board approves or denies the request, they would need to be legally sound, include specific findings of fact, and factual reasons matching the five criteria for variance which are on Pages 5 and 6 of 42. There are very specific legal requirements for granting a variance; either approval or denial should be tied to the facts that are believed to be true, and the way that they do or do not comply with the legal requirements on the variance. Be as specifically based on the legal requirements. The third

option is tabling, this can be based on the need for additional information on how in this case the lots can be divided, or whatever additional information might be needed, or what this board might think would be needed here.

Chair Mumford said one of the things that has come out that Mr. Ewert was not aware of; was the 1980 Survey suggesting they are not approving something that's more nonconforming in this layout as it has been there for 30 plus years. He didn't know what the zoning was at that time, but that does add some facts to grant this, and that is assuming that 1980 survey is correct. Could they make it contingent on that fact? Courtlan Erickson replied that it would not be the best way, but they could table it to determine whether or not the 1980 survey had merit. From a legal prospective, they are going to need a finding of fact with or without conditions; that would be something that they are requiring the applicants to do instead of conditions that legal turns up for a particular finding.

MOTION: Deone Ehlers-Rhorer moved on a request for a variance from setback requirements, lot area requirements, lot width requirements, and lot access requirements on parcels with tax ID 20-019-0001, 20-019-0003, and 20-019-0004 to be tabled at this time until the applicants can get together with the administrators and work out a viable plan based upon new information that was received this evening. Doug Dickson seconded. A vote was taken with members Deone Ehlers-Rhorer, Douglas Dickson, and Chair Mumford voting aye. Motion Carried (3-0)

3. Election: Election of Chair and Vice Chair for 2016

Doug Dickson nominated Rex Mumford for chair. Deone Ehlers-Rhorer seconded. A vote was taken with Doug Dickson, Deone Ehlers-Rhorer, and Chair Mumford voting aye. Motion Carried (3-0).

Deone Ehlers-Rhorer nominated Doug Dickson for Vice Chair. Douglas Dickson seconded. A vote was taken with Doug Dickson, Celeste Canning, and Chair Mumford voting aye. Motion Carried (3-0).

4. Schedule &

Information: 2016 Meeting Schedule and Member Information List: The members were given a copy of the 2016 Meeting Schedule and Member Information List to review

5. Rules of Order: Consideration and Action on the Board of Adjustment Rules of Order:

MOTION: Doug Dickson moved to approve the Board of Adjustment Rules of Order as written. Deone Ehlers-Rhorer seconded. A vote was taken with Doug Dickson, Deone Ehlers-Rhorer, and Chair Mumford voting aye. Motion Carried (3-0).

Chair Mumford asked Director Wilkinson if there was anything new he would like to present. Director Wilkinson said that he has moved into a new position; he is now the Director of Community and Economic Development. He would oversee the Planning Division, Engineering, Building Inspection, as well as other departments. His new replacement for Planning Director is Rick Grover who will be starting on January 25, 2016. Mr. Grover is currently working in Ogden City as their Assistant Planning Manager.

6. Adjournment: The meeting was adjourned at 5:50 p.m.

Respectfully Submitted,

**Kary Serrano, Secretary;
Weber County Planning Commission**



Staff Report to the Weber County Board of Adjustment

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a variance request for a detached garage to encroach 25 feet into the 30 foot rear yard setback on property located at 962 Ogden Canyon in the Wilcox Camping and Boating Resort area of the Ogden Canyon.

Agenda Date: Thursday, February 25, 2016

Applicant: Rick Golde

File Number: BOA 2016-01

Property Information

Approximate Address: 962 Ogden Canyon

Project Area: 8,276 square feet

Zoning: Forest F-40 Zone

Existing Land Use: Dwelling

Proposed Land Use: Adding a garage

Parcel ID: 200190009

Township, Range, Section: T6N, R1E, Section 16

Adjacent Land Use

| | |
|----------------------------------|---------------------------|
| North: Residential | South: Residential |
| East: Vacant USA property | West: Residential |

Staff Information

Report Presenter: Jim Gentry
jgentry@co.weber.ut.us
801-399-8767

Report Reviewer: SM

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 9 Forest Zones F-5, F-10, and F-40
- Weber County Land Use Code, Title 108 Standards, Chapter 12 Non-complying Structures, Non-Conforming Uses, and Non-conforming Lots

Background

The applicant is requesting a variance to allow a 26 foot by 20 foot garage to encroach 25 feet into the 30 foot rear yard setback located at 962 Ogden Canyon in the Wilcox Camping and Boating Resort area of the Ogden Canyon (see exhibit A for location map). The property is zoned Forest F-40 which requires 40 acres and 660 feet of frontage. The applicant's property is created and occupied by a single family dwelling, was prior to zoning, and is significantly smaller; however, is consider (legal) non-conforming. A non-conforming lot that has a smaller width than is required for the zone in which it is located may be developed in a manner that does not exceed the allowed reduction in side yard setbacks (the reduce side yard setback is five feet on one side and eight feet on the other). The proposed garage will meet the allowed reduce yard setbacks.

If the applicant pushes the structure towards the front of the property, the structure would encroach into the 75 foot stream corridor setback, drain field, septic taken, and the driveway access to the lot (See exhibit C for site plan showing existing home, stream setback, septic and drain fields and access). The applicant's property is located between Wheeler Creek in the front of the property and the road which serves other lots to the rear of the property. The applicant would like to keep the structure out of the stream corridor setback and therefore is requesting this variance. The encroachment will be no farther than the access road. Many of the other existing structures in this subdivision encroach into the required setbacks.

Summary of Board of Adjustment Considerations

One of the duties and powers of the Board of Adjustment is to hear and decide variances from the requirements of the Weber County Land Use Codes. Weber County Land Use Code, Section 102-3-4 states that *“the Board of Adjustment may grant a variance only if the following 5 criteria are met:”*

- A. *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.*
 1. *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.*
 2. *In determining whether or not enforcement of the Land Use Code would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.*
- B. *There are special circumstances attached to the property that do not generally apply to other properties in the same zone.*
 1. *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.*
- C. *Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.*
- D. *The variance will not substantially affect the general plan and will not be contrary to the public interest.*
- E. *The spirit of the land use ordinance is observed and substantial justice done.*

The applicant has submitted a narrative addressing the above criteria, which is attached as Exhibit B. The Planning Staff's analysis and findings are provided below:

Conformance to the General Plan

Single-family dwellings are allowed as a permitted use in the Forest F-40 Zone. If the requested variance is granted, it will not affect the goals and policies of the Ogden Valley General Plan.

Conditions of Approval

- Meeting the requirements of applicable County review agencies.
- Obtaining a land use permit and a building permit prior to construction.
- Submitting and completing one lot subdivision application combining the applicant's two (legal) non-conforming lots into one lot prior to the construction of the garage.

Staff Recommendation

Staff recommends approval of the variance request for a garage to encroach 25 feet into the required 30 foot rear yard setback, based on its compliance with the applicable variance criteria:

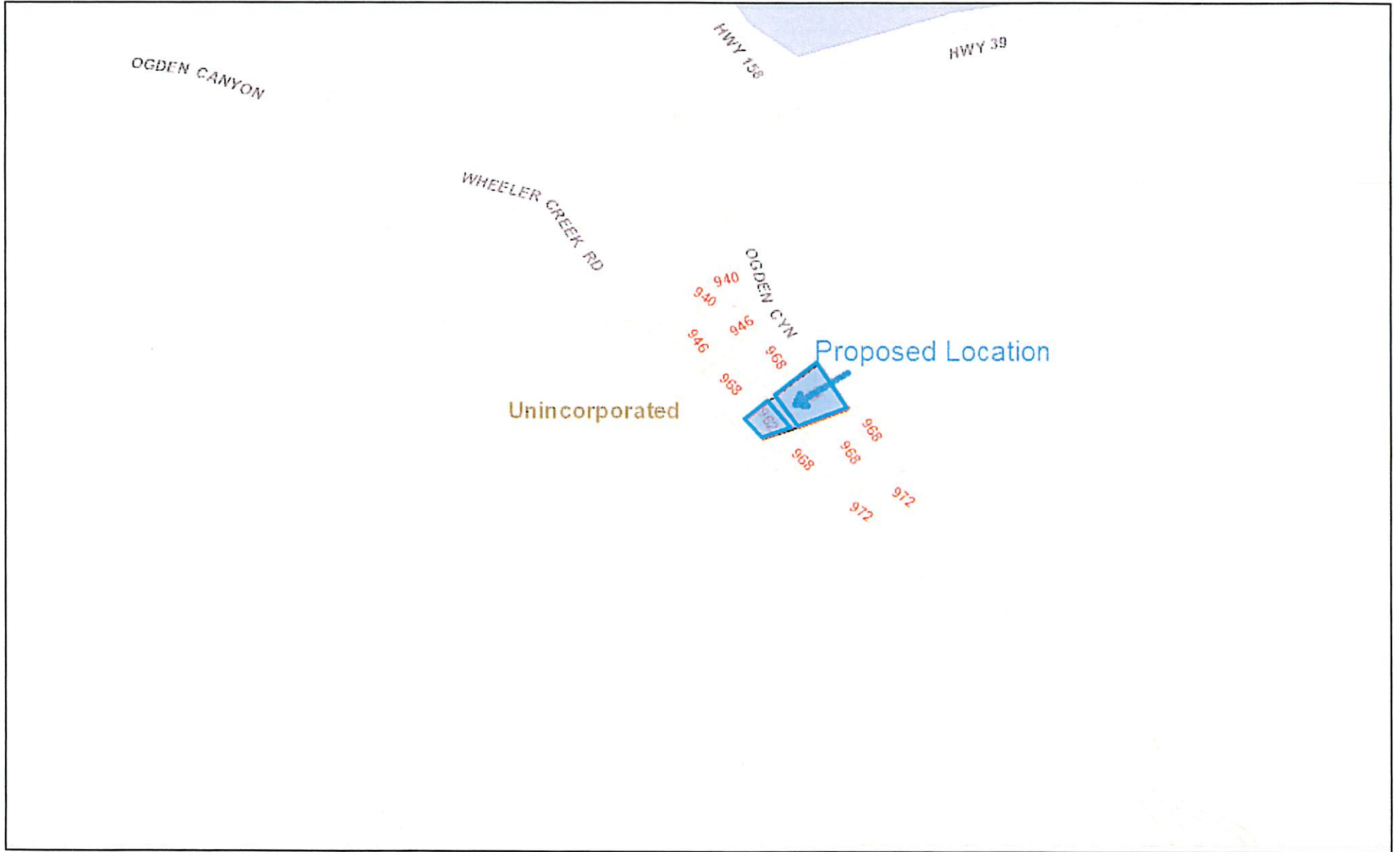
- Based on the location of the property and the physical characteristics (e.g. steep slopes to the east, stream to the west) of Wilcox Camping and Boating Resort area and having the drain field, septic tank, and access in the rear of the lot it would be difficult for the garage to be moved to meet the 30 foot setback; and enforcement of the land use ordinance would cause unreasonable hardship..
- This lot has 8,276 square feet and is a (legal) non-conforming lot, meaning that an existing house could be rebuilt on the parcel if all building requirements could be met. The 25 foot encroachment will have no impact on any of the surrounding lots. Many of the surrounding lots have structures that encroach into the setbacks.

- The circumstances attached to this property are special and do not generally apply to other properties in the same zone. There are physical characteristics of the lot such as the size, the stream, the road, and the fact that the lot was created prior to zoning.
- Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone. The applicant would like a place to store vehicles, equipment, and other personal items in a secure location.
- If the variance is granted it will not affect the goals or objectives as outlined in the Ogden Valley General Plan.
- If granted, the variance will maintain a 75 foot setback from the stream corridor. There is already an access road through part of the rear of the property and the proposed structure will encroach no farther than the access road. This variance will provide relief from the physical hardships associated with the property.

Exhibits

- A. Location Map
- B. Applicant's Application and Narrative
- C. Site Plan

Location Map

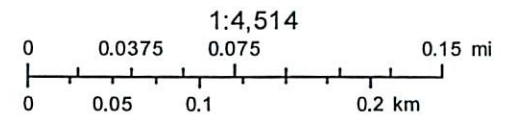


February 11, 2016

Street Labels

Parcel Address

City Labels



Weber County Board of Adjustment

Variance Request for Frederick (Rick) and Deborah Golde,
962 Ogden Canyon, Ogden, Utah 84401
Parcel # 20-019-0009, .18 acre, Tax Unit 317

Introduction:

Insofar as the purpose of the F-40 Forest Zone lot requirements (shown in Weber County Wiki site 8-1) are designated to permit development compatible to the preservation of the areas and the objectives of establishing the forest zones to promote use of land and provide areas for homes, summer homes and summer camp sites and (8-2) permit uses including (4) home occupations.

Based on this purpose and these objectives, we respectfully request a variance adjustment approval from the Weber County Board of Adjustment for the property we own in Ogden Canyon (Wheeler Canyon, Parcel #20-019-0009, Lot 10 and part of Lot 11 as described in attachments). These variance requests are based on F-40 lot setback calculations provided by Weber County planners on March 1, 2013 which are shown pictorially on the attached Site Plan (Figure). Additional information on the description, intent and purpose for the variance request are also shown in attachments.

F-40 Setback Requirements 29-4 (2.B 1.a.) and (2.B.1.b.):

A garage to be located on southeast corner of property is required to properly and safely store personal property required by property owners as this will become their primary residence in the near future. A single variance request applies to the 30 foot setback required at the rear (eastern boundary) of the property). We respectfully request a variance of 25 feet into the 30 foot setback to allow the garage to be located in a suitable location on the lot and in regards to both the living space in the existing housing footprint and the adjacent access road / driveway at the rear of the property (near parallel to the rear property line). See Figure 8 for details.

The hardship to property owners should the variance not be granted would be to deny adequate, lockable storage for personal property required for a reasonable year-round living experience on the property and the inability to protect same personal property from theft and degradation from the elements. The ability to build an adequate size garage on the southeast corner of the property within the high water and rear property setbacks will also enhance the aesthetics and usefulness of the property for the owners. Without the garage the alternative will require the use of tarps and other much less attractive storage solutions.

The hardship is not self-imposed as the high water mark (Wheeler Creek) is a fixed natural feature on the property with a fixed relationship of position to the existing housing structure and the associated rear property line. In short, there isn't any other location on the property where a small garage would properly fit. The contour of the property on the eastern border increases in slope toward the southern end of the lot, and the gently sloping northern area of the lot is where the driveway access is the flat portion of the property. The suggested position for the garage will not create any entrance/exit issues for the adjacent property owners since the garage will be located well off the rear property boundary by at least 5 feet from the access road itself. This plan has been reviewed and agreed to with the adjacent property owner (Michael Sherman).

Decision Criteria and Standards: Section 102-3-4 (b)(2):

a). Literal enforcement of the ordinance (Five criteria)

29-4 (2.B.2.a.):

The special circumstances for this property is the location of Wheeler Creek on the western boundary of the property and the access road and eastern property line and the available space between these two boundaries and the existing structure (cabin) in between these two features.

- a.) Other properties in the same area (Wheeler canyon) have similar property setbacks in place; structures north of this property are as close (if not closer) to property lines and the eastern access road than this proposal. Not having the ability to build a garage for storage in the location noted would cause a hardship for the property owners who wish to habitate on the property full time and year round.

(2.B.3.):

Granting this variance is indeed essential for the property owner to fully enjoy the full benefits of property ownership and to take advantage of similar property rights possessed by other property owners in the same area (primarily the ability to safely store and protect personal property and have it conveniently available on the property).

(2.B.4.):

Granting of this variance will not substantially (negatively) affect the general plan (of the Wheeler Canyon residential area) and will not be contrary to the public interest; in fact, we believe that granting this variance will allow a pleasant structure (garage) and remodeled home to be built that will allow for personal property storage out of public view and will enhance the neighboring property owners living experience.

(2.B.5.):

The spirit of the land use ordinance will be observed and substantial justice will be done. Adjacent property owners have offered enthusiastic support for this proposal. In addition, we the property owners, are excited about making a significant enhancement to the overall aesthetics of this piece of property as well as the surrounding area in Wheeler Canyon. We wish to make a lasting contribution to the adjacent residential community through the significant upgrade of this property.

● Key points we would like to point out:

- 1.) Encroachment on Wheeler Creek watershed will not be affected by the house (location grandfathered) nor the proposed garage/outbuilding.
 - a. House boundary on the creek side will stay as is (will not move closer to creek but foundation may be set parallel to the property boundary).
 - b. Proposed garage location does not threaten or affect watershed (outbuilding only – no plumbing)
- 2.) Current dwelling is extremely energy inefficient and potentially unsafe for full-time occupation (snow load on roof).
 - a. Proposed remodel would provide owners with a safe, durable, energy efficient dwelling for primary residence and should be an enhancement to the Wheeler Creek area.

- 3.) Location of proposed garage does not detract from adjacent property owners use, view or utility.
- 4.) Significant investment in fresh-water well and delivery system with associated water rights has already been made to property.

