



# 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 5 foot variance to the front yard setback and a 10 foot variance to the rear yard setback to facilitate the construction of a single-family residence at 6743 Chaparral Drive, Eden

**Agenda Date:** Thursday, March 18, 2021

**Applicant:** Joseph Draves

**File Number:** BOA2021-03

### Property Information

**Approximate Address:** 6743 Chaparral Drive, Eden (Powder Mountain West)

**Project Area:** .15 acres

**Zoning:** Forest Residential (FR-3)

**Existing Land Use:** Vacant

**Proposed Land Use:** Residential

**Parcel ID:** 23-086-0010

**Township, Range, Section:** T8N, R1E, Section 36, SE 1/4

### Adjacent Land Use

<b>North:</b>	Residential	<b>South:</b>	Residential
<b>East:</b>	Residential	<b>West:</b>	Forest

### Staff Information

**Report Presenter:** Steve Burton  
sburton@co.weber.ut.us  
801-399-8766

**Report Reviewer:** RG

## Applicable Codes

- Title 102 (Administration) Chapter 3 (Board of Adjustment)
- Title 104 (Zones) Chapter 17 (Forest Residential Zone FR-3)

## Background

The applicant is requesting a 5 foot variance to the minimum front yard setback required in the FR-3 Zone (25 feet) leaving a 20 foot setback from the front lot line. The applicant is also requesting a 10 foot variance to the rear yard setback (30 feet) leaving a 20 foot setback to the rear lot line. The applicant feels that a variance is necessary to build their desired home. The applicant explains that the current zoning setbacks create a small buildable triangle with a potential of constructing an 850 square foot home with a less than ideal garage orientation. The applicant's narrative is included as **Exhibit A**.

The applicant has provided several site plan exhibits to help visualize applicable setbacks and encumbrances to the property. The first page of **Exhibit B** shows a triangle with the required rear setback of 30 feet, side setback of 8 feet, side adjacent to a street of 20 feet, and a front setback of 20 feet. It should be noted that on the first page of Exhibit B, the front setback should be shown at 25 feet, further reducing the area within the triangle. Pages 3 and 5 of Exhibit B show where a 1050 square foot house could be located on the lot, should the BOA grant the variance.

## Summary of Board of Adjustment Considerations

LUC §102-3 states that 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 Code. For a variance to be granted it must be shown that all of the following criteria have been 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 literal enforcement of the land-use code 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 literal 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 relating 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 is done.*

## Staff Analysis

The list below are points taken from the applicant's narrative as compared to the above listed point of BOA consideration (see **Exhibit A** for the full narrative):

- a. The applicant's narrative states that literal enforcement of the setbacks creates a small triangular buildable footprint, that would make it difficult to achieve coherent aesthetics and home size standards of other dwellings in the neighborhood.
- b. The applicant states that the special circumstances that exist are the size and shape of this lot.
- c. The applicant's narrative indicates that granting a variance is needed in order to enjoy a substantial property right that is possessed by other properties in the area.
- d. The General Plan indicates that this area should be developed as is planned and zoned. The applicant states that a variance to the setback will allow the construction of a home that is more coherent to the neighborhood.
- e. The applicant is exhausting their remedies, under the land use code, for the potential of a lesser setback and is requesting that substantial justice be done, considering the unique shape of the lot.

## Conformance to the General Plan

Single-family dwellings are allowed as a permitted use in the FR-3 zone. If the requested variance is granted, it will not have a negative impact on the goals and policies of the Ogden Valley General Plan.

## Staff Recommendation

Staff recommends the Board of Adjustment review staff's analysis and compare the applicant's request against the five points of consideration listed in LUC §102-3-4(b)(2) (presented above). If the Board finds that the applicant's request meets the criteria, the requested variance to the front yard and rear yard setback could be granted.

## Exhibits

- A. Applicant-written variance request
- B. Site plans, showing existing and proposed setback
- C. Powder Mountain West Subdivision plat showing lot 16.

