



**Weber County Planning Division**

**WEBER COUNTY AGENCY REVIEW  
OF BOARD OF ADJUSTMENT**

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<u>PAPER</u>	<u>ELECTRONIC</u>	<u>AGENCY</u>
<input type="radio"/>	<input type="radio"/>	ENGINEERING
<input type="radio"/>	<input type="radio"/>	BUILDING INSPECTION
<input type="radio"/>	<input type="radio"/>	ASSESSORS
<input type="radio"/>	<input checked="" type="radio"/>	ATTORNEYS
<input type="radio"/>	<input type="radio"/>	HEALTH
<input type="radio"/>	<input type="radio"/>	FIRE
<input type="radio"/>	<input type="radio"/>	ANIMAL CONTROL SERVICES

**OTHER AGENCY REVIEW**

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<u>PAPER</u>	<u>ELECTRONIC</u>	<u>AGENCY</u>
<input type="radio"/>	<input type="radio"/>	<u>ROCKY MOUNTAIN POWER</u>
<input type="radio"/>	<input type="radio"/>	<u>UTAH DEPT OF TRANSPORTATION</u>
<input type="radio"/>	<input type="radio"/>	_____
<input type="radio"/>	<input type="radio"/>	_____
<input type="radio"/>	<input type="radio"/>	_____
<input type="radio"/>	<input type="radio"/>	_____

--If processing by paper, please respond to this review request **by returning this form** and the attached plan **within 14 days** to:

*Weber County Planning Commission, 2380 Washington Blvd., Ste 240, Ogden, UT 84401-1473*

--If processing through Miradi, submit your response **within 14 days**

-- If you have any questions or need further information, please call 399-8791, Fax 399-8862

Thank You, Kary Serrano

# 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) <i>BOA 2011-4</i>
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## Property Owner Contact Information

Name of Property Owner(s) <i>BRET BARRY</i>		Mailing Address of Property Owner(s) <i>POB 1074</i>	
Phone <i>801-745-3400</i>	Fax	<i>EDEN, UT 84310</i>	
Email Address <i>COWSRUS@GMAIL.COM</i>		Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input checked="" 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   \_\_\_ Other: \_\_\_\_\_

A Special Exception to the Zoning Ordinance:  
 \_\_\_ Flag Lot   \_\_\_ Access by Private Right-of-Way   \_\_\_ Access at a location other than across the front lot line

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: *REFER TO APPEAL DOCUMENT - 3 PAGES*

## Property Information

Approximate Address <i>3788 E 4100N LIBERTY, UTAH 84310</i>	Land Serial Number(s) <i>220100001</i>
Current Zoning <i>AV-3</i>	

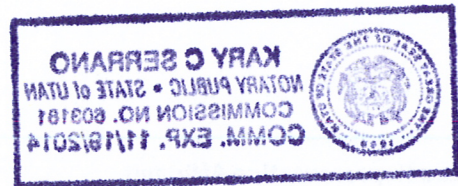
Existing Measurements		Required Measurements (Office Use)	
Lot Area	Lot Frontage/Width	Lot Size (Office Use)	Lot Frontage/Width (Office Use)
Front Yard Setback	Rear Yard Setback	Front Yard Setback (Office Use)	Rear Yard Setback (Office Use)
Side Yard Setback	Side Yard Setback	Side Yard Setback (Office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



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

List the special circumstances attached to the property covered by the application which do not generally apply to the other property in the same zone.

Based upon the previously stated special circumstances, clearly describe how the property covered by this application is deprived of privileges possessed by other properties in the same zone; and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other properties in the same zone.









