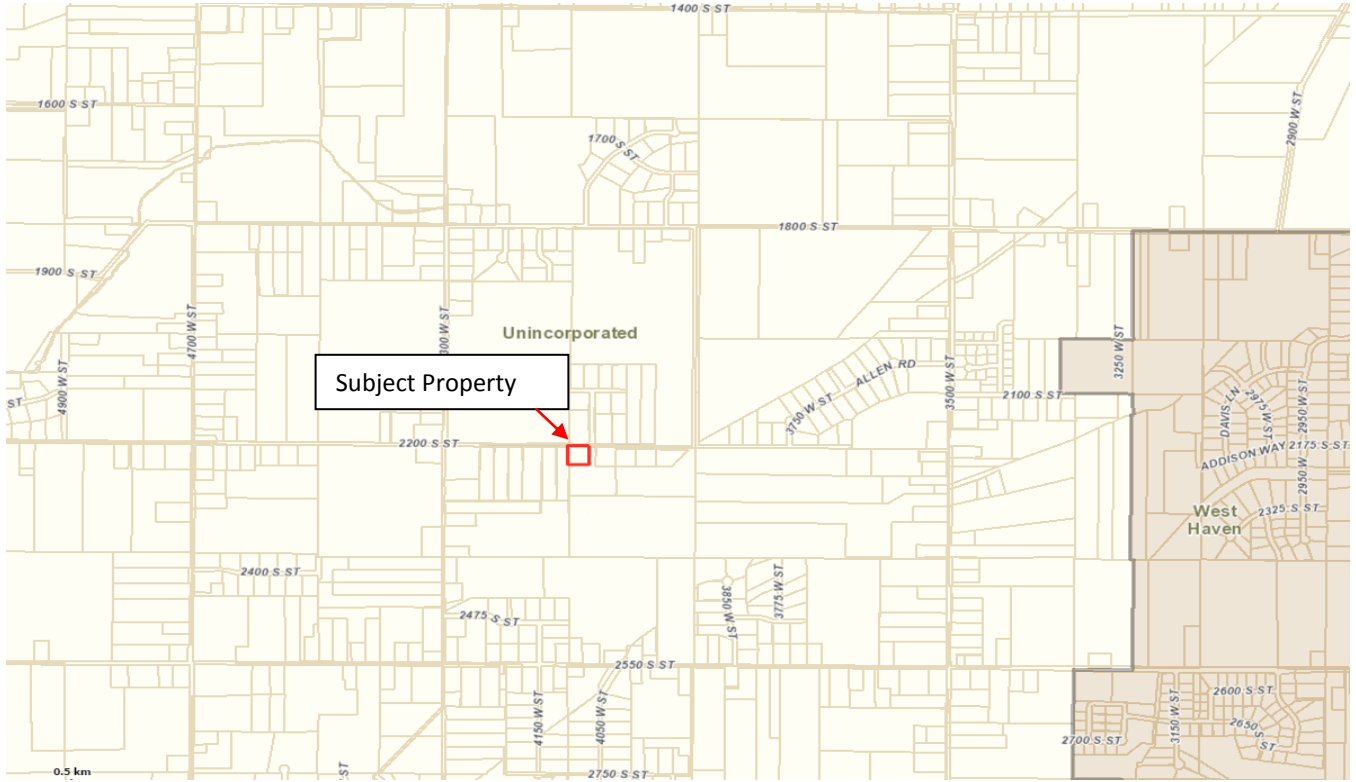


Map 1



Map 2



<b>Weber County Board of Adjustment Application</b>			
<b>Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401</b>			
Date Submitted / Completed 06/10/2015	Fees (Office Use) \$225.00	Receipt Number (Office Use)	File Number (Office Use)
<b>Property Owner Contact Information</b>			
Name of Property Owner(s) Steven and Michelle Buck		Mailing Address of Property Owner(s) 1012 West 4200 South Riverdale, Utah 84405	
Phone 801-628-1466 or 801-882-4998	Fax		
Email Address michellejbuck@yahoo.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
<b>Authorized Representative Contact Information</b>			
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	
<b>Appeal Request</b>			
<input checked="" type="checkbox"/> A variance request: __ Lot area    __ Yard setback    __ Frontage width <u> x </u> Other: <u> Height Restriction </u>			
<input checked="" type="checkbox"/> An Interpretation of the Zoning Ordinance <input type="checkbox"/> An Interpretation of the Zoning Map <input type="checkbox"/> 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 <input type="checkbox"/> Other: _____			
<b>Property Information</b>			
Approximate Address 4087 West 2200 South Ogden, Utah 84401		Land Serial Number(s) 150780068	
Current Zoning <u> A-1 </u>			
<b>Existing Measurements</b>		<b>Required Measurements (Office Use)</b>	
Lot Area 44,220 SF or 1.015 Acres	Lot Frontage/Width 211.81	Lot Size (Office Use)	Lot Frontage/Width (Office Use)
Front Yard Setback 77.5	Rear Yard Setback 39	Front Yard Setback (Office Use)	Rear Yard Setback (Office Use)
Side Yard Setback 75	Side Yard Setback 35.5	Side Yard Setback (Office Use)	Side Yard Setback (Office Use)

<p><b>Applicant Narrative</b></p> <p>Please explain your request.</p> <p>We the property owners request a variance to be approved, granting us the ability to use the average final grade (as it has been in years past) to determine the height of the house, instead of natural existing grade. As the natural grade of the area, all other lots in our subdivision slope downward toward our lot. Where our lot is up to 9 feet lower in elevation than other lots in the zone, it creates a potential hazard for flooding, as well as difficulty managing and cultivating the property because of drainage issues. Although we are choosing to build a daylight basement, we don't believe in subjecting ourselves to future insurance claims, costly clean-up from flooding, and additional liability to everyone involved by digging our basement lower than what has been recommended by experts. We believe this issue is not self-inflicting because of the planning and foresight of those involved in the process, as well as the specific wording on Weber County's Website, etc., on how the height limit is calculated, whether it be existing or final grade. For example, architects at Habitations Homes, Paul Keeler, landscape architect with Desert Land Design, and contractors and project managers at Remodel West have all considered the height restrictions prior to agreeing to move forward with the project, knowing that the average final grade would be approximately 25 feet which is well below the 35 feet restriction. We realize this restriction was initiated to