



BOARD OF ADJUSTMENT

MEETING AGENDA Thursday, January 12, 2017 4:30 p.m.

**Pledge of Allegiance*

Regular Agenda Items

1. Minutes Approval of the November 10, 2016 meeting minute.
2. BOA 2016-08 Consideration and action on a request for a 12 foot variance to the front yard setback in the FR-3 Zone.
3. Adjournment

The meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1st Floor, 2380 Washington Blvd., Ogden, Utah



In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8791.

Minutes of the Board of Adjustment held November 10, 2016 in the Weber County Commission Chambers, 2380 Washington Blvd., Ogden UT

Members Present: Rex Mumford, Chair; Phil Hancock, Deone Ehlers-Rhorer, Bryce Froerer, Nathan Butters

Members Absent: Douglas Dickson, Neal Barker

Staff Present: Rick Grover, Planning Director; Charles Ewert, Principal Planner; Courtlan Erickson, Legal Counsel; Tiffany Bennett, Secretary.

****Pledge of Allegiance***

Regular Agenda Items

1. BOA 2016-06: Consideration and action on a request for ordinance interpretation for Scott Martini regarding Section 104-5-6 (18) to determine whether his desired land use complies with the ordinance (Scott Martini, Applicant).

Director Grover noted that he recommends that the Board of Adjustment not allow any public comment because of the nature of the request; the request is for the Board of Adjustment to give an opinion on the interpretation of the intent of the ordinance. Other interested people will have a chance to comment if this applicant makes a formal application; then at that time, the Planning Commission whom has the Land Use Authority, would be the body that would review the application; and that is when public comment will be taken.

Chair Mumford stated that Mr. Grover is the Planning Director, and thanked him for that introduction and explanation on when public comment will be taken. He then asked Courtlan Erickson if he had any comments from the Weber County's Attorney's Office.

Legal Counsel, Mr. Erickson, stated that he agrees with Director Grover about the nature of this issue and this is not an actual decision on a Land Use Application.

Chair Mumford stated the Board Members will go back on the review of the minutes later after the Land Use interpretation. On behalf of the County's Planning Division, the presentation will be made by Principal Planner, Charles Ewert.

Charles Ewert stated that this is a unique circumstance, because this is not an appeal, or a variance; this is a request for an interpretation of the Land Use Code. Mr. Martini came to the County asking if he can locate a trucking facility at the site that he owns. We have a general allowance in the A-1 Zone that allows the storage of farm equipment and other related

equipment, such as a backhoe, front end loader, or up to a 10-wheel truck to be used by the farm owner, farm employee, and/or contracted farm operator of the bona-fide farm operation consisting of 5 acres or more, for off-farm, non-agricultural related, construction work to supplement farm income. The Planning Staff looked into this more and found out this part of the code was adopted to allow a farm operator to also have contractor type of equipment on site, and use it off site to help supplement the farm. The Planning Staff was not sure of what the intent of this ordinance meant if there is ambiguity in the ordinance. There is a general desire by the court to error in favor of the land owner; so if we cannot define the intent, we need to figure out if it really is as ambiguous as suggested. In the staff report he pulled that paragraph apart into four questions. Mr. Marini is asking for the Board's interpretation before submitting a formal application because the bid for the plans is pricy. He is asking for a bit of certainty if he applies for this, so it will not be denied because of an interpretation. Mr. Ewert asked if there were any questions from the Board.

Deone Ehlers-Rhorer asked if the wheels of the trailer add to the total number of wheels on the truck. Charles Ewert replied by saying that is part of the interpretation. What is a 10 wheel truck; a lot of the dump trucks that are here have 10 wheels with 4 wheels that are lifted up off the ground when they are unloaded. Mr. Marini wanted to know if he comes to and from the site with the 4 wheels lifted up, is that considered a 10-wheel truck or a 14-wheel truck. Another question that needs clarifying is what is considered related equipment?

Chair Mumford asked when was this 104-5-6 written. Charles Ewert replied that he did not know when exactly it was written, but he knew it was within the last 10 years.

