



Staff Report to the Weber County Board of Adjustment

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request for a 20' variance to the front yard setback to facilitate the construction of a single-family residence at 6706 E 6675 N, Eden.

Agenda Date: Thursday, March 18, 2021

Applicant: James DePiano, Owner

File Number: BOA2021-02

Property Information

Approximate Address: 6706 E 6675 N, Eden (Powder Mountain West)

Project Area: .22 acres

Zoning: Forest Residential (FR-3)

Existing Land Use: Vacant

Proposed Land Use: Residential

Parcel ID: 22-110-0011

Township, Range, Section: T8N, R1E, Section 36, SE 1/4

Adjacent Land Use

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

Staff Information

Report Presenter: Scott Perkes
 sperkes@co.weber.ut.us
 801-399-8772

Report Reviewer: SB

Applicable Codes

- Title 102 (Administration) Chapter 3 (Board of Adjustment)
- Title 104 (Zones) Chapter 17 (Forest Residential Zone FR-3)

Background

The applicant is requesting a 20-foot variance to the minimum front yard setback required in the FR-3 Zone (25 feet) leaving a 5-foot setback from the front lot line. The applicant feels that a variance is necessary to build their desired home. The applicant cites peculiar circumstances that constrain the lot's buildable area and reduces their ability to build a reasonable home that would match development within the neighborhood (see **Exhibit A**).

Planning staff has provided two site plan exhibits to help visualize applicable setbacks and peculiar encumbrances to the property. **Exhibit C** depicts the minimum zoning setbacks along with the applicable encumbrances. **Exhibit D** depicts the site should a 20-foot variance be granted in relation to the proposed single-family residence footprint.

Summary of Board of Adjustment Considerations

LUC §102-3 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 Land Use Code. For a variance to be granted it must be shown that all of the following criteria have been met:

- a. *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 Land Use Code.*
 1. *In determining whether or not literal enforcement of the land-use code 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.*
 2. *In determining whether or not literal enforcement of the land-use code would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.*

- b. *There are special circumstances attached to the property that do not generally apply to other properties in the same zone.*
 - 1. *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 relating to the hardship complained of, and deprive the property of privileges granted to other properties in the same zone.*
- c. *Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.*
- d. *The variance will not substantially affect the general plan and will not be contrary to the public interest.*
- e. *The spirit of the land use ordinance is observed and substantial justice is done.*

Staff Analysis

The list below are points taken from the applicant's narrative as compared to the above listed point of BOA consideration (see **Exhibit A** for the full narrative):

- a. The applicant's narrative states that literal enforcement of the setbacks substantially reduces the buildable area and makes it unreasonable to build a home similar to other homes in the Powder Mountain/Summit area.
- b. The applicant states that the special circumstances that exist are the size of the lot, slope of the lot (see **Exhibit B**), and the encroachment of Slow Poke Trail along the rear third of the property. All of which restricts the buildable footprint.
- c. The applicant's narrative indicates that granting a variance is needed in order to enjoy a substantial property right that is possessed by other properties in the area.
- d. The General Plan indicates that this area should be developed as is planned and zoned. The applicant states that a variance to the setback will not adversely affect the neighbors and will not crowd the existing Aspen Road.
- e. The applicant has taken the appropriate measures to submit for a variance request and is looking to preserve the existing ski easement along the rear of their property while still requesting that substantial justice be considered by allowing their home to be built closer to the front property line.

As depicted in **Exhibit XX**, the existing zoning setbacks coupled with the site's unique encumbrance (Slow Poke trail and steep slope), have created a reduced buildable area for this parcel of approximately 2,880 square feet. The footprint of the applicant's proposed dwelling is approximately 1,900 square feet.

Conformance to the General Plan

Single-family dwellings are allowed as a permitted use in the FR-3 zone. If the requested variance is granted, it will not have a negative impact on the goals and policies of the Ogden Valley General Plan.

Staff Recommendation

Staff recommends the Board of Adjustment review staff's analysis and compare the applicant's request against the five points of consideration listed in LUC §102-3-4(b)(2) (presented above). If the Board finds that the applicant's request meets the criteria, a 20-foot variance to the front yard setback could be granted.

Exhibits

- A. Applicant-written variance request
- B. Lot Topography Map
- C. Site plan showing FR-3 zone setbacks
- D. Site plan showing a 20' variance to the front-yard setback
- E. 2021 Recorder's plat
- F. Property Location Aerial Photo
- G. Proposed Building Plans

Area Map



Exhibit A: Applicant Narrative

We want to build a single family home on our lot at Powder Mountain. However, there are circumstances making this difficult to do without a variance from the county. We are requesting a variance due to the following circumstances:

- The lot itself is very steep and very small; measuring only .21 acres / 9505 sq. ft.
- Powder Mountain Ski Resort has an easement through our property for a ski trail (Slow Poke). This reduces our buildable area by about 1/3, forces us to build on the south side of Slow Poke and significantly limits the type of structure we can build within the current setback requirements.
- Slow Poke is constructed outside of the designated easement, encroaching on the south side of our lot. Without the mountain making changes to the way the trail is constructed, our buildable area is reduced even further.
- Aspen Road is constructed to the north of the original design easement, putting the road further from our property line and consequently, increasing the actual physical setback from our lot and buildable area.

