

# 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 <b>1/31/2020</b>	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>Michael H Roundy</b>		Mailing Address of Property Owner(s) <b>P.O. Box 563 Eden, UT 84310</b>	
Phone <b>801-888-4417</b>	Fax <b>none</b>	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Email Address <b>bplevi@relia.net</b>			

## Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s)		Mailing Address of Authorized Person	
Phone	Fax	Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Email Address			

## Appeal Request

- A variance request:
- \_\_\_ Lot area    \_\_\_ Yard setback    \_\_\_ Frontage width    Other: Reduction in ephemeral easement consideration
- 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>595 North 5150 East Eden, UT</b>		Land Serial Number(s) <b>200460006 200460005</b>	
Current Zoning <b>FV-5</b>			
Existing Measurements		Required Measurements (Office Use)	
Lot Area <b>1.37 Acre</b>	Lot Frontage/Width <b>218'</b>	Lot Size (Office Use)	Lot Frontage/Width (Office Use)
Front Yard Setback <b>167'</b>	Rear Yard Setback <b>84'</b>	Front Yard Setback (Office Use)	Rear Yard Setback (Office Use)
Side Yard Setback <b>99'</b>	Side Yard Setback <b>46'</b>	Side Yard Setback (Office Use)	Side Yard Setback (Office Use)

## Applicant Narrative

Please explain your request.

Word doc. attached separately

## 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.

The unreasonable hardship is inherent to the ephemeral drainage itself to which an excessive easement has been attached. A previous Zoning Ordinance was adequate to enjoy better use of the property..

**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:

A swale or small ravine cuts the property in half with accompanying ephemeral drainage easement. Other properties in the same zone are not so encumbered.

A swale or small ravine cuts the property in half with its accompanying ephemeral drainage easement. Other properties in the same zone are not generally so encumbered.

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

A variance would improve somewhat the same property right possessed by others 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.

A variance will not effect the general plan. Other secondary structures exist in the zone with no public interest affected.

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

A variance would allow slightly better land use.

**Property Owner Affidavit**

I (We), Michael H. Roundy, 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

\_\_\_\_\_  
(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)