Variations Requested:

- 1.) Garage setback from eastern (rear) property line (see Figure 8)
 - a. Current requirement: 30 feet
 - b. Requested setback: 5 feet (25 foot variance)

We thank you for your time and consideration of this variance request.

Respectfully;

Rick and Debbie Golde
4783 Panorama Drive
Ogden, Utah 84403

• Supporting Information:

- Lot Location (Wheeler Canyon)

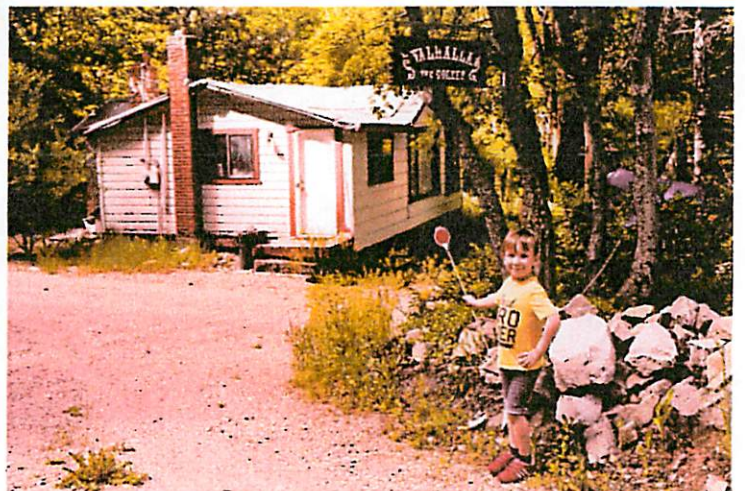
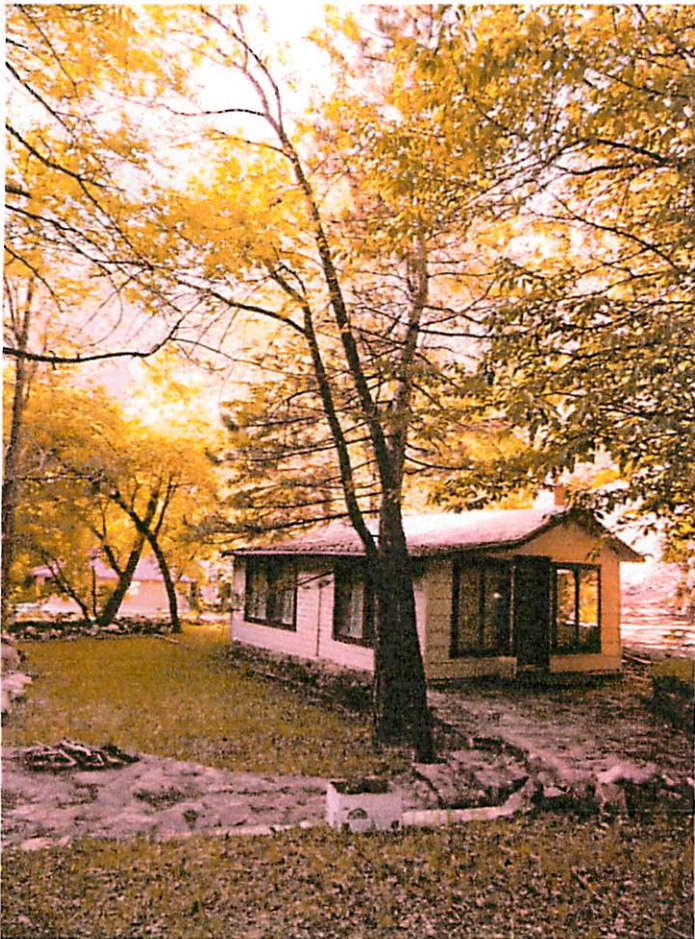


• Plot Plan / House and Garage Location



• Property Lines / House and Garage Locations are approximate and shown for reference

Figures 1a and 1b: Property location southwest of Pineview Dam



Figures 2a and 2b: Existing Cabin on property (circa 1930s), Front of property (left), Rear of property (right). Note driveway slope.



Fig. 3a: North end of lot (gently sloping entrance /driveway) Fig. 3b: South end of lot showing steep, rocky inclined area

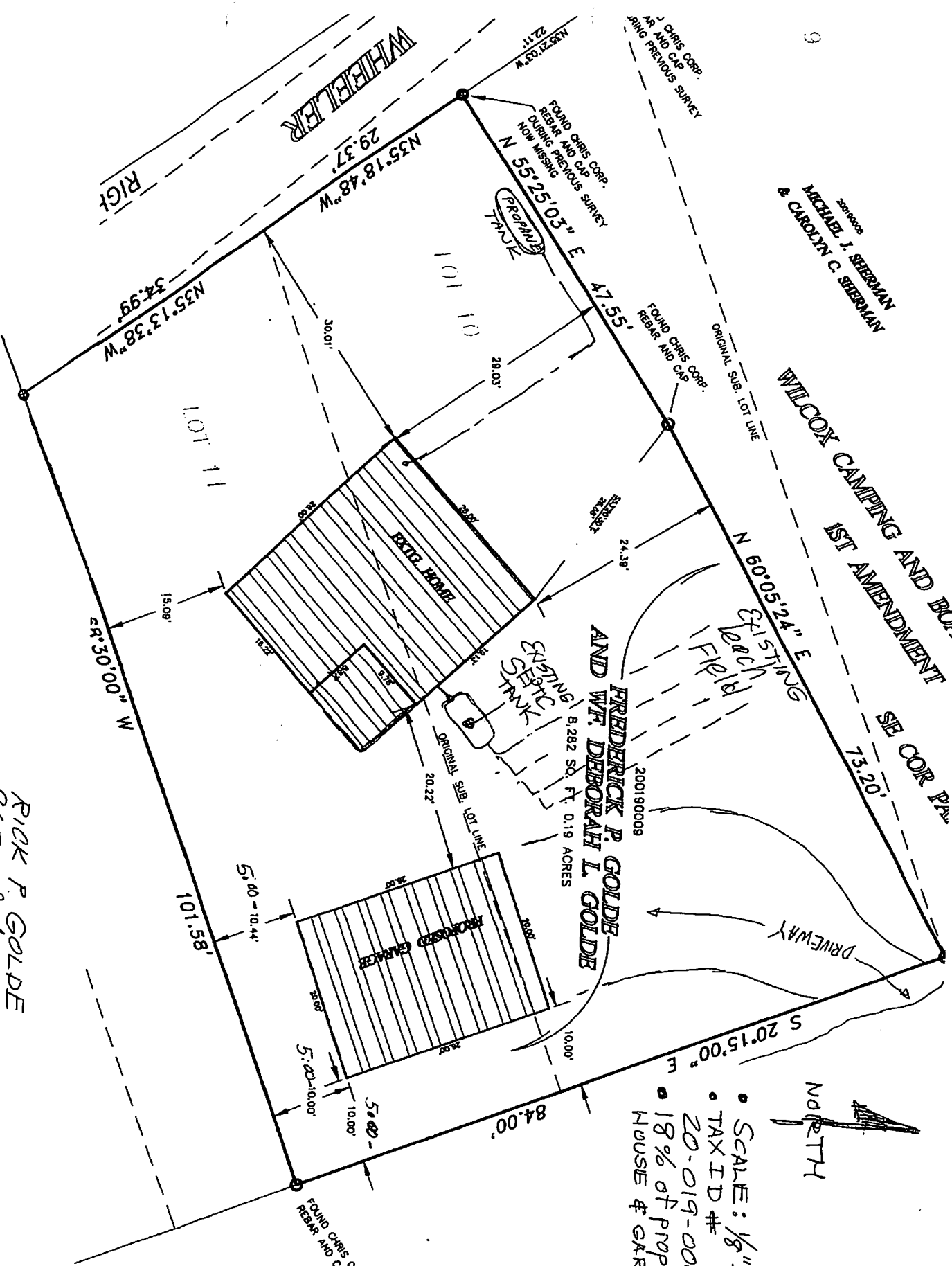


Figure 4: Artist rendition of planned remodel of existing structure (on same footprint)

200190009
 MICHAEL J. SBERMAN
 & CAROLYN C. SBERMAN

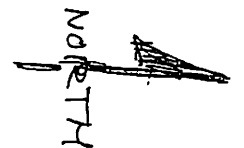
WILCOX CAMPING AND BLDG.
 1ST AMENDMENT

SEE COR. PA.



RICK P GOLDE
 962 Ogden Canyon
 Ogden, UT 84401

SCALE: 1/8" = 2.0 FT BOUNDARY
 (AS SUR)
 TAX ID # 20-019-0009
 18% of property =
 HOUSE & GARAGE



SURVEY
 THIS SURV
 OGDEN CA
 THE PURP
 HEREON SI
 ALL MONU
 THE BASIS
 PLACED BY
 THE EXTER
 CORP IN 2
 SURVEY RE
 EASEMENT
 THIS SURV
 SHOWN TR
 ADJOINING
 PURPOSES
 INFORMATIC

PART OF 1
 RESORT, 4
 AS PER RE
 SAID CORN
 SAID W/CC
 OF SAID S
 RUNNING T
 THENCE SC
 THENCE NC
 THENCE NC
 DESCRIBED
 THENCE NC
 CAP.
 THENCE NC
 BEGINNING
 CONTAINING
 TOGETHER
 INTEREST A
 CANTON.



Staff Report to the Weber County Board of Adjustment

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request for a variance from setback requirements, lot area requirements, lot width requirements, and lot access requirements on parcels with tax ID 20-019-0001 and 20-019-0004 (being combined), 20-019-0003, 20-019-0002 and 20-018-0004 (being combined), and 20-019-0014.

Agenda Date: Thursday, January 14, 2016

Applicant: Richard Vance, Jeffrey Callahan, Colby Keddington, and Aren Zamani

Authorized Agent: NA

File Number: BOA 2015-08

Property Information

Approximate Address: 940 Ogden Canyon Rd

Project Area: Tax ID 20-019-0001 and 20-019-0004 is approximately 9,775 sqft; Tax ID 20-019-0003 is approximately 9,751 sqft; Tax ID 20-019-0002 and 20-018-0004 is approximately 33,909 sqft; and Tax ID 20-019-0014 is approximately 12,514 sqft.

Zoning: F-40

Existing Land Use: Residential/Forest

Proposed Land Use: Residential/Forest

Parcel ID: 20-018-0004, 20-019-0001, 20-019-0002, 20-019-0003, 20-019-0004, and 20-019-0014

Township, Range, Section: T6N, R1E, Section 16

Adjacent Land Use

| | |
|----------------------|---------------------------|
| North: Forest | South: Residential |
| East: Forest | West: Forest |

Staff Information

Report Presenter: Charles Ewert
cewert@co.weber.ut.us
801-399-8763

Report Reviewer: SM

Applicable Codes

The Weber County Land Use Code (LUC) provisions related to this requests are as follows:

- LUC §101-1-7 (Land Use Code definitions.)
- LUC §102-3 (Administrative provisions for the Board of Adjustments.)
- LUC §104-9 (The forest zones F-5, F-10 and F-40.)
- LUC §104-28 (The Ogden Valley sensitive lands overlay district.)
- LUC §106-1 (General provisions of the Subdivision Code.)
- LUC §108-7-29 (Supplemental regulations for lot access via private rights-of-way.)
- LUC §108-8-3 (Access regulations for lots in subdivisions.)
- LUC §108-12 (Provisions for noncomplying structures, nonconforming uses, and nonconforming lots.)

Summary and Background

In the BOA's January 14, 2016 meeting this item was tabled pending further information. The information the BOA sought was whether there was a historic property configuration that showed the two subject single family dwelling units on two separate parcels. Further, as staff noted in the staff report, the application would be better suited if the variances requested consider the needs and configurations of the surrounding properties.

To provide for the BOA's and staff's requests, the applicants have provided a property deed from 1980¹ that shows that the application's two original parcels have indeed been separate since at least 1980. This is a significant consideration as will be

¹ See Exhibit E

further explained in the analysis herein. The applicants have also expanded the application to include variances for two more adjacent parcels. These are currently vacant parcels and the variance for them would allow for a single family dwelling unit to be placed on each (after a formal subdivision plat amendment has been approved/recorded).

Staff is recommending approval of the variances, in accordance with varied standards provided in the tables herein, and based on the listed conditions in this report.

Analysis

As part of the application amendment, the applicant's have provided a new site plan². The site plan, which is designed in a manner that could serve as a preliminary subdivision plan, depicts five parcels, lot 32, lot 33, lot 34, lot 35, and lot 36. A variance analysis is provided herein for each except lot 34, which does not need any variances³ at this time.

Zoning requirements for the Subject Properties:

The subject properties are located in the F-40 zone. The F-40 zone is intended for forest uses⁴ that require a minimum lot size of 40 acres and a minimum lot width of 660 feet⁵. The minimum setback standards for single family dwelling units in the F-40 zone are: front = 75 feet, side = 40 feet, rear = 30 feet.⁶ Only one dwelling structure is permitted on one lot.⁷

All of the subject parcels are substantially smaller than these standards allow.

Variance analysis:

The standards for approval of a variance are as follows⁸ (in italics). The BOA must find that the variances meet all five criteria in order to be approved. Reviewing the applicant's assertions⁹ regarding compliance with these standards in tandem with staff evaluation could prove useful in making a final determination.

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

² See Exhibit D for the revised site plan (survey plat).

³ Because a single family dwelling currently exists on lot 34 and the parcel boundaries are not proposed to change from the previously approved configuration there is no need for any variances because the current nonconforming legalities prevail.

⁴ Pursuant to LUC §104-9-1 the purpose of the forest zones are to: "... protect and preserve the natural environment of those areas of the county that are characterized by mountainous, forest or naturalistic land, and to permit development compatible to the preservation of these areas," and to "... promote the use of the land for forest, fish and wildlife and to facilitate the conservation of the natural resources, vegetation and attractions; promote the use of the land for forest, fish and wildlife and to facilitate the conservation of the natural resources, vegetation and attractions; reduce the hazards of flood and fire; prevent sanitation and pollution problems and protect the watershed; provide areas for private and public recreation and recreation resorts; and provide areas for homes, summer homes, and summer camp sites."

⁵ See LUC §104-9-4 for a full review of the site development standards.

⁶ *Ibid.*

⁷ Pursuant to LUC §101-1-7, the definition of "lot" prohibits more than one dwelling structure on one lot.

⁸ See LUC §102-3-4.

⁹ See Exhibits A pages 5-10 for the applicant's assertions.

- *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.*
- c. *Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.*
- d. *The variance will not substantially affect the general plan and will not be contrary to the public interest.*
- e. *The spirit of the land use ordinance is observed and substantial justice done.*

Lot 32 analysis: Lot 32, as depicted with a red boundary in Image 1, is the largest of the subject parcels, with an area of approximately 33,909 square feet. It is currently being held in two separate parcels (Tax ID 20-019-0002 and 20-018-0004), but the applicants are proposing that the two parcels be combined. Any variance approvals for this property should be conditioned on the two parcels being combined.

The lot is currently vacant. It contains a right-of-way easement that serves as access to other property to the south. It also contains the Wheeler Creek. It comprises all of lot one and two, and part of lot three, of the original Wilcox Camping and Boating Resort subdivision.¹⁰ It also takes in a strip of land on the north that was not a part of the Wilcox Camping and Boating Resort subdivision.

In order to build on the lot, first, multiple variances are needed and, second, it must be platted as an approved subdivision lot. Table 1 shows the various site development standards applicable for this lot. Table 1 also explains the variances being requested (in the right column). Exhibit A¹¹ provides the applicant's analysis for why the variances are merited in this case.

If the variances are granted they would create a virtual building envelope on the property. This building envelope is shown in blue in Image 1 and described as follows:

- The western boundary of the virtual building envelope is a result of the stream corridor setback, which is requested to be varied from 75 feet¹² to 50 feet for this lot.
- The northern boundary of the virtual building envelope is created by the southern edge of the access right of way. The closest this line gets to the northern property line is 17.5 feet. No variance is necessary for it because the nonconforming alternative side setback is reduced to 10.89 feet.¹³
- The eastern boundary of the virtual building envelope parallels the eastern lot line on a 10 foot setback. This will require a variance from the 30 foot rear setback requirement.¹⁴ This setback would also be a variance from the 30 foot required setback from a private right-of-way.¹⁵
- The southern boundary of the virtual building envelope parallels the southern lot line on a 10 foot setback. This will require a variance from the reduced nonconforming alternative side setback of 10.89 feet.¹⁶
- The resulting virtual building envelope creates a buildable area on the lot that is approximately 8,494.5 square feet.

Of worth to note, if this lot is platted pursuant to the proposed survey plat it could cut off the access that the Wilcox Camping and Boating Resort subdivision was intended to provide. If the variances are approved they should be conditioned on access (whether the access is public or private is to be determined via subdivision review) being provided from the County road to the platted Wilcox Camping and Boating Resort subdivision right-of way, together with any necessary public right-of-way dedication for the current County infrastructure.