protect homeowners' views who build near mountain sides and benches, since average existing grade would help those homeowners. We also realize there are several other homes in the county that were built before the wording was changed from final grade to natural/existing grade and are above the 35 feet limit at natural grade. Our lot is in a rural, relatively flat area, which would not affect views of other homeowners any more than the next house. In fact, the height will be similar to some of our surrounding neighbors because our starting point is so much lower than theirs. This hardship is unique to our lot specifically, which is the reason for the variance.</p>
<p><b>Variance Request</b></p> <p>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:</p> <ol style="list-style-type: none"><li>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.<ol style="list-style-type: none"><li>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.</li><li>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.</li></ol></li></ol>

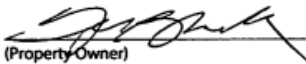
**Variance Request (continued...)**

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:

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

<b>Variance Request (continued...)</b>	
4. The variance will not substantially affect the general plan and will not be contrary to the public interest.	
5. The spirit of the land use ordinance is observed and substantial justice done.	
<b>Property Owner Affidavit</b>	
I (We), <u>STEVEN &amp; MICHELLE BUCK</u> , 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 <u>10<sup>th</sup></u> day of <u>JUNE</u> , 20 <u>15</u> .	
_____ (Notary)	
<b>Authorized Representative Affidavit</b>	
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-Application Narrative

### Applicant Narrative

We the property owners request that a variance be approved, granting us the ability to use the average final grade (as it has been in years past) to determine the height of the house, instead of natural existing grade. As the natural grade of the area, all of the lots in the subdivision slope downward toward our lot. Where our lot is up to 9 feet lower in elevation than other lots in the zone, it creates a potential hazard for flooding, as well as difficulty managing and cultivating the property because of drainage issues. Although we are choosing to build a daylight basement, we don't believe in subjecting ourselves to future insurance claims, costly clean-up from flooding, and additional liability to everyone involved by digging our basement lower than what has been recommended by experts.

We believe this is not self-inflicting because of planning foresight of those involved in the process, as well as the lack of specific wording on Weber County's website, etc. on how the height limit is calculated, whether it be existing or natural. This is what it reads in Single Family Residential Zones 10-4 Site Development Standards: Main Building Height Maximum 35 ft. It isn't until you look deep into Weber County's definition of building height you see it reads; Building height is the vertical distance from the average of the highest natural grade and the lowest natural grade to the highest point of the ridge of a pitch or a hip roof.

