

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>6/8/2020</i>	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
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Property Owner Contact Information

Name of Property Owner(s) Larkin Revocable Trust, LaRea Larkin, trustee		Mailing Address of Property Owner(s) PO Box 962 Eden, UT 84310	
Phone 801-245-3260	Fax		
Email Address mtnphotoeden@gmail.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) David Anhder		Mailing Address of Authorized Person 2232 N. 525 E. North Ogden, UT 84414	
Phone 801-243-1453	Fax		
Email Address david@davidanhder.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: Drainage easement / 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 840 N Yacht Club Drive Eden, UT 84310	Land Serial Number(s) 200580003
Current Zoning FV-3	

Existing Measurements		Required Measurements (Office Use)	
Lot Area 1.57 AC	Lot Frontage/Width 201.60 feet	Lot Size (Office Use)	Lot Frontage/Width (Office Use)
Front Yard Setback 30 feet	Rear Yard Setback 20 feet	Front Yard Setback (Office Use)	Rear Yard Setback (Office Use)
Side Yard Setback 20 feet	Side Yard Setback 20 feet	Side Yard Setback (Office Use)	Side Yard Setback (Office Use)

Applicant Narrative

Please explain your request.

This request is to ask for a 30 foot variance to the 50 foot setback from the high water mark of the seasonal stream on the Northern portion of the lot.

Thus the requested setback would be 20'(feet) from each side of the stream instead of 50 feet. The easement will not change.

See Attachment A

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.

See Attachment A

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.

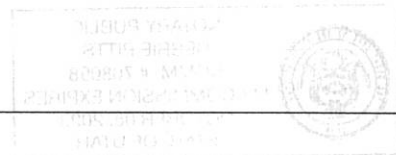
a. In determining whether there are special circumstances attached to the property, the appeal authority may find that special circumstances exist only if the special circumstances relate to the hardship complained of, and deprive the property of privileges granted to other properties in the same zone.

Please describe the special circumstances attached to the property that do not generally apply to the other properties in the same zone:

See Attachment A

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

See Attachment A



Variance Request (continued...)

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

See Attachment A

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

See Attachment A

Property Owner Affidavit

I (We), Larac Larkin, 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.

Larac Larkin
(Property Owner)

(Property Owner)

Subscribed and sworn to me this 8 day of June, 2020.



Debbie Pitts
(Notary)

Authorized Representative Affidavit

I (We), Larac Larkin, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), David Anderson, 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.

Larac Larkin
(Property Owner)

(Property Owner)

Dated this 8 day of June, 2020, personally appeared before me _____, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.



Debbie Pitts
(Notary)

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Weber County Board of Adjustment Application

Applicant Narrative

Radford Hill NO 2B plat map (dated May 1994) shows a drainage easement, +/- 10 on each side of the drain, from the West to East borders of the lot commencing 70 feet South from the NW corner. The new code ^{setback} requires the distance from the drain to be +/- 50 feet. This request is to keep the drainage easement requirement as the subdivision was originally platted and approved, with a +/-10 foot easement, *and only change the setback.*

Variance Request

1. Enforcement of the new, 50 foot requirement would leave only 61 feet of buildable width within 60 feet of the frontage of the lot. This would severely limit the construction of a home similar to ones in the subdivision and make this building lot much less practical.
2. The drainage easement is located only on lots 21 and 28 (this lot borders on the East side). The easement is the result of a drainage culvert under N. Yacht Club Drive that empties onto lot 21, 70 feet from the NW corner of that lot. It flows down (East) through lot 28 before it eventually empties into Pineview reservoir.
3. The new +/-50 foot easement would severely reduce the buildable width of the lot compared to the other lot in the area. The only other lot (28) with this drainage easement is wider and already has a home on it.
4. The variance will not affect the general plan of the area as the request is to keep the easement as originally platted and approved.
5. It is assumed that the spirit of the change in easement width was to protect the drainage runoff from impacts due to building close to it. This spirit will be maintained as the drainage easement will be maintained as it was originally established. It is the intent of the owner(s) to maintain as much distance from the drainage as possible.

*Seasonal stream - setback 50'
easement 10'*

