

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)
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Property Owner Contact Information

Name of Property Owner(s) Troy Herold		Mailing Address of Property Owner(s) 80 Ogden Canyon Ogden, UT 84401	
Phone (801) 643-2163	Fax		
Email Address troyherold@comcast.net		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) N/A		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: _____
- 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 80 Ogden Canyon	Land Serial Number(s) 13-076-0018 A legal non-conforming lot in Ogden Canyon Roughly measuring 200 feet in length and 90' +/- in depth
Current Zoning FR-1	

Existing Measurements		Required Measurements (Office Use)	
Lot Area 0.5 Acres	Lot Frontage/Width 202 +/-	Lot Size (Office Use)	Lot Frontage/Width (Office Use)
Front Yard Setback 26.5' +/-	Rear Yard Setback N/A	Front Yard Setback (Office Use)	Rear Yard Setback (Office Use)
Side Yard Setback 20' +	Side Yard Setback N/A	Side Yard Setback (Office Use)	Side Yard Setback (Office Use)

Applicant Narrative

Please explain your request.

Please see the attached narrative and answers to the questions noted below:

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.

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:

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

Variance Request (continued...)

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

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

Property Owner Affidavit

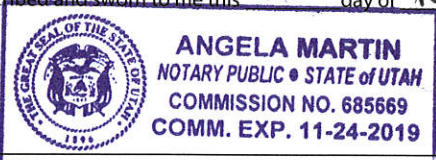
I (We), TROY HEROLD, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

[Signature]

(Property Owner)

(Property Owner)

Subscribed and sworn to me this 5 day of MAY, 2017.



[Signature]

(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)

May 5th, 2017

Weber County Board of Adjustment
County Planning Office

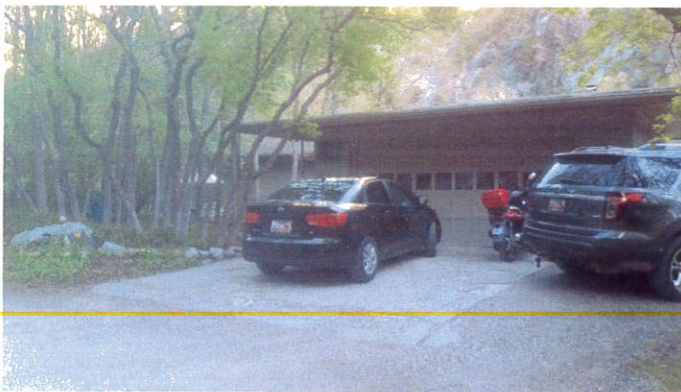
RE: Front Yard Setback Variance Request - Troy Herold – 80 Ogden Canyon

Board Members,

My wife and I recently purchased our 2,000 sf home which was built in 1956. The home has an attached 2 car garage that is built on a suspended concrete slab over a portion of the basement. The existing garage is fairly small (barely would fit 2 cars) and due to some settlement and cracking is not really safe to use as a car garage anymore. There are numerous cracks in the suspended slab and water (from a wet car for example) does not drain out of the garage and instead puddles up where it then leaks into the basement area.

We would like to build a detached garage. The proposed garage is not excessively large for the area nor for the county. We are proposing a 2.5 car (25' deep x 30' wide) garage that would accommodate 2 cars and a space for tools/workshop. We very much want the garage to 'tie-in' architecturally to the house and location. We are proposing to locate the garage to be 'even' with the front of the existing attached garage and as such will need a variance to the front setback of approximately 4'.

Locating the garage even with the existing home also significantly helps grading and foundation issues due to the rear half of the parcel 'dropping off' toward the river (noted on the site plan as 'ridge line' – please see pictures below). Which is one of the reasons we are looking at a wider garage vs deeper. This also helps with the site layout as it will allow us to develop a circular drive for access and will insure that we do not have issues with access and maintenance of the current septic system, which is located between the proposed garage and river.



Front of Existing Home



Site of Proposed Garage

Numerous pictures follow in the response to the questions, which show existing detached garages in the neighborhood as well as the slope on the back half of the property.