Weber County Planning Board

Friday, March 5, 2021

To whom it may concern-

I purchased parcel 23086001, 6743 Chaparral Drive in the summer of 2018 and hope to start building in the next year. The lot was surveyed and staked in October 2020. In talking with the HOA architectural board, they are asking that I pursue a variance with the goal of designing a house more consistent with the aesthetic of the neighborhood.

The lot is the Northwest Corner lot where Aspen Drive turns onto Chapparal. The driveway is to be located along Chaparral Drive. This dictates the Front-Side-Rear designations for site development setbacks.

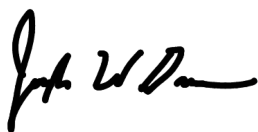
The standard setbacks in the building code are shown on the attached drawings. These setbacks yield a small triangular buildable footprint. While it may be possible to fit a house fully within the triangle, it would be difficult to achieve coherent aesthetics and minimum size standards of other homes in PMWLOA (Powder Mountain West Landowner's Association). I designed several houses to fit within the triangle and topped out at 850sqft footprint with a less than ideal garage orientation.

In talking with Steve Burton, he said that the corner lot is a likely candidate for a variance. The existing setback definitions call for a Rear setback of 30ft. However, this "back" line is the "side" edge of Lot 19.

With a change from 30ft to 20ft on the rear edge, the house can change from a modern sculptural pyramid shape into something more coherent with the neighborhood. The plan is to build a 1050sqft plan, three-story home with walk out ground level garage. It will be a two-slope roof with square downhill face / windows / deck. This style of architecture is prevalent at PMWLOA.

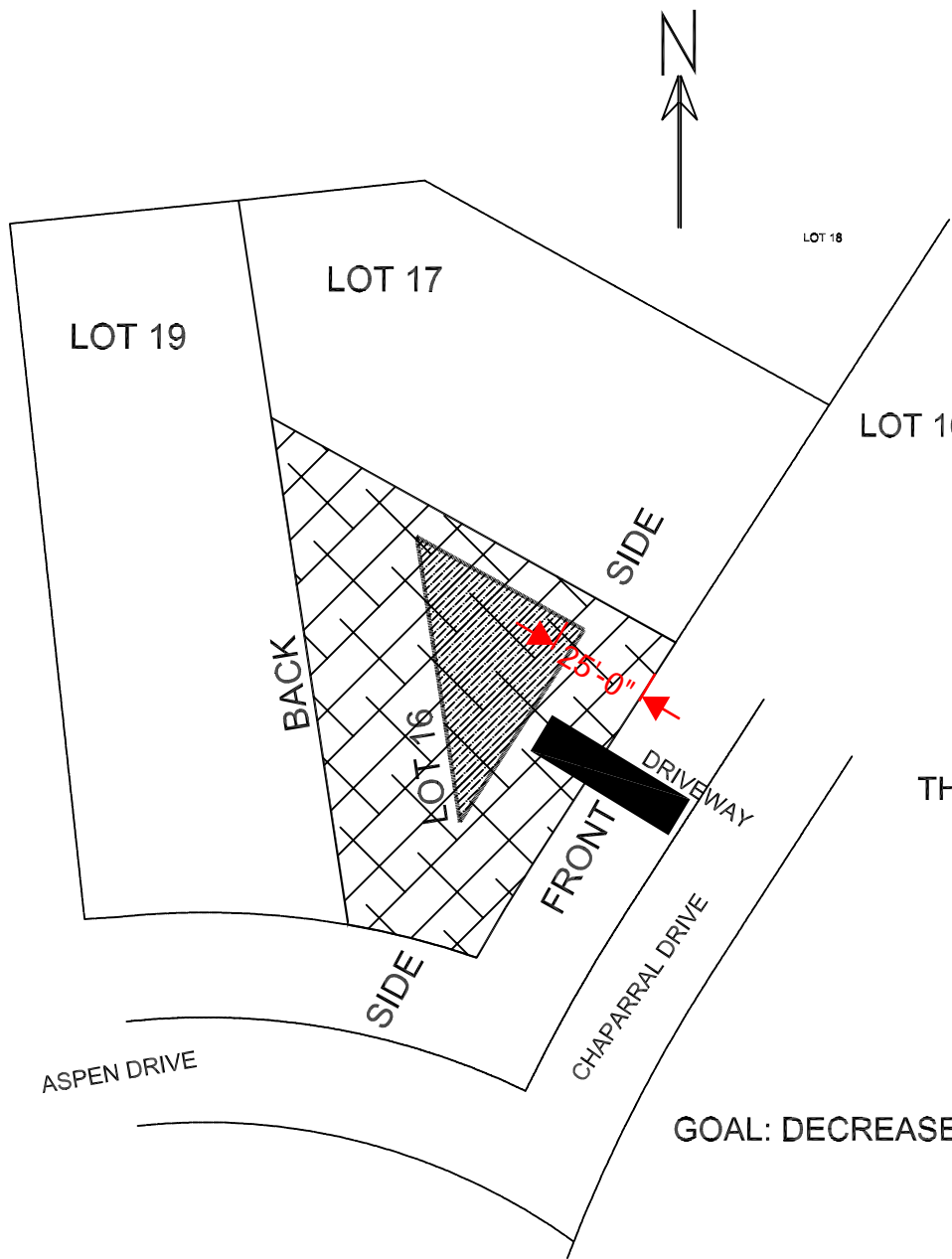
Attached are AutoCAD plan views to better understand the challenges with the existing setbacks. My architect and structural engineer are waiting to hear about the variance before commencing final design so I do not have any 3D renderings of the concept.