1. Lots not having frontage on a street as required by this ordinance, but having access to such street by means of fee title access strips may be approved as "Special Exceptions" by the Board of Adjustment in any zone, provided that:
  - A. The Board of Adjustment determines that it is not feasible or desirable to extend a street to serve such lot or lots at that time. Criteria to be used in determining feasibility or desirability of a street shall include, but not be limited to, topography, boundaries, and/or an area in which a road would not open an area of 5 acres or more for development.
  - B. The access strip shall have a minimum width of 20 ft., a maximum width of 30 ft., a maximum grade of 15%, and a minimum vertical clearance of 14.5 ft.
  - C. The area of the access strip shall not be included within the minimum lot area requirement.
  - D. The lot shall meet all minimum yard and area requirements of the zone in which it is located, exclusive of the access strip.
  - E. Buildings shall be setback a minimum of 30 feet from any property line and 30 feet from the extension of the flag lot access strip. The depth of the front yard shall be the distance between the front line of the building and the property line or nearest line of the access strip, which the building faces.
  - F. The lot address shall be displayed in a prominently visible location at the street entrance to the access strip.
  - G. Each lot shall access a street by means of its own access strip. Successive stacking of lots on the same access strip is not permitted.
  - H. No building, structure or parking is allowed in the access strip, which is to be used solely as access to the lot.
  - I. The Board of Adjustment shall impose such other conditions to ensure safety accessibility, privacy, etc. to maintain or improve the general welfare of the immediate area.
  - J. No access strip shall exceed 800 feet in length.
  - K. A maximum of two flag lot access strips may be adjacent to each other.
  - L. A minimum turnout measuring at least 10 feet by 30 feet be provided adjacent to the traveled surfaces of the access strip at a maximum distance of 200 feet from the public street.
  - M. A turn-around area be provided at the home location to allow firefighting equipment to turn around. This area shall be a year round surface, capable of supporting fire equipment (a minimum inside turning radius of 30 feet and an outside turning radius of not less than 45 feet.)
  - N. Bridges, including decking and culverts shall be capable of supporting a minimum 20-ton weight capacity.
  - O. Switchback turns in sloped areas shall have a minimum 75-foot radius.
  - P. Road surfaces on private access ways shall have a minimum 12-foot finished road surface capable of supporting a 20-ton weight capacity with a surface approved by the County Engineer.
  - Q. A fire hydrant or other suppression method MAY be required by the Fire Chief.
  - R. The home location shall be shown on a plan submitted to the Fire District.
2. No flag lot shall be allowed which proposes to re-subdivide or include within it (including the access strip) any portion of an existing lot in a recorded subdivision.
3. The lot area exclusive of the access strip shall be a minimum of 3 acres.
4. The flag lot shall meet the minimum lot width requirements for the zone in which the lot is located, at the end of the access strip.





## Weber County

Weber County Planning Division  
www.co.weber.ut.us/planning  
2380 Washington Blvd., Suite 240  
Ogden, Utah 84401-1473  
Voice: (801) 399-8791  
Fax: (801) 399-8862

3. Each appeal, filed in proper form shall be placed upon the calendar of the Board and shall be heard in the order in which they appear on the calendar, unless advanced for hearing by order of the Board for good cause shown. The calendar of cases to be heard shall be posted in five days before the meeting at which the hearing is scheduled.
4. A Letter or Decision or any other action of the Board shall be sent to the applicant informing him/her that the minutes of such meeting are available at the Planning Commission Office upon the Board's approval of the minutes. The minutes shall contain findings as the basis for the Board's decision or action and the vote of each member of the Board, those absent being so marked.

### Review Criteria

In exercising the above-mentioned powers, such Board may, in conformity with the provisions of the law, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken; provided, that before any variance may be granted it shall be shown that:

1. The variance will not substantially affect the comprehensive plan of zoning in the County and that adherence to the strict letter of the ordinance will cause unreasonable hardships, the imposition of which upon the petitioner is unnecessary in order to carry out the general purpose of the plan.
2. Special circumstances attached to the property covered by the application, which do not generally apply to the other property in the same zone.
3. That because of said special circumstances, property covered by application is deprived of privileges possessed by other property in the same zone; and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.
4. That the condition and/or circumstances are not considered economic or self-imposed hardships.