Deone Ehlers-Rhorer asked where the trucks are located. Mr. Ewert replied that the trucks are located at 400 North in Ogden City.

Chair Mumford asked about the pictures of the trucks in the staff report; he wanted to know why he has trucks with sleepers in them. They are not normally trucks used for farming. Did the Planning Staff ask the applicant about these trucks? Charles Ewert stated that he did address the trucks with the applicant. The applicant wanted to go more into detail about the trucks when he addresses the board; he may not have the trucks then, but he would like to keep them there as part of his operation if he can.

Chair Mumford asked about item number 2. The 10-wheel trucks are limited to use of a farm owner, farm employees, or contracted farm operators. He also asked if the trucks are used strictly for farm use only. Charles Ewert replied no, because to his understanding the ordinance suggests that the equipment can be used off site for non-agriculture construction work. It depends on the original ordinance intent. If it was intentionally made overly vague, how are we going to apply it to this particular case?

Bryce Froerer asked if Mr. Martini actually farmed. Charles Ewert replied that the questions would be better to ask Mr. Martini directly.

Phil Hancock stated that the code section 104-5-6 states, storage farm equipment as a singular but does the staff interpret that to be multiple? Charles Ewert indicated that his original interpretation was singular but maybe Legal Counsel will speak a little more to other sections of the ordinance where it has said that singular is also plural. Courtlan Erickson replied that he would like to address section 101-1-6 of the County Code; it gives rules for interpretation and how we interpret ordinances and one of those says a singular number includes the plural and vice versa. The way that interpretation section says to interpret the Land Use Code is to not eliminate the singular.

Raymond Rounds, 2630 Washington Blvd, Suite 102 Ogden UT, stated that Scott Marini wants to use part of his property on the corner of 4700 W. and 1800 S. to change part of his field to park his trucks and farm equipment with a small shop to service and wash his equipment. There will be landscaping to provide beautification to help as a buffer for the parking lot.

Mr. Rounds also noted that the trucks that would be used are for farm use or non-agriculture construction work that supplements the Martini Family Trust Farm. Some of the trucks that would be in use have pull up wheels; the trucks will leave not loaded and, will come back not loaded with or without a pup attached.

Mr. Rounds stated that the statute is interpreted by the County. If someone owns land, we have to start with the theory that it is their land and they can do whatever they want to do with their land; that is common law unrestricted use. The Martini Family Trust owns 19.06 acres and the proposed use will only be 3 ½ acres. He stated that zoning should be to not restrict land use, but to allow land use. If the owner complies with Land Use Code Section 104-5-6, it shall be approved if it meets the criteria. He believes that they do meet the criteria if they are not restricted by the interpretation.

Mr. Rounds noted that there is a concern about heavy traffic and noise pollution, but brings up the massive green houses in the area and believes the trucks being parked there will not affect traffic or noise pollution. He also brings up the question about EPA and the Army Corps of Engineers being involved because of the water use for washing trucks; he believes that they would not be involved for this small task. He mentioned that other people use trucks in the area.

Chair Mumford asked Mr. Rounds to stick to the focus of Mr. Martini's property.

Mr. Rounds asked the Board of Adjustment to look at the ordinance so they can proceed to move up to the Planning Commission.

Chair Mumford noted that Charles Ewert listed 4 criteria in the staff report; the Board Members need to address those. Is the applicant limiting the use to 10-wheel trucks? Raymond Rounds replied that he believes Mr. Martini is.

Chair Mumford asked about the semi-truck and the trailers that are attached. Raymond Rounds answered that Mr. Martini will not have the trailers attached to the trucks when they are parked there.