¹⁰ See Exhibit C.

¹¹ See Exhibit A page 7 for the applicant's analysis.

¹² See LUC §104-28-2(b)(1)(b).

¹³ See LUC §108-12-13.

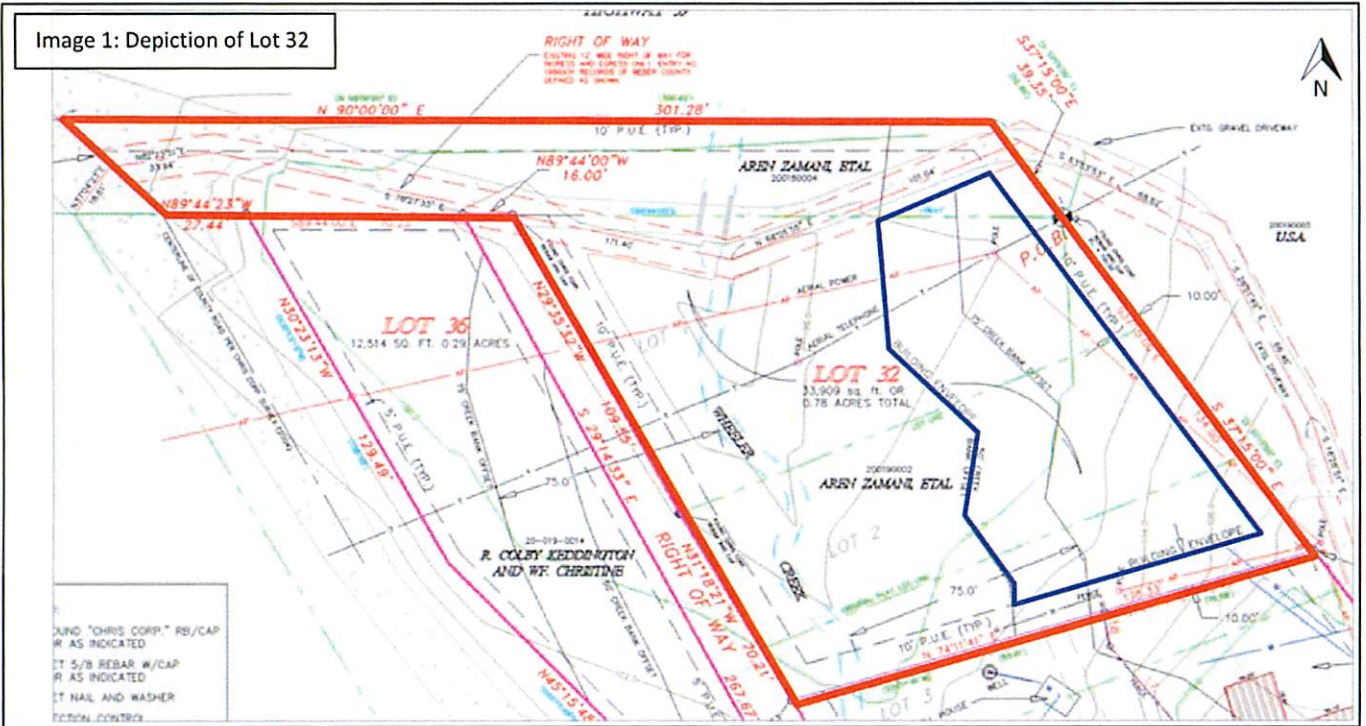
¹⁴ See LUC §104-9-4.

¹⁵ See LUC §108-7-29(3)(b).

¹⁶ See LUC §108-12-13.

The applicant's assertion that the literal enforcement of the ordinance on this lot creates an unreasonable hardship, and that special circumstances are present that are not generally applicable to the larger 40+ acre lots found elsewhere in the F-40 zone is not an unreasonable assertion. If the law was literally enforced the 75 foot stream corridor setback and the 30 foot rear setback would essentially remove any buildable area on the lot.

With this in mind, in order to grant the variances the BOA must find that the applicant's requests for the variances are reasonable in a manner that does not negatively affect the intent of the general plan and is keeping with the spirit of the law.



| Table 1 | F-40 Zone (LUC §104-9-4) | Applicable Ordinance Standards | | | Existing | Proposed |
|---------|--|--|--|--|------------|------------|
| | | Private Right-of-Way Setback (LUC §108-7-29(3)(b)) | Stream Corridor Setback (LUC §104-28-2(b)(1)(b)) | Nonconforming Alternative (LUC §108-12-13) | | |
| Lot 32 | Area: 40 Acres | | | | 0.78 Acres | 0.78 Acres |
| | Width: 660 Feet | | | | 213.57 | 213.57 |
| | Front Setback (From West Side of Lot): 75 Feet | | | | NA | 75 Feet |
| | South Side Setback: 40 Feet | | | 10.89 Feet | NA | 10 Feet |
| | North Side Setback: 40 Feet | | | | NA | 10 Feet |
| | Setback From Private Right of Way | 30 Feet | | | NA | 10 Feet |
| | Setback from Wheeler Creek | | 75 Feet | | NA | 50 Feet |
| | Rear Setback: 30 Feet | | | | NA | 10 Feet |

Lot 33 analysis: Lot 33, as depicted with a red boundary in Image 2, is the smallest of the subject parcels, with an area of approximately 9,314 square feet. It is one of the subject lots from the original variance application, and at some point in the past contained both the existing single family dwelling and the single family dwelling to the west that has since been divided off. It contains a right-of-way easement that serves as access to it and other property to the south. It comprises the eastern part of lot three, lot four, lot five, and lot six of the original Wilcox Camping and Boating Resort subdivision.

This lot was previously suspected of being unlawfully divided. This suspicion arose from an approved 2004 lot line adjustment,¹⁷ to which the current lot size and configuration does not comply. In the January 14, 2016 BOA meeting it was discussed that the 2004 adjustment did not actually consolidate former land divisions as it should have. The applicants have provided a 1980 deed that provides some evidence that the single family dwelling unit on this lot was divided from the single family dwelling on lot 35 quite some time ago.

Regardless of when or how lot 33 was created, it can be observed that the applicant's current proposal will – once a subdivision plat has been filed – create a total of five subdivision lots in a place where the 1910 Wilcox Camping and Boating Resort subdivision created approximately 10 lots; a 50% reduction of lots in the area. It is reasonable to argue that this overall reduction is keeping with the intent of the general plan and the spirit of the zoning ordinances.

In order for the lot to be considered "legal" in its current configuration, first, multiple variances are needed and, second, it must be platted as an approved subdivision lot. Table 2 shows the various site development standards applicable for this lot. Table 2 also explains the variances being requested (in the right column). Exhibit A¹⁸ provides the applicant's analysis for why the variances are merited in this case. The same analysis is provided in the report the BOA reviewed on January 14, 2016.

If the variances are granted they will be applicable to the current configuration of the parcel boundaries and the existing building. For the purposes of this variance request we are considering the front of this lot to be facing the private right-of-way on the east side of the lot.¹⁹ Because this lot is defined as an irregular shaped lot²⁰ the rear lot line is comprised of line segments L3 through L8 shown on the survey plat.²¹

The applicant's assertion that the literal enforcement of the ordinance on this lot creates an unreasonable hardship, and that special circumstances are present that are not generally applicable to the larger 40+ acre lots found elsewhere in the F-40 zone is not an unreasonable assertion. If the law was literally enforced the existing single family dwelling could not receive a re-build letter,²² and the owner would not be able to acquire a mortgage for it. Further, even though we do not have specific evidence that the existing property boundaries were created lawfully we do have evidence that there were numerous other legally platted lots in the Wilcox Camping and Boating Resort subdivision that were never fully developed. In this case, it may be most productive to view the separation of the two existing single family dwelling units as a creative method of transferring one of the units onto an adjacent undeveloped parcel by means of adjusting parcel boundaries. This logic holds when considering the final configuration of the parcels and ultimate plat approval will reduce the lots in the area by 50%.

With this in mind, in order to grant the variances the BOA must find that the applicant's requests for the variances are reasonable in a manner that does not negatively affect the intent of the general plan and is keeping with the spirit of the law.

¹⁷ See Exhibit B.

¹⁸ See Exhibit A pages 5-6 for the applicant's analysis.

¹⁹ Pursuant to LUC §101-1-7, "The term "front lot line" means the boundary line of the lot which abuts a public dedicated street or other legal access from which the front yard setback is measured which determines the lot width and where ingress and egress generally is made to the lot."

²⁰ See "lot, irregular shaped" in LUC §101-1-7.

²¹ See Exhibit D.

²² See "Notice of Non-buildable Parcel," Entry #2690873 in the records of the Weber County Recorder.

This lot was previously suspected of being unlawfully divided. This suspicion arose from an approved 2004 lot line adjustment,²⁴ to which the current lot size and configuration does not comply. In the January 14, 2016 BOA meeting it was discussed that the 2004 adjustment did not actually consolidate former land divisions as it should have, so the illegal division may not have ever occurred. The applicants have provided a 1980 deed that provides some evidence that the single family dwelling unit on this lot was divided from the single family dwelling unit on lot 33 quite some time ago.

Regardless of when or how lot 35 was created, it can be observed that the applicant's current proposal will – once a subdivision plat has been filed – create a total of five subdivision lots in a place where the 1910 Wilcox Camping and Boating Resort subdivision created approximately 10 lots; a 50% reduction of lots in the area. It is reasonable to argue that this overall reduction is keeping with the intent of the general plan and the spirit of the zoning ordinances.

In order for the lot to be considered "legal" in its current configuration, first, multiple variances are needed and, second, it must be platted as an approved subdivision lot. Table 3 shows the various site development standards applicable for this lot. Table 3 also explains the variances being requested (in the right column). Exhibit A²⁵ provides the applicant's analysis for why the variances are merited in this case, which the same analysis is provided in the report the BOA reviewed on January 14, 2016.

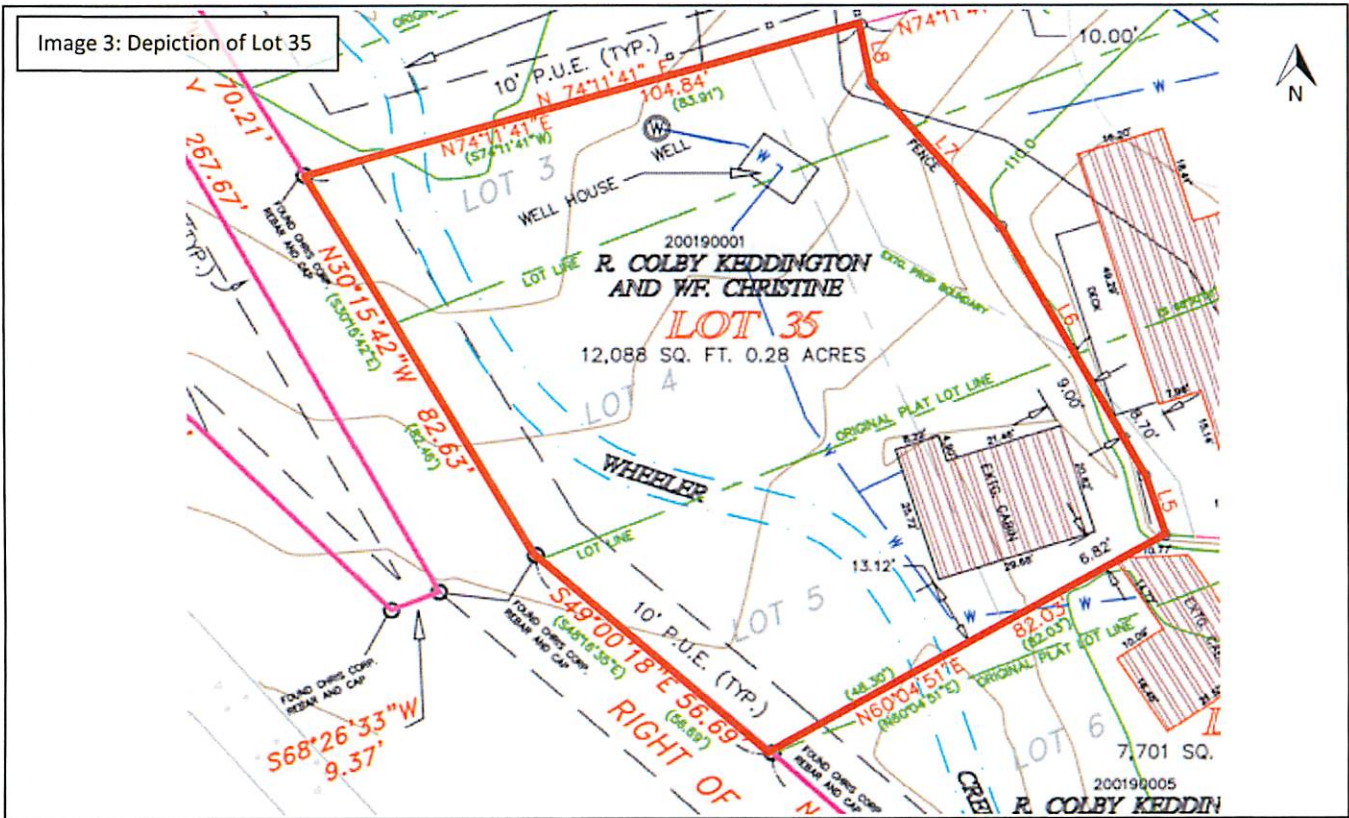
If the variances are granted they will be applicable to the current configuration of the parcel boundaries and the existing building. The front of this lot faces west, toward the original Wilcox Camping and Boating Resort subdivision right-of-way.

The applicant's assertion that the literal enforcement of the ordinance on this lot creates an unreasonable hardship, and that special circumstances are present that are not generally applicable to the larger 40+ acre lots found elsewhere in the F-40 zone is not an unreasonable assertion. If the law was literally enforced the existing single family dwelling could not receive a re-build letter, and the owner would not be able to acquire a mortgage for it. Further, even though we do not have specific evidence that the existing property boundaries were created lawfully we do have evidence that there were numerous other legally platted lots in the Wilcox Camping and Boating Resort subdivision that were never fully developed. In this case, it may be most productive to view the separation of the two existing single family dwelling units as a creative method of transferring one of the units onto an adjacent undeveloped parcel by means of adjusting parcel boundaries. This logic holds when considering the final configuration of the parcels and ultimate plat approval will reduce the lots in the area by 50%.

With this in mind, in order to grant the variances the BOA must find that the applicant's requests for the variances are reasonable in a manner that does not negatively affect the intent of the general plan and is keeping with the spirit of the law.

²⁴ *Ibid.*

²⁵ See Exhibit A page 5-6 for the applicant's analysis.



| Table 3 | F-40 Zone (LUC §104-9-4) | Applicable Ordinance Standards | | | Existing | Proposed |
|--|--------------------------|--|--|--|------------------------|--------------------------------------|
| | | Private Right-of-Way Setback (LUC §108-7-29(3)(b)) | Stream Corridor Setback (LUC §104-28-2(b)(1)(b)) | Nonconforming Alternative (LUC §108-12-13) | | |
| Lot 35 | | | | | | |
| Area: | 40 Acres | | | | 0.22 Acres | 0.28 Acres |
| Width: | 660 Feet | | | | 110.4 Feet | 110.4 Feet |
| Front Setback (From West Side of Lot): | 75 Feet | | | | 44.8 Feet | 44.8 Feet |
| South Side Setback: | 40 Feet | | | 5 Feet one side, 8 Feet other | 6.8 Feet | 6.8 Feet |
| North Side Setback: | 40 Feet | | | | 78.8 Feet | 78.8 Feet |
| Setback From Private Right of Way | | 30 Feet | | | 44.8 Feet | 44.8 Feet |
| Setback from Wheeler Creek | | | 75 Feet | | Approximately 4.1 Feet | Approximately 4.1 Feet (as existing) |
| Rear Setback: | 30 Feet | | | | 10.5 Feet | 9 Feet |

Lot 36 analysis: Lot 36, as depicted with a red boundary in Image 4, has an area of approximately 12,514 square feet. It is currently vacant. It gains access from the frontage along the "right-of-way" as depicted on the original Wilcox Camping and Boating Resort subdivision plat. It comprises part of lot 26, 27, 28, 29, and 30 of the original Wilcox Camping and Boating Resort subdivision. The rest of these original lots are currently held by Weber County as a public right-of-way access to the Wheeler Creek trail, and by the Forest Service.

In order to build on the lot, first, multiple variances are needed and, second, it must be platted as an approved subdivision lot. Table 4 shows the various site development standards applicable for this lot. Table 4 also explains the variances being requested (in the right column). Exhibit A²⁶ provides the applicant's analysis for why the variances are merited in this case.