### For Your Information

This application can be filled out online at the following Planning Division web site: [www.co.weber.ut.us/planning](http://www.co.weber.ut.us/planning)  
Copies of the applicable Weber County Zoning Ordinances and other helpful information are also available at this web site.



Dear Weber County Board of Adjustment,

This appeal has been prepared to request a Board of Adjustment hearing and public comment on the Land Use Permit (LUP64-2011) issued by Weber County for parcel number 220100001 located at 3788 E 4100 N in Liberty, Utah. The parcel is listed under "Jones, Richard Ralph &" on the Land Use Permit.

I, and various neighbors adjoining and in close proximity to the property, believe there are requirements which may have been overlooked in the approval process which may be due to incomplete and inaccurate information provided by by Rulon Kent and Garet Kent Jones in their narrative and drawings submitted with the Weber County Land Use Permit Application. The drawing provided by the Jones' did not show the adjacent properties or dwellings.

- I bring your attention to 5B-3 of the Weber County zoning ordinances Agriculture Valley Zone AV-3 titled "5B-3 Permitted Uses Requiring Five (5) Ares Minimum Lot Area specifically points 5 and 6. Please see the permit language below.

***5B-3 Permitted Uses Requiring Five (5) Ares Minimum Lot Area***

- 1. Dairy farm and milk processing and sale provided at least fifty (50) percent of milk processed and sold is produced on the premises*
- 2. Farms devoted to the hatching, raising (including fattening as an incident to raising) of chickens, turkeys, or other fowl, rabbits, fish, frogs or beaver*
- 3. Fruit and vegetable storage and packing plant for produce grown on premises.*
- 4. The keeping and raising of not more than ten (10) hogs more than sixteen (16) weeks old, provided that no person shall feed any such hog any market refuse, house refuse, garbage or offal other than that produced on the premises.*
- 5. The raising and grazing of horses, cattle, sheep or goats as part of a farming operation, including the supplementary or full feeding of such animals provided that such raising and grazing when conducted by a farmer in conjunction with any livestock feed yard, livestock sales or slaughter house shall:*
  - 1. not exceed a density of twenty-five (25) head per acre of used and;*
  - 2. be carried on during the period of September 15 through April 15 only;*
  - 3. be not closer than two hundred (200) feet to any dwelling, public or semi-public building on an adjoining parcel of land; and,*
  - 4. not include the erection of any permanent fences, corrals, chutes, structures or other buildings normally associated with a feeding operation*

Point 5B-3-5-3 specifically states "be not closer than two hundred (200) feet to any dwelling, public or semi-public building on an adjoining parcel of land". The proximity of the home/dwelling on the adjoining property of Bret Barry at 4221 N 3800 E, Liberty, UT 84310 is less than two hundred (200) feet from the proposed building. The proximity of this adjoining dwelling creates non-compliance with the ordinance.

- Additionally, the proximity of the home/dwelling of Clay Poulter, 4170 N 3800 E, Liberty, UT 84310 is also less than two hundred (200) feet from the proposed building.
- Point 5B-3-5-4 specifically states “**not to include** the erection of any permanent fences, corrals, chutes, structures or other buildings normally associated with a feeding operation”. There are permanent fences, structures and buildings on this site. This is also stated in the “Agricultural Description of Property”. “The handling facility and agricultural storage area is used to store hay, grain and other farm supplies. It is also used to bring the elk into a smaller area in the winter to be worked”. It seems that these buildings create violations of the ordinance.
- The meat packing slaughter house is contrary to the neighborhood interest. While it may be in an agricultural zone AV-3, this area has been, for over four decades, a subdivision where agriculture is practiced for family use. There are certainly no other commercial facilities. The waste products of blood and offal are a strong attractant to predators. There have been multiple incidents with animal killings by predators in the area since the elk have been on the property. We expect the processing of meat would increase predators in the area.
- This facility is not in harmony with the area which is principally family housing on large parcels and animals are kept as “pets”. Concern for odors from the facility, other pollutants and disposal of waste products is of great concern. Additionally this will bring more traffic to a very quiet street with children. Additional traffic and the need for more parking to provide for the delivery and pickup of elk can also be expected to create undue hardship on neighbors and local residents.

