

# 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 09/27/2011 /	Fees (Office Use) \$225.00	Receipt Number (Office Use)	File Number (Office Use) BoA 2011-9
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## Property Owner Contact Information

Name of Property Owner(s) Michael L & Melanie B Jensen for 222930001; Michael L Jensen for 220710001		Mailing Address of Property Owner(s) 4411 West Toledo Court Broken Arrow, OK 74012-6077	
Phone 918.573.3885 (work)	Fax 918.573.1324 (work)		
Email Address mike.jensen@williams.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) see Property Owner		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    x 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 4129 East Nordic Valley Drive & 4089 East Nordic Valley Drive Eden, UT 84310		Land Serial Number(s) 222930001 220710001	
Current Zoning			
<b>Existing Measurements</b>		<b>Required Measurements (Office Use)</b>	
Lot Area 1.04 AC; 1.04 AC	Lot Frontage/Width 300.00'; 146.80'	Lot Size (Office Use)	Lot Frontage/Width (Office Use)
Front Yard Setback unknown	Rear Yard Setback unknown	Front Yard Setback (Office Use)	Rear Yard Setback (Office Use)
Side Yard Setback unknown	Side Yard Setback unknown	Side Yard Setback (Office Use)	Side Yard Setback (Office Use)

## Applicant Narrative

Please explain your request.

On Sept 15, 2011, Inspector Chad M of Weber County Engineering left an Inspection Report at the construction site at 4129 E Nordic Valley Drive indicating that the driveway access as roughed in would not meet county standards; the reason being that we had not provided a sufficient flat space at the roadway access to allow safe snow removal by the county. Chad indicated that the requirement is for 10' of flat (not in excess of a 15% grade) area. The construction site sits on sloping ground and the driveway as roughed in already had a steep grade that was concerning us for issues of safety during winter weather. If we started the slope to the level of the house 10' back from the side of the oiled road, it would make the remainder of the driveway too steep for safe use when there is snow, ice and/or water on it. It would also have made snow blowing on the driveway a dangerous proposition due to a higher potential for slipping and falling.

On reviewing the situation on the ground, we have determined that the best way to satisfy the county's access requirement is to access the road from the adjacent lot (uphill from the construction site). That lot parcel number is 22-071-0001 and its address is 4089 East Nordic Valley Drive. I am the legal owner of that lot as recorded by the county.

Therefore, we propose accessing the street from the frontage of 4089 East Nordic Valley Drive, provide the required flat access area and then run the driveway across the property line to reach the house at 4129 East Nordic Valley Drive. Although it will make the driveway significantly longer (and increase its cost substantially), this new routing for the driveway does provide the benefit of having a more gentle slope than it would have had accessing the road from the construction lot itself. All things considered, this will make the final driveway grade much safer for motor and foot traffic. I have included with this application copies of the referenced Engineering Inspection Report, and the plat of the two properties in question with a hand drawn sketch of how the proposed driveway access would sit on the site.

I pray your consideration and approval of this exception.

Respectfully,

Michael L. Jensen

## 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 proposed variance will have no impact on zoning in the County. The governing ordinances allow one access to the roadway from the frontage of each property. The proposed variance would combine the two lots (both owned by the same party) for a single access point to the roadway. If the upper lot (22-071-0001) is ever sold, it would be with the understanding that the two lots would share the single access point. This would be a permanent easement with a right of ingress and egress held by the lower lot (22-293-0001) encumbering the upper lot.

As mentioned in the "Narrative" above, strict adherence to the ordinance to access the roadway from the construction lot would result in a driveway grade which would be dangerous for motor and foot traffic during winter months and wet periods. Since I am the owner of the two adjoining lots, crossing the property line allows us to fully comply with the county ordinance and provides for a much safer driveway.