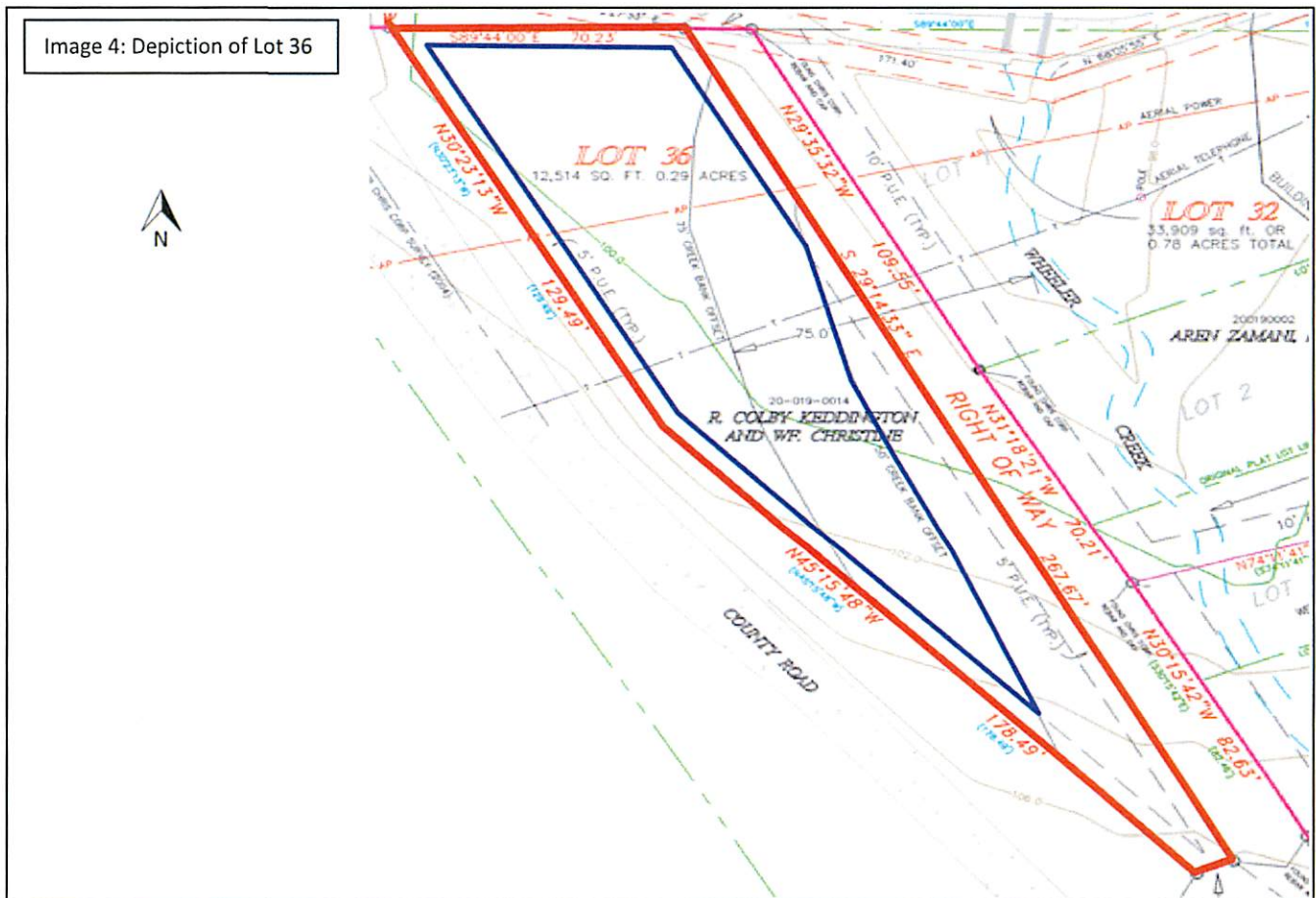
If the variances are granted they would create a virtual building envelope on the property. This building envelope is shown in blue in Image 4 and described as follows:

²⁶ See Exhibit A pages 8-10 for the applicant's analysis.

- The eastern boundary of the virtual building envelope is a combined result of the stream corridor setback, which is requested to be varied from 75 feet²⁷ to 50 feet for this lot, and the front setback, which is requested to be varied from 75 feet²⁸ to 5 feet for this lot.
- The northern boundary of the virtual building envelope parallels the northern lot line on a five foot setback. This will require a variance from the reduced nonconforming alternative side setback of 16.18 feet.²⁹
- The western boundary of the virtual building envelope parallels the western lot line on a five foot setback. This will require a variance from the 30 foot rear setback requirement.³⁰
- Because of the lot's triangular shape the southern boundary of the virtual building envelope is nonexistent, as the front and rear setbacks intersect.
- The resulting virtual building envelope creates a buildable area on the lot that is approximately 7,615.02 square feet.

The applicant's assertion that the literal enforcement of the ordinance on this lot creates an unreasonable hardship, and that special circumstances are present that are not generally applicable to the larger 40+ acre lots found elsewhere in the F-40 zone is not an unreasonable assertion. If the law was literally enforced the 75 foot stream corridor setback and the 30 rear setback would essentially remove any buildable area on the lot.

With this in mind, in order to grant the variances the BOA must find that the applicant's requests for the variances are reasonable in a manner that does not negatively affect the intent of the general plan and is keeping with the spirit of the law.



²⁷ See LUC §104-28-2(b)(1)(b).

²⁸ See LUC § 104-9-4.

²⁹ See LUC §108-12-13.

³⁰ See LUC §104-9-4.

| Table 4 | Applicable Ordinance Standards | | | | Existing | Proposed |
|--|--------------------------------|--|--|--|------------|------------|
| | F-40 Zone (LUC §104-9-4) | Private Right-of-Way Setback (LUC §108-7-29(3)(b)) | Stream Corridor Setback (LUC §104-28-2(b)(1)(b)) | Nonconforming Alternative (LUC §108-12-13) | | |
| Lot 36 | | | | | | |
| Area: | 40 Acres | | | | 0.29 Acres | 0.29 Acres |
| Width: | 660 Feet | | | | 267 Feet | 267 Feet |
| Front Setback (From East Side of Lot): | 75 Feet | | | | NA | 5 Feet |
| South Side Setback: | 40 Feet | | | 16.18 Feet | NA | 5 Feet |
| North Side Setback: | 40 Feet | | | | NA | 5 Feet |
| Setback From Private Right of Way | | 30 Feet | | | NA | 5 Feet |
| Setback from Wheeler Creek | | | 75 Feet | | NA | 50 Feet |
| Rear Setback: | 30 Feet | | | | NA | 5 Feet |

Summary of Board of Adjustment Considerations

Generally, decisions on variances result in one of three ways: approval (with or without conditions³¹); denial; or table, pending further information or clarification.

If the BOA approves the requested variances they should consider that the request is based on the specific survey³² (as amended) provided in the application. Staff’s recommendation below provides conditions for these variances for the BOA’s consideration.

Findings of fact for approval should be provided that explain the reason for the approval and the conditions of approval based on applicable ordinances. Staff’s recommendation below provides findings for these variance for the BOA’s consideration.

If the BOA denies the request it should be accompanied by specific findings of fact based on applicable ordinances.

If the BOA tables the request the tabling should be based on the need for more specific information or clarification, or to provide the applicant with time to modify the request in a manner more suitable for an approval. A date to which the item will be tabled should be specified.

Staff Recommendation

Staff is recommending approval of all variances requested. Staff’s recommendation based on the following conditions:

1. To the degree practicable, the properties shall be platted in the manner depicted in the application survey, which combines the parcels with tax ID 20-019-0004 and 20-019-0001 into one lot, and combines parcels with tax ID Tax ID 20-019-0002 and 20-018-0004 into one lot.
2. That a contiguous and similar right-of-way shall be provided from the existing County infrastructure to the right-of-way depicted on the original Wilcox Camping and Boating Resort subdivision.
3. The varied standards shall be based on the proposal in the application survey, as documented in Tables 1-4 of this staff report. Minor modifications to the plat may be permitted only to enable a successful subdivision plat amendment pursuant to the applicable requirements of the County ordinances and applicable governing standards of subdivision review agencies.
4. That the reduced area and width requirements of lot 32 may be further reduced to provide for any necessary platting of rights-of-way, pursuant to the applicable requirements of County ordinances and applicable governing standards of subdivision review agencies.
5. That all local, state, and federal laws are observed.

This recommendation is based on the following findings of fact:

³¹ UCA §17-27a-702 and LUC §102-3-4 allows the BOA to impose requirements that will (1) mitigate harmful effects of the variance; or (2) serve the purpose of the standard or requirement that is waived or modified.

³² See Exhibit D.

1. The applicant's have demonstrated that the literal enforcement of the ordinances would cause an unreasonable hardship that is not necessary to carry out the general purposes of the Land Use Code in that if the literal ordinances were applied the subject properties may be deemed unbuildable – prohibiting development on lots 32 and 36 and rendering the existing single family dwellings on lots 33 and 35 illegal and incapable of obtaining any future land use permits, including a permit to rebuild the structures if they were destroyed.
2. The hardship is associated with peculiar circumstances of the characteristics of the property and is not self-imposed. The applicants did not create this hardship, but rather, the hardship exists in large part due to the advent of the small lots in the Wilcox Camping and Boating Resort subdivision,³³ which was first platted in 1910, and further complicated by the adoption and application of the F-40 zone, which provides area, width, and setback standards that are development prohibitive if literally enforced.
3. The applicants have demonstrated that there are special circumstances attached to the property that do not generally apply to other properties elsewhere in the same zone, and these special circumstances are directly related to the specified hardship. Namely, the specified special circumstances are three-fold:
 - a. The undersized nature of the properties in the F-40 zone is a result of the original Wilcox Camping and Boating Resort subdivision, which pre-dates the development standards of the F-40 zone;
 - b. The creation of the buildings on lots 33 and 35 also predate the development standards of the F-40 zone.
 - c. The overall configuration of the original Wilcox Camping and Boating Resort subdivision as it relates to the subject parcels has not proven conducive to effective property ownership, maintenance, or management by past owners. The original property boundaries of the Wilcox Camping and Boating Resort subdivision have been found by the applicant's surveyor to transect existing dwelling units. This, together with the historic movement of Wheeler Creek, and the desire to separate ownership of the two existing single family dwelling units, have presumably led to the historic reconfiguration of parcel boundaries by previous property owners. Such reconfiguration was – in part – approved by the County in 2004.
4. The granting of the variances is essential to the enjoyment of a substantial property right possessed by other property owners in the same zone. If the ordinance is literally enforced the property right of creating or legally maintaining a single family dwelling and related uses on the parcels would be withheld.
5. The variances do not substantially affect the intent of the general plan, nor are contrary to public interest. Literal enforcement of the ordinance would likely result in a lack of reinvestment in the neighborhood, leading to undesirable results. Granting of the variances will stimulate reinvestment in the area and encourage better perpetual property maintenance.
6. The spirit of the Land Use Code is observed and substantial justice is done. The intent of the land use ordinances are, in part, to promote order, prosperity, and welfare.³⁴ The granting of the variances would do better to provide for the advancement of these values.

Exhibits

Exhibit A: Variance Application (amended)

Exhibit B: A depiction of the 2004 lot line adjustment that created parcels "A", "B", and "C".

Exhibit C: 1910 Survey of the Wilcox Camping and Boating Resort Subdivision.

Exhibit D: 2016 Survey plat by Mountain Engineering (revised application survey).

Exhibit E: 1980 Deed showing separate parcel ownership.

³³ See Exhibit C.

³⁴ See LUC §101-1-2.

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 12/15/15 | Fees (Office Use) | Receipt Number (Office Use) | File Number (Office Use) |
|---|-------------------|-----------------------------|--------------------------|

Property Owner Contact Information

| | | | |
|---|----------------------------|---|--|
| Name of Property Owner(s) Richard J. Vance, Jeffrey M. Callahan, Colby Keddington | | Mailing Address of Property Owner(s) 1031 N. Coyote Run, Saratoga Springs, UT 84045 198 E. Bay View Circle, Saratoga Springs, UT 84045 6708 Cyclamen Drive, West Jordan, UT 84081 | |
| Phone 801-971-0131 801-230-1511 801-759-1151 | Fax 801-955-1393 | Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail | |
| Email Address jcallahan83@hotmail.com rvance25@gmail.com rcolbyk@gmail.com | | | |

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 940 : 942 Ogden Canyon Ogden, UT 84401 | Land Serial Number(s) 200190003 200190004 200190005 |
| Current Zoning | |

| Existing Measurements | | Required Measurements (Office Use) | |
|------------------------------|--------------------|------------------------------------|---------------------------------|
| Lot Area see plats | Lot Frontage/Width | Lot Size (Office Use) | Lot Frontage/Width (Office Use) |
| Front Yard Setback | Rear Yard Setback | Front Yard Setback (Office Use) | Rear Yard Setback (Office Use) |
| Side Yard Setback | Side Yard Setback | Side Yard Setback (Office Use) | Side Yard Setback (Office Use) |

Applicant Narrative

Please explain your request.

See explanation letter

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.

See Letter attached

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:

See attached letters

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

See attached letters

Variance Request (continued...)

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

See attached letters

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

See attached letters

Property Owner Affidavit

I (We), Jeffrey M Callahan, Richard Vance, and Colby Keddington, 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.

[Signature]
(Property Owner)

[Signature]
(Property Owner)

Subscribed and sworn to me this 15th day of December, 20 15



[Signature]
(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)

Narrative)

Our request for variance(s) on our parcels, ID#200190003, ID#200190004, and ID#200190005 is for the sole purpose of recognizing the parcel as a valid approved lot so we can obtain a rebuild letter. Parcel ID#200190003 is owned by Jeffrey Callahan and Richard Vance. Parcels ID#200190004 and ID#200190005 are owned by Coldy Keddington. Currently they are considered to be the same property. We are not seeking a permit for improvements or additions. The intent of the rebuild letter is to allow a valid appraisal to be done and approved which is necessary to obtain a mortgage lien on the property. Our parcels are currently not recognized as their own parcels. They do not enjoy the same rights and privileges that the neighboring properties do. The use and purpose are the exact same as the other properties, but they are not legally recognized as so. Since construction in the 1920's, this community has passed through different ownership. Each new owner has done their own plats and surveys and have adjusted property lines and/or parcels to their liking. Reviewing the history of the area, there has never been any consistency in the surveys, plats, or parcel lines. We had a meeting with Charlie Ewert in the Weber County Planning Commission, and even he is confused with what is going on in this area. The Planning Commission has different information than the Recorder's Office, and the Assessor's Office has additional information that contradicts what the other two departments have. Granting of our variance will FINALLY bring clarity to the issues of this community. The intent of this variance is to recognize these homes and parcels as individual, independent parcels. We have responded to the five criteria necessary for a variance below. Please review them for more details.

Question 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.

Response 1)

Literal enforcement causes an unreasonable hardship on the property in such that we are unable to obtain a rebuild letter due to the property not being considered a valid parcel. The enforcement significantly reduces the value in the property as per the property can't obtain permits for improvements or repairs in the event of a loss or catastrophe. It will not be allowed to have mortgage liens taken against it which burdens the sale of the property and it would not be allowed to obtain permits to repair the structure if it were damaged. The adjoining properties in the community enjoy the right to being recognized as individual, approved parcels and therefore have the availability to obtain permits and/or rebuild letters. The neighboring properties are similar to this property and are used for the exact same purposes as our property. Granting the variance allows this property to enjoy all of the same rights the neighboring parcels do. Granting the variance will not affect the purpose of this zoning ordinance. The request is not to change anything on the property, but to merely legally recognize what currently exists on the property. In fact, it would be beneficial to the community as a whole.

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

Response 2)

As mentioned above, this property's circumstances are unique in that it is not recognized as it's on unique parcel. It is shared with two different homes that are owned independently. One is owned by Mr. Colby Keddington and the other by Mr. Jeffrey Callahan and Mr. Richard Vance. All of the property in this community had problems and concerns years ago with property lines, parcels, and zoning. For some reason, when the county approved a subdivision these two homes were not subdivided like the others. Therefore, it left the property in a unique situation unlike the neighboring parcels.

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

Response 3)

Granting of the variance is essential to the enjoyment of this property so it has all of the same rights that as the remaining property in the neighborhood. The other property owners have the right to permits, rebuild letters, and have the ability to take mortgage liens against their properties when this property currently does not possess the same rights.

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

Response 4)

The variance will not affect the general plan of the neighborhood and will not be contrary to the public interest. It will only allow the property the same rights that the other neighborhood properties currently enjoy. In fact, it might possibly benefit the public interest in the instance that the property value increases and the can have mortgage liens taken against it. This allows for more enjoyment for the homeowner which in turn increases pride of ownership which follows up with better care of the property. We have worked very hard on turning this home and property (which was an unsightly thing to see a few years ago) into a beautiful piece of land which benefits the community as a whole.

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

Response 5)

The spirit of the land use ordinance will be observed and substantial justice will be done. The land will be granted all of the same rights as the neighboring property and the property is a beautiful addition to an already amazing community. It is a win/win for everyone.

Our request for a variance on parcel (A) (200190002) and meeting the five required criteria are below.