We are requesting a five foot variance from our property line; the same variance that has been granted to some of the homes up at Summit Mountain. With a five foot variance, our home will still be approximately 15+ feet from the road due to Aspen Drive running north of the original design plans.

We have included our site and building plans and two topography maps. Both topography maps show Slow Poke and Aspen Drive as currently constructed versus where the road and trail should be as well as our property line and the requested five foot setback. We've also provided a photo overlooking the majority of our association with our lot indicated with a red box for visual reference.

We appreciate your consideration.

Jimmy DePiano

Exhibit B: Site Topography Map

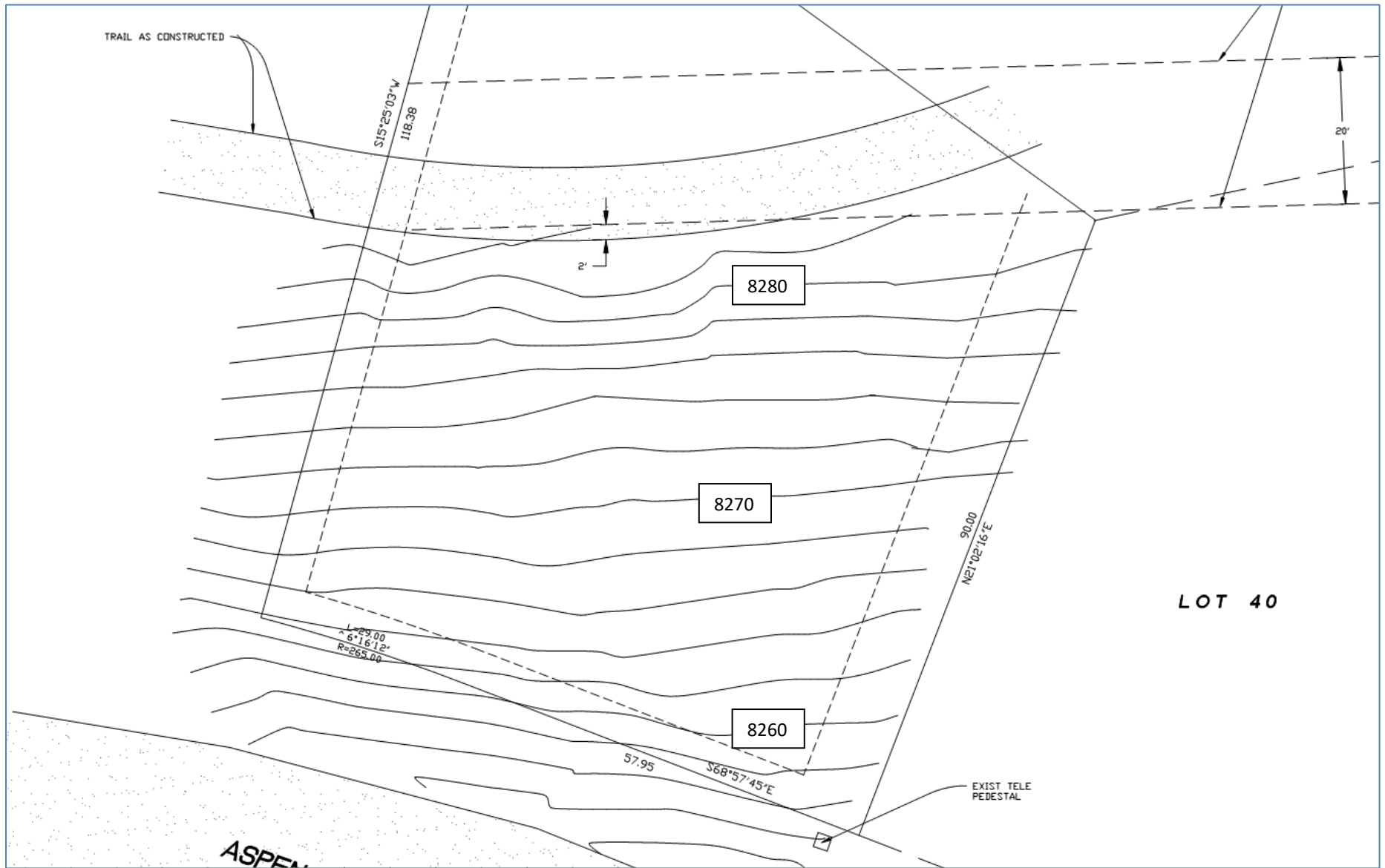


Exhibit C: Existing Setbacks and Encumbrances

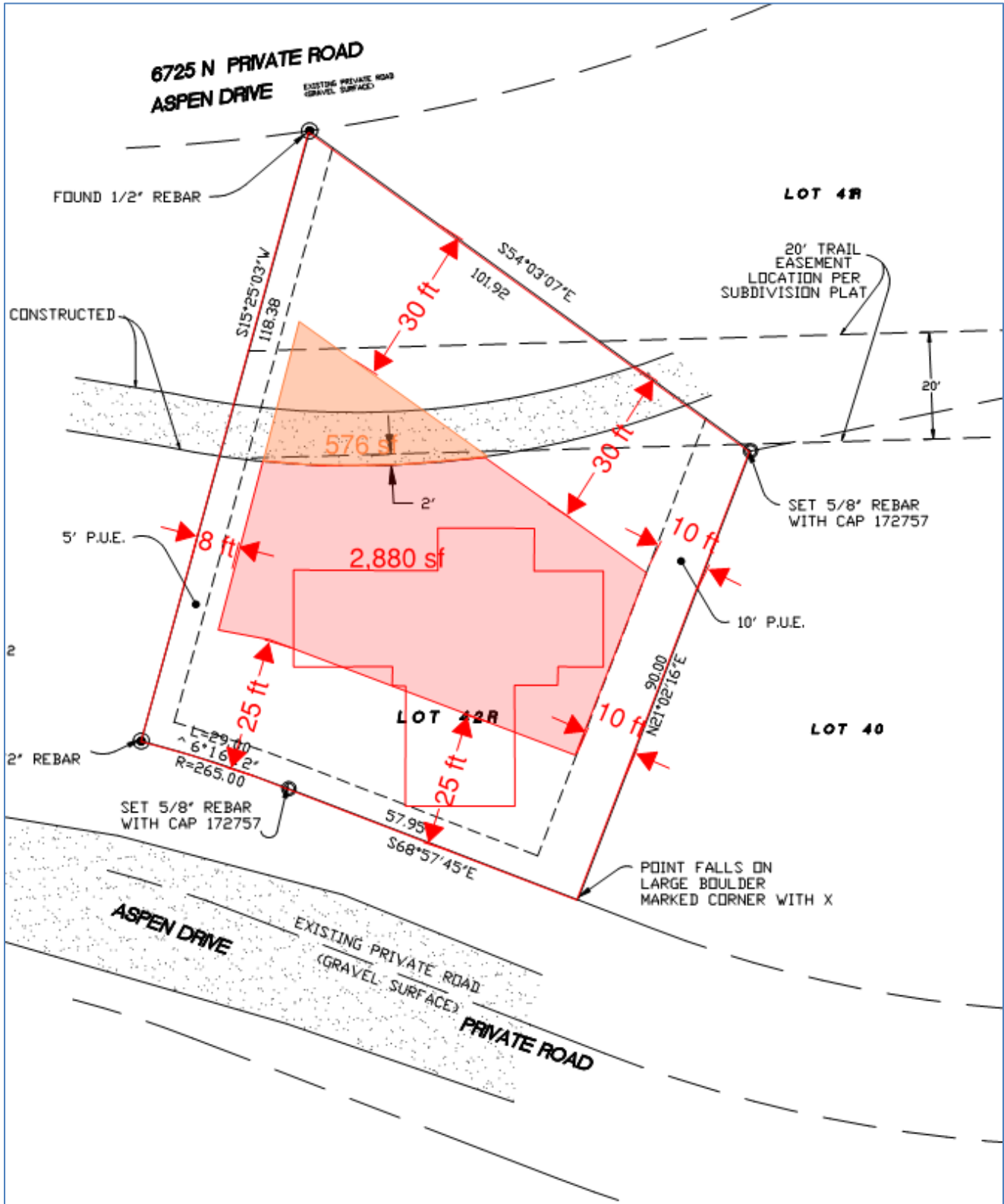


Exhibit D: 20-Foot Variance to Front Yard Setback

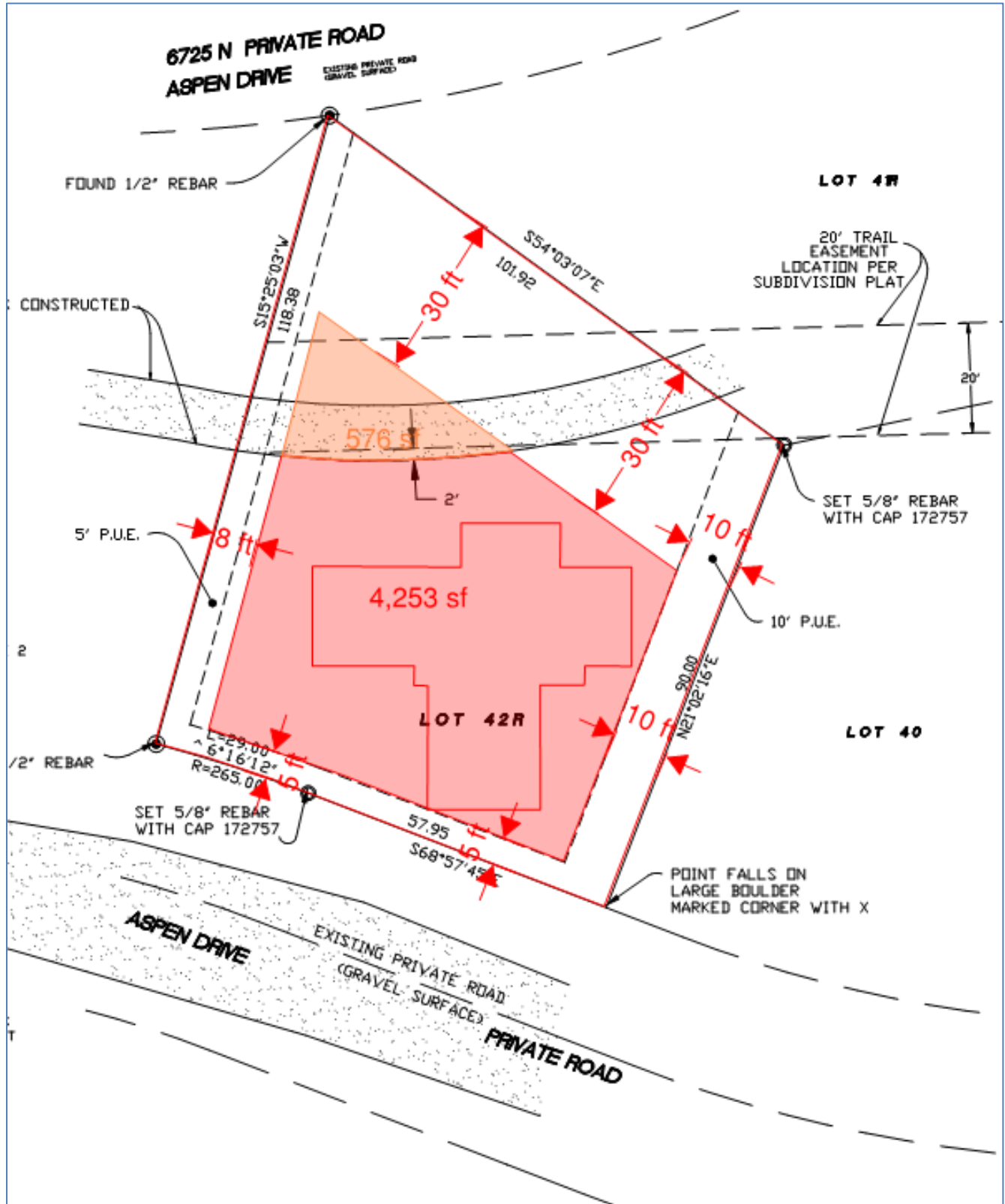


Exhibit E: 2021 Recorders Plat

PART OF SEC. 1, T.7N., R.1E., & SEC. 36, T.8N., R.1E., S.L.B.& M.
POWDER MOUNTAIN WEST SUBDIVISION – PHASE 2

IN WEBER COUNTY

TAXING UNIT: 90

SCALE 1" = 60'