To make it even more confusing, Weber County's Definition of Natural/Existing Grade: (Adjacent ground elevation) The lowest point of elevation of the **FINISHED SURFACE AREA** of the natural ground, paving, paving, or sidewalk within the area between the building and the property line or, when the property line is more than 5 feet from the building, between the building and a structure line 5 feet from the building or structure.

Architects at Habitation Homes, Paul Keeler, landscape architect with Desert land design, and contractors and project managers with Remodel West have all considered the height restrictions prior to agreeing to move forward with the project, knowing the average final grade would be below the 35 ft height restriction.

We realize the height restriction was put in place to protect homeowners' views who build near or on mountainsides and benches, since average existing grade could help those homeowners. We also realize there are several other homes in the county that were built before the wording was changed from final to natural/existing grade and are above the 35 ft. natural grade. Our lot is in a rural, relatively flat area, which would not affect the views of other homeowners any more than the next house. In fact, the height will be at a similar or lower elevation than some of our surrounding neighbors.

### 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.*

Our lot is up to 9 feet lower than other lots in the subdivision which creates a hardship unique to us as all surrounding lots drain toward us and create a potential for flooding. Other houses in the area that have basements already have flooding issues as well as sump pumps running 24/7. The surrounding house's natural grades are already 4-9 feet higher than our starting point. The road that will exist when all of the improvements are made is set to be 3 ft higher than the "natural grade" of our lot. Does it make sense to have a lot three feet lower than the road?

## Exhibit A-Application Narrative

### 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:*

Again the special circumstances attached to our property are the same as our unreasonable hardship with the lower elevation of our lot as compared to others in the subdivision.

Our lot is up to 9 feet lower than other lots in the subdivision which creates a hardship unique to us as all surrounding lots drain toward us and create a potential for flooding. Other houses in the area that have basements already have flooding issues as well as sump pumps running 24/7. The surrounding house's natural grades are already 4-9 feet higher than our starting point. The road that will exist when all of the improvements are made is set to be 3 ft higher than the "natural grade" of our lot. Does it make sense to have a lot three feet lower than the road?

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

Without granting our variance, many other houses in the area with similar finished height and size currently enjoy walk out basements where we would not be able to because of our lower natural grade starting point and inevitable flooding if we dig into the ground.

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

Again, multiple houses in the area are similar in height and size and would not affect the general plan and be contrary to public interest.

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

Our understanding of the spirit of the land use ordinance is to protect the views of neighbors. In our circumstances, that doesn't apply since we are in a rural, flat area and we would not be blocking any views of surrounding neighbors.

**Exhibit A- Pictures of Site from Lot 2 Blue Acres Subdivision**



**-Home located across street from Lot 1 Blue Acres**





Exhibit A- Difference in finished grade along new roadway to Phase 4



Exhibit A- Grade of new curb and gutter adjacent to Lot 1



Finished grade line curb and gutter in Blue Acres Phase 4 adjacent to Lot 1 of Blue Acres