Responses to the five criteria are below:

- A) Literal enforcement of the ordinance creates an unreasonable hardship on parcel A (200190002) as per it restricts the parcel in allowing a buildable structure which is essential to the enjoyment of the land. Surrounding parcels enjoy the use of habitable structures, but in the case of parcel (A) it does not. The enjoyment from this land comes from the allowance of a buildable lot which is the same as the surrounding lots in the neighborhood.
- B) This hardship is not self-imposed. The Wilcox Camping and Boating Subdivision originally consisted of 30 Lots when it was first established. Over the years some lots were combined into larger lots and re-plated. The most current plats were not done properly and this variance request goes back to the patent to correct these issues.
- C) Granting this variance will allow rights to this property for the same enjoyment that the surrounding lots in the neighborhood enjoy. Other members of the community have already started revitalizing the area. They have received additional variances for improvements to their properties. They are enjoying the use of their land to the full extent. This variance is essential to allowing the same rights and enjoyment as the other properties in the community.
- D) This variance will not affect the general plan of the community. The general plan is to revitalize this neighborhood and turn it from an "eyesore" to a beautiful, well maintained area. This will also increase homes values and the revitalization will bring a better quality of enjoyment. These changes will actually be beneficial to public interest.
- E) The spirit of the land use ordinance will be fully observed. Justice will be done. The community will see the benefits in property values, an increase in beauty and maintenance in the area, and will enjoy the same use and benefit for all of the properties in the neighborhood.

We hope the county and BOA finds the variance request acceptable and that we have met all of the requirements for the granting of the variance.

Thanks,

Aren Zamani

Ewert, Charles

From: Colby Keddington [rcolbyk@gmail.com]
Sent: Friday, February 12, 2016 9:27 AM
To: Ewert, Charles
Cc: Jeff Callahan; rvance25@gmail.com
Subject: Re: Variance request -- Need the rest of the info...

After coming to the board of adjustment meeting Jan 14, for and separation and legalization of Parcel B including Parcel #'s 20-019-0004, 20-019-0001, 20-019-0003. based on 2 different owners owning 2 different homes on what was supposed to have been 1 legalized parcel in 2004 (parcel B). We were tabled by the The B.O.A. To work with the Planning Department of Weber County to sort out Charles Ewerts recommendation to included surrounding Parcels A, C, and 20-019-0014 in a new Subdivision and abandoning Wilcox Camp and Boat Community. New information was also presented at that meeting showing that all included Parcels are currently in the same form they have been sold in 1980, and going back to 1920's. This information has been sifted through over the last month and discovered to be accurate, and the 2004 adjustment conditions were never fully followed through. We would like to abandon Wilcox Camp and Boat Community which has existed over 100 years and has been a "Third World Country" or "Bermuda Triangle of Utah" for weber county officials, property owners, and local citizens. and request approval of "Pineview Point" which will have legal and documented Ingress and Egress, Legal Parcels providing Legal sell and enjoyable occupation of owners, owner confidence to beautify there property and homes, proper utility easements, and many more modern and present day standards of living and property ownership. Based on the Property lines and information that has existed since the early 1900's.

Please feel free to make alterations or suggestions for success.

Colby Keddington

On Feb 12, 2016, at 8:49 AM, Ewert, Charles <cewert@co.weber.ut.us> wrote:

Gentlemen,

I still do not have Colby or Aren's written request for the variances, as discussed in Tuesday's meeting. Even though positive support is likely from staff, the burden of proving that the variance request complies with the law falls on the land owner. Please review again the criteria below and submit to me your written reasoning as to why the variance requests comply.

If I do not receive the written request by noon today I will only forward Jeff's original request back to the BOA for the 25th, and the other two lots will have to go another time on a separate application.

Sec. 102-3-4. - Decision criteria and standards.

...

(b)

Variances from the requirements of the Land Use Code.

(1) Any person or entity desiring a waiver or modification of the requirements of the 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.

(2) The board of adjustment may grant a variance only if the following five criteria are met:

a. 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.

1. 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.

2. 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.

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

1. 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.

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

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

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

<image005.jpg>

Charlie Ewert, AICP
Weber County Planning
801-399-8763
cewert@co.weber.ut.us

<image006.jpg>

From: Robert Keddington [<mailto:rcolbyk@gmail.com>]
Sent: Wednesday, February 10, 2016 2:10 PM
To: Ewert, Charles
Subject: Fwd: new plat

Thanks again for all your help

Sent from my iPhone

Begin forwarded message:

From: jess <mountainengineering@msn.com>
Date: February 10, 2016 at 11:44:58 AM MST
To: Robert Keddington <rcolbyk@gmail.com>, Jeff Callahan <jcallahan83@hotmail.com>, aren zamani <rockimagesexcavation@gmail.com>
Subject: new plat

Ewert, Charles

From: Robert Keddington [rcolbyk@gmail.com]
Sent: Friday, February 12, 2016 1:56 PM
To: Ewert, Charles
Subject: Colby

Responses to the five criteria are below:

A) Literal enforcement of the ordinance creates an unreasonable hardship on parcel A (20-019-0014) as per it restricts the parcel in allowing a buildable structure which is essential to the enjoyment of the land. Surrounding parcels enjoy the use of habitable structures, but in the case of parcel (A) it does not. The enjoyment from this land comes from the allowance of a buildable lot which is the same as the surrounding lots in the neighborhood.

B) This hardship is not self-imposed. The Wilcox Camping and Boating Subdivision originally consisted of 30 Lots when it was first established. Over the years some lots were combined into larger lots and re-plated. The most current plats were not done properly and this variance request goes back to the patent to correct these issues.

C) Granting this variance will allow rights to this property for the same enjoyment that the surrounding lots in the neighborhood enjoy. Other members of the community have already started revitalizing the area. They have received additional variances for improvements to their properties. They are enjoying the use of their land to the full extent. This variance is essential to allowing the same rights and enjoyment as the other properties in the community.

D) This variance will not affect the general plan of the community. The general plan is to revitalize this neighborhood and turn it from an "eyesore" to a beautiful, well maintained area. This will also increase home values and the revitalization will bring a better quality of enjoyment. These changes will actually be beneficial to public interest.

E) The spirit of the land use ordinance will be fully observed. Justice will be done. The community will see the benefits in property values, an increase in beauty and maintenance in the area, and will enjoy the same use and benefit for all of the properties in the neighborhood.

We hope the county and BOA finds the variance request acceptable and that we have met all of the requirements for the granting of the variance.

Sent from my iPhone

WEBER COUNTY TAXPAYER REPORT

LSN: 20-019-0003

| | | | | | | |
|-----------------|--------|-------|-------|-------------|----------------|-------|
| # ADDRESS: | UNIT # | CITY: | LOT # | SITE NAME: | BUSINESS NAME: | IMP # |
| 1 940 OGDEN CYN | | OGDEN | | Wilcox Camp | | |

STATUS: A ACCT TYPE: IMPROVED TTL AC: 0.22 REG: 1 PPT: 117 NPPT: 117 - RECREATIONAL IMP

I M P R O V E M E N T S

| | | |
|----------------|---------------------------|--------------------|
| IMPROVEMENT | IMP COST TYP: Residential | QUALITY: Average |
| IMP#: <u>1</u> | IMP DESC: CB | CONDITION: Average |
| | IMP SF: 1914 | % COMPLETE: 100% |

OCCUPANCY

| | | | |
|---------------|------------------------|---------------|-----------------|
| OCC CODE: 111 | OCC DESC: Sngl Fam Res | ABST CODE: RS | PCT CMPLT: 100% |
|---------------|------------------------|---------------|-----------------|

BUILT AS

| | | | | |
|--------------------------|------------------|-----------------|-------------------------------|------------|
| CLASS: | STRY HGT: 8 | BLT AS CODE: 91 | SPRINKLER SF: | IMP#: 1 |
| EXTERIOR: Frame Siding | BLT AS SF: 1914 | BLT AS DESC: CB | ROOF COVER: Formed Seam Metal | BLT AS#: 1 |
| FOUNDATION: Conventional | YEAR BLT: 1935 | HVAC TYP: Other | ROOF TYPE: Gable | |
| STORIES: 1.0 | EFF YR BLT: 1984 | HVAC %: 100% | FLOOR COVER: Allowance | |

DETAILS

| DETAIL TYPE: | DESCRIPTION: | UNITS: | QUALITY: | DESC DETACHED: |
|--------------|------------------|--------|-----------------|----------------|
| Appliance | Allowance | 1 | Semi-Modern | |
| Appliance | Fireplace Single | 1 | Metal Fireplace | |
| Fixture | Bath Full | 1 | | |
| Garage | Attached | 294 | | |
| Porch | Open Slab | 24 | | |
| Porch | Wood Deck | 240 | | |
| Rough In | Rough In | 1 | | |

ADD ONS

| TYPE | CODE: | DESCRIPTION: | UNITS: | YEAR BUILT: | QUALITY: | %CMPLT: |
|--------|-------|----------------|--------|-------------|----------|---------|
| Add On | 1123 | Storage - Shed | 120 | 199 | Average | 100 |
| Add On | 1137 | Masonry Trim | 1 | | | |

A D D I T I O N A L I M P R O V E M E N T S

| | | | | | | | | | | | | | | |
|----|-------|----------|------------|------|-------|-------|----------|------|-----------|-----|-----|-----|-----|------|
| #: | DESC: | QUALITY: | CONDITION: | % C: | ABST: | CODE: | BA DESC: | CLS: | EXTERIOR: | HT: | WT: | LT: | YB: | EYB: |
|----|-------|----------|------------|------|-------|-------|----------|------|-----------|-----|-----|-----|-----|------|

WEBER COUNTY TAXPAYER REPORT

LSN: 20-019-0004

| | | | | | | | |
|---|----------------|--------|-------|-------|-------------|----------------|-------|
| # | ADDRESS: | UNIT # | CITY: | LOT # | SITE NAME: | BUSINESS NAME: | IMP # |
| 1 | 942 WOGDEN CYN | | OGDEN | | Wilcox Camp | | |

STATUS: A ACCT TYPE: LAND TTL AC: 0.02 REG: 1 PPT: 999 NPPT: 999 - UNDEV

I M P R O V E M E N T S

A D D I T I O N A L I M P R O V E M E N T S

#: DESC: QUALITY: CONDITION: % C: ABST: CODE: BA DESC: CLS: EXTERIOR: HT: WT: LT: YB: EYB:

WEBER COUNTY TAXPAYER REPORT

LSN: 20-019-0005

| | | | | | | |
|-----------------|--------|-------|-------|-------------|----------------|-------|
| # ADDRESS: | UNIT # | CITY: | LOT # | SITE NAME: | BUSINESS NAME: | IMP # |
| 1 946 OGDEN CYN | | OGDEN | | Wilcox Camp | | |

STATUS: **A** ACCT TYPE: **IMPROVED** TTL AC: **0.18** REG: **1** PPT: **117** NPPT: **997 - MULTIPLE RESIDENTIAL**

IMPROVEMENTS

| | | |
|----------------|---------------------------|--------------------------|
| IMPROVEMENT | IMP COST TYP: Residential | QUALITY: Average |
| IMP#: 1 | IMP DESC: CB | CONDITION: Below Average |
| | IMP SF: 484 | % COMPLETE: 100% |

OCCUPANCY

OCC CODE: **111** OCC DESC: Sngl Fam Res ABST CODE: **RS** PCT CMLT: **100%**

BUILT AS IMP#: 1

| | | | | |
|--------------------------|------------------|-----------------|---------------|-------------------|
| CLASS: | STRY HGT: 8 | BLT AS CODE: 91 | SPRINKLER SF: | BLT AS#: 1 |
| EXTERIOR: Frame Siding | BLTAS SF: 484 | BLT AS DESC: CB | ROOF COVER: | Formed Seam Metal |
| FOUNDATION: Conventional | YEAR BLT: 1924 | HVAC TYP: Other | ROOF TYPE: | Gable |
| STORIES: 1.0 | EFF YR BLT: 1983 | HVAC %: 100% | FLOOR COVER: | Allowance |

DETAILS

| DETAIL TYPE: | DESCRIPTION: | UNITS: | QUALITY: | DESC DETACHED: |
|--------------|------------------|--------|-----------------|----------------|
| Appliance | Allowance | 1 | Semi-Modern | |
| Appliance | Fireplace Single | 1 | Metal Fireplace | |
| Fixture | Bath Full | 1 | | |
| Porch | Encl Solid Wall | 48 | Semi-Modern | |
| Rough In | Rough In | 1 | | |

ADD ONS

| TYPE | CODE: | DESCRIPTION: | UNITS: | YEAR BUILT: | QUALITY: | %CMLT: |
|------|-------|--------------|--------|-------------|----------|--------|
|------|-------|--------------|--------|-------------|----------|--------|

| | | |
|----------------|---------------------------|--------------------------|
| IMPROVEMENT | IMP COST TYP: Residential | QUALITY: Fair |
| IMP#: 2 | IMP DESC: CB | CONDITION: Below Average |
| | IMP SF: 490 | % COMPLETE: 100% |

OCCUPANCY

OCC CODE: **111** OCC DESC: Sngl Fam Res ABST CODE: **RS** PCT CMLT: **100%**

BUILT AS IMP#: 2

| | | | | |
|--------------------------|------------------|-----------------|---------------|---------------------|
| CLASS: | STRY HGT: 8 | BLT AS CODE: 91 | SPRINKLER SF: | BLT AS#: 1 |
| EXTERIOR: Frame Siding | BLTAS SF: 490 | BLT AS DESC: CB | ROOF COVER: | Composition Shingle |
| FOUNDATION: Conventional | YEAR BLT: 1921 | HVAC TYP: Other | ROOF TYPE: | Gable |
| STORIES: 1.0 | EFF YR BLT: 1980 | HVAC %: 100% | FLOOR COVER: | Allowance |

DETAILS

| DETAIL TYPE: | DESCRIPTION: | UNITS: | QUALITY: | DESC DETACHED: |
|--------------|------------------|--------|--------------|----------------|
| Appliance | Allowance | 1 | Basic-Old/SY | |
| Appliance | Fireplace Single | 1 | METAL FP | |
| Fixture | Bath Full | 1 | | |
| Porch | Open Slab | 90 | | |
| Rough In | Rough In | 1 | | |

ADD ONS

| TYPE | CODE: | DESCRIPTION: | UNITS: | YEAR BUILT: | QUALITY: | %CMLT: |
|------|-------|--------------|--------|-------------|----------|--------|
|------|-------|--------------|--------|-------------|----------|--------|

ADDITIONAL IMPROVEMENTS

| #: | DESC: | QUALITY: | CONDITION: | % C: | ABST CODE: | BA DESC: | CLS: | EXTERIOR: | HT: | WT: | LT: | YB: | EYB: |
|----|-------|----------|------------|------|------------|----------|------|-----------|-----|-----|-----|-----|------|
|----|-------|----------|------------|------|------------|----------|------|-----------|-----|-----|-----|-----|------|