Deone Ehlers-Rhorer asked if there will be trucks with trailers attached coming in and out of the property. Raymond Rounds replied that Mr. Martini will not do that. Ms. Ehlers-Rhorer then asked where the trailers will be kept. Mr. Rounds replied that they will be kept somewhere else. Ms. Ehlers-Rhorer asked about the purpose of moving the trailer to the property instead of keeping the trailers where they are now. Mr. Rounds stated that it would be better for finance, safety, and convenience. Ms. Ehlers-Rhorer asked who owns the trailers, and if the trailers will be attached because that will add more wheels to the truck. Mr. Rounds replied that he believes that attaching the pup trailer will not add wheels to the truck. He thought the ordinance was not clear on that issue.

Chair Mumford asked if the 10-wheel trucks would be limited to use by a farm owner, farm employees, or contracted farm operators. Raymond Rounds replied that Mr. Martini is an owner of the Family Trust which he farms and runs the Martini Company.

Nathan Butters asked if the Board of Adjustment has jurisdiction in this case because this is not an appeal or a variance. Chair Mumford asked Legal Counsel to respond to that question. Courtlan Erickson stated that in the Code section that cover the Board of Adjustment there are provisions that in his view are potentially conflicting, so that is something the board needs to decide. The Planning Staff might have a record of what has been historically done. Section 102-3-5 of the County Land Use Code states that any person wishing to petition the Board for an appeal or interpretation of the Land Use Code or Zoning Maps or for a variance for a requirement of the Land Use Code may come up in such action by completing the required application. It is the Board's decision to decide if you want to proceed, but they can move forward by taking this meeting for an interpretation of the ordinances.

Chair Mumford asked if the Board makes an interpretation and later this is appealed back to the Board of Adjustment where does that put them. Courtlan Erickson replied that he doesn't have a good answer for that right now, but he is willing to give legal advice later if needed. Chair Mumford suggested that the Western Weber Planning Commission would be the better choice to listen to this hearing.

Bryce Froerer stated that if we interpret 104-5-6, that would allow Mr. Martini this specific thing then he would have to submit an application to the Western Weber Planning Commission and then they may say yes or no. He wants to know if this is a request form Mr. Martini to interpret so he can spend money or not to continue his plans. Courtlan Erickson

stated that he believes that is the process. Later he would submit a application to the Western Weber Planning Commission and it is different from what is presented to them tonight and it got appealed back to them, they would have to look at the difference and see if there is new information. Mr. Froerer asked what weight their decision tonight has on the Planning Commission. Courtlan Erickson replied that until they get a Land Use Application and review it, it is impossible to say. The Planning Commission would have the choice to give their decision weight but their decision is not binding.

Deone Ehlers-Rhorer asked if the trucking company is a supplement income to the farming operation, or is this business separate. Raymond Rounds responded by saying that he is not sure, most likely what is most favorable to Mr. Martini.

Bryce Froerer asked if Mr. Martini ever over-hauled other products other than agricultural or non-agricultural construction. Raymond Rounds brought up Scott Martini to the podium to answer. Mr. Martini replied that he only moves stuff for the farm and construction sites, nothing else.

Mr. Froerer asked if Mr. Marini trucks for other farms, and Mr. Martini replied that it is just within the family.

Chair Mumford asked about item number 2 and Scott Martini replied that they are his employees.

Deone Ehlers-Rhorer asked if Mr. Martini uses the trucks for personal use and is this trucking company the main income for the farm. Scott Martini replied by saying that it is the main income but it is used for the farm supplement and is used at the farm.

Chair Mumford asked how big the Marini Farm Operation is. Scott Marini replied that the Martini farm is 20 acres plus 400 acres with everything put together.

Deone Ehlers-Rhorer asked where the trailer needs to be stored. Scott Martini replied that he would need to store them at the parking area on the farm because they are an implement, they go with the truck; without the trailers there is no need for the truck. Ms. Ehlers-Rhorer stated that it would put the trucks over 10 wheels. Mr. Marini stated that code did not include the trailers or other implements. He just wanted to do this the right way; he believes that his property is the right place for the parking of the trucks, where it is safer and where they belong.

Deone Ehlers-Rhorer asked if there are any master plans for rezoning and asked Charles Ewert if he could expand on this question. Mr. Ewert said there is not one yet but the Planning Office is aware there is a need for a new Master Plan. To rezone would be a lot to put on Mr. Martini so he is just trying to get through the administrative process first.