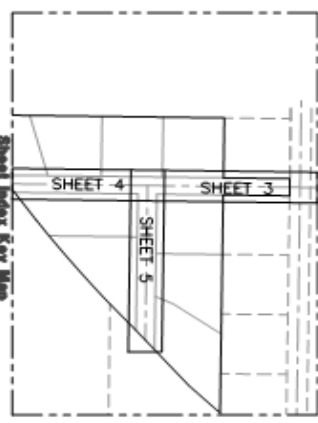
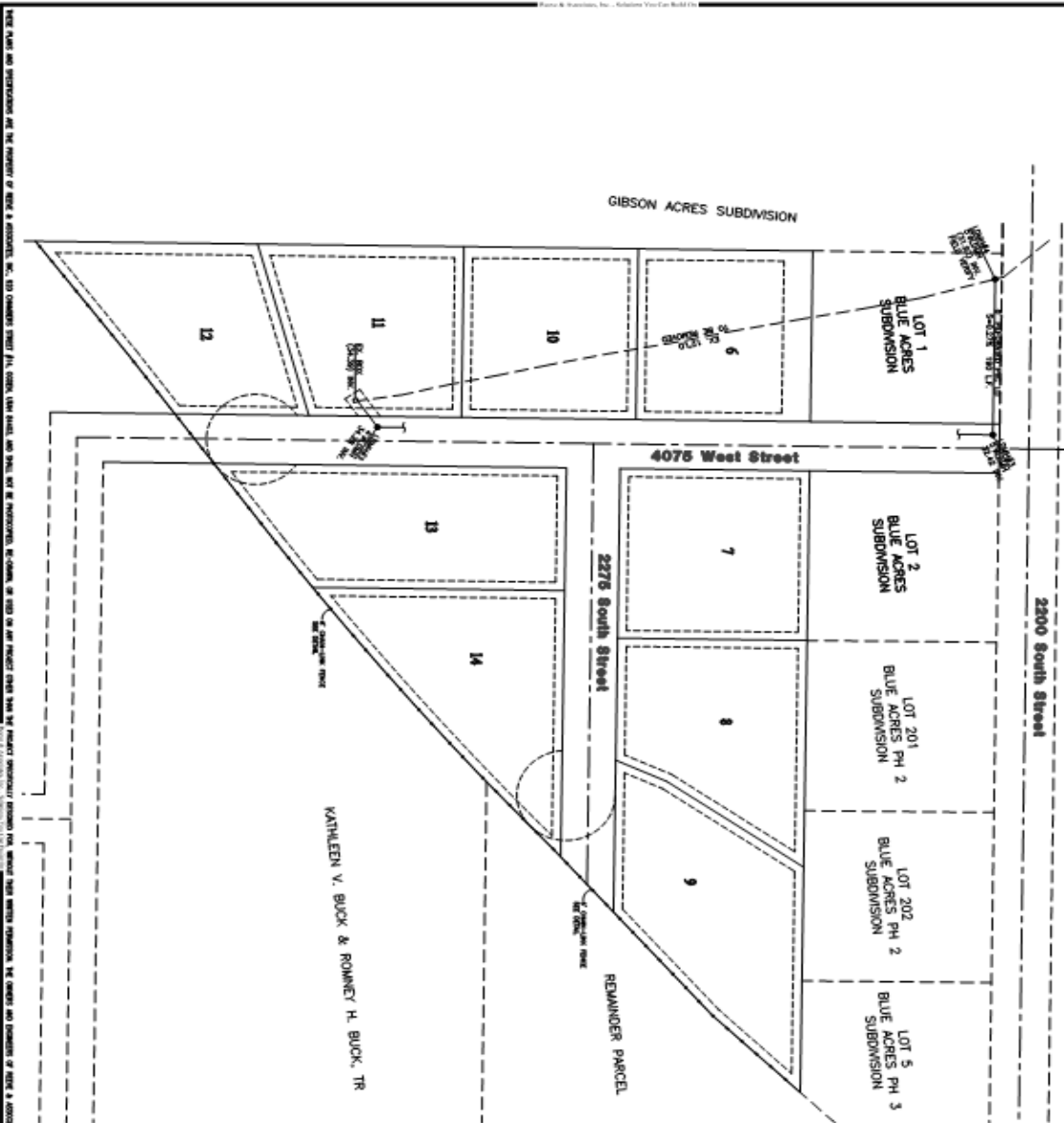


# Exhibit C- Blue Acres Subdivision Phase 4 Improvement Drawings

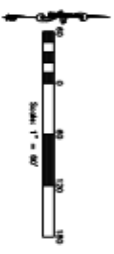
**Project Narrative/Notes/Revisions**

1) 6/17/14, AM - QUALIFIED DESIGN FOR CLAY & COUNTY RECORD  
 2) 6/17/14, AM - QUALIFIED DESIGN FOR CLAY & COUNTY RECORD  
 3) 6/17/14, AM - QUALIFIED DESIGN FOR CLAY & COUNTY RECORD  
 4) 6/17/14, AM - QUALIFIED DESIGN FOR CLAY & COUNTY RECORD  
 5) 6/17/14, AM - QUALIFIED DESIGN FOR CLAY & COUNTY RECORD