2002



0004

2009

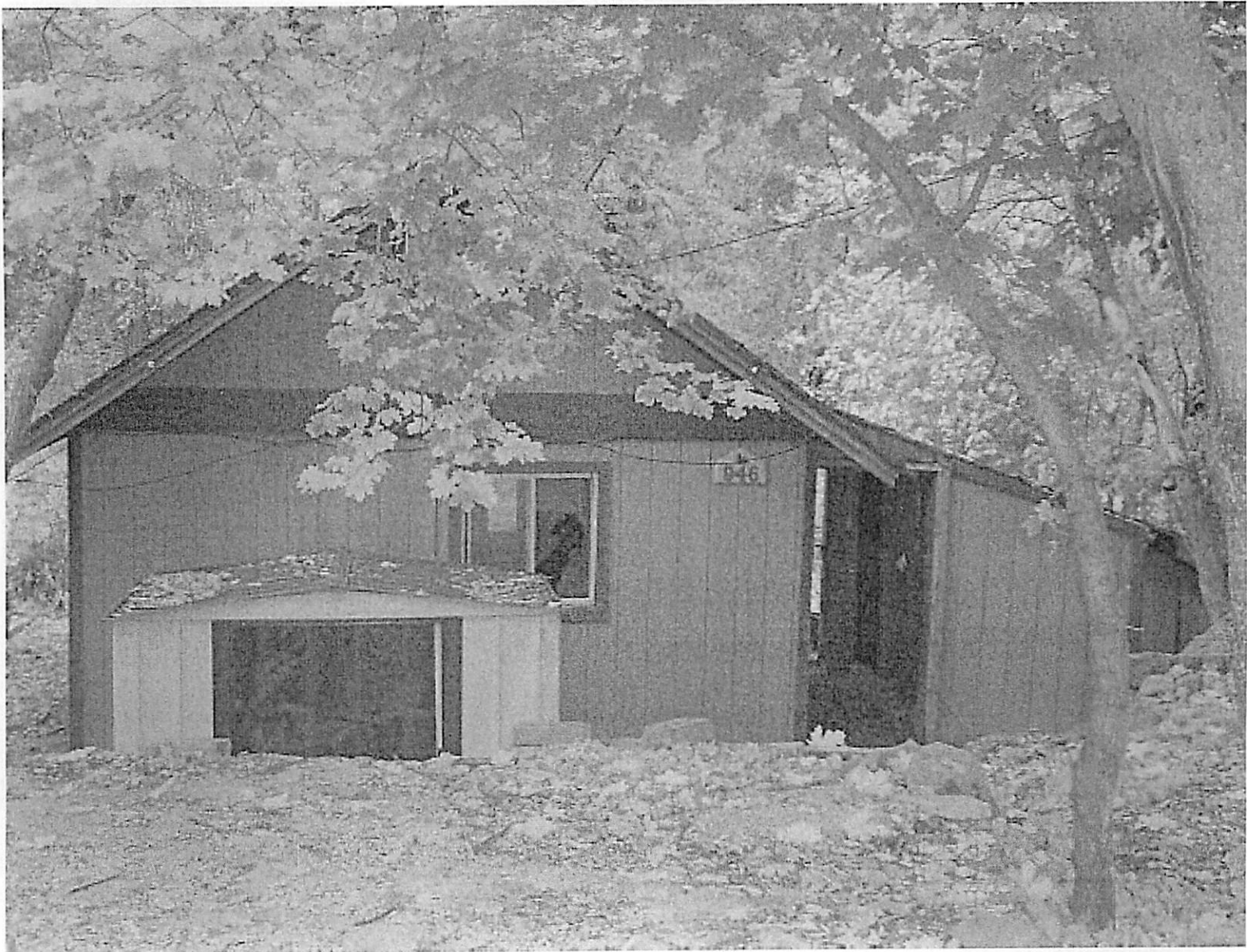


0004

2013

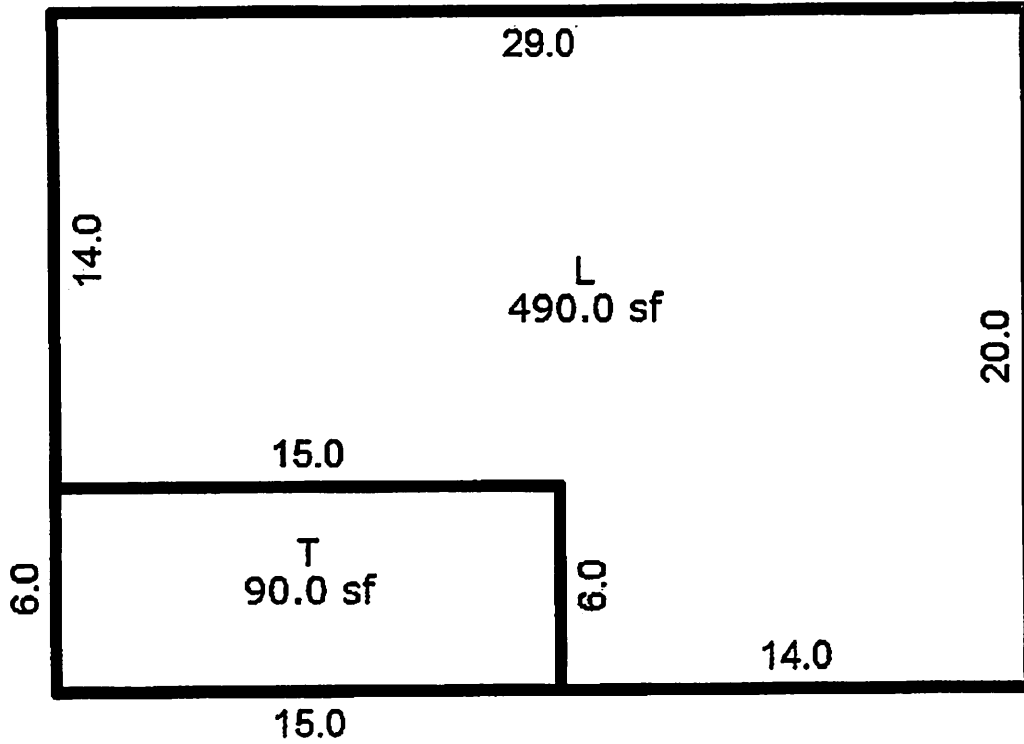


0004









Sketch by Apex Medina™

20-019-0005

2990E 11501.S.F.161 OGDEN 1373 PAGE 773
 Recorded at Request of SXC 826719 AUTH. WEBER
 at S-117 M. Fee Paid \$ 135 by Robert J. Webb
 Mail tax notice to 20-017-0001 Address Dec 18 2 29 PM '80
20-017-0004 0014 0003 **QUIT CLAIM DEED** Barry D. Barber & Assoc
 0003

NOLAN M. and ALANNA B. LOFTUS
 of OGDEN, UTAH, County of WEBER, State of Utah, hereby
 QUIT CLAIM to LOFTUS INVESTMENTS, LTD., A Utah Limited Partnership

PLATTED RECORDED
 ENTERED MICROFILMED granted

of Ogden County of Weber, Utah granted for the sum of (\$10,000) DOLLARS
 Ten and no/100 and other good and valuable consideration County,
 the following described tract of land in
 State of Utah, to wit:

All of that part of Lots 1, 2, 3, 4, 5, and 6 lying West of the center of the old channel of Wheeler Creek, as the same was located prior to the channel change in 1956, in Wilcox Camping and Boating Resort. Also Lots 27, 28, 29, and 30, lying East of the 66 foot road, in Wilcox Camping and Boating Resort, located in the Southwest Quarter of the Southeast Quarter of Section 16, Township 6 North, Range 1 East, Salt Lake Meridian, excepting the right-of-way conveyed to Ogden City by Deed recorded in Book 72 at Page 59, Weber County Records.

A part of the South half of the Southeast Quarter of Section 16, Township 6 North, Range 1 East, Salt Lake Meridian, U.S. Survey: Beginning at a point 1025.5 feet North of the Southwest corner of said Southeast Quarter; thence North 294.5 feet to the Northwest corner of said South half of Southeast Quarter; thence East 570 feet; thence South 37° 15' East 52 feet; thence North 65° 44' West 350 feet to the West line of County Road; thence Southeasterly along the West line of the County Road to a point East of beginning; thence West 455.4 feet, more or less, to the place of beginning.

(Legal Description Continued on Reverse Side of this Deed.)

WITNESS the hand of said grantor, this 10 day of December, 1980

Signed in the presence of
Nolan M. Loftus
Alanna B. Loftus

STATE OF UTAH,
 County of Salt Lake
 On the 10 day of December 1980
and Alanna B. Loftus personally appeared before me Nolan M. Loftus

The signers of the foregoing instrument, who duly acknowledged to me that they executed the same.
Janet Hunter
 Notary Public, residing at
Salt Lake City, Utah
 My commission expires July 13, 1982

THIS DEED PRINTED ESPECIALLY FOR PHOTO-RECORDING. USE BLACK INK AND TYPE.

BOOK 1573 PAGE 774

(Legal Description Continued)

A part of Lots 3, 4, 5, and 6 of the Wilcox Camping and Boating Resort, a subdivision of part of the Southwest Quarter of the Southeast Quarter of Section 16, Township 6 North, Range 1 East, Salt Lake Meridian, U.S. Survey: Beginning at the Northeast corner of said Lot 3 and running thence South $37^{\circ} 15'$ East 175.30 feet; thence South $57^{\circ} 29'$ West 53.68 feet to the South face of Stone Wall; thence South 75° West 5.5 feet along the South face of said Stone Wall; thence North $17^{\circ} 30'$ West 10 feet, more or less, along the West face of a Stone Wall; thence North $84^{\circ} 35'$ West 37 feet along the South face of a Stone Wall; thence North $14^{\circ} 50'$ West 20 feet along the West face of a Stone Wall; thence North $38^{\circ} 10'$ West 30.5 feet to an iron pipe stake; thence North $59^{\circ} 30'$ West 27 feet, more or less, to the center of Wheeler Creek; thence Northerly along the center of Wheeler Creek to the North line of said Lot 3; thence Northeasterly along the North line of said Lot 3, to the place of beginning.

Subject to a roadway along the East side thereof.

A part of Lots 4, 5, and 6 of the Wilcox Camping and Boating Resort, a subdivision of a part of the Southwest Quarter of the Southeast Quarter of Section 16, Township 6 North, Range 1 East, Salt Lake Base and Meridian, U. S. Survey: Beginning 20 feet Southeasterly from the intersection of the North line of said Lot 6 and the East bank of Wheeler Creek and running thence 45 feet, more or less, in a Northeasterly direction to the South face of a Stone Wall; thence North $84^{\circ} 35'$ West 25 feet, more or less, along the south face of a Stone Wall; thence North $14^{\circ} 50'$ West 20 feet along the West face of a Stone wall; thence North $38^{\circ} 10'$ West 30.5 feet to an iron pipe stake; thence North $59^{\circ} 30'$ West 27 feet, more or less, to the East bank of Wheeler Creek; thence Southeasterly along said East bank to the place of beginning.

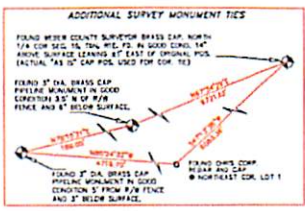
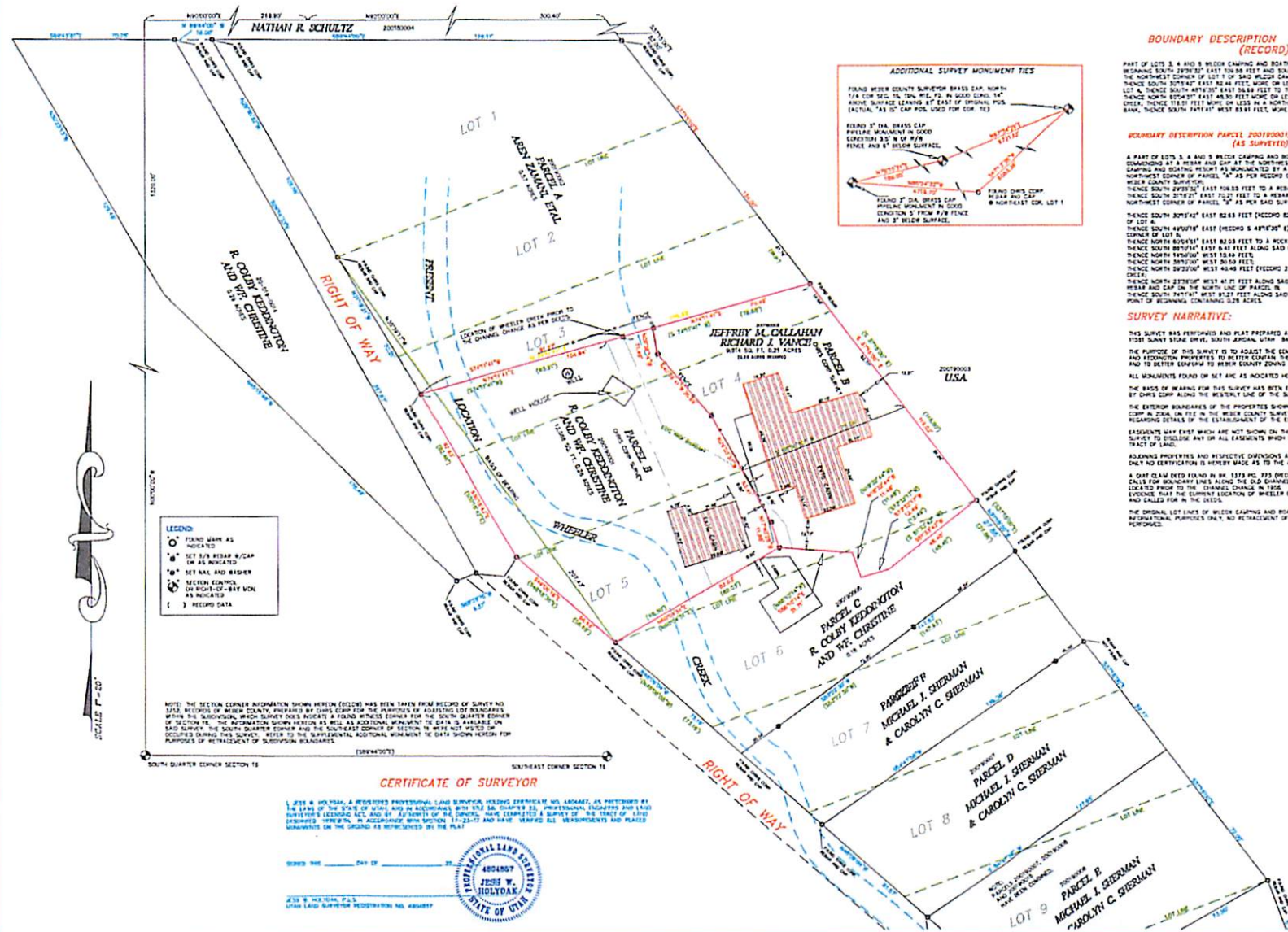
(The two legal descriptions above, are subject to a possible encroachment with a property adjacent to said two legal descriptions adjoining on the South.)

Subject to easements, rights of way and burdens against said land as appears by instruments of record, or apparent by inspection of the said premises.

Together with any and all water and water rights now or heretofore used in connection with said premises.

RECORD OF SURVEY

PART OF LOTS 3, 4, 5 AND 6, WILCOX CAMPING & BOATING RESORT
A PART OF THE SOUTHEAST QUARTER OF SECTION 16, T6N, R1E



BOUNDARY DESCRIPTION 200190001 (RECORD)

PART OF LOTS 3, 4 AND 6 WILCOX CAMPING AND BOATING RESORT, WILCOX COUNTY, STATE OF MISSISSIPPI, BEING 100.00 FEET AND 100.00 FEET AND 100.00 FEET FROM THE NORTHWEST CORNER OF LOT 1 OF SAID WILCOX CAMPING AND BOATING RESORT, BEING 100.00 FEET FROM THE NORTHWEST CORNER OF LOT 1, THENCE SOUTH 89° 57' 00" EAST 88.00 FEET TO THE SOUTHWEST CORNER OF LOT 3, THENCE SOUTH 89° 57' 00" EAST 88.00 FEET MORE OR LESS TO THE WEST BANK OF WHEELER CREEK, THENCE WEST 89° 57' 00" LESS IN A NORTHERLY DIRECTION ALONG SAID WEST BANK, THENCE SOUTH 89° 57' 00" WEST 88.00 FEET MORE OR LESS TO THE POINT OF BEGINNING.

BOUNDARY DESCRIPTION PARCEL 200190001, 200190004 AND CREEK BED (AS SURVEYED)

A PART OF LOTS 3, 4 AND 6 WILCOX CAMPING AND BOATING RESORT, WILCOX COUNTY, STATE OF MISSISSIPPI, BEING 100.00 FEET AND 100.00 FEET AND 100.00 FEET FROM THE NORTHWEST CORNER OF LOT 1 OF SAID WILCOX CAMPING AND BOATING RESORT AS MONUMENTED BY A MEASUR AND CAP, AND BEING ALSO THE NORTHWEST CORNER OF PARCEL "A" AS PER RECORD OF SURVEY NO. 2222, RECORDS OF THE WILCOX COUNTY SURVEYOR;

THENCE SOUTH 89° 57' 00" EAST 88.00 FEET TO A MEASUR AND CAP;

THENCE SOUTH 89° 57' 00" EAST 88.00 FEET TO A MEASUR AND CAP MONUMENTING THE NORTHWEST CORNER OF PARCEL "B" AS PER SAID SURVEY, THE TRUE POINT OF BEGINNING;

THENCE SOUTH 89° 57' 00" EAST 88.00 FEET (RECORD 88.00 FEET) TO THE SOUTHWEST CORNER OF LOT 1;

THENCE SOUTH 89° 57' 00" EAST 88.00 FEET TO A ROCK WALL;

THENCE SOUTH 89° 57' 00" EAST 84 FEET ALONG SAID ROCK WALL;

THENCE NORTH 89° 57' 00" WEST 10.00 FEET;

THENCE NORTH 89° 57' 00" WEST 20.00 FEET;

THENCE NORTH 89° 57' 00" WEST 40.00 FEET (RECORD 27.00 FEET) TO THE CENTER OF WHEELER CREEK;

THENCE NORTH 27° 00' 00" WEST 47.00 FEET ALONG SAID CENTER OF WHEELER CREEK TO A MEASUR AND CAP ON THE NORTH LINE OF PARCEL "B";

THENCE SOUTH 89° 57' 00" WEST 88.00 FEET ALONG SAID NORTH LINE OF PARCEL "B" TO THE POINT OF BEGINNING, CONTAINING 2.00 ACRES.

SURVEY NARRATIVE:

THIS SURVEY WAS PERFORMED AND PLAT PREPARED AT THE REQUEST OF JEFF CALLAHAN, 10301 SUNDAY STREET, LEVEL SOUTH JORDAN, WYOMING 82430.