Bryce Froerer asked if Mr. Martini is still planning to go in front of the Planning Commission. Charles Ewert replied that this is just an assessment for some confidence to proceed depending on this interpretation.

Chair Mumford thanked Mr. Martini for his time and asked if there are any more questions.

Chair Mumford stated that the neighbors have addressed the Board with a letter, but the letter is not a part of this interpretation but is for the Western Weber Planning Commission where they have the authority to take in public comment. Courtlan Erickson agrees.

Courtlan Erickson stated that if these conditions are true, then they would see it as an allowed use or not an allowed use. If you keep this meeting in this platform, then it will keep structure and give Mr. Martini some direction.

MOTION: Deone Ehlers-Rhorer stated that in regards to the Board of Adjustment 2016-06 consideration and action on request for an interpretation to determine whether his desired land use complies with the ordinance, Scott Martini applicant, The Board makes the following findings, and suggestions; provided that the applicant uses the property for farm related equipment described in the statute as backhoe, frontend loader, or up to or not to exceed a ten-wheel truck. How many trucks are to be used by the farm owner, farm employee, or contracted farm operators only for a bona-fide farm operation. And that operation consists of at least 5 acres or more and that equipment may be used for non-agricultural construction work only in a supplemental manner to the farm income. The board has considered the comments of the neighbors and surrounding land owners that includes agenda item #3, noting the letter submitted contains their concerns. Nathan Butters seconded the motion.

DISCUSSION ON THE MOTION: The Board had a discussion about including the consideration of the letter. Deone Ehlers-Rhorer wanted to keep it, Bryce Froerer did not. Director Grover stated that the Planning Commission would be the best time for the consideration of the letter.

AMENDMENT: Bryce Froerer moved to amend the motion to remove the consideration of the letter. Nathan Butters seconded the motion. A vote was taken and Chair Mumford stated that the motion carried by a unanimous vote.

MOTION AS AMENDED: Chair Mumford asked the Board if there is a second for the first motion with the amendment. Mr. Butters seconded the amended motion.

DISCUSSION: The Board had a discussion and Courtlan Erickson stated that the Board might want to clarify the interpretation about the 10-wheel truck within the ordinance to give Scott Martini an idea if the trucks he owns fall into the ordinances of the 10-wheel truck. It is up to the Board if they want to input their interpretation. Deone Ehlers-Rhorer stated that she

does not have that knowledge to make an interpretation. Bryce Froerer agrees that is part of the issue and maybe the Planning Commission would be more knowledgeable about the issue. Director Grover stated that the Staff could do more research if the applicant makes a formal application to the Planning Commission.

VOTE: A vote was taken and Chair Mumford stated that the motion carried by a unanimous vote.

2. APPROVAL OF MINUTE:

- a. Approval of July 10, 2016 meeting Courtlan Erickson suggested that the corrections that need to be made are; Pg. 2 there is a misspelled word; for rouge instead of rogue. On Pg. 3 in the biggest paragraph 3rd to last line in the last sentence it states "The ordinance does not say public hearing; it say public meeting, so there might be a requirement" instead it should say "The ordinance does not say public hearing; it says public meeting, so there is not a requirement."

MOTION: Chair Mumford moved to approve as amended. Deone Ehlers – Rhorer seconded.

VOTE: A vote was taken and Chair Mumford stated that the motion carried by a unanimous vote.

3. OTHER: Director Grover asked if the Board wanted to amend the ordinance, so that we don't run into this situation again; it puts the Board in an awkward situation with the interpretation and it really should be done by the Planning Commission, then it should come back to The Board of Adjustment as the appeal body. If it is okay with the Board, we will look at going to before the Planning Commission for their review because this is an ordinance amendment then we will go before the Legislative Body for them to review and then it would be adopted. Land Use Code 102- 3-5 gives that ambiguity, and we want to take that ambiguity out so they just review the appeal.

