

Weber County Board of Adjustment Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted / Completed	Fees (Office Use) \$225.00	Receipt Number (Office Use)	File Number (Office Use)
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Property Owner Contact Information

Name of Property Owner(s) Weston Loegering		Mailing Address of Property Owner(s)	
Phone 214-969-5264	Fax		
Email Address wcloegering@jonesday.com		Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s) Solitude Builders, LLC		Mailing Address of Authorized Person P.O. Box 529 Eden, Utah 84510	
Phone 801-452-5020	Fax		
Email Address cwy185@hotmail.com			

Appeal Request

A variance request:

Lot area Yard setback Frontage width Other: stream setback

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: Weber County Ordinance 43-2(2)(3) to add on to an existing agricultural building within fifty feet of a natural ephemeral stream

Property Information

Approximate Address 1959 North 3850 East Eden, Utah 84310		Land Serial Number(s)	
Current Zoning			
Existing Measurements		Required Measurements (Office Use)	
Lot Area approx. 20 acres	Lot Frontage/Width 555'	Lot Size (Office Use)	Lot Frontage/Width (Office Use)
Front Yard Setback 30'	Rear Yard Setback 30'	Front Yard Setback (Office Use)	Rear Yard Setback (Office Use)
Side Yard Setback 20'	Side Yard Setback 20'	Side Yard Setback (Office Use)	Side Yard Setback (Office Use)

Applicant Narrative

Please explain your request.

See Exhibit "A" attached

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 Exhibit "A" 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 Exhibit "A" attached

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

See Exhibit "A" attached

Variance Request (continued...)

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

See Exhibit "A" attached

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

See Exhibit "A" attached

Property Owner Affidavit

I (We), _____, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

(Property Owner)

(Property Owner)

Subscribed and sworn to me this _____ day of _____, 20 _____,

(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)

Exhibit "A"

APPLICANT NARATIVE

Applicant seeks to add an extension, in the approximate dimensions of 22' by 14.9", to an existing agricultural building ("Barn") to support solar energy equipment to power the Barn and residential home on the Loergering Property ("Property"). The Barn was constructed on the Property prior to the passage of the Ogden Valley Sensitive Lands Overlay District Ordinances. The Barn sits 35' feet from a seasonal stream, which often does not contain any water, but on occasion can include some run off water that is typically no higher than 6 to 12 inches and may run for a few weeks in the Spring. Please find attached hereto as Exhibit "B" a map depicting the existing home, the Barn, the proposed addition, and the approximate building envelope for the Property.

As depicted in Exhibit B, despite the fact that the Property contains over 20 acres, the building envelope is relatively small. The Applicant supports the small footprint of the buildable area and desires to maintain the natural landscape, stream and wildlife corridors, and other general aesthetics of the mountain environment. The construction and quality of the residential home and Barn are top-notch, modern, and energy efficient. The addition Barn would allow for the home and Barn to be powered by clean, solar energy.

By adding on to the Barn rather than constructing a new building, Applicant is minimizing the impact to the surrounding environment and aesthetics, staying with the building envelope, and minimizing any obstruction to any wildlife corridors. Also, the addition to the Barn will not encroach any closer to the seasonal stream, but will maintain the same 35' distance from the

stream. Moreover, giving the slope and topography of the Property, placing the addition elsewhere in the Property is simply not feasible and would only lead to further disturbance of the natural landscape of the Property.

Applicant has already taken steps with construction of the Barn to “mimic features of the natural landscape in developed areas by retaining as much pre-development, high quality habitat as possible.” *See* Weber County Ordinance 43-3. Similarly, as set forth in Weber County Ordinance 43-2 and 43-3(2), Applicant is “minimizing levels of disturbance to trees, the understory vegetation and other structural landscape feature during construction” and “preserving and landscaping with natural, native vegetation.” Applicant has minimized the visual contrast between human dominated areas and has planted “native vegetation and trees around a house or accessory building and maintaining consistent grading between developed and natural areas.” *Id.* Specifically, Applicant, since constructing the Barn has planted the following vegetation between the barn and seasonal stream: five concolor fir trees (aka white fir); three additional white fir trees will be planted as soon as the addition to the agricultural building is completed; one blue spruce; five aspen trees; a variety of native grasses including blue grama grass and little bluestem; a variety of native wild flowers, including Wasatch penstemon; alpine daisy; achillea (yarrow); gaillardia (blanket flower); and linum (blue flax). Further, Applicant will continue to add trees, grasses and flower in this area this year and over the course of the next several years. In addition, Applicant installed a sprinkler system to help sustain these plants as they become established, which will be kept in place for a least five years to ensure the newly planted vegetation thrives.

In summary, and as outlined above and further addressed in this Application, Applicant meets all the requirements to receive a variance to construction the addition to the Barn approximately 35’ from the seasonal stream

VARIANCE REQUEST

1.

The purpose of the general plan as it relates to this Property is to protect the ability of the stream to handle seasonal runoff. This purpose will not be negatively impacted by the addition, as the addition does not encroach any closer to the stream than the already existing Barn. In addition, the Applicant has already demonstrated and continues to demonstrate a willingness to add additional natural vegetation and other improvements that actually will help sustain and protect the seasonal stream.

The Applicant would suffer an unreasonable hardship, as there is no other feasible location for this improvement given the topography and small building envelope of his Property. In addition, not granting the variance would impact the Applicant's ability to sustain and improve power consumption. Other properties within this zone may also install solar power equipment and other energy efficient improvements, but given the topography and building envelope of the subject Property, a variance is needed.

