

# 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)	Receipt Number (Office Use)	File Number (Office Use)
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### Property Owner Contact Information

Name of Property Owner(s) <b>BRYAN &amp; JENNIFER WHETTON</b>		Mailing Address of Property Owner(s) <b>5989 N. 2250 E. LIBERTY UT 84310</b>	
Phone <b>801-710-6276</b>	Fax —		
Email Address <b>BRYANWHEEAT99@GMAIL.COM</b>		Preferred Method of Written Correspondence <input 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) <b>BRYAN KEITH - ENVISION HOMES</b>		Mailing Address of Authorized Person <b>P.O. BOX 1114 EDEN UT 84310</b>	
Phone <b>801-390-3909</b>	Fax		
Email Address <b>ENVISIONHOMES@HOTMAIL.COM</b>		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: **STREAM CORRIDOR SETBACK**
- 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 <b>2463 E. 5950 NO. LIBERTY UT 84310</b>		Land Serial Number(s) <b>PANEL # 22-003-0008</b>	
Current Zoning <b>FV-3</b>			
<b>Existing Measurements</b>		<b>Required Measurements (Office Use)</b>	
Lot Area	Lot Frontage/Width	Lot Size (Office Use)	Lot Frontage/Width (Office Use)
Front Yard Setback	Rear Yard Setback <b>SEE SITE PLAN</b>	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.

THE WHITTONS WOULD LIKE TO BUILD A HOUSE ON THIS PARCEL & ARE REQUESTING A VARIANCE FROM THE REQUIRED SET BACK OF 100' FROM THE HIGH WATER MARK OF THE RIVER. THE WHITTONS RECEIVED A "NOTICE OF BUILDABLE PARCEL" DATED 5/4/2018. THE WHITTONS ARE PURSUING PURCHASING AN ADJACENT LOT/PARCEL OWNED BY LIBERTY WATER TO TRY AND COMPLY TO THE SET BACK AS COMPLETELY AS POSSIBLE. THE ATTACHED SITE PLAN SHOWS THE HOUSE LOCATED AS FAR AWAY FROM THE RIVER AS POSSIBLE & ON THE ADJACENT PROPERTY THEY ARE PURCHASING. AT ITS CLOSEST THE HOUSE WOULD BE 52' TO THE HIGH WATER MARK. BY LOOKING AT THE SITE PLAN YOU CAN ALSO SEE THAT IT WOULD BE IMPOSSIBLE TO MEET THE 100' SET BACK, FOR ANY SIZE HOUSE. IT SEEMS REASONABLE AND JUST TO ALLOW A VARIANCE IN THIS SITUATION IN ORDER TO ALLOW THE WHITTONS THE SAME LEVEL OF USAGE OF THEIR LOT AS THEIR NEIGHBORS.

THINGS TO CONSIDER -

1. LOTS UNIQUE SHAPE LIMITS BUILDABLE SPACE
2. LOT HAS BEEN IN EXISTANCE SINCE 1906. PER NOBP
3. THE LOT SITS SUBSTANTIALLY HIGHER THAN RIVER (Foundation elevation closest to river is 7 feet above the high water mark)
4. WOULD NOT SIT IN THE FLOOD ZONE
5. RIVER DOES NOT RUN YEAR ROUND

## 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.

NOT BUILDABLE -

NO LOCATION ON THE LOT CAN MEET THE 100' REQUIREMENT

**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:

RIVER —

THE RIVER SET BACK WOULD PREVENT USAGE OF THE LOT.

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

THE VARIANCE IS ESSENTIAL TO ALLOW THE HOMEOWNER TO BUILD ON THE LOT THAT IS DETERMINED BY THE COUNTY "BUILDABLE".

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

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

LOT EXISTS & WILL NOT EFFECT GENERAL PLAN

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

BECAUSE OF THE UNIQUE SHAPE OF THE LOT & THE RIVER SET BACK, A VARIANCE SHOULD BE GRANTED. THIS LOT IS A GOOD EXAMPLE OF THE NEED FOR THE "VARIANCE" PROCESS,

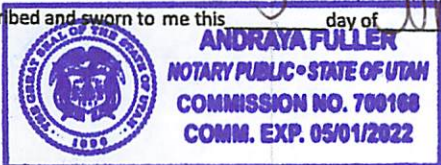
**Property Owner Affidavit**

I (We), Brent and Jennifer Whetton, 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.

Brent Whetton  
(Property Owner)

Jennifer A Whetton  
(Property Owner)

Subscribed and sworn to me this 5 day of June, 2019



Andraya Fuller  
(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)



**Weber County Corporation**

Weber County  
2380 Washington Blvd  
Ogden UT 84401

Customer Receipt	
Receipt Number	108993

Receipt Date
06/06/19

Received From:  
Brent Whetton

Time: 08:51  
Clerk: amorby

Description	Comment	Amount
ZONING FEES	Variance application	\$540.00

Payment Type	Quantity	Ref	Amount
CHECK		4649	

AMT TENDERED:	\$540.00
AMT APPLIED:	\$540.00
CHANGE:	\$0.00



**Weber County Corporation**

Weber County  
2380 Washington Blvd  
Ogden UT 84401

Customer Receipt	
Receipt Number	108992

Receipt Date
06/06/19

Received From:  
Brent Whetton

Time: 08:49  
Clerk: amorby

Description	Comment	Amount
ZONING FEES	Variance application	\$60.00

Payment Type	Quantity	Ref	Amount
CHECK		4649	

AMT TENDERED: \$60.00  
 AMT APPLIED: \$60.00  
 CHANGE: \$0.00