The meeting was adjourned.

Respectfully Submitted

Tiffany Bennett, Secretary



Staff Report to the Weber County Board of Adjustment

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request for a 12 foot variance to the front yard setback in the FR-3 Zone.
Agenda Date: Thursday, December 08, 2016
Applicant: Jeff Burningham, Owner
Authorized Representative: Carson Young
File Number: BOA 2016-08

Property Information

Approximate Address: 6803 East 6675 North, Eden
Project Area: 0.28 acres
Zoning: Forest Residential Zone (FR-3)
Existing Land Use: Vacant
Proposed Land Use: Residential
Parcel ID: 22-119-0008
Township, Range, Section: T7N, R1E, Section 1

Adjacent Land Use

North:	Unimproved road	South:	Vacant Residential
East:	Residential	West:	Vacant Residential

Staff Information

Report Presenter: Steve Burton
sburton@co.weber.ut.us
801-399-8766
Report Reviewer: RK

Applicable Codes

- Weber County Land Use Code Title 102 (Administration) Chapter 3 (Board of Adjustment)
- Weber County Land Use Code Title 104 (Zones) Chapter 17 (Forest Residential FR-3 Zone)

Background

The applicant is requesting a variance for a reduction to the front yard setback in the Forest Residential FR-3 Zone. The front yard setback for the FR-3 Zone is 25 feet. The applicant is proposing to build a home with the garage 12 feet to the front lot line; this would require an approval of a 13 foot variance to the standard. The application and an explanation of the request have been prepared by the applicant (Exhibit A). A site plan was not submitted with the application.

The subject property is Lot 50-R in the Powder Mountain West Subdivision Phase 3. This lot is in a remote area of the county surrounded by the Powder Mountain Ski Resort. Lot 50-R is at the eastern part of the subdivision where the road (Aspen Drive) straightens out before curving into Powder Mountain West Phase 2. Aspen Drive is an unimproved and unmaintained private road which for many months is snowbound, causing owners to have to ski or snowmobile to their properties from the resort's parking area. Lot 50-R was deemed a "Restricted Lot" during subdivision review due to its slope, and will be required to undergo a Hillside Review.

Lots in the FR-3 Zone are often small in area, having a minimum lot area of 6,000 square feet for a single home. Likely due to the slope and remote location, Lot 50-R has an area of 12,205 square feet. The FR-3 Zone also requires that lots have 40 % of its area left as open green space per The Uniform Land Use Code of Weber County, Utah (LUC) §104-17-5(g). This requirement can impact the potential building envelope on lots.

The property is unique given the slope of the lot. The applicant has stated on the application that the slope of the lot is more steep than others in the area. A topographic map that was provided with the original plat of Powder Mountain West Subdivision Phase 3 does show lot 50-R with a 30% slope, while other lots in the same phase have a 26% to a 28% slope.

The adjacent lot to the East, lot 51-R, received approval of a variance for a 10 foot front yard setback in February 2008. This variance was granted due to the slope of the lot, which on the previously mentioned topographic map had a slope of 28%.

Staff has found some concerns for placing the garage too close to the right of way, some of which are:

- Sight visibility for traffic on 6675 N.
- Sight visibility for traffic pulling out of the garage and onto 6675 N.
- The proximity to other homes nearby.
- The ability for off street parking in the driveway.

No information has been submitted by the applicant addressing these concerns.

