WEBER COUNTY BOARD OF ADJUSTMENT

NOTICE OF DECISION

Name: James Wiscombe Date: September 8, 2011

2477 N Nordic Valley Dr.

Eden, Utah 84310

Case Number: BOA 2011-07

You are hereby notified that your variance request for an addition to a home which will encroach 8 feet into the stream corridor setback, was heard by the Weber County Board of Adjustment in a public hearing held on September 8, 2011, after due notice to the general public and specifically to adjacent property owners.

The Board of Adjustment considered your request, relative to the merit, circumstances, and conditions affecting your property and hereby renders the following decision:

[ ] Denied

[ ] Tabled

**[X] Granted Subject to:**

1. Meeting the requirements of applicable County review agencies.
2. Obtaining a land use permit and building permit prior to construction.

Basis for decision:

The Board of Adjustment approved BOA 2011-07 based upon finding that the request met the special exception criteria as described in the staff report and as required by County Ordinance.

**MOTION:** Celeste Canning moved that BOA2011-07 be approved for the following reasons: That granting the variance will not substantially affect the comprehensive plan of zoning in the county and will actually further the plan more so then the previously existing conditions. That adhering to the strict letter of the ordinance would cause an unreasonable hardship. There are special circumstances attached to the property some of which include; the property having been developed and laid out prior to zoning changes that have changed requirements for stream setbacks, being sloped and wooded in nature, of which will be preserved by allowing this variance. There are special circumstances that do tend to deprive the applicant of the privileges that other properties in this same area get to enjoy. That the variance is necessary to allow the enjoyment of the full property rights. None of these conditions and circumstances were economically or self imposed. Deone Smith seconded the motion. A vote was taken and Chair Heffernan indicated the motion was approved with all members present voting aye. Motion Carried (5-0)

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The approval of a Board of Adjustment Case is issued to the owner of the land as signed on the application and is valid for a period of time not longer than 18 months from the date of the Board decision or until an ordinance amendment changes the conditions upon which the decision was made. The issuance of a building permit for development stated in the Board of Adjustment case application constitutes full use of the variance or other benefit applied for.