## 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.

1. The slope of the construction lot (22-072-0001) and location of the allowed building envelope are such that the driveway would have to be built with an unsafe slope if the access ordinance is fully complied with from the frontage of the construction lot itself. The upper lot (22-293-0001) provides a point more distant from the construction site and thus allows for the 10' flat access area and allows a more gently sloping driveway to the house.
2. The two properties are adjacent and the road frontage continuous between the two lots.
3. As previously mentioned, the slope is quite steep (though still within the limits for a buildable lot). Accessing the roadway from the construction lot makes for a short, steep driveway. Accessing the construction lot from the upper lot allows for a longer more gentle grade to the driveway. This will be much safer for access to the lots and will also provide for the minimum 10' by 30' of flat (not to exceed 15% grade) area required by the county.

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.

Given the location of the approved building area and its distance from the street, we were unable to comply with the county's standards for road access from the construction lot. If this variance request is denied, the construction site will have no way of safely complying with the ordinance.

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

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

The only benefit to me as the property owner is that the proposed driveway will have a gentler slope making it safer to drive and walk on and safer to blow snow from. In reality though, the proposed driveway will be significantly longer than as currently roughed in which will make it significantly more expensive to build and maintain. Thus there is no economic interest in the proposal which is beneficial to me, the property owner and applicant.

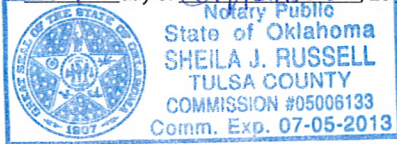
**Property Owner Affidavit**

I (We), Michael L. Jensen, 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.

Michael L. Jensen  
\_\_\_\_\_  
(Property Owner)

\_\_\_\_\_  
(Property Owner)

Subscribed and sworn to me this 27 day of September, 2011



Sheila J. Russell  
\_\_\_\_\_  
(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)

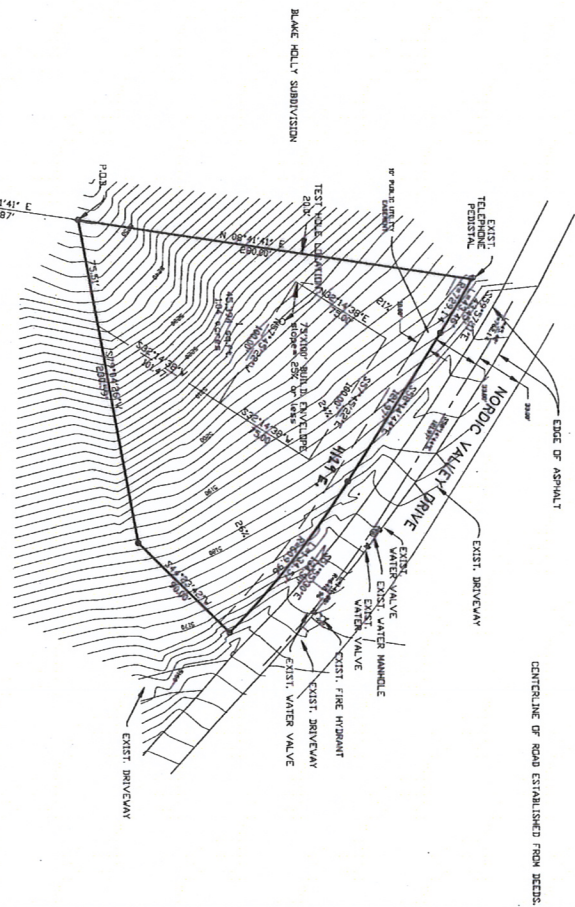


22-293-0001

LS-69

# JENSEN GLADE SUBDIVISION

A PART OF THE S.W. 1/4 OF SEC. 28, T. 7 N., R. 1 E., S.L.B. & M.  
WEBER COUNTY, UTAH  
DECEMBER 2008



SCALE: 1" = 40'  
0" OF THIS SCALE SHALL BE USED FOR ALL DIMENSIONS UNLESS OTHERWISE NOTED

S.W. COR. SEC. 28,  
T. 7N., R. 1E., S.L.B. & M.  
SECTION 28, T. 7N., R. 1E., S.L.B. & M.  
1987 GRID COORD.

