

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 06/10/2015	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) 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	

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 x Other: Height Restriction
- 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 4087 West 2200 South Ogden, Utah 84401		Land Serial Number(s) 150780068	
Current Zoning <u>A-1</u>			
Existing Measurements		Required Measurements (Office Use)	
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)

Applicant Narrative

Please explain your request.

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.

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.

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.

Variance Request (continued...)

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.

Property Owner Affidavit

I (We), STEVEN & MICHELLE BUCK, 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 10th day of JUNE, 2015.

(Notary)

Authorized Representative Affidavit

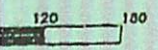
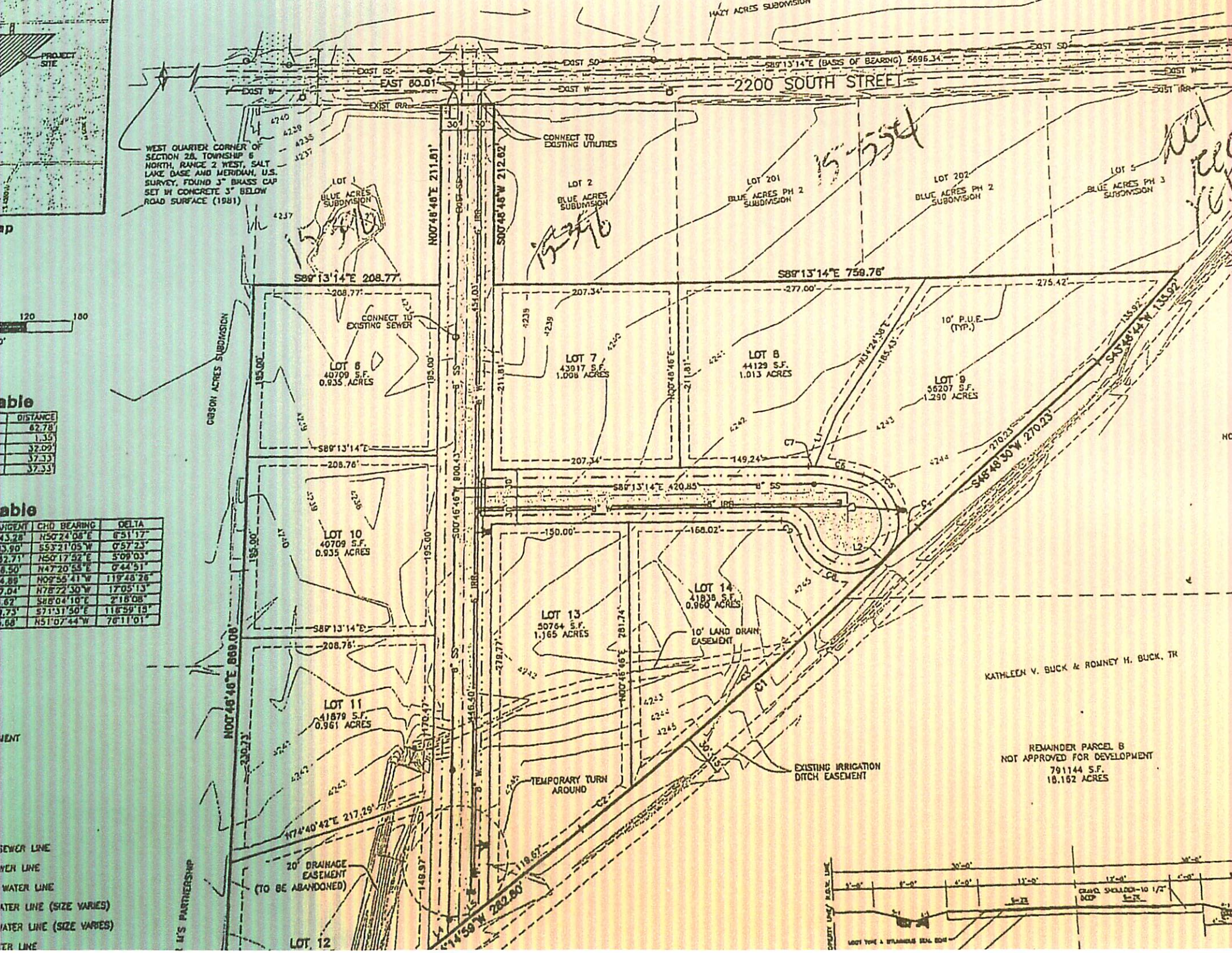
I (We), _____, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), _____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering 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)



able

DISTANCE
62.78'
1.35'
32.09'
37.33'
37.33'

able

VIGENT	CHD BEARING	DELTA
43.28'	N50°24'08"E	6°51'17"
5.90'	S53°21'05"W	0°57'23"
12.71'	N50°17'52"E	5°09'03"
8.50'	N47°20'55"E	0°44'51"
4.88'	N05°55'41"W	119°48'28"
7.04'	N78°22'30"W	17°05'13"
1.67'	S88°04'10"E	2°18'08"
1.73'	S71°31'50"E	118°59'18"
1.68'	N51°07'44"W	76°11'01"

SEWER LINE
 WATER LINE
 WATER LINE (SIZE VARIES)
 WATER LINE (SIZE VARIES)
 WATER LINE

KATHLEEN V. BUCK & ROMNEY H. BUCK, TR

REMAINDER PARCEL B
 NOT APPROVED FOR DEVELOPMENT
 791144 S.F.
 18.162 ACRES