## BLUE ACRES SUBDIVISION Phase-4 Improvement Plans WEBER COUNTY, UTAH JUNE 2014



- Sheet Index**
- Sheet 1 - Cover/Index Sheet
  - Sheet 2 - Notes/Legend/Street Cross-Section
  - Sheet 3 - 4075 West St. 10+00.00 - 23+50.00
  - Sheet 4 - 4075 West St. 14+00.00 - 19+00.00
  - Sheet 5 - 2276 South St. 10+00.00 - 16+00.00
  - Sheet 6 - Detention Basin
  - Sheet 7 - Storm Water Pollution Prevention Plan Exhibit
  - Sheet 8 - Storm Water Pollution Prevention Plan Details



**Engineer's Notice To Contractors**

THE EXISTENCE AND LOCATION OF ALL UNDERGROUND UTILITY LINES OR STRUCTURES ARE NOT KNOWN AT THE TIME OF THE PREPARATION OF THESE PLANS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING AND MARKING ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES.

**Developer Contacts**

Kathleen V. Buck  
 Ronney H. Buck  
 Phone: (801) 540-7235

**Call Toll Free**  
 1-800-888-4111

Revised: 3-17-15

**Blue Acres Subdivision  
 Phase-4  
 WEBER COUNTY, UTAH**

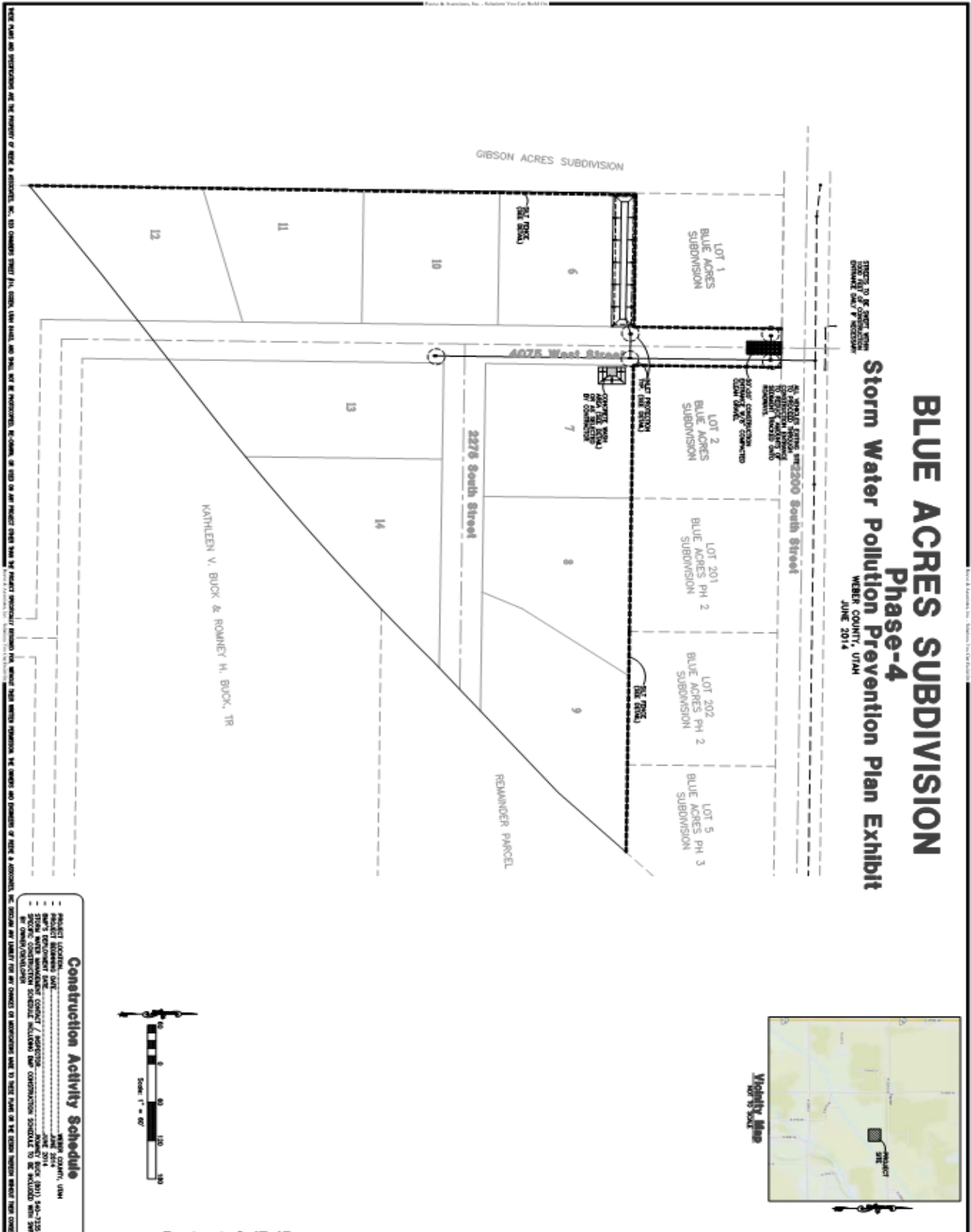
**Cover/Index Sheet**

DATE	DESCRIPTION
6-17-14 AM	CLAY COMMENTS
6-17-14 PM	COUNTY COMMENTS
6-17-14 PM	COUNTY COMMENTS
6-17-14 PM	CLIENT COMMENTS
6-17-14 PM	COUNTY COMMENTS

**RA** **Reeve & Associates, Inc.**

1000 SOUTH 2000 WEST, SUITE 111, SALT LAKE CITY, UTAH 84143  
 PHONE: (801) 466-1111 FAX: (801) 466-1112  
 WWW.REEVE-ASSOCIATES.COM

NO.	DATE	DESCRIPTION
1	3-17-15	REVISED
8	3-17-15	REVISED



**BLUE ACRES SUBDIVISION**  
**Phase-4**  
**Storm Water Pollution Prevention Plan Exhibit**  
 WEBER COUNTY, UTAH  
 JUNE 2014



**Construction Activity Schedule**

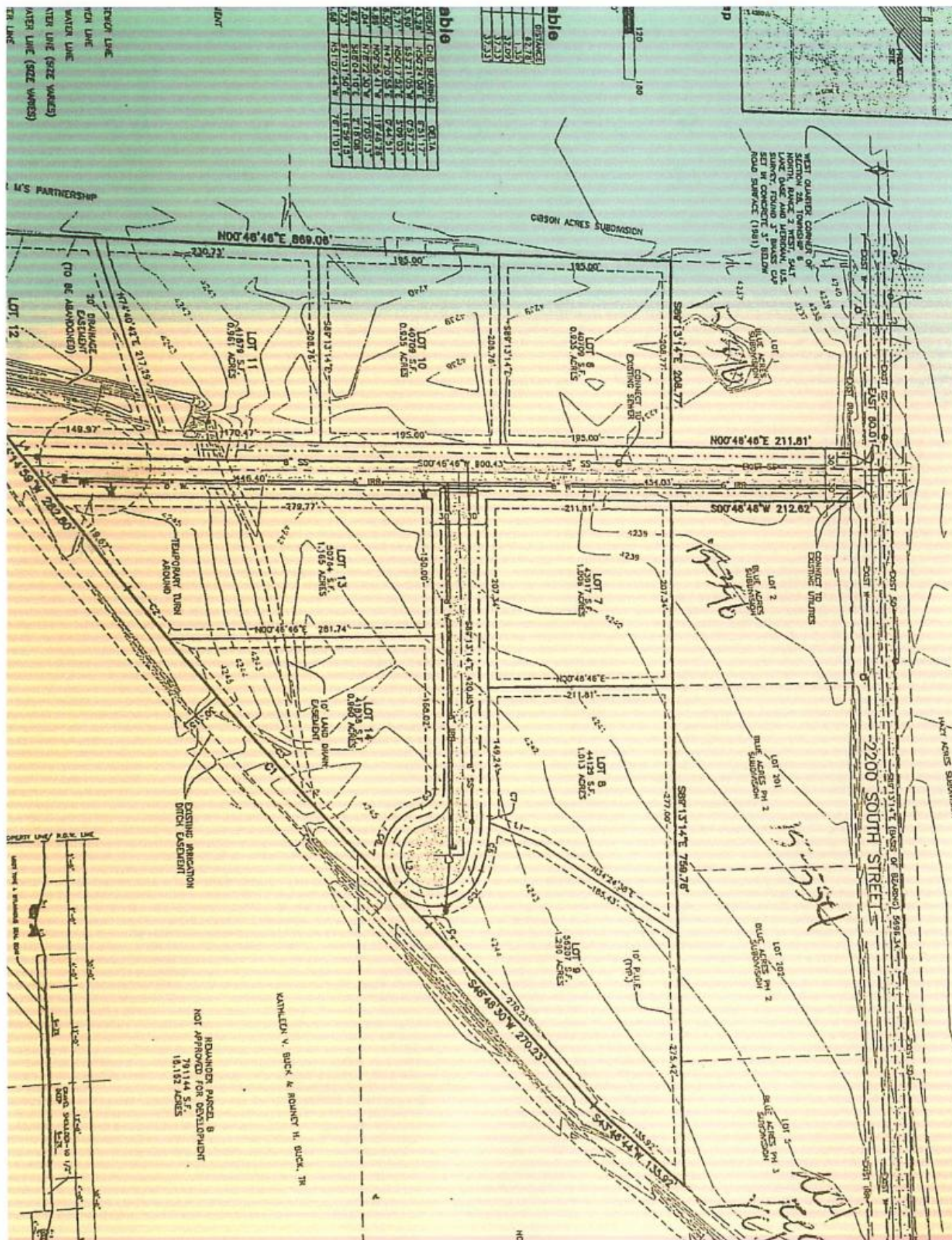
PROJECT LOCATION:	WEBER COUNTY, UTAH
DATE:	JUNE 2014
OWNER:	KATHLEEN V. BUCK & ROBERT H. BUCK, TR
DESIGNER:	REEVE & ASSOCIATES, INC.
CONSTRUCTION SCHEDULE:	JUNE 2014