S 89°15'44" E  
5 091.544' E

S 89°15'44" E  
3338.75'

S 89°15'44" E  
141.53'

S 1/4 COR. SEC. 28,  
T. 7N., R. 1E., S.L.B. & M.  
SECTION 28, T. 7N., R. 1E., S.L.B. & M.  
1987 GRID COORD.

**NARRATIVE**  
THE PURPOSE OF THIS SURVEY WAS TO LOCATE A LEGAL INTEREST IN THE S.W. 1/4 OF SECTION 28, T. 7N., R. 1E., S.L.B. & M., WEBER COUNTY, UTAH, AND TO DIVIDE THE SAME INTO LOTS FOR THE PURPOSES OF THE SUBDIVISION.

**WEBER-COUNTY HEALTH DEPARTMENT**  
I HEREBY CERTIFY THAT THE ABOVE DESCRIBED SUBDIVISION COMPLETES ALL REQUIREMENTS OF THE HEALTH DEPARTMENT AND THAT THE SUBDIVISION IS IN ACCORDANCE WITH THE HEALTH DEPARTMENT REGULATIONS AND ORDINANCES.

**WEBER COUNTY PLANNING COMMISSION APPROVAL**  
THIS IS TO CERTIFY THAT THE SUBDIVISION COMPLETES ALL REQUIREMENTS OF THE PLANNING COMMISSION AND THAT THE SUBDIVISION IS IN ACCORDANCE WITH THE PLANNING COMMISSION REGULATIONS AND ORDINANCES.

**WEBER COUNTY ENGINEER**  
I HEREBY CERTIFY THAT THE ABOVE DESCRIBED SUBDIVISION COMPLETES ALL REQUIREMENTS OF THE ENGINEER AND THAT THE SUBDIVISION IS IN ACCORDANCE WITH THE ENGINEER REGULATIONS AND ORDINANCES.

**WEBER COUNTY SURVEYOR**  
I HEREBY CERTIFY THAT THE ABOVE DESCRIBED SUBDIVISION COMPLETES ALL REQUIREMENTS OF THE SURVEYOR AND THAT THE SUBDIVISION IS IN ACCORDANCE WITH THE SURVEYOR REGULATIONS AND ORDINANCES.

**WEBER COUNTY ATTORNEY**  
I HEREBY CERTIFY THAT THE ABOVE DESCRIBED SUBDIVISION COMPLETES ALL REQUIREMENTS OF THE ATTORNEY AND THAT THE SUBDIVISION IS IN ACCORDANCE WITH THE ATTORNEY REGULATIONS AND ORDINANCES.

**WEBER COUNTY COMMISSION ACCEPTANCE**  
I HEREBY CERTIFY THAT THE ABOVE DESCRIBED SUBDIVISION COMPLETES ALL REQUIREMENTS OF THE COMMISSION AND THAT THE SUBDIVISION IS IN ACCORDANCE WITH THE COMMISSION REGULATIONS AND ORDINANCES.

RECORD OF SURVEY 004203

**BENCH TABLE**

STATION	COORDINATES	ELEVATION
1	8200.00	8200.00
2	8200.00	8200.00
3	8200.00	8200.00
4	8200.00	8200.00
5	8200.00	8200.00
6	8200.00	8200.00
7	8200.00	8200.00
8	8200.00	8200.00
9	8200.00	8200.00
10	8200.00	8200.00

**BOUNDARY DESCRIPTION**  
PART OF THE SOUTHWEST QUARTER OF SECTION 28, T. 7N., R. 1E., S.L.B. & M., WEBER COUNTY, UTAH, BEING THE S.W. 1/4 OF SECTION 28, T. 7N., R. 1E., S.L.B. & M., WEBER COUNTY, UTAH, AS SHOWN AND DESCRIBED IN THE PLAT OF SECTION 28, T. 7N., R. 1E., S.L.B. & M., WEBER COUNTY, UTAH, DATED AND RECORDED IN PUBLIC RECORDS AT SALT LAKE CITY, UTAH, IN BOOK 141, PAGE 517, OF PUBLIC RECORDS.