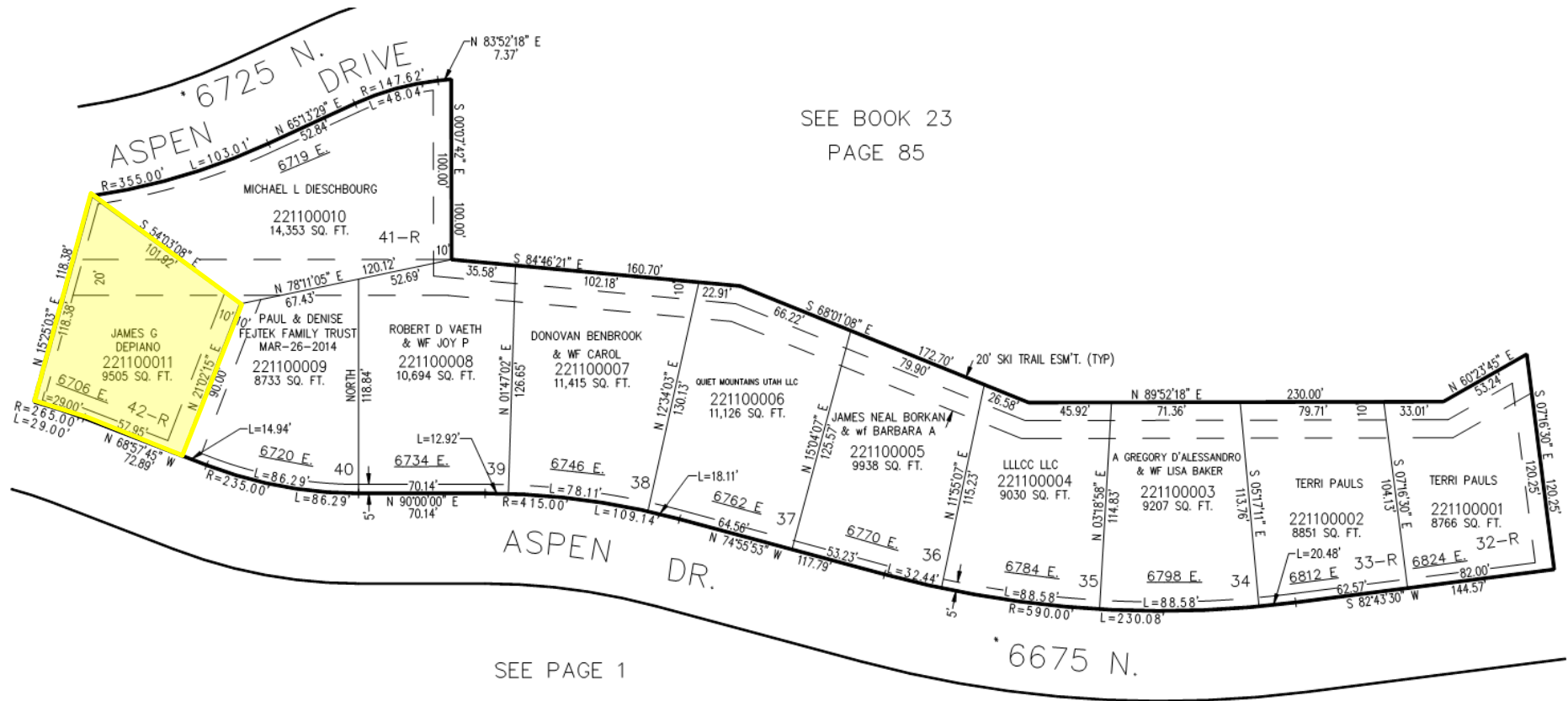


Exhibit F: Property Location Aerial Photo



Project: Residence for Jimmy & Ally DePiano

Lot #2 Powder Mountain West
6706 East 6675 North
Eden, Utah
Contact: Tyson DeMeyer
801 725-5132

ALL WORK SHALL COMPLY WITH THE FOLLOWING CODES:

2018 EDITION OF THE INTERNATIONAL BUILDING CODE (IBC), TO INCLUDE APPENDIX J, ISSUED BY THE INTERNATIONAL CODE COUNCIL

2017 EDITION OF THE NATIONAL ELECTRIC CODE (NEC), ISSUED BY THE NATIONAL FIRE PROTECTION ASSOCIATION

2018 EDITION OF THE INTERNATIONAL PLUMBING CODE (IPC), ISSUED BY THE INTERNATIONAL CODE COUNCIL

2018 EDITION OF THE INTERNATIONAL MECHANICAL CODE (IMC), ISSUED BY THE INTERNATIONAL CODE COUNCIL

2018 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE (IRC), ISSUED BY THE INTERNATIONAL CODE COUNCIL

2018 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE (IECC) ISSUED BY THE INTERNATIONAL CODE COUNCIL

2018 EDITION OF THE INTERNATIONAL FUEL GAS CODE (IFGC), ISSUED BY THE INTERNATIONAL CODE COUNCIL

2018 EDITION OF THE INTERNATIONAL FIRE CODE

SHEET INDEX:

G101 - TITLE PAGE

S101 - SITE PLAN

A101 - MAIN FLOOR PLAN
A102 - LOWER FLOOR PLAN

A201 - EXTERIOR ELEVATIONS
A202 - EXTERIOR ELEVATIONS

A301 - CROSS SECTION

E101 - MAIN FLOOR ELECTRICAL PLAN
E102 - LOWER FLOOR ELECTRICAL PLAN

SQUARE FOOTAGE INDEX:

MAIN LEVEL: 1408 SQ FT
UPPER LEVEL: 152 SQ FT
LOWER LEVEL: 1048 SQ FT
GARAGE: 416 SQ FT
PORCH: 258 SQ FT

GENERAL NOTES

1. THE GENERAL CONTRACTOR, ALL SUPPLIERS AND SUBCONTRACTORS WILL FOLLOW THE DIRECTION OF THE OWNER TO MAINTAIN UNDISTURBED AREAS OF THE SITE THAT ARE OUTSIDE THE PROJECT LIMIT LINE.
2. THE PURPOSE OF THE CONTRACT DOCUMENTS IS TO DESCRIBE THE DESIGN INTENT OF THE PROPOSED IMPROVEMENTS. IN ORDER TO FULLY UNDERSTAND THE SCOPE OF THE WORK INVOLVED THE GENERAL AND SUB CONTRACTORS ARE RESPONSIBLE FOR VISITING THE SITE AND STUDYING THE CONTRACT DOCUMENTS PRIOR TO BIDDING OR COMMENCING WORK. THE GENERAL AND SUB CONTRACTORS WILL BE RESPONSIBLE FOR PROVIDING ALL WORK AND MATERIALS RELATED TO THE CONSTRUCTION DESCRIBED, WHETHER FULLY SPECIFIED OR NOT, SUCH AS FASTENERS, CONNECTORS, CAULKING, HARDWARE, FINISHES AND OTHER SUCH WORK THAT WOULD CONSTITUTE A COMPLETE APPLICATION
3. THE CONTRACTOR AND SUB CONTRACTORS SHALL VERIFY ALL DIMENSIONS AND CONDITIONS AT THE SITE AND WORK PERFORMED BY OTHER TRADES. DO NOT SCALE DRAWINGS, IF DIMENSIONS ARE IN QUESTION THE CONTRACTOR OR SUB CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING CLARIFICATION FROM THE DESIGNER PRIOR TO CONTINUING CONSTRUCTION OF THE AREA IN QUESTION.
4. DIMENSIONS ARE TO THE CENTERLINE OF STEEL, THE NOMINAL FACE OF CONCRETE OR MASONRY AND THE FACE OF STUDS, UNLESS OTHERWISE NOTED.
5. ALL DETAILS, SECTIONS AND NOTES SHOWN ON THE DRAWINGS ARE INTENDED TO BE TYPICAL AND SHALL APPLY TO SIMILAR SITUATIONS ELSEWHERE UNLESS NOTED OR SHOWN OTHERWISE. NOTES AND DETAILS ON DRAWINGS SHALL TAKE PRECEDENCE OVER THESE GENERAL NOTES. IF GENERAL NOTES AND SPECIFICATIONS APPEAR TO BE IN CONFLICT CONTACT DESIGNER FOR CLARIFICATION BEFORE PROCEEDING WITH CONSTRUCTION.
6. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST ADOPTED VERSION OF THE INTERNATIONAL BUILDING CODE, ANY LOCAL AMMENDMENTS TO IT, AND ALL OTHER APPLICABLE CODES, REGULATIONS AND STANDARDS.
7. ALL ASTM DESIGNATIONS SHALL BE AS AMENDED TO DATE, UNLESS NOTED OTHERWISE.
8. MANUFACTURER'S SPECIFICATIONS SHALL BE FOLLOWED FOR INSTALLATION OF ALL MATERIALS.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SAFETY AND PROTECTION IN AND AROUND THE JOB SITE AND/OR ADJACENT PROPERTIES.
10. THE CONTRACTOR SHALL BE RESPONSIBLE TO PROVIDE ALL DESIGN AND ENGINEERING OF THE FOLLOWING SUB TRADES: ELECTRICAL, PLUMBING, HVAC. PREPARE AND SUBMIT ALL ADDITIONAL DRAWINGS AND SPECIFICATIONS NECESSARY TO OBTAIN RELATED PERMITS.
11. DURING AND AFTER CONSTRUCTION THE CONTRACTOR AND/OR OWNER SHALL KEEP THE LOADS ON THE STRUCTURE WITHIN THE LIMITS OF THE DESIGN LOADS.
12. ALL WORKMANSHIP ON THE PROJECT SHALL CONFORM TO THE BEST QUALITY OF THE TRADE.
13. PATCH AND REPAIR ALL FINISHED SURFACES DAMAGED BY CONSTRUCTION TO THE SATISFACTION OF THE OWNER.