Summary of Board of Adjustment Considerations

LUC §102-3 states that one of the duties and powers of the Board of Adjustment is to hear and decide variances from the requirements of the Weber County Land Use Code. In order for a variance to be granted it must be shown that all of the following criteria have been met:

- a. *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 Land Use Code.*
 1. *In determining whether or not literal enforcement of the land use code 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.*
 2. *In determining whether or not literal enforcement of the land use code would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.*
- b. *There are special circumstances attached to the property that do not generally apply to other properties in the same zone.*
 1. *In determining whether or not 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.*
- c. *Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.*
- d. *The variance will not substantially affect the general plan and will not be contrary to the public interest.*
- e. *The spirit of the land use ordinance is observed and substantial justice done.*

Staff's analysis and findings are discussed below:

- a. Literal enforcement of the Land Use Code would require an undesirable result. Because of the slope of the lot, literal enforcement of the 25 foot setback would create a safety concern for the driveway. This request is the best scenario to address the unique circumstances of this lot avoiding impacts to the slope.
- b. The special circumstances attached to this property are not self imposed or economic. The steep slope of the lot is the cause of the hardship.
- c. Other homes within this Zone and area are not impacted in the same way as Lot 50-R regarding slope. Therefore granting of the variance preserves the rights intended for this property. The additional area requested by the variance fall in line with the building envelopes of similar properties in the subdivision.
- d. The General Plan indicates that this area should be developed as is planned and zoned; thereby the variance and development is not contrary to any public interest.
- e. This variance request is not an attempt to avoid or circumvent the requirements of the County Land Use Code, but provide justified compensation to the building envelope allowing for the single family dwelling to be built.

Conformance to the General Plan

Single-family dwellings are allowed as a permitted use in the FR-3 Zone and granting this request will not increase the number of existing dwelling units in the area. If the requested variance is granted, it will not have a negative impact on the goals and policies of the Ogden Valley General Plan.

Staff Recommendation

Staff recommends *approval* of the variance for Lot 50-R in the Powder Mountain West Subdivision Phase 3 for a reduction of 13 feet to the front yard setback. This recommendation is based on compliance with the applicable variance criteria discussed in this staff report and conditioned upon meeting all other applicable review agency requirements.

Exhibits

A. Application

Location Map 1



Location Map 2



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)
Property Owner Contact Information			
Name of Property Owner(s) <i>Jeff Burningham</i>		Mailing Address of Property Owner(s)	
Phone <i>801-358-4517</i>	Fax	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Email Address <i>CW4185@hotmail.com</i>			
Authorized Representative Contact Information			
Name of Person Authorized to Represent the Property Owner(s) <i>Cason Young Solitude Builders</i>		Mailing Address of Authorized Person <i>PO Box 829 Eden UT 84310</i>	
Phone <i>801-452-5020</i>	Fax	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Email Address <i>CW4185@hotmail.com</i>			
Appeal Request			
<input type="checkbox"/> A variance request: ___ Lot area <input checked="" type="checkbox"/> Yard setback ___ Frontage width ___ Other: _____			
<input 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: _____			
Property Information			
Approximate Address <i>6803 East 6675 North Eden UT 84310</i>		Land Serial Number(s)	
Current Zoning			
Existing Measurements		Required Measurements (Office Use)	
Lot Area <i>12,205</i>	Lot Frontage/Width <i>84.48</i>	Lot Size (Office Use)	Lot Frontage/Width (Office Use)
Front Yard Setback <i>25</i>	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)

Applicant Narrative

Please explain your request.

Please see Attached

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.

Attached

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:

Attached

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

Attached

Variance Request (continued...)

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

Attached

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

Attached

Property Owner Affidavit

I (We), Jeff & Sally Bunnigham, 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

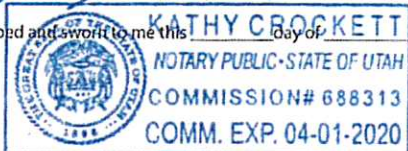
31

day of

OCT

20

16



(Notary)

Authorized Representative Affidavit

I (We), Jeff & Sally Bunnigham, the owner(s) of the real property described in the attached application, do authorize as my (our) representative(s), Carson 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.

(Property Owner)

(Property Owner)

Dated this 31 day of OCT, 20 16, personally appeared before me Jeff & Sally Bunnigham, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.



(Notary)

Narrative

We are requesting a 12' front front yard setback because of the steepness of the slope off the lot .

Granting a 12' front yard setback will enable us to build a HOA required garage and also give the required off street parking .