**ACKNOWLEDGMENT**  
I, the undersigned, owner of the above described land, do hereby acknowledge that I have read and understand the contents of the above described plat and that I have signed and acknowledged the same before me as a public officer of the State of Utah.

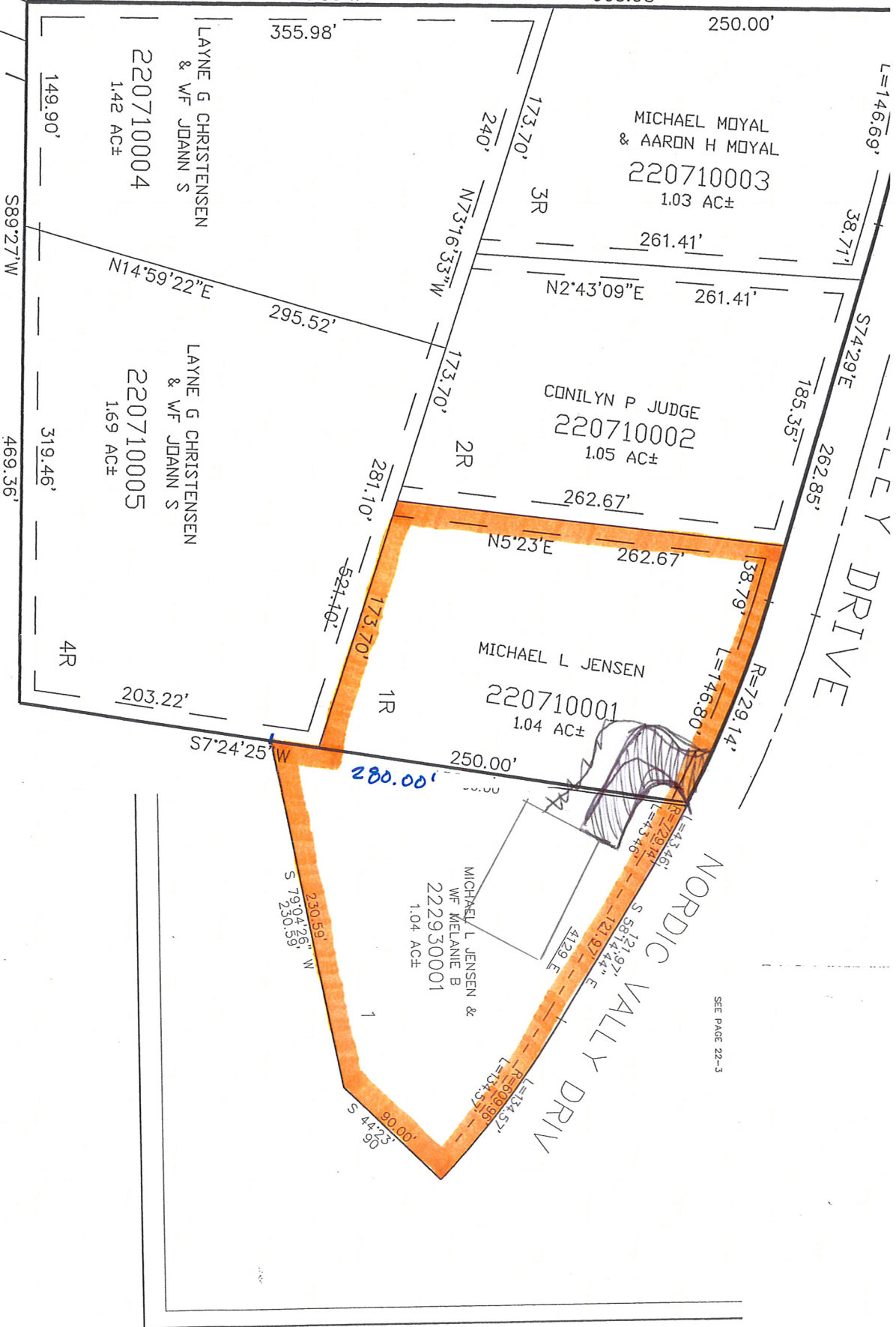
**OWNER'S DECLARATION**  
I, the undersigned, owner of the above described land, do hereby declare that I am the owner of the above described land and that I have signed and acknowledged the above described plat before me as a public officer of the State of Utah.