THE PURPOSE OF THIS SURVEY IS TO ADJUST THE COMMON BOUNDARY BETWEEN THE CALLAHAN AND REDMOND PROPERTIES TO BETTER DEFINE THE EXISTING HOUSES AND IMPROVEMENTS AND TO BETTER DEFINE TO WILCOX COUNTY ZONING ORDINANCE.

ALL MONUMENTS FOUND OR SET ARE AS INDICATED HEREIN.

THE BASIS OF MEASUREMENT FOR THIS SURVEY HAS BEEN ESTABLISHED AS PER MONUMENTS PLACED BY CHAS. COOP ALONG THE WESTERN LINE OF THE SUBJECT PROPERTIES.

THE EXTERIOR BOUNDARIES OF THE PROPERTIES SHOWN HEREIN WERE SURVEYED BY CHAS. COOP IN 1934, ON FILE IN THE WILCOX COUNTY SURVEYOR'S OFFICE. REFER TO SAID SURVEY REGARDING DETAILS OF THE ESTABLISHMENT OF THE EXTERIOR BOUNDARIES.

ESSENTIALS MAY EXIST WHICH ARE NOT SHOWN ON THIS PLAT. IT IS NOT THE INTENT OF THIS SURVEY TO EXCLUDE ANY OR ALL ESSENTIALS WHICH MAY ENCLOSE THE HEREIN SHOWN TRACT OF LAND.

ADJOINING PROPERTIES AND RESPECTIVE DIMENSIONS ARE SHOWN FOR INFORMATION PURPOSES ONLY. NO CERTIFICATION IS HEREBY MADE AS TO THE ACCURACY OF SAID INFORMATION.

A GAIT CLAIM DEED FILED IN BK. 1929 PG. 793 (ENCLOSURE OF THE WILCOX COUNTY RECORDS) CALLS FOR BOUNDARY LINES ALONG THE WESTERN LINE OF WHEELER CREEK AS SAID CLAIM WAS LOCKED FROM TO THE CHANGED CHANGE IN 1936. THIS GAIT CLAIM DEED PROVIDES EVIDENCE THAT THE CURRENT LOCATION OF WHEELER CREEK IS NOT THE LOCATION AS ANTICIPATED AND CALLED FOR IN THE DEEDS.

THE ORIGINAL LOT LINES OF WILCOX CAMPING AND BOATING RESORT HAVE BEEN SHOWN FOR INFORMATION PURPOSES ONLY. NO RE-ESTABLISHMENT OF SAID ORIGINAL LOT LINES HAS BEEN PERFORMED.

- LEGEND**
- FOUND MARK AS INDICATED
 - SET SUR MEAS W/CAP OR AS INDICATED
 - SET NAIL AND WISHER
 - MEASUR CONTROL OR RIGHT-OF-WAY MON AS INDICATED
 - RECORD DATA

NOTE: THE SECTION CORNER INFORMATION SHOWN HEREIN (ELEVATION) HAS BEEN TAKEN FROM RECORDS OF SURVEY AND SAID RECORDS OF WILCOX COUNTY, PREPARED BY CHAS. COOP FOR THE PURPOSES OF ADJUSTING LOT BOUNDARIES WITHIN THE "SECTIONAL" RECORD SURVEY THIS RECORDS & FOUND WILCOX COUNTY CORNER FOR THE SOUTH QUARTER CORNER OF SECTION 16. THE INFORMATION SHOWN HEREIN AS WELL AS ADDITIONAL MONUMENT DATA IS AVAILABLE ON FILE IN THE WILCOX COUNTY SURVEYOR'S OFFICE AND THE SOUTHEAST CORNER OF SECTION 16. ANY AND ALL MONUMENTS OR DISCOVERED DURING THIS SURVEY. REFER TO THE SURVEYOR'S OFFICE FOR THE LOCATION AS ANTICIPATED AND CALLED FOR IN THE DEEDS.

CERTIFICATE OF SURVEYOR

I, JESS W. HOLYOAK, A REGISTERED PROFESSIONAL LAND SURVEYOR, HAVING EXAMINED THE ABOVE, AS PREPARED BY THE LAND SURVEYOR, AND IN ACCORDANCE WITH THE LAWS OF THE STATE OF MISSISSIPPI, I HEREBY CERTIFY THAT THE SAID SURVEYOR HAS COMPLIED WITH ALL REQUIREMENTS OF THE MISSISSIPPI PROFESSIONAL LAND SURVEYING ACT, AND THAT THE SAID SURVEYOR HAS COMPLIED WITH ALL REQUIREMENTS OF THE MISSISSIPPI PROFESSIONAL LAND SURVEYING ACT, AND THAT THE SAID SURVEYOR HAS COMPLIED WITH ALL REQUIREMENTS OF THE MISSISSIPPI PROFESSIONAL LAND SURVEYING ACT, AND THAT THE SAID SURVEYOR HAS COMPLIED WITH ALL REQUIREMENTS OF THE MISSISSIPPI PROFESSIONAL LAND SURVEYING ACT.

SIGNED THIS _____ DAY OF _____, 2019.



JESS W. HOLYOAK, P.L.S.
STATE LAND SURVEYOR REGISTRATION NO. 12345

MOUNTAIN ENGINEERING

P.O. BOX 309
MORNING STAR, MISSISSIPPI 38851-0309
TEL: (662) 892-5252 FAX: (662) 892-5277

| | |
|------------|----------|
| DATE | 10/10/19 |
| BY | JWH |
| CHECKED BY | JWH |
| DATE | 10/10/19 |

| | |
|------------|----------|
| DATE | 10/10/19 |
| BY | JWH |
| CHECKED BY | JWH |
| DATE | 10/10/19 |

RECORD OF SURVEY

PART OF LOTS 3, 4 AND 6 WILCOX CAMPING & BOATING RESORT, WILCOX COUNTY, MISSISSIPPI, BEING 100.00 FEET AND 100.00 FEET AND 100.00 FEET FROM THE NORTHWEST CORNER OF LOT 1 OF SAID WILCOX CAMPING AND BOATING RESORT AS MONUMENTED BY A MEASUR AND CAP, AND BEING ALSO THE NORTHWEST CORNER OF PARCEL "A" AS PER RECORD OF SURVEY NO. 2222, RECORDS OF THE WILCOX COUNTY SURVEYOR.

JEFF CALLAHAN, 10301 SUNDAY STREET, LEVEL SOUTH JORDAN, WYOMING 82430

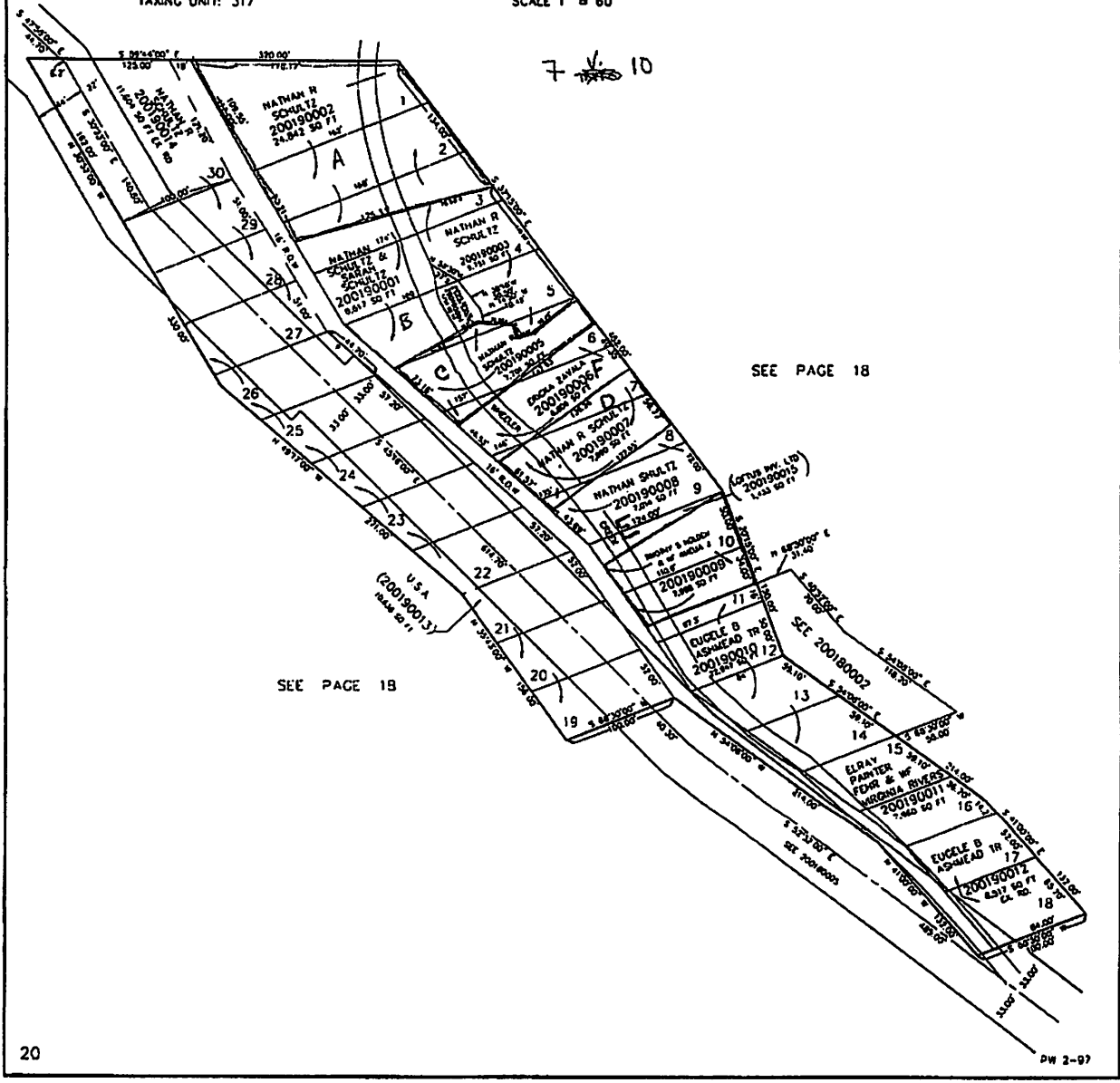
DATE: 10/10/19
BY: JWH
CHECKED BY: JWH

PART OF S.E. 1/4, SEC. 16, T.6N., R.1E., S.L.B. & M.
WILCOX CAMPING & BOATING RESORT

19

TAXING UNIT: 317

IN WEBER COUNTY
SCALE 1" = 60'



7 ~~10~~ 10

SEE PAGE 18

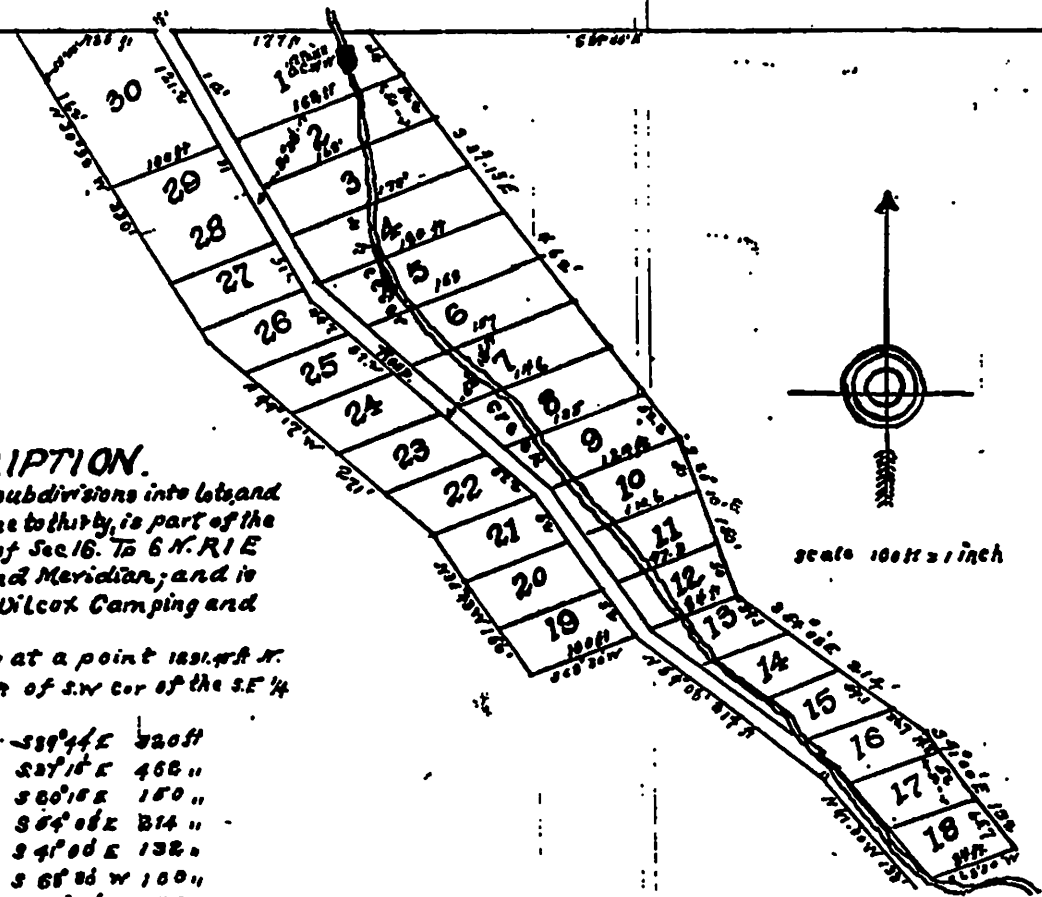
SEE PAGE 18

20

DW 2-97

MILCOX CAMPING AND BOATING RESORT.

57



| REMARKS. | |
|----------|--|
| 1 | |
| 2 | |
| 3 | |
| 4 | |
| 5 | |
| 6 | |
| 7 | |
| 8 | |
| 9 | |
| 10 | |
| 11 | |
| 12 | |
| 13 | |
| 14 | |
| 15 | |
| 16 | |
| 17 | |
| 18 | |
| 19 | |
| 20 | |
| 21 | |
| 22 | |
| 23 | |
| 24 | |
| 25 | |
| 26 | |
| 27 | |
| 28 | |
| 29 | |
| 30 | |
| 31 | |

DESCRIPTION.

This Plat and its subdivisions into lots and numbered from one to thirty, is part of the S.W. 1/4 of the S.E. 1/4 of Sec. 16, T. 6 N. R. 1 E Salt Lake Base and Meridian; and is to be known as "Milcox Camping and Boating Resort."

Beginning at a point 1891.4 ft N. and 589.44 E. 275 ft of S.W. cor of the S.E. 1/4 of said Sec. 16

- Running thence;
- Do. Do. S89°44' E 320 ft
 - " " S57°15' E 468 "
 - " " S60°15' E 150 "
 - " " S64°08' E 314 "
 - " " S 41°08' E 132 "
 - " " S 68°30' W 100 "
 - " " N 41°08' W 132 "
 - " " N 57°35' W 314 "
 - " " S 68°30' W 100 "
 - " " N 35°42' W 156 "
 - " " N 107°1' W 271 "
 - " " N 30°04' W 330 "

To beginning, being the exterior boundary of said tract of land, and containing 4.67 acres including road 16 ft wide as shown on this plat and on which the present owner M.E. Milcox reserves a right of way.

Approved and accepted for record by the Commissioners of Weber County Utah, this 27th day of December 1910.

I W.C. Sumner, a Civil Engineer do hereby certify that the plat hereto attached of "Milcox Camping and Boating Resort, in Weber County, State of Utah, is correct and accurately constructed from the field notes of survey made by me in November 1910.