Please let me know what else you may need. Thanks for your consideration.



Joseph Draves

303-249-3724



LOT 16 TOPO/ STAKED CORNERS OCTOBER 2020  
 WILLIS LONG, LAYTON SURVEYS  
 LOT 19 IS BUILT. LOT 17 IS EMPTY.

LOT 16 ADDRESS IS 6743 CHAPARRAL DR.  
 THIS DICTATES THE FRONT-SIDES-BACK  
 BASED ON A DRIVEWAY FROM CHAPARRAL.

THE "BACK" LINE IS THE "SIDE" LINE OF LOT 19.

EXISTING SETBACKS  
 8FT FROM SIDES  
 20FT FROM ROAD FRONT  
 30FT FROM REAR

GOAL: DECREASE THE REAR SETBACK FROM 30FT TO 20FT

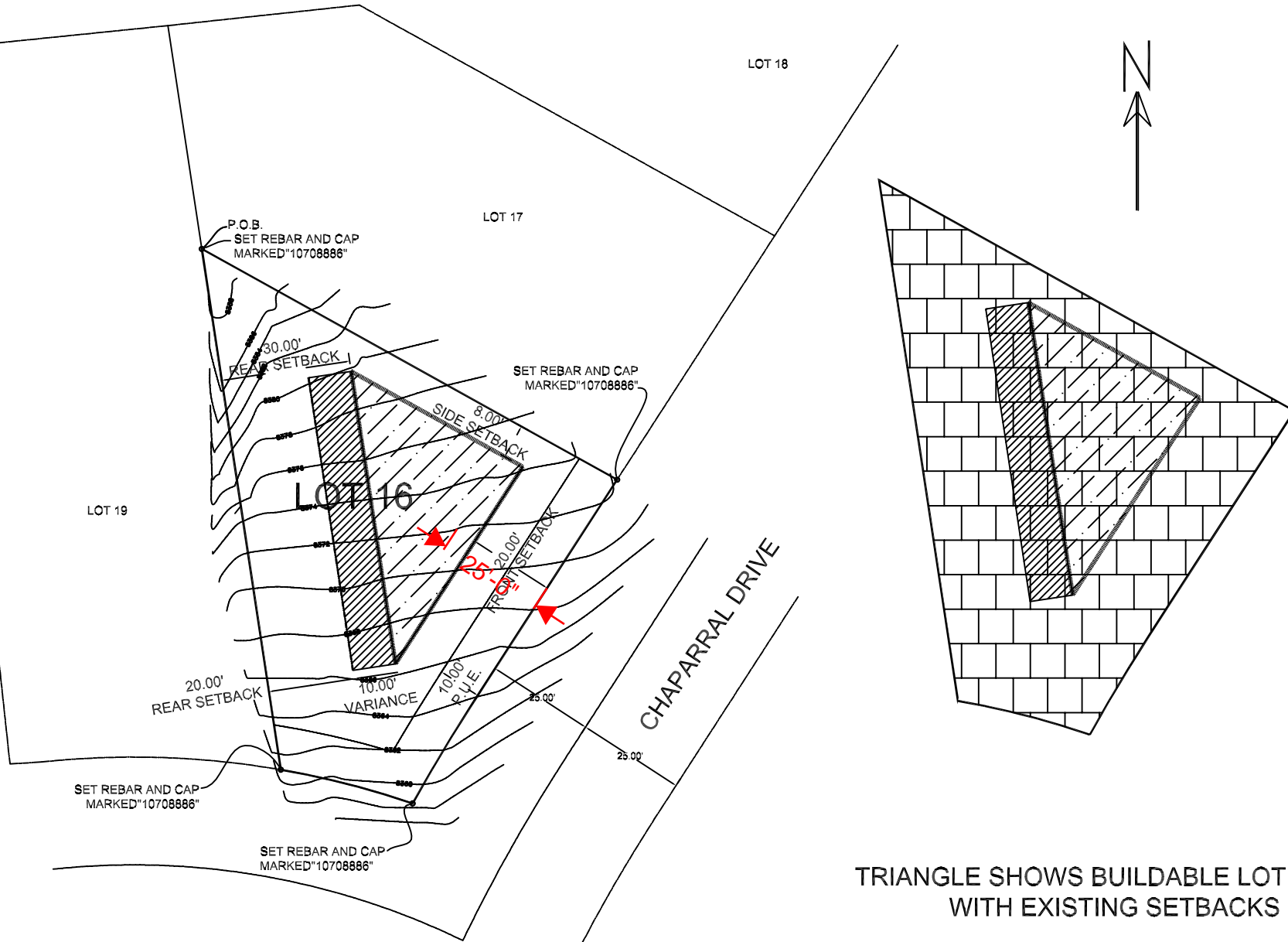
VARIANCE APPLICATION

SITE LAYOUT

POWDER MOUNTAIN WEST  
 6743 CHAPARRAL DRIVE - LOT #16

JOSEPH DRAVES  
 303-249-3724

SHEET 1 OF 4



TRIANGLE SHOWS BUILDABLE LOT WITH EXISTING SETBACKS

VARIANCE OF 10FT TOWARDS REAR OF LOT

\* MORE COHERENT ARCHITECTURE WITH PMWLOA

\* LESS SITE IMPACT NOT BUILDING TRIANGLE HOUSE TO SOUTHERN POINT