**LANDMARK SURVEYING INC.**  
444 S. 200 W. 400 WEST WASH. TOWER BLDG.  
PO BOX 400-200 WEST WASH. TOWER BLDG.  
SALT LAKE CITY, UT 84119  
PHONE 801-733-4477 FAX 801-733-8008  
CLIENT: MICHAEL JENSEN  
LOCATION: PART OF S.W. 1/4 OF SEC. 28,  
T. 7N., R. 1E., S.L.B. & M.  
SHOWED: ALBERT BOON  
DRAWN BY: ST  
CHECKED BY: SA  
DATE: 09-29-08  
FILED: 2008 12/29/08  
**WEBER COUNTY RECORDER**  
CHERYL JENSEN TEL: 330.00  
FILED FOR RECORD & RECORDS  
AT 11:35 AM OF 12/29/08  
IN BOOK 141, PAGE 517  
PAGE 517  
RECORDED BY: JENSEN  
FILED: 2008 12/29/08

S19°35'35"W  
781.78'

N0°33'W 605.98'



SEE PAGE 22-3

1,097.51  
.242 51

SEE PAGE 22-3





County  
Engineering

ENGINEERING INSPECTION REPORT

Inspector CHAD M.

Ste. 240  
Phone (801) 399-8374 Fax (801) 399-8862

JOB ADDRESS 4129 E. NORTON VALLEY DR PERMIT NO. #11039  
CONTRACTOR/OWNER MICHAEL JENSEN DATE 9/15/11 APPT. TIME \_\_\_\_\_  
PROJECT NAME LOT 1 JENSEN GRADE SUB. INT. \_\_\_\_\_  
REASON FOR INSPECTION  Called  Routine  Complaint Phone \_\_\_\_\_  
OVERTIME INSPECTION \_\_\_\_\_

ARRIVAL TIME: \_\_\_\_\_ PERSON CONTACTED: \_\_\_\_\_

COMMENTS: \_\_\_\_\_  
WE ARE UNAWARE THAT AN EXCAVATION PERMIT WAS TAKEN OUT FOR THE DRIVEWAY ACCESS.

THIS ACCESS DOES NOT MEET THE COUNTY STANDARDS. THERE NEEDS TO BE AN AREA OF 10FT THAT IS FLAT MIN. FROM THE EDGE OF THE OIL TO WHERE THE DRIVEWAY GOES UP.

WE WOULD LOVE TO WORK WITH YOU AND WORK THE ISSUE OUT.

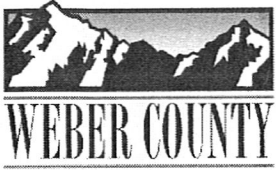
THANK YOU CHAD 801-399-8004

Responsible Agency \_\_\_\_\_ Date Forwarded \_\_\_\_\_

CHAD M.  
INSPECTOR

REPORT LEFT \_\_\_\_\_

- WORK IN COMPLIANCE
- Work in Compliance
  - Prior Violations Corrected
  - Items listed in comments will be reinspected at the next inspection



# Weber County Public Works Department Official Receipt

**Receipt Date** 07-OCT-11

12:59:07 PM

**Description** BOA SPECIAL EXCEPTION APPLICATIO

**From Client** MICHAEL L JENSEN

CHECK 225

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**Total Received:** 225

**Empl Id / Receipt Nbr:** SW - 21267

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Signature

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