***Application Questions**

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.

Accessory Structures (detached garages) are a permitted use in the FR-1 Zone and are common to almost every home in the 'Fairmont' Development of the canyon, as can be seen in the below Google Earth Images. (Orange Star indicates our proposed garage and home.)



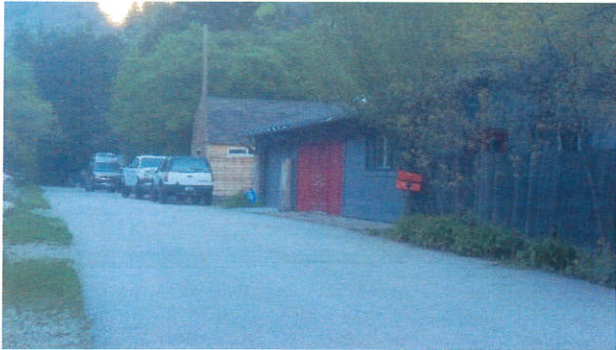
Circumstances peculiar to our property and the Fairmont Development include a slope drop-off at the rear of the proposed garage location as well as the other existing homes and property development. Most homes in the area have detached garages on their property and most are significantly closer (if not right on) the front property line to our access road. Forcing our garage to meet a 30' setback while majority of our neighbors have existing garages that are right on the ROW or less than 15' setback is an unreasonable hardship to be place on our property. (Garage pictures from the neighborhood)



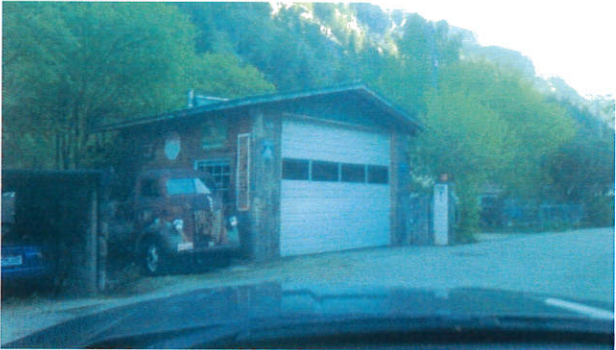
Garage #1



Garage #2



Garage #3



Garage #4



Garage #5

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.

As mentioned above, the majority of the homes in this area of the canyon have detached garages that are significantly closer to the right-of-way than what we are proposing. Enforcement of a 30' front yard setback for accessory buildings in this location is out of character with the neighborhood and similar properties. As also mentioned, the property is encumbered by the slope that exists at the rear of the proposed garage location (see pictures below)



Yellow arrow indicates proposed rear corner of garage



Rear Slope

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

I believe this is the case. A typical home in the FR-1 Zone would be allowed to have a reasonably sized accessory garage on their lot. We are not asking for something that would be out of the ordinary.

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

I do not believe that this variance request would affect the County General Plan or public interest, and the variance is essential for our enjoyment of our property and the ability to safely park vehicles on the property.

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

I believe this situation is a textbook example of why variances are allowed in the ordinance. This variance will allow us to have a detached garage (similar to the majority of our neighbors) that will 'fit' our neighborhood and tie-in with the existing setbacks of our home. We are not asking to put the garage right on the road (similar to several of our neighbors). We are asking that it be in-line with our existing home and I believe it will fit the spirit of the ordinance and current Ogden Valley Master Plan.

If you have any questions, etc. please feel free to contact me.

Thanks,



Troy Herold, PLA
80 Ogden Canyon
Ogden, UT 84401
(801) 643-2163
troyherold@comcast.net



Weber County Corporation

Weber County
2380 Washington Blvd
Ogden UT 84401

Customer Receipt	
Receipt Number	43423

Receipt Date
05/05/17

Received From:
TROY HEROLD

Time: 13:57
Clerk: amartin

Description	Comment	Amount
ZONING FEES	BOA	\$225.00

Payment Type	Quantity	Ref	Amount
CHECK		841	

AMT TENDERED: \$225.00
AMT APPLIED: \$225.00
CHANGE: \$0.00