14. "TYP" OR "TYPICAL", AS USED IN THESE DOCUMENTS, MEAN THAT THE CONDITION IS THE SAME OR REPRESENTATIVE FOR ALL SIMILAR CONDITIONS UNLESS OTHERWISE NOTED. DETAILS ARE USUALLY KEYED AND NOTED "TYPICAL" ONLY WHEN THEY FIRST OCCUR AND ARE REPRESENTATIVE FOR SIMILAR CONDITIONS THROUGHOUT, UNLESS NOTED OTHERWISE.
15. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE TO PLACE PROTECTIVE AND DUST BARRIERS AND TO KEEP EXISTING FINISHED AREAS CLEAN AND UNOBSTRUCTED AT ALL TIMES.
16. BEFORE STARTING A PROPOSAL, ALL BIDDERS SHALL CAREFULLY EXAMINE THE DRAWINGS, SPECIFICATIONS AND OTHER CONTRACT DOCUMENTS; SHALL VISIT THE SITE OF THE WORK; SHALL FULLY INFORM THEMSELVES AS TO ALL EXISTING CONDITIONS AND LIMITATIONS AND SHALL INCLUDE IN THE PROPOSAL THE COST OF ALL ITEMS INCLUDED IN THE CONTRACT AND APPERTANCES REQUIRED TO CONSTITUTE A COMPLETE INSTALLATION.
17. FURNISH EVERYTHING NECESSARY AND INCIDENTAL FOR PROPER AND SATISFACTORY COMPLETION OF ALL WORK SPECIFIED, INDICATED OR SHOWN IN THE CONTRACT DOCUMENTS.
18. ALL EXPOSED SURFACES THAT HAVE BEEN MODIFIED, INSTALLED OF AFFECTED BY THE CONSTRUCTION PROCESS SHALL BE CLEANED, VACUUMED OR DUSTED IN ORDER TO LEAVE THE PREMISES READY FOR OCCUPANCY WITH NO FURTHER CLEANING NECESSARY BY THE OWNER.
19. COORDINATE WITH THE OWNER TO SCHEDULE UTILITY DOWNTIMES. PROVIDE 48 HOURS MINIMUM NOTICE PRIOR TO ARRANGING FOR DOWNTIMES.
20. CONTRACTOR PARKING, DELIVERIES, AND STORAGE: THE GENERAL CONTRACTOR SHALL COORDINATE WITH THE OWNER FOR APPROVED LOCATIONS FOR PARKING, DELIVERIES, AND MATERIAL STORAGE, AND SHALL NOTIFY ALL SUPPLIERS AND SUB CONTRACTORS OF REQUIREMENTS. PARKING AND STORAGE ARE NOT TO DAMAGE EXISTING LANDSCAPE OR TERRAIN.
21. AT THE COMPLETION OF EACH WORK DAY CLEAN THE SITE OF ALL DEBRIS AND WASTE. INSTALL NECESSARY SAFETY BARRIERS, AND STORE TOOLS OUT OF THE WAY.
22. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR PROTECTION AND SECURITY OF THE PROJECT, SUBCONTRACTORS ARE RESPONSIBLE FOR PROTECTION, SECURITY AND WEATHER PROTECTION OF THE PROJECT AS IT RELATES TO THE PERFORMANCE OF THEIR TRADE FROM WEATHER, DEMOLITION, CONSTRUCTION, THEFT, VANDALISM, ETC. WHEN ANY PORTION OF THE ROOF IS REMOVED THE CONTRACTOR PERFORMING SUCH ROOF WORK WILL BE FULLY RESPONSIBLE FOR COMPLETE PROTECTION FROM INCLEMENT WEATHER.
23. THE GENERAL CONTRACTOR ASSUMES FULL LIABILITY FOR ANY PROBLEMS THAT MAY ARISE DUE TO POTENTIAL ERRORS, OMISSIONS, AND/OR CONFLICTS ON THESE PLANS. IF ANY SUCH ERRORS ARE FOUND CONTACT THE DESIGNER FOR CLARIFICATION AS NEEDED,
24. THE GENERAL AND SUB CONTRACTORS MUST SUBMIT A WRITTEN REQUEST FOR, AND OBTAIN, THE DESIGNERS WRITTEN PRIOR APPROVAL FOR ALL CHANGES, MODIFICATIONS AND/OR SUBSTITUTIONS, IF NOT THE CONTRACTOR WILL BE RESPONSIBLE TO BEAR ALL LIABILITY AND COSTS ASSOCIATED WITH SUCH CHANGES.