\* GARAGE CAN BE EAST-WEST VS. NORTH-SOUTH WITH SMALLER DRIVEWAY

POWDER MOUNTAIN WEST  
6743 CHAPARRAL DRIVE - LOT #16

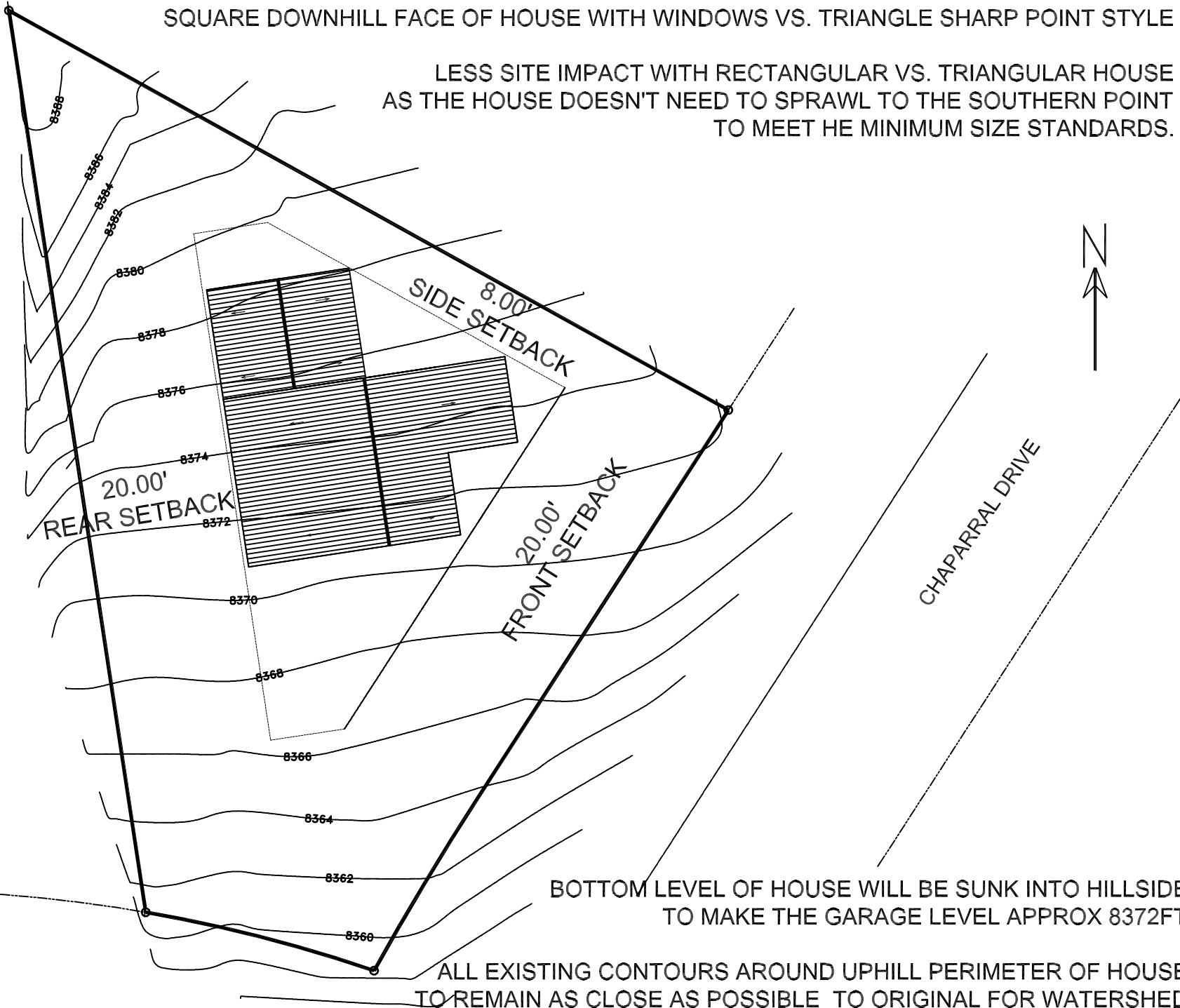
JOSEPH DRAVES  
303-249-3724

SITE LAYOUT

1050 SQFT PLAN WITH ORTHOGONAL CORNERS TO MATCH PMWLOA

SQUARE DOWNHILL FACE OF HOUSE WITH WINDOWS VS. TRIANGLE SHARP POINT STYLE

LESS SITE IMPACT WITH RECTANGULAR VS. TRIANGULAR HOUSE AS THE HOUSE DOESN'T NEED TO SPRAWL TO THE SOUTHERN POINT TO MEET HE MINIMUM SIZE STANDARDS.