1- Caring out resort ordinance DRR1 . Front Set-back of 0'

2- This lot has a steeper slope then most lots in this zone . Which makes it very difficult to meet the requirements set for building in this zone . It also enables us to build a drive way that meets Weber County requirements of driveway slope .

3- Granting this variance is essential to this property to be able to build a safe and usable driveway because of the steepness of the lot . It is also essential for this variance to be granted in order to met the requirements of Weber County and the subdivisions requirements .

4-This variance will not effect the general plan of the zone because the rest of the zone is a zero front yard setback .

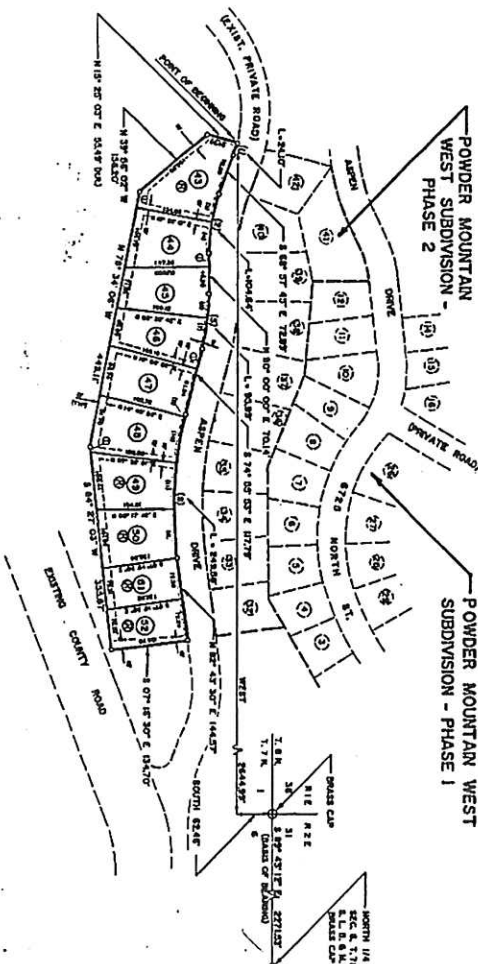
5- We are trying to maintain a front yard set back when the rest of the zone has a zero front yard setback .

PART OF SECTION 1, T. 7 N., R. 1 E., S. L. B. 8 M.

MAY 1995

LOT	RA.	DECLINE	DISC.
14	1	3 72° 34' 08" E	24.37
14	1	3 60° 00' 00" E	23.84
14	1	3 74° 05' 35" E	23.48
14	1	3 64° 27' 03" E	23.1

LOT NO.	AREA (sq. ft.)	ADDRESS
63	15340	8715 EAST AURORA DRIVE
64	16240	8722 EAST AURORA DRIVE
65	12361	8729 EAST AURORA DRIVE
66	12345	8735 EAST AURORA DRIVE
67	13348	8742 EAST AURORA DRIVE
68	14789	8777 EAST AURORA DRIVE
69	12711	8783 EAST AURORA DRIVE
70	12308	8801 EAST AURORA DRIVE
71	83002	8811 EAST AURORA DRIVE
72	83481	8825 EAST AURORA DRIVE



1. A. REC. CITY, A RECREATION AND SERVICE IN THE CITY OF UTAH, DO HEREBY CERTIFY THAT THE PLAT OF "CONNECTION, A RECREATION TRAIL SERVICE - PLATE 3," IN WHICH COUNTY, UTAH HAS BEEN COMPLETED IN THE DESCRIBED TRAIL AND IS A TRUE AND CORRECT REPRESENTATION OF THE FOLLOWING DESCRIBED OR LOCUS INCLUDED IN SAID REPRESENTATION BASED ON SAID COMPLETED WORK RETURNED IN THE FOLLOWING MANNER:

RECORDING OFFICE AND OF A SURVEY MADE ON THE ABOVE:

BOOKED THE 3RD DAY OF _____ A.D. 1914.

1914.

1914.