Homeowner:
Jimmy & Ally DePiano

General Contractor:
Peterson Builders
Tyson DeMeyer

DePiano Residence
Lot #42 Powder Mountain West
6706 East 6675 North
Eden, Utah

SHEET NO:
G101

DESCRIPTION:
TITLE PAGE

Scale: 1/4" = 1 Foot

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Deplano Residence
 Parcel #221100011
 Lot #42-R Powder Mountain West
 6706 East 6675 North
 Eden, Utah

Area: 9,505 Sq. Ft.
 .21 Acres
 Scale: 1" = 8'

Property Line
 Building Setbacks

Zone FR-3

Main Building
 Front Setback: 25'
 Side Setback: 8' min 10' total
 Rear Setback: 30'
 Max Height: 35'

Accessory Building
 Side Setback: 8' (or 1' if 6' behind main building)
 Rear Setback: 1'
 Max Height: 25'

Note: All storm water and dirt will be kept on site during construction until final landscaping is done.

Note: Surface drainage shall be diverted to a storm sewer conveyance or other approved point of collection so as to not create a hazard. Lot shall be graded so as to drain surface water away from foundation walls. The grade away from the foundation walls shall fall a minimum of 6 inches within the first 10 feet (min. 5% slope.)

Note: The grade adjacent to all foundation walls shall fall a minimum of 6 inches within the first 10 feet (5% slope). R401.3 Landings, ramps, patios, porches or decks, which are required to be level or can have a maximum slope of 1/4" per foot. All other impervious surfaces within 10 feet of the foundation walls must slope a minimum of 1/4" per foot away from walls.

