

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) 20892	File Number (Office Use) BOA 2011-02
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Property Owner Contact Information

Name of Property Owner(s) Sandra M. Fitzgerald and Matthew R. Sukraw		Mailing Address of Property Owner(s) 6855 N 1900 E Liberty, UT 84310	
Phone 8016957983 or 8016955296	Fax		
Email Address sandra.fitzgerald@hill.af.mil or matthew.sukraw@hill.af.mil		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) Steve Young (Solitude Builders)		Mailing Address of Authorized Person PO Box 529 Eden, UT 84310	
Phone 8014300154	Fax		
Email Address splnless@aim.com		Preferred Method of Written Correspondence <input checked="" 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: _____

Property Information

Approximate Address 6855 N 1900 E Liberty, UT 84310	Land Serial Number(s) 171370009
Current Zoning F5	

Existing Measurements		Required Measurements (Office Use)	
Lot Area 1.21 acres	Lot Frontage/Width 270 ft	Lot Size (Office Use)	Lot Frontage/Width (Office Use)
Front Yard Setback 225 ft	Rear Yard Setback 40 ft	Front Yard Setback (Office Use)	Rear Yard Setback (Office Use)
Side Yard Setback 125 ft	Side Yard Setback 50 ft	Side Yard Setback (Office Use)	Side Yard Setback (Office Use)

Applicant Narrative

Please explain your request.

- Requesting North corner of proposed detached garage be within 3 ft of Side Yard (north) property boundary.
- Detached garage is covered in Chapter 23-16, "Supplementary and Qualifying Regulations."
- Proposed placement of detached garage meets all requirements in Section A and B of 23-16, except the 20 ft side yard requirement.
- Figure 4 Shows the proposed location for detached garage.

Variance Request

Explain how 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.

- The North property boundary is adjacent to common area "B" of Durfee Creek. Common area "B" will never have homes built on this land. Adjacent lots (13, 14, and 15) that are North of Common area "B" have their homes built more than 300 ft from Lot 12 Northern property boundary (See Figure 1).
- Proposed location of detached garage will be 200 ft from the front yard setback property line, which is the main road (See Figure 2).
- Placement of proposed detached garage southeast of the home is not possible due to the substantial slope of the property in this area.
- Proposed location of detached garage is as close as possible to the current home in an effort to utilize the existing property boundaries.
- Building the detached garage in proposed location would not affect neighbors, nor would it affect property near the main road (See Figure 2).

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.

- The property (Lot 12) has 50-60 ft of elevation change from the Northwest property corner down to the Southern property boundary. The Northwest property corner is the highest elevation and then sloping down towards the South. The Northwest area has the least amount of elevation change with the majority of the elevation change directly South of the existing home.

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.

- In reviewing the topographical map of the area, majority of other properties in the area do not have the substantial slope and elevation changes that are common to Lot 12. The elevation changes on those properties are approximately 20 ft or less in all directions (See Figure 3 for TOPO).

- Exceptions are listed for other Residential Building Zones where the side yard may be reduced to 3 ft if the accessory building is located at least 100 feet from a property line adjacent to the street and at least 40 ft from a dwelling on an adjacent lot.

- Lot 12 property is unique to others in the area in that the current home placement is over 225 ft from the front yard property line adjacent to the street.

Variance Request (continued...)

Explain how the previously listed special circumstances are not considered to be economic or self-imposed hardships.

- The slope of the actual property and the location of the home only allows the detached garage to be safely built on the North side of the Lot.
- The proposed building location would meet all requirements listed in 23-16 except for Section B. 3. 20 ft side yard requirement.

Property Owner Affidavit

I (We), Sandra Fitzgerald, 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.

Sandra Fitzgerald
(Property Owner)

(Property Owner)

Subscribed and sworn to me this 4 day of May, 20 11.



Rachel Shupe
(Notary)

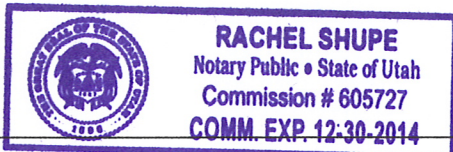
Authorized Representative Affidavit

I (We), Steve Young ^{at} Sandra Fitzgerald the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), Steve Young, 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.