BOTTOM LEVEL OF HOUSE WILL BE SUNK INTO HILLSIDE TO MAKE THE GARAGE LEVEL APPROX 8372FT

ALL EXISTING CONTOURS AROUND UPHILL PERIMETER OF HOUSE TO REMAIN AS CLOSE AS POSSIBLE TO ORIGINAL FOR WATERSHED

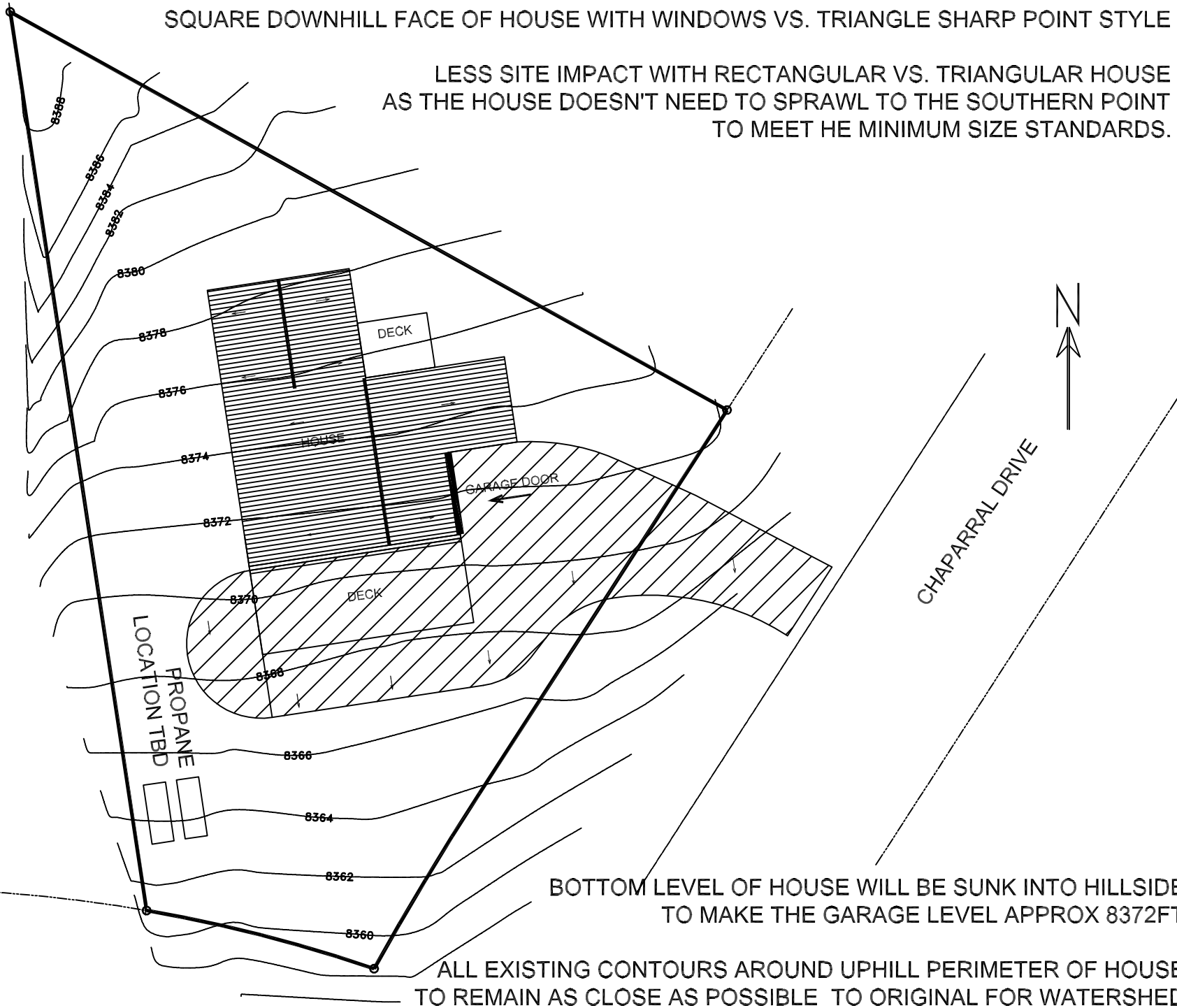
POWDER MOUNTAIN WEST  
 6743 CHAPARRAL DRIVE - LOT #16  
 JOSEPH DRAVES  
 303-249-3724

COVERED BUILD AREA

1050 SQFT PLAN WITH ORTHOGONAL CORNERS TO MATCH PMWLOA

SQUARE DOWNHILL FACE OF HOUSE WITH WINDOWS VS. TRIANGLE SHARP POINT STYLE

LESS SITE IMPACT WITH RECTANGULAR VS. TRIANGULAR HOUSE AS THE HOUSE DOESN'T NEED TO SPRAWL TO THE SOUTHERN POINT TO MEET HE MINIMUM SIZE STANDARDS.



POWDER MOUNTAIN WEST  
 6743 CHAPARRAL DRIVE - LOT #16  
 JOSEPH DRAVES  
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SITE DEVELOPMENT