W.C. Sumner

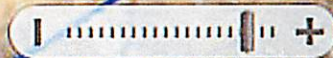
Weber County } ss.
State of Utah }

Subscribed and sworn to before me this 13th day of December 1910

John E. Bagley
Notary Public

My Commission expires March 30th 1913

Workspaces ▾



00190002

200190002

200190003

200190009

200190014

200190001

200190004

200190006

200190005

200190013

190014

200180003

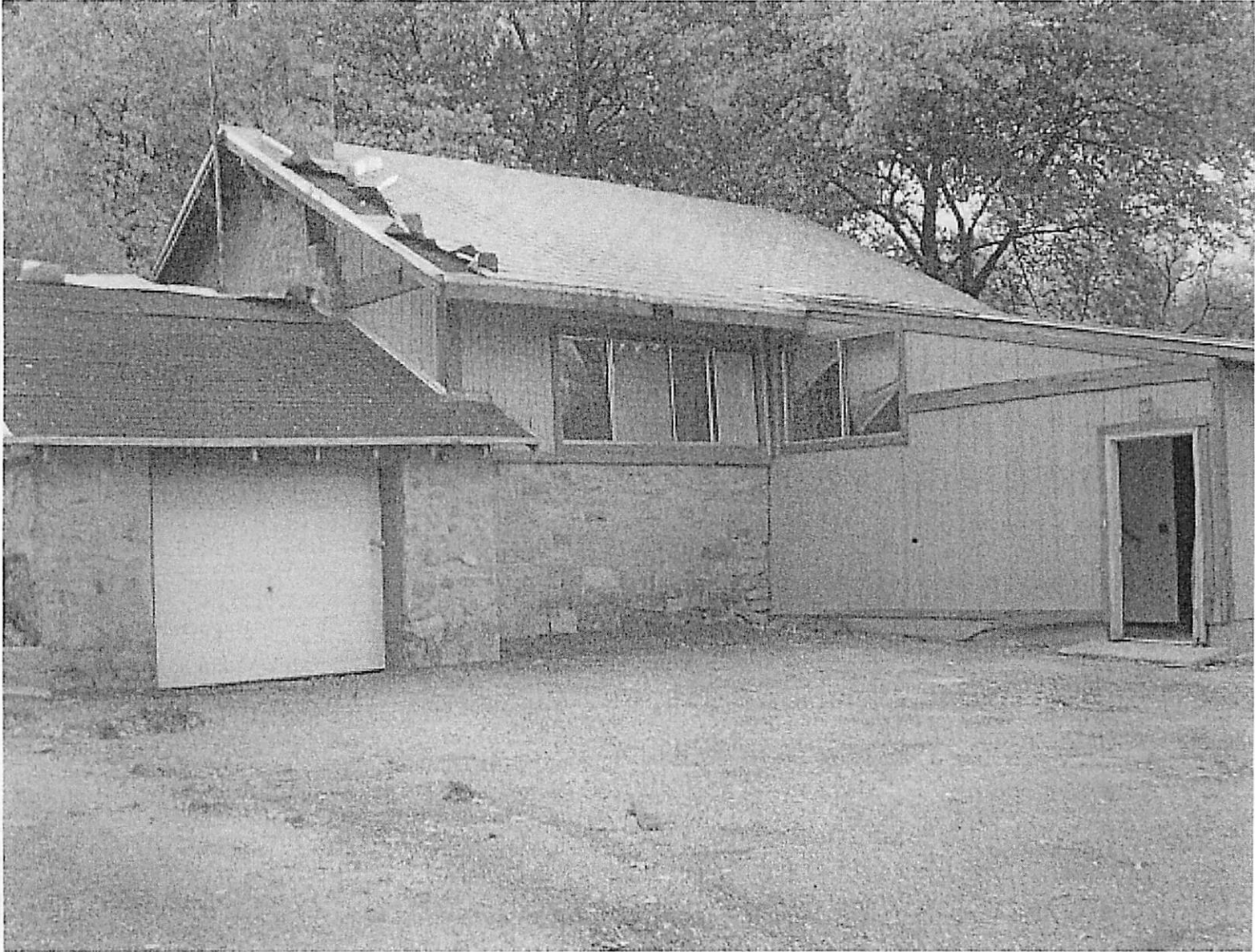
OGDEN CYN

2002



0003

2009

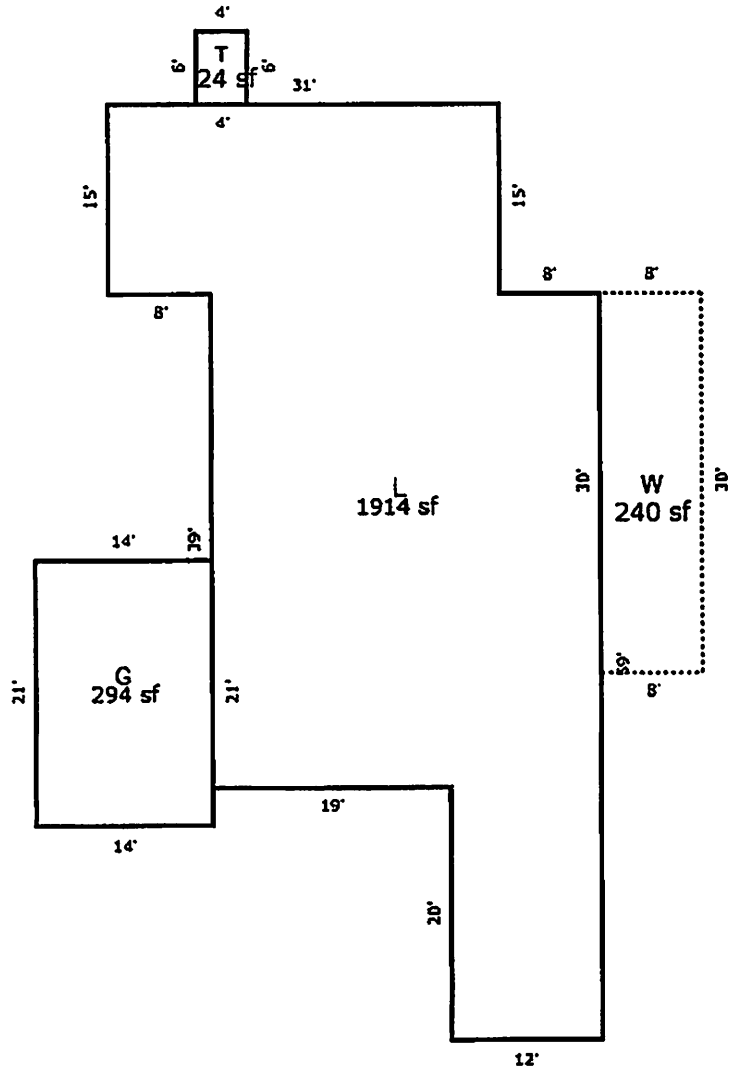


0003

2013



0003



Sketch by Apex Medina™

20-019-0003

PART OF S.E. 1/4, SEC. 16, T.6N., R.1E., S.L.B. & M.
WILCOX CAMPING & BOATING RESORT

19

IN WEBER COUNTY
SCALE 1" = 60'

TAXING UNIT: 3*7



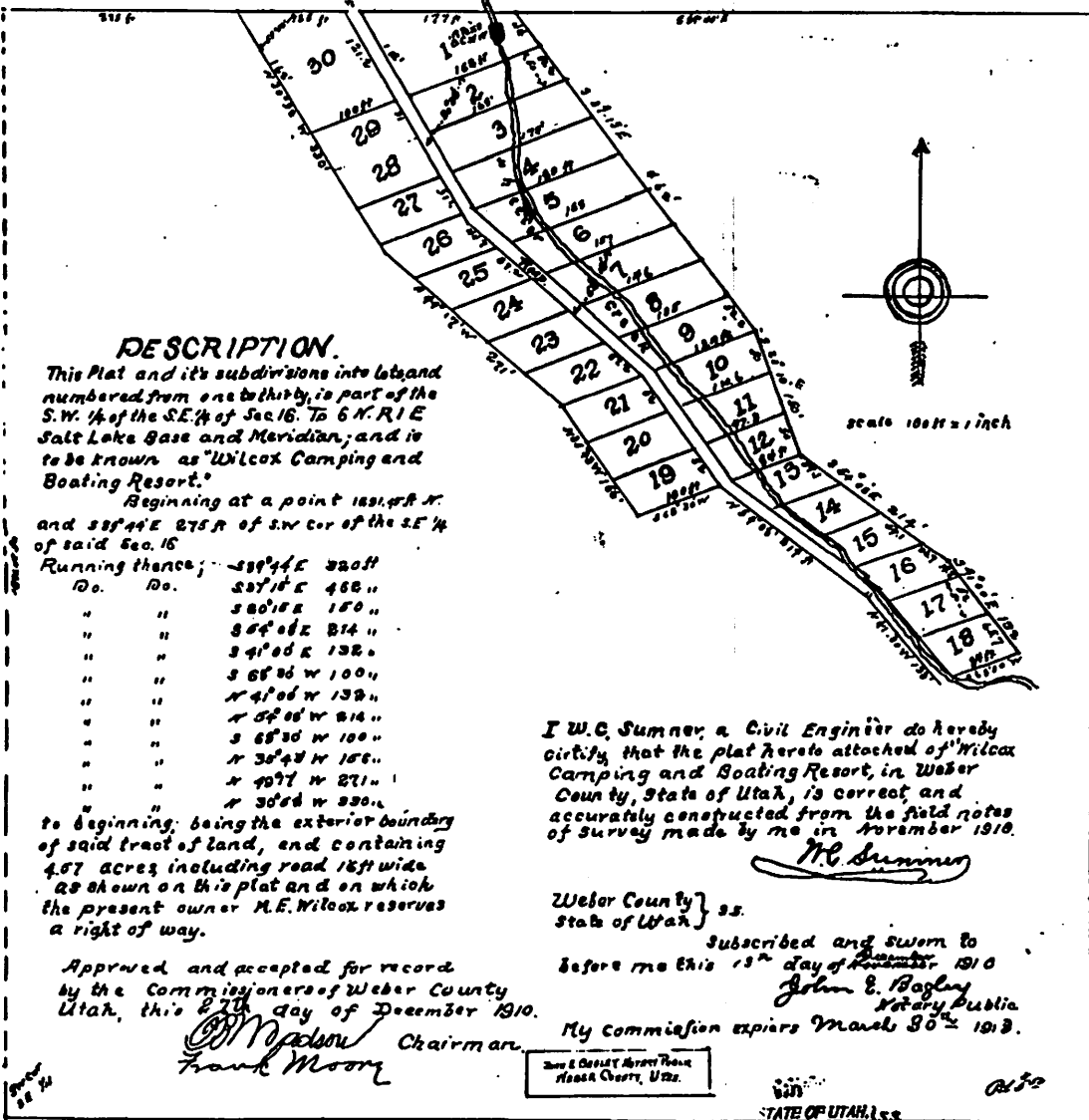
20

PW 2-97

WILCOX CAMPING AND BOATING RESORT.

67-9
45-7

57



DESCRIPTION.
This Plat and its subdivisions into lots and numbered from one to thirty, is part of the S.W. 1/4 of the S.E. 1/4 of Sec. 16, T. 6 N. R. 1 E Salt Lake Base and Meridian, and is to be known as "Wilcox Camping and Boating Resort."

Beginning at a point 1631.48 ft N. and 287.44 E. 275 ft. of S.W. cor. of the S.E. 1/4 of said Sec. 16

Running thence;
 Do. Do. S 89° 44' E 220 ft
 " " S 27° 14' E 468 "
 " " S 20° 12' E 170 "
 " " S 24° 06' E 314 "
 " " S 41° 06' E 132 "
 " " S 68° 36' W 100 "
 " " N 47° 06' W 132 "
 " " N 07° 06' W 214 "
 " " S 68° 36' W 100 "
 " " N 30° 48' W 186 "
 " " N 107° 17' W 271 "
 " " N 30° 06' W 220 "

to beginning, being the exterior boundary of said tract of land, and containing 4.57 acres including road 16 ft wide as shown on this plat and on which the present owner M.E. Wilcox reserves a right of way.

Approved and accepted for record by the Commissioners of Weber County Utah, this 27th day of December 1910.
 Frank Moore Chairman

I W.C. Sumner, a Civil Engineer do hereby certify that the plat hereto attached of "Wilcox Camping and Boating Resort, in Weber County, State of Utah, is correct and accurately constructed from the field notes of survey made by me in November 1910.

W.C. Sumner

Weber County } ss.
 State of Utah }

Subscribed and sworn to before me this 13th day of December, 1910
 John E. Bagley
 Notary Public
 My commission expires March 30th 1913.

John E. Bagley, Notary Public, Weber County, Utah.

W. J. Levasen
 County Surveyor

STATE OF UTAH, ss.
 County of Weber
 Filed for record and recorded
 November 27th A. D. 1910
 9:55
 Frank C. M. and recorded

| REMARKS. | |
|----------|--|
| 1 | |
| 2 | |
| 3 | |
| 4 | |
| 5 | |
| 6 | |
| 7 | |
| 8 | |
| 9 | |
| 10 | |
| 11 | |
| 12 | |
| 13 | |
| 14 | |
| 15 | |
| 16 | |
| 17 | |
| 18 | |
| 19 | |
| 20 | |
| 21 | |
| 22 | |
| 23 | |
| 24 | |
| 25 | |
| 26 | |
| 27 | |
| 28 | |
| 29 | |
| 30 | |
| 31 | |

W.C. Sumner
 Civil Engineer

4-57
 6-49

2890E 1501-877/61 BOOK 1373 PAGE 773
 Recorded at Request of SXC 826719 AUTH. BY
 at 8910 M. Fee Paid \$ WEBER
 by _____ Dep. Book _____ Page 135 Notary Robert J. Weber
 Mail tax notice to _____ Address _____ DEC 18 2 29 PM '80
20-019-0001 0314 0003
20-018-0004 0004 CLAIMS -
QUIT CLAIM DEED Darry D. Barker & Assoc
 PLATTED VERIFIED
 ENTERED MICROFILMED GRANTEES

NOLAN M. and ALANNA B. LOFTUS
 of OGDEN, UTAH County of WEBER State of Utah, hereby
 QUIT CLAIM to LOFTUS INVESTMENTS, LTD., A Utah Limited Partnership

grantee
 for the sum of (\$10,000) DOLLARS
 County,
 of Ogden County of Weber, Utah
 Ten and no/100 and other good and valuable consideration
 the following described tract of land in
 State of Utah, to wit:

All of that part of Lots 1, 2, 3, 4, 5, and 6 lying West of the center of the old channel of Wheeler Creek, as the same was located prior to the channel change in 1956, in Wilcox Camping and Boating Resort. Also Lots 27, 28, 29, and 30, lying East of the 65 foot road, in Wilcox Camping and Boating Resort, located in the Southwest Quarter of the Southeast Quarter of Section 16, Township 6 North, Range 1 East, Salt Lake Meridian, excepting the right-of-way conveyed to Ogden City by Deed recorded in Book 72 at Page 59, Weber County Records.

A part of the South half of the Southeast Quarter of Section 16, Township 6 North, Range 1 East, Salt Lake Meridian, U.S. Survey: Beginning at a point 1025.5 feet North of the Southwest corner of said Southeast Quarter; thence North 294.5 feet to the Northwest corner of said South half of Southeast Quarter; thence East 570 feet; thence South 37° 15' East 52 feet; thence North 89° 44' West 350 feet to the West line of County Road; thence Southeasterly along the West line of the County Road to a point East of beginning; thence West 455.4 feet, more or less, to the place of beginning.

(Legal Description Continued on Reverse Side of this Deed.)

WITNESS the hand of said grantor, this 10 day of December, 1980

Signed in the presence of
Nolan M. Loftus
Alanna B. Loftus

STATE OF UTAH,
 County of Salt Lake

On the 10 day of December 1980
 and Alanna B. Loftus personally appeared before me Nolan M. Loftus

the signers of the foregoing instrument, who duly acknowledged to me that they executed the same.

Janet Hunter
 Notary Public, residing at _____

My commission expires July 13, 1982 at Salt Lake City, Utah

THIS DEED PRINTED ESPECIALLY FOR PHOTO-RECORDING. USE BLACK INK AND TYPE.

BOOK 1573 PAGE 774

(Legal Description Continued)

0003

A part of Lots 3, 4, 5, and 6 of the Wilcox Camping and Boating Resort, a subdivision of part of the Southwest Quarter of the Southeast Quarter of Section 16, Township 6 North, Range 1 East, Salt Lake Meridian, U.S. Survey: Beginning at the Northeast corner of said Lot 3 and running thence South 37° 15' East 175.30 feet; thence South 57° 29' West 53.68 feet to the South face of Stone Wall; thence South 75° West 5.5 feet along the South face of said Stone Wall; thence North 17° 30' West 10 feet, more or less, along the West face of a Stone Wall; thence North 84° 35' West 37 feet along the South face of a Stone Wall; thence North 14° 50' West 20 feet along the West face of a Stone Wall; thence North 38° 10' West 30.5 feet to an iron pipe stake; thence North 59° 30' West 27 feet, more or less, to the center of Wheeler Creek; thence Northerly along the center of Wheeler Creek to the North line of said Lot 3; thence Northeasterly along the North line of said Lot 3, to the place of beginning.

Subject to a roadway along the East side thereof.

0004

A part of Lots 4, 5, and 6 of the Wilcox Camping and Boating Resort, a subdivision of a part of the Southwest Quarter of the Southeast Quarter of Section 16, Township 6 North, Range 1 East, Salt Lake Base and Meridian, U. S. Survey: Beginning 20 feet southeasterly from the intersection of the North line of said Lot 6 and the East bank of Wheeler Creek and running thence 45 feet, more or less, in a Northeasterly direction to the South face of a Stone Wall; thence North 84° 35' West 25 feet, more or less, along the south face of a Stone Wall; thence North 14° 50' West 20 feet along the West face of a Stone wall; thence North 38° 10' West 30.5 feet to an iron pipe stake; thence North 59° 30' West 27 feet, more or less, to the East bank of Wheeler Creek; thence Southeasterly along said East bank to the place of beginning.

(The two legal descriptions above, are subject to a possible encroachment with a property adjacent to said two legal descriptions adjoining on the South.)

Subject to easements, rights of way and burdens against said land as appears by instruments of record, or apparent by inspection of the said premises.

Together with any and all water and water rights now or heretofore used in connection with said premises.