Sandra Fitzgerald
(Property Owner)
Sandra Fitzgerald

(Property Owner)

Dated this 4 day of May, 20 11, personally appeared before me Sandra Fitzgerald, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.



Rachel Shupe
(Notary)

PART OF N.E. 1/4 SEC. 1, T.7N., R.1W., & PART OF SEC. 36, T.8N., R.1W., S.L.B. & M.

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DURFEE CREEK ESTATES NO. 1

IN WEBER COUNTY

TAXING UNIT: 411

SCALE 1" = 100'

SEE PAGE 138

SEE PAGE 92-1

SEE PAGE 92

SEE PAGE 136

* ORDINANCE 13-2-96
BK. 1572 PG. 1572
E# 1387845

FOR COMPLETE ENG DATA SEE
ORIGINAL DEDICATION PLAT IN
BOOK 23, PAGE 28, 29, 30 OF RECORDS.

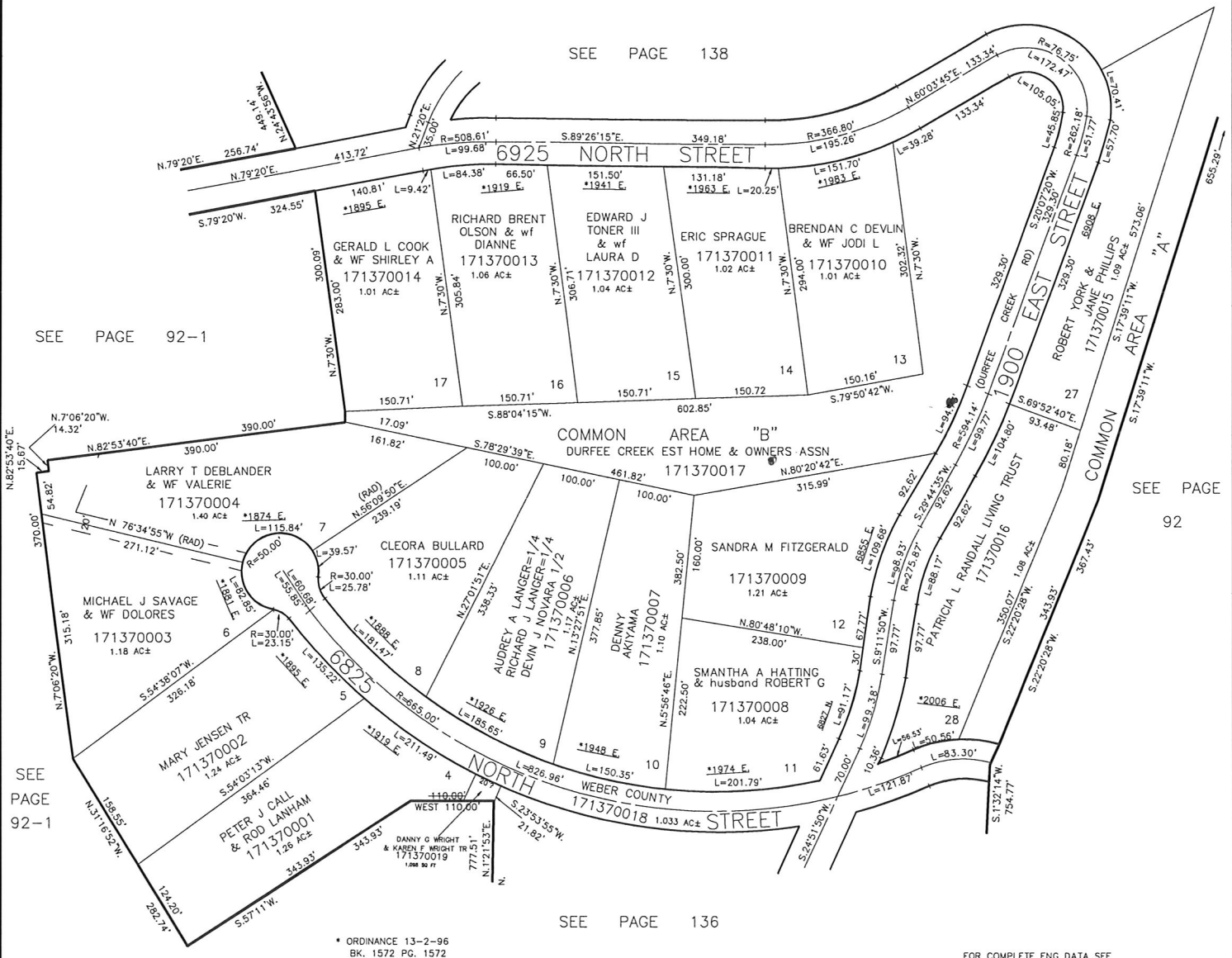


FIGURE 1

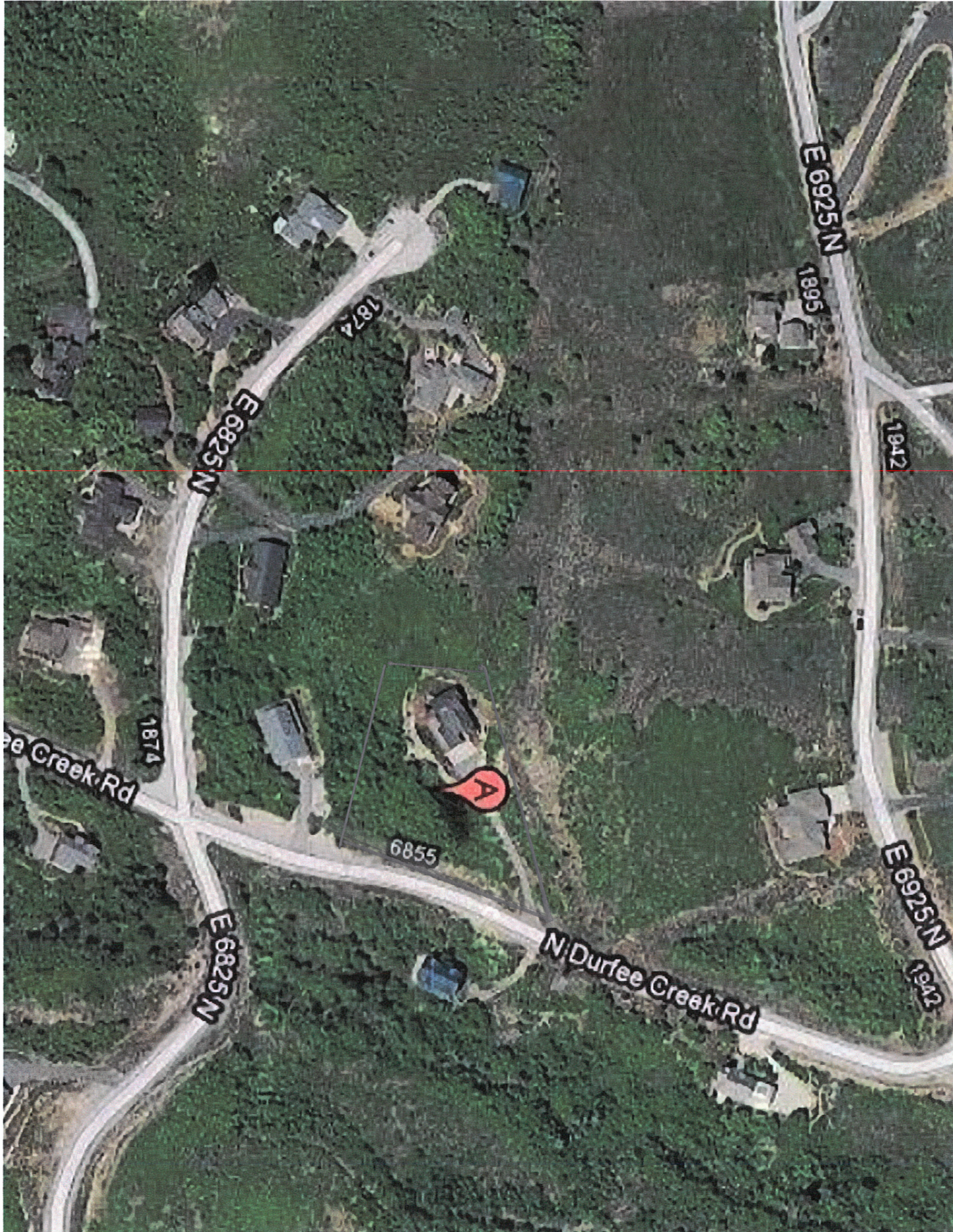


FIGURE 2



FIGURE 3



FIGURE 4



Today is
5/4/2011



- [HOME](#)
- [BOARD](#)
- [MINUTES](#)
- [CC&Rs & BYLAWS](#)
- [ARCHITECTURAL GUIDELINES](#)
- [NEIGHBORHOOD WATCH](#)
- [FIRE CONTROL](#)
- [WEED CONTROL](#)
- [CONTACTS](#)
- [CALENDAR](#)
- [SNOW RPT](#)
- [CLASSIFIEDS](#)
- [PHOTOS](#)
- [LINKS](#)

Board of Directors and Officers

President	Penn Hollist	h: 801-745-3997 c: 801-821-0188	Pen@DurfeeCreek.com
Vice President	Matt Sukraw	c: 801-940-6782	Matt@DurfeeCreek.com
Secretary	Yana Sprague	h: 801-745-2624	Yana@DurfeeCreek.com
