



Staff Report to the Weber County Board of Adjustment

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a variance request for a carport to encroach up to 8 feet into the required 30 foot front yard setback on property located at 601 Ogden Canyon.

Agenda Date: Thursday, October 18, 2012

Applicant: Thair Blackburn and Joseph Del Beato

File Number: BOA 2012-01

Property Information

Approximate Address: 601 Ogden Canyon

Project Area: 1.85 Acres

Zoning: Forest Residential Zone (FR-1)

Existing Land Use: Residential

Proposed Land Use: Residential with a new carport

Parcel ID: 20-020-0004

Township, Range, Section: T6N, R1E, Section 17

Adjacent Land Use

North: Residential	South: Residential
East: Residential	West: Residential

Staff Information

Report Presenter: Sean Wilkinson
swilkinson@co.weber.ut.us
801-399-8765

Report Reviewer: JG

Applicable Ordinances

- Weber County Zoning Ordinance Chapter 12 (FR-1 Zone)
- Weber County Zoning Ordinance Chapter 29 (Board of Adjustment)

Background

The applicant is requesting a variance to allow a carport to encroach up to 8 feet into the required 30 foot front yard setback on property located at 601 Ogden Canyon. The dwelling on this property was built in 1924 and a rock entry feature was built in 2010. The applicant recently submitted building plans for an 840 square foot carport attached to the existing entry feature, but a recent survey showed that neither of the structures met the 30 foot front yard setback. The property has a total area of 1.85 acres, but it is broken up into three pieces due to the location of the Ogden River. The dwelling is on an island that requires a bridge from the front piece of property. The carport is located on the front piece across the river from the existing dwelling on property that is constrained by the Ogden River on the south and Highway 39 on the north. These physical boundaries limit what can be built on the property. Due to this condition, the proposed carport location cannot meet the 30 foot front yard setback required by the FR-1 Zone. Therefore, the applicant has requested this variance in order to obtain permits to build the carport.

Summary of Board of Adjustment Considerations

Chapter 29 of the Weber County Zoning Ordinance 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 Zoning Ordinance. In order for a variance to be granted it must be shown that the following criteria have been met:

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.
2. There are special circumstances attached to the property that do not generally apply to other properties in the same zone.
 - a. 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.
 3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.
 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.

The applicant has submitted a narrative addressing the above criteria, which is attached as Exhibit A. Staff's analysis and findings are discussed below.

1. Based on the physical attributes and constraints of this property described above, it is unnecessary to strictly enforce the 30 foot front yard setback requirement. Literal enforcement of this requirement would place an unreasonable hardship on the applicant by not allowing a carport to be built. While other properties in Ogden Canyon have hardships associated with the Ogden River, this property is unique because it is physically separated by the river in two locations. This is not a self-imposed or economic hardship because the hardship is created by the physical attributes of the property.
2. The special circumstances attached to this property are the unique physical property boundary conditions associated with the Ogden River and Highway 39. The variance will not allow for a structure that is larger than what is required for adequate parking. Rather, the proposed carport is 20 feet long, which is the minimum length for a parking space allowed by the Zoning Ordinance. Without a variance, the carport would not meet the required parking standards.
3. The unique physical property boundary conditions would deprive the applicant of the ability to build a carport if the setback requirements are strictly enforced. Detached accessory buildings are allowed in the FR-1 Zone, other properties in this area have carports or detached garages because the river does not affect them in the same way, and the applicant will be denied a right to build that others possess. The requested variance will restore the right to build that is being affected.
4. If the variance is approved, parking will be in a structure located as far from the road as possible, while still meeting the County's parking standards, which creates a safer situation for the property owner and traffic on Highway 39. The property will remain almost the same except for the carport. Trees will remain as a buffer for adjacent properties.
5. This variance request is not an attempt to avoid or circumvent the requirements of the Zoning Ordinance. Approval of the variance allows the applicant to build a carport that improves safety, meets the County's parking standards and other yard setback requirements, and provides relief from the physical hardships associated with the property.

Conformance to the General Plan

Detached accessory buildings are allowed as a permitted use in the FR-1 Zone. If the requested variance is granted, it will not affect the goals and policies of the Ogden Valley General Plan.

Conditions of Approval

- Meeting the requirements of applicable County review agencies.
- Obtaining a land use permit and a building permit prior to construction.

Staff Recommendation

Staff recommends approval of the variance request for a carport to encroach up to 8 feet into the required 30 foot front yard setback, based on its compliance with the applicable variance criteria discussed in this staff report.

Exhibits

- A. Applicant's Narrative
- B. Site Plan

Map