2.

The special circumstances of the Property include, but not limited to: (1) the fact that the Barn existed prior to the application of the Overlay Ordinance; (2) the addition does not further encroach upon the seasonal stream; (3) there is no other feasible location for the addition and equipment; (4) the footprint for the addition is minimized by adding on to the existing Barn; (5) the water in the seasonal stream is very minimal and will not be impacted; (6) the topography and slope of the Property do not allow for other locations for the addition; (7) the Applicant has already taken steps as outlined in Weber County Ordinances to place natural vegetation to minimize the

impact in the area; (8) adding on to the existing Barn will not impact any wildlife immigration patterns and will keep other natural vegetation in place, and (9) the addition of solar energy is at a positive impact upon this Property and the public in general. The special circumstance of this Property warrant a variance, and literal enforcement of the 15 additional feet is not needed to carry out the purpose of the Ordinance.

3.

The granting of the variance is essential to the enjoyment and utility of the Property, as the addition will allow for the Property to be self-sustaining, energy efficient and more environmentally friendly. The variance will not substantially affect the general purpose of the subject ordinance and is not contrary to any public interest. It also does not impact any occasional flow through the stream. Finally, for the reasons stated above, the spirit of the land use ordinance is being supported by this variance and substantial justice is being done.

4.

See previous responses. As explained in the narrative, the variance will not negatively impact the general public but will actually improve air quality and energy resources in the County as a whole.

5.

See previous responses. For all the reasons detailed herein, the granting of this minor variance will be in the spirit of the ordinance and will allow substantial justice to be done.

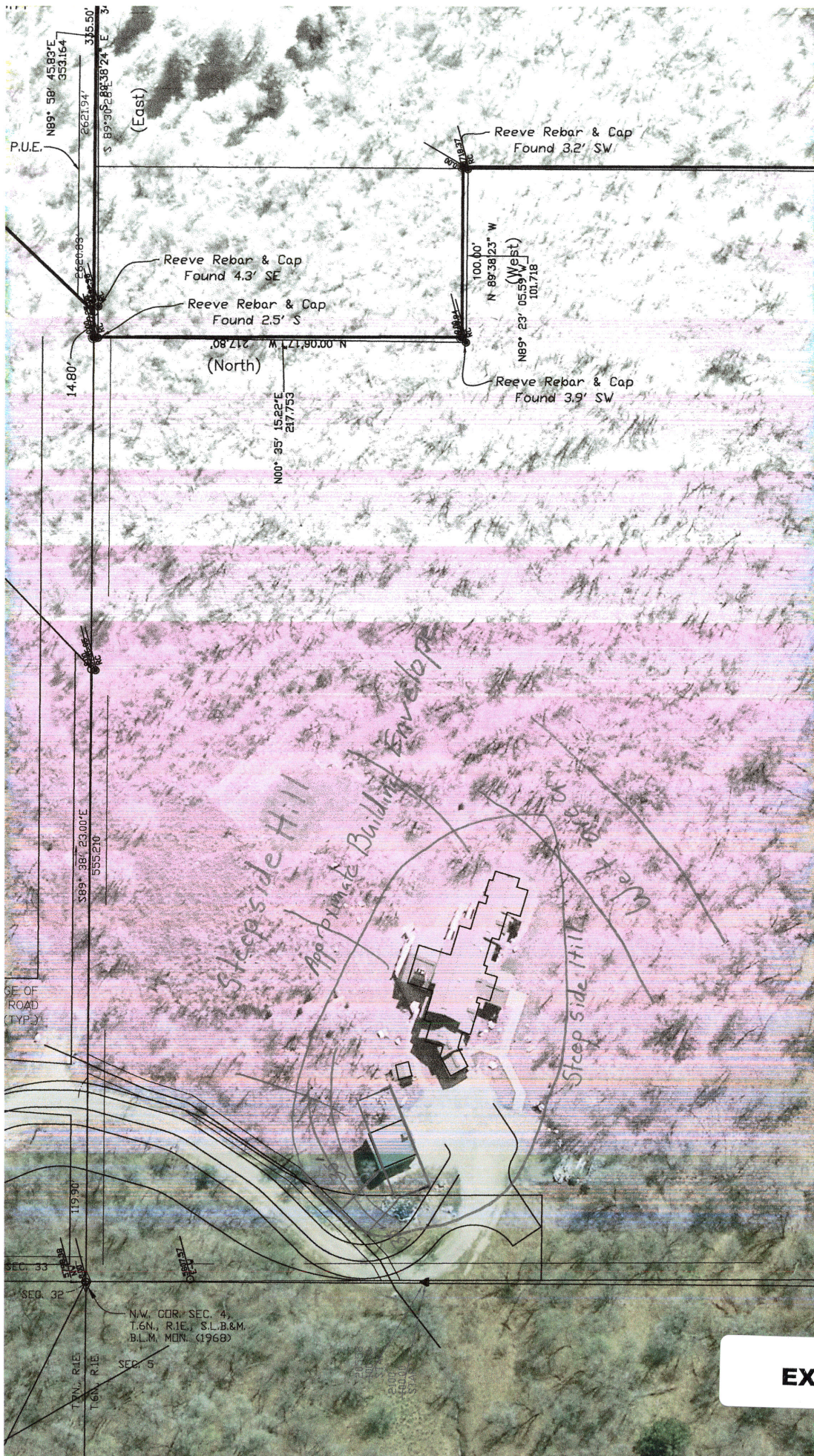


EXHIBIT B