Revised: 3-17-15

	<b>Blue Acres Subdivision</b> <b>Phase-4</b> WEBER COUNTY, UTAH	REVISIONS 2-1-14 RH Client Approval 3-12-14 RH Client Comments 1-20-15 RH Client Comments 2-11-15 RH Client Changes 3-17-15 TP County Comments	
	<b>Storm Water Pollution</b> <b>Prevention Plan Exhibit</b>		



# Exhibit D- Area Topography/Contour Map



**WARNING:** Submitted bids including these drawings are to be used for bidding purposes only. They are not to be used for construction. The contractor is responsible for verifying all dimensions and materials. The contractor is responsible for obtaining all necessary permits. The contractor is responsible for all construction details not shown on these drawings.

**AUTHORIZED COPY NOT FOR CONSTRUCTION BID COPY ONLY**

**FRONT ELEVATION**

**RIGHT SIDE ELEVATION**

**FRONT / RIGHT SIDE ELEVATIONS**

**HABITATIONS RESIDENTIAL DESIGN GROUP**

**COPYRIGHT 2014 HABITATIONS**

DATE: 11-11-14  
 DRAWN BY: J. GORDON  
 CHECKED BY: J. GORDON  
 PROJECT NO: 154006  
 SHEET NO: 4 OF 20



Exhibit E- Architectural Renderings/Elevations

**REAR / LEFT SIDE ELEVATIONS**

**HABITATIONS RESIDENTIAL DESIGN GROUP**

**WARNING: UNLICENSED ARCHITECTURE**  
**BID COPY ONLY**  
**NOT FOR CONSTRUCTION**

Copyright 2014 Habitations

Scale: 1/8" = 1'-0"

Project: [REDACTED]  
 Date: [REDACTED]  
 Drawing No: [REDACTED]

Architect: [REDACTED]  
 Designer: [REDACTED]  
 Draftsman: [REDACTED]

Notes:  
 1. SEE PLAN FOR WINDOW AND DOOR SCHEDULES.  
 2. SEE SPECIFICATIONS FOR MATERIALS AND FINISHES.  
 3. SEE NOTES ON OTHER DRAWINGS FOR GENERAL NOTES AND CONDITIONS.  
 4. SEE NOTES ON THIS DRAWING FOR SPECIFIC NOTES AND CONDITIONS.  
 5. SEE NOTES ON THIS DRAWING FOR SPECIFIC NOTES AND CONDITIONS.  
 6. SEE NOTES ON THIS DRAWING FOR SPECIFIC NOTES AND CONDITIONS.  
 7. SEE NOTES ON THIS DRAWING FOR SPECIFIC NOTES AND CONDITIONS.  
 8. SEE NOTES ON THIS DRAWING FOR SPECIFIC NOTES AND CONDITIONS.  
 9. SEE NOTES ON THIS DRAWING FOR SPECIFIC NOTES AND CONDITIONS.  
 10. SEE NOTES ON THIS DRAWING FOR SPECIFIC NOTES AND CONDITIONS.