Treasurer	Robin King		

Email all Directors at: Board@DurfeeCreek.com

Mailing Address: PO Box 511
Eden, UT 84310

The board meets quarterly and all residents are invited to attend. To include an item on the agenda, contact a board member (contact info listed above). Please be specific, come prepared and respect the allotted time on the agenda.

Next Meeting: TBD - to be notified when the meeting is scheduled [click here](#)



Board of Adjustment Review

The Board of Adjustment convenes as necessary to review applications for variances, deviations, interpretation, and special exceptions as outlined below.

A pre-application meeting is required prior to application submittal; please call (801) 399-8791 to make an appointment. Date of pre-application review meeting: _____ Time: _____

- **Staff member assigned to process application:** _____

APPLICATION DEADLINE: Thirty (30) days prior to the applicable Planning Commission meeting

The Board of Adjustment meets on the 2nd and 4th Thursdays of the month as needed.

Application Submittal Checklist

The Planning Division will only accept complete applications with supporting documents as outlined below. Submitting an application does not guarantee that your application will be placed on the next Board of Adjustment agenda.

The following is required as part of the application form submittal:

- Complete Application Form
- A non-refundable fee made payable to Weber County (see *Fee Schedule* below)
- Obtain signature of the owner(s) on the application and any authorized representatives
- All documents submitted in the application shall be accompanied by a PDF file of the respective document. All plans (including but not limited to site plans, architectural elevations/renderings, etc), and subsequent submittals and revisions, shall be accompanied by a full scale set of PDF files of the respective plans.
- A narrative explaining your request and if your request involves one of the three item listed below; how the request meets the requirements for: (see *Review Criteria*)
 - A. Variance
 - B. Flag Lot
 - C. Special exception

Fee Schedule

Property Zoning _____ Fee Required _____

- Board of Adjustment Review \$225

Duties and Powers of the Board of Adjustment

In addition to any other powers given by State law or the Weber County Zoning Ordinance Chapter 29, Board of Adjustment, upon the timely filing of an appeal, within 15 days, from the date of the final decision being appealed, after proper notice and Public Hearing, the Board of Adjustment shall have the following powers:



1. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, or refusal made in the enforcement of this Ordinance.
2. To hear and decide requests for decisions on special questions upon which such Board is authorized to pass.
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 this Ordinance will result in unnecessary hardship; provided, that the spirit of this Ordinance shall be preserved and substantial justice done.
4. To interpret the zoning map and zoning ordinance.
5. To reduce the amount of off-street parking required, where acquisition of land for such use would cause exceptional hardship.
6. Where a zone boundary line divides a lot in single ownership at the time of the passage of this Ordinance, permit the extension of a use or building situation on the portion of such lot which lies in the less restricted zone into the more restricted zone, provided that such extension shall be subject to all regulations of the less restricted zone and shall extend not more than one hundred (100) feet into the other portion of the lot in the more restricted zone.
7. Permit for a period not to exceed one (1) year in a residential zone a temporary building or use of a commercial or industrial nature which building or use is incidental and necessary to the construction of the residential development.
8. To permit a nonconforming use to be changed to another use permitted in the same or a more restricted zone than the one in which the nonconforming use would be a permitted use; and which, in the opinion of the Board of Adjustment either by general rule or on decision in a specific case, will be out of harmony or incongruous with existing and prospective uses in the neighborhood to a less degree than is the nonconforming use that it replaces, with respect to noise, odor, atmospheric emission or pollutant, or physical hazard, and to no greater degree with respect to traffic related to the proposed use, display or use of illumination, general activity, probable duration of the proposed use, or other factors having a bearing on the harmonious relation to one use to another.
9. To permit the relocation on a lot of a nonconforming building or structures occupied by a nonconforming use, provided the building or structure shall comply with all the height, yard, and area requirements in the zone in which it is located.
- 10A. To permit as a special exception and subject to No. 12 below, the construction of a dwelling or a building upon a lot, which does not have frontage on a street but has access to said lot by a private right-of-way, where the Board of Adjustment considers it unfeasible or impractical to extend a street to provide access to such lot because of unusual topographic or property boundary conditions. Before approval by the Board of Adjustment to build on any private right-of-way, the landowner of record shall place a covenant to run with the land agreeing to participate in the cost of developing any future road required by the county to replace the private right-of-way as required access to additional lots.
- 10B. To permit Lots with Access Strips known as Flag Lots by Special Exceptions meeting the following criteria:



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.



5. Application for subdivision shall be filed and recorded within 18 months of approval of Flag Lot. If not filed and recorded within 18 months, said Flag Lot approval shall expire and be null and void.
6. No subdivision shall be vacated, re-subdivided or changed in order to meet the requirements of this chapter.
11. To allow by Special Exception access to lots at a location other than across the front lot line provided the following criteria are met:
 1. Special circumstances are attached to the property covered by the application, which does not generally apply to other property in the same zone.
 2. Special or unique boundary conditions exist regarding the property for which an application has been submitted.
 3. Topographic or other physical conditions exist which would cause an undesirable or dangerous condition to be created for property access.
 4. The Board of Adjustment shall consider but not be limited to the following:
 1. The access strip shall have a maximum grade of 15%.
 2. A minimum turnout measuring at least 10 feet by 30 feet be provided adjacent to the traveled surfaces of the access at a maximum distance of 400 feet from the public street.
 3. A turnout area be provided at the home location to allow firefighting equipment to turn around. This area must be a year round surface capable of supporting fire equipment (a minimum 45 foot radius if circular).
 4. Bridges including decking and culverts must be capable of supporting a minimum 20-ton weight capacity.
 5. Switchback turns in sloped areas must have a minimum 75 foot radius.
 6. Road surfaces on private access ways shall have a minimum 12 foot road surface width and be capable of supporting a 20,000 pound weight capacity with a surface approved by the County Engineer.
 7. A fire hydrant or other fire suppression method may be required by the fire district.
 8. The home location shall be shown on a plan submitted to the fire district.

Process

1. Before making its decision, the Board shall hold a hearing upon the appeal. Notice of the time and place of such hearing shall be sent by mail to the appellant, to the owners of all property contiguous to the property with which the appeal is concerned. Such notice shall contain the name of the appellant, the time and place fixed for the hearing, and a brief statement of the error alleged by the appellant or of the special exception or other question or variance for which the appellant appeals.
2. The hearing may be adjourned from time to time, and if the time and place of the adjourned meeting be publicly announced at the hearing at the time of the adjournment, no further notice of such adjourned meeting shall be required.



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
Copies of the applicable Weber County Zoning Ordinances and other helpful information are also available at this web site.



Weber County Public Works Department Official Receipt

Receipt Date 05-MAY-2011

08:28:07 AM

Description BOARD OF ADJUSTMENT

From Client SANDRA FITZGERALD

CHECK 225

Total Received: 225

Empl Id / Receipt Nbr: AM - 20892

Signature

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