In summary, we believe the Land Use Permit (LUP64-2011) is not in compliance with Weber County Ordinances for Agriculture Property Zone AV-3 and may have been issued because of incomplete and inaccurate information supplied by the Jones’ on their Weber County Land Use Permit Application.

- Distance to dwellings on adjoining properties is not two hundred (200) feet thus not in compliance with Ordinance 5B-3.
- The site includes permanent fences, corrals, chutes, structures and other buildings normally associated with a feeding operation thus not in compliance with Ordinance 5B-3.
- Nothing within the narrative nor drawings provides guidelines, plans or definition of Environmental Impact, waste handling and disposal plan, waste water plan, harmony with surrounding neighbors and harmony with purpose of the residential area.
- Quoting Weber County Board of Adjustment Application Review Document (current as of 05/01/10) page 2 of 5 point 3 “To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions a literal enforcement of the provisions of the Ordinance will result in



unnecessary hardship; provided, that the spirit of the Ordinance shall be preserved and substantial justice done” We submit that the proposed facility is “contrary to the public interest” and “will result in unnecessary hardship” to both adjoining properties and other residents in the area.

Thus we request according to point 4 (“to interpret the zoning map and zoning ordinance”) that the Board of Adjustment hear this appeal which is brought forth by Bret Barry and other local residents.

Sincerely,

Bret Barry  
Property Owner  
4221 N 3800 E  
Liberty, Utah 84310

Attached please find multiple photos of the Jones property where the proposed slaughterhouse meat processing facility is intended to be located.

I bring your attention to such inaccurate statements documented by photos:

“Weeds are controlled and the land is replanted when needed.”

Additionally, the Board of Adjustment will see the proximity of the facility to the Barry, Poulter, McFarland, Tuck and Rohde dwellings.

Finally, the Board of Adjustment will see the general condition of the property including multiple human and animal hazards in the “working facilities” thus providing evidence of the lack of stewardship and care for animals, facilities and land at the Jones property.

### Agricultural Description of Property

This 6.15 acre piece of property located on the North West corner of 4100n and 3800e in Liberty has and will be used for agriculture. Elk are bred, grazed, handled (vaccinated and ear tagged) and raised on this property. The handling facility and agricultural storage area is used to store hay, grain and other farm supplies. It is also used to bring the elk into a smaller area in the winter and be worked. The new calves are ear-tagged and micro-chipped in compliance with the Utah Department of Agriculture rules. All the animals are vaccinated once a year to maintain health.

The meat cutting building will be used to butcher and package the elk meat for consumption. It will have a meat grinder to make hamburger, cutting and packaging areas. There will also be freezers to freeze and store the processed meat.

The property is irrigated with the Liberty secondary water system that is in place. It is irrigated during the spring and summer months and any excess hay is harvested and stored. Weeds are controlled and the land is replanted when needed.

There is also an apple orchard, raspberry patch and a garden which are also part of the agricultural use of the property.

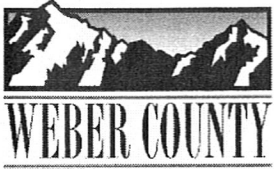












**Weber County Public Works Department  
Official Receipt**

**Receipt Date** 13-JUL-11

02:22:23 PM

**Description** BOA APPEAL FEE

**From Client** BRET BARRY

CHECK 225

**Total Received:** 225

**Empl Id / Receipt Nbr:** SM - 21034

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Signature

**\*\*\* Please Retain This Receipt For Your Personal Records \*\*\***