LOCAL AND

OWNER'S DECLARATION

WE, THE UNDERSIGNED OWNERS OF THE TRAIL DESCRIBED TRAIL BY LAND, HEREBY CERTIFY THAT AND RECORDING THE SAID TRAIL AND STRINGS AS SHOWN ON THIS PLAT AND SAID TRAIL SERVICE, CONNECTION, A RECREATION TRAIL SERVICE - PLATE 3, AND HEREBY CERTIFY THAT SAID TRAIL AND SAID TRAIL SERVICE, CONNECTION, UTAH, ALL THAT PARTS OF SAID TRAIL OF LAND DESCRIBED IN SAID TRAIL, THE SAME TO BE USED AS PUBLIC UTILITY AND ALSO CERTIFY TO WHICH COUNTY, THE SAID TRAIL, THE SAME TO BE USED AS PUBLIC UTILITY AND HEREBY CERTIFY TO WHICH COUNTY, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY TRAIL AND SAID TRAIL AS MAY BE AUTHORIZED BY THE RECORDING OFFICE.

OWNERS' PLEDGEMENT

signed this 9th day of May, 1975

BY: James W. [Signature]
 RAY W. BOSS - CHAIRMAN FOR
 POWER MOUNTAIN WATER AND RECREA
 TION DISTRICT.

BOUNDARY DESCRIPTION[illegible]

NOTE:

- 1 - VILLAGE LAMPPOSTS ARE LOCATED BY DASHED LINE
- 2 - ALL LAMPPOSTS TO BE USED FOR ILLUMINATION WATER LINE POWER LINE TELEPHONE LINE AND RIVER PUBLIC UTILITY
- 3 - ① LOTS SHALL INCLUDE COUNTRY MALLS RIVERS APPROXIMATE
- 4 - PROPERTY CORNERS WERE PLACED WITH UT MALLS WITHOUT CURB IN PLACE
- 5 - BUD - INCOMPLETE

WEBER COUNTY SURVEYOR

OF SURVEY OF THE FORECLOSURE PLAT AND LEGAL
NOTION OF THE LAND ENCLOSED THEREIN, AND PRO
TO BE CORRECT AND TO AGREE WITH THE LINES AND
MOUNTS ON RECORD IN THIS OFFICE.

SCOTT TMS 12-22-04 DAY 12

PLANNING COMMISSION

APPROVED BY THE WISCON COUNTY PLANNING
COMMISSION ON THE 2 DAY OF May.
1973.

THE 8 TO 5000 THAT THE FBI

ACCEPTED BY JUDICIAL COUNTY, UTAH THIS
DAY OF May, 1915.

11

THE AMOUNT OF FINANCIAL GUARANTEE FOR

I HAVE TRAINED THE SINGERS OF

ADMITTED WITH THIS PLAT AND TWO THEY ARE IN CONFORMANCE WITH THE ORDINANCE REQUISITIONS FOR IN FORCE AND EFFECT.

STATE OF ILL.

ON THE 9th DAY OF MAY, 1973 PERSONALLY
APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR
SAND COUNTY OF WISCONSIN THE SAID STATE OF WISCONSIN THE RECORDS

17 MAY

2. 23 DAY OF MAY, 1953 PERSONALLY ATTENDED BEFORE
RESPECTED NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, _____
AND AFTER BEING DULY SWORN ADOPTED

Abstract

ENTRY NO. 138367 FILE NO. 44-38861-177
FILED FOR RECORD AND
RECORDED 17-MAY-96 . AT
1:48 PM IN BOX 39

**Weber County Corporation**

Weber County
2380 Washington Blvd
Ogden UT 84401

Customer Receipt

Receipt
Number

28532

Receipt Date

11/16/16

Received From:

solitude builders

Time: 13:20

Clerk: tbennett

Description	Comment	Amount
BOA Application	BOA Application Fee	\$225.00
Payment Type	Quantity	Ref
CHECK		6104

AMT TENDERED: \$225.00

AMT APPLIED: \$225.00

CHANGE: \$0.00