

# 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 <i>Dec 5, 2011</i>	Fees (Office Use) <i>\$225.00</i>	Receipt Number (Office Use)	File Number (Office Use)
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## Property Owner Contact Information

Name of Property Owner(s) Richard Ralph Jones		Mailing Address of Property Owner(s) 258e 500n Washington, Ut. 84780	
Phone 435-862-9114	Fax		
Email Address richardrjones@hotmail.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) Garet Jones		Mailing Address of Authorized Person 4904e 2775n Eden, Ut. 84310	
Phone 801-814-6261	Fax		
Email Address garet_jones@yahoo.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 4184n 3800e Liberty, Ut. 84310		Land Serial Number(s) 22-010-0001	
Current Zoning AV3			
<b>Existing Measurements</b>		<b>Required Measurements (Office Use)</b>	
Lot Area 6.15 acre	Lot Frontage/Width	Lot Size (Office Use)	Lot Frontage/Width (Office Use)
Front Yard Setback	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.

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.

**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.

**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.

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.

Variance Request (continued...)

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

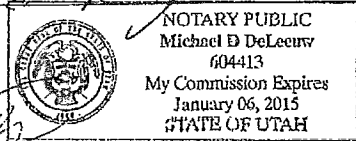
Property Owner Affidavit

I (We), Richard R Jones, 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 5<sup>th</sup> day of DECEMBER, 20 11



(Notary)

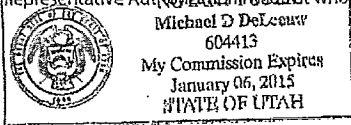
Authorized Representative Affidavit

I (We), Richard R Jones, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), Gabe Jones, Jason Weber, 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 5<sup>th</sup> day of DECEMBER, 20 11, personally appeared before me Richard R. Jones, the signer(s) of the Representative Authority Affidavit who duly acknowledged to me that they executed the same.



(Notary)

## EXHIBIT "A"

The property owners of the above-referenced parcel hereby appeal and request review by the Weber County Board of Adjustments of the Weber County Planning Division's revocation of Land Use Permit #64-2011 (the "Permit") effective as of December 6, 2011. The property owners believe and assert that the revocation of the Permit is improper, illegal, arbitrary and capricious for many reasons, including, but not limited to, the following:

(1) The revocation, and reasons given for the revocation in the correspondence of Mr. Scott Mendoza, dated November 21, 2011, are contrary to the position and reasoning adopted and asserted by the Weber County Planning Division in its Staff Report to the Weber County Board of Adjustments dated August 25, 2011 (the "Staff Report"). A copy of the Staff Report is attached hereto as Exhibit "B" and is incorporated herein by this reference;

(2) The reasoning set forth in the Staff Report is a correct application and interpretation of the Weber County Code and should be controlling;

(3) The subject property is in the AV-3 Zone;

(4) The Weber County Code designates "agriculture" as the preferred use for the AV-3 Zone;

(5) The Weber County Code Section 5B-1A states that "all agricultural operations shall be allowed at any time" (emphasis added) within the AV-3 Zone and that where the agricultural operations conflict with other uses in the zone, the agricultural activities shall not be restricted.

(6) Section 1-6 of the Weber County Code defines the term "agriculture" to include the "use of land for primarily farming and related purposes such as pastures, farms, dairies, horticulture, animal husbandry, and crop production..." (emphasis added) This definition of "agriculture" is quite broad and leaves significant room for interpretation. Under Utah law, land use ordinances are to be interpreted broadly to permit land uses.

(7) Section 5B-3 of the Weber County Code also allows for the use of property in the AV-3 Zone as a livestock feed yard, livestock sales or slaughter house. The use of processing, cutting and packaging meat on the subject property is very comparable to the use of the property as a slaughter house (with less of an impact on surrounding landowners).

(8) The elk being raised on the subject property (and on other parcels owned by the property owners elsewhere in the Ogden Valley) are "domesticated elk" as that term is defined in Utah Code 4-39-102. Those domesticated elk are the elk that are being cut and packaged in the meat cutting facility on the subject property.

(9) Wild elk and other wild game will not be processed, cut or packaged on the subject property.

(10) The combination of Weber County Code Sections 5B-1A, 1-6 and 5B-3 provide ample support for the interpretation that ancillary meat cutting is a permitted agricultural activity within the AV-3 Zone.

The property owners and their legal counsel hereby respectfully request and reserve the right to submit a supplementary materials including pictures, written argument and other relevant items prior to the hearing to be held on this appeal.

Based on the foregoing and based on other submissions subsequent hereto, the subject property owners hereby request that the revocation of the Permit be reversed and that the Permit either be reissued or issued anew immediately.