

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 May 24, 2017	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) Joseph and Robin Donovan		Mailing Address of Property Owner(s) <i>15724 Leavenworth St. Omaha, NE 68118</i>	
Phone <i>402-968-8062</i>	Fax <i>402-330-6273</i>		
Email Address alta1@centurylink.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) Ray Bertoldi		Mailing Address of Authorized Person 2726 Harrison Blvd. Ogden, Utah 84403	
Phone 801-476-4330	Fax		
Email Address rbertoldi@bertoldiarchitects.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: _____
- 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 3922 North Zermatt St Eden, Utah 84310		Land Serial Number(s) 222190011	
Current Zoning RE-15			
Existing Measurements		Required Measurements (Office Use)	
Lot Area 17,734 SF	Lot Frontage/Width 114.05	Lot Size (Office Use)	Lot Frontage/Width (Office Use)
Front Yard Setback 30 Feet	Rear Yard Setback 30 Feet	Front Yard Setback (Office Use)	Rear Yard Setback (Office Use)
Side Yard Setback 12 Feet	Side Yard Setback 12 Feet	Side Yard Setback (Office Use)	Side Yard Setback (Office Use)

Applicant Narrative

Please explain your request.

We would like to request a variance to reduce the front setback for the property from 30 feet to 15 feet. The intent on this reduction is to minimize site disturbance and the also the massing of the downhill elevation of the home in terms of basement height. We would like to disturb as little of the existing hillside as possible from a not only a visual perspective but practical. As you can see on the topographic survey, there is significant grade drop off from the street, about 10 feet for 15 feet in horizontal distance. If we keep with the existing setback, the structure will begin at about 10 foot vertical difference from the street assuming the driveway is somewhat flat coming into the home, something the owners would like to do rather than a driveway sloping down to the garage on the north side of the building. Aside from the benefits provided to the Owner we believe it would also benefit the adjacent neighbors by protecting view corridors to the east and west as the structure would not be pushed further to the south. We also feel this can provide a smaller floor to floor dimension on the downhill side and less retaining walls on the down hill slope of the same.

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. *significant cost increases for high retaining walls. Foundation walls & structural fill due to significant grade change at the road cut.*
- 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. *Very steep grades at road cut.*
- 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.

Hardship is not self-imposed, the grades adjacent to the road & fill are pre-existing

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.

Requirement slope, sewer may require lift station for basement.
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:

Adjacent property to west is on a corner & does not have same grade profile.

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

The reduced setback will actually provide a better view corridor to the east & west views of adjacent properties. The reduction of additional rock retaining walls on the downhill side will leave unobstructed & provide a better visual from the entire neighborhood.

The downhill facade of the building will be reduced since the basement will not have to have a tall floor to floor height to reach grade without significant retaining walls and or structural fill.

Variance Request (continued...)

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

Variance should allow design solutions that benefit the public interest per other sections described here.

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

The spirit of the land use ordinance is observed & justice done by benefits outlined to the neighborhood described herein.

Property Owner Affidavit

I (We), Joseph R. Donovan and Robin L. Donovan, 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.

Joseph R. Donovan
(Property Owner)

Robin L. Donovan
(Property Owner)

Subscribed and sworn to me this 24th day of May, 20 17.

State of Nebraska - General Notary
STEPHANIE MESICK
My Commission Expires
June 21, 2019

Stephanie Mesick
(Notary)

Authorized Representative Affidavit

I (We), Joseph R. Donovan and Robin L. Donovan, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), Ray Bertoldi, 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.

Joseph R. Donovan
(Property Owner)

Robin L. Donovan
(Property Owner)

Dated this 24th day of May, 20 17, personally appeared before me Joseph R. Donovan and Robin L. Donovan the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

State of Nebraska - General Notary
STEPHANIE MESICK
My Commission Expires
June 21, 2019

Stephanie Mesick
(Notary)



Weber County Corporation

Weber County
2380 Washington Blvd
Ogden UT 84401

Customer Receipt	
Receipt Number	45178

Receipt Date
05/25/17

Received From:
BERTOLDI

Time: 12:03
Clerk: amartin

Description	Comment	Amount
ZONING FEES	BOA	\$225.00

Payment Type	Quantity	Ref	Amount
CHECK		13104	

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