Note: Street, curb, and gutter will be inspected and cleaned of all mud and dirt at the end of every day.

Note: Gravel bags (or equivalent BMP) to be placed and maintained around any storm drain inlet adjacent to or immediately downstream from site during construction.

Note: Berms or swales may be required along property lines to prevent storm water flow onto adjacent lots. Final grading shall blend with adjacent lots.

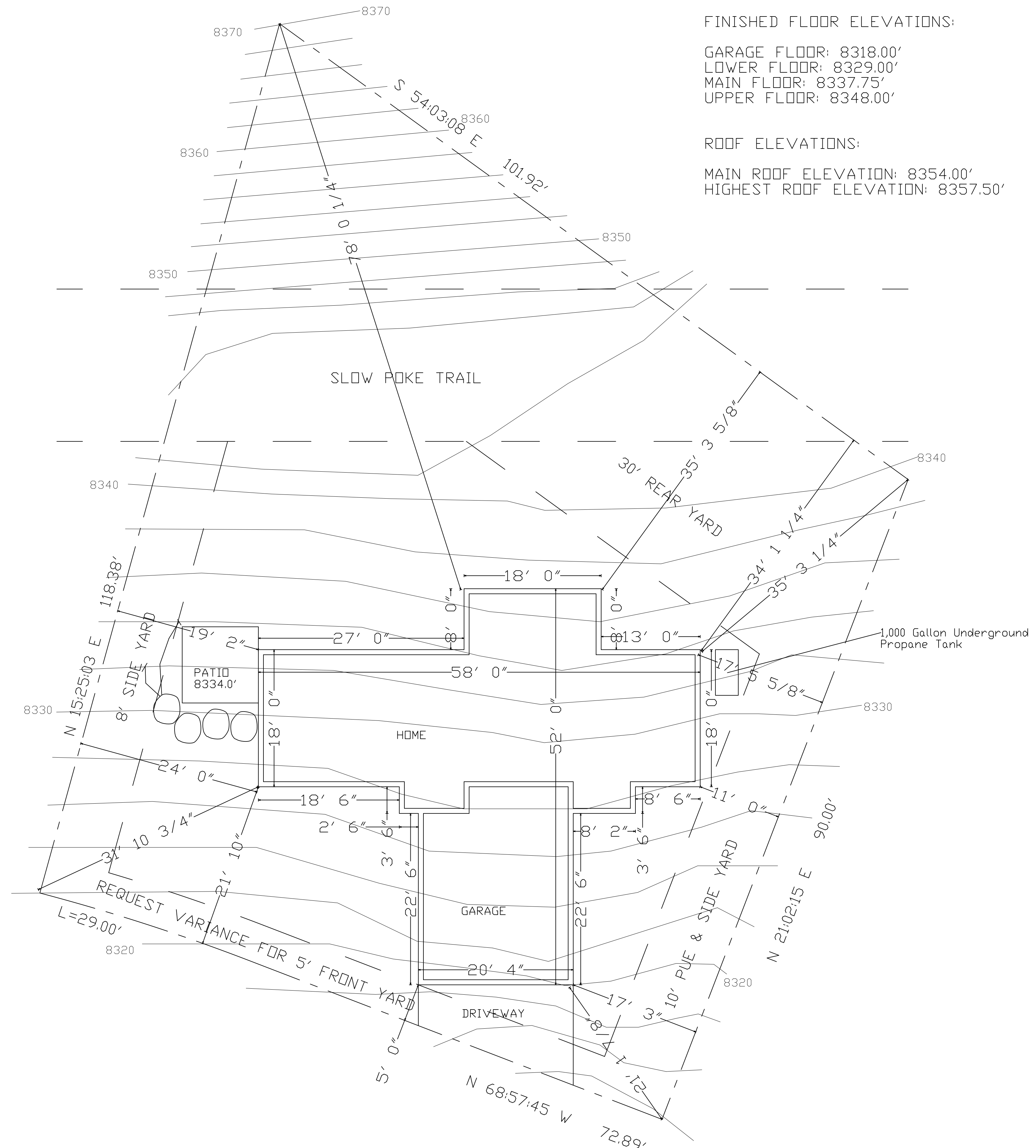
Note: A lined concrete washout area must be provided at the site for all concrete, paint, stucco, or masonry work. Washout on the ground is prohibited.

FINISHED FLOOR ELEVATIONS:

GARAGE FLOOR: 8318.00'
 LOWER FLOOR: 8329.00'
 MAIN FLOOR: 8337.75'
 UPPER FLOOR: 8348.00'

ROOF ELEVATIONS:

MAIN ROOF ELEVATION: 8354.00'
 HIGHEST ROOF ELEVATION: 8357.50'



Homeowner:
 Jimmy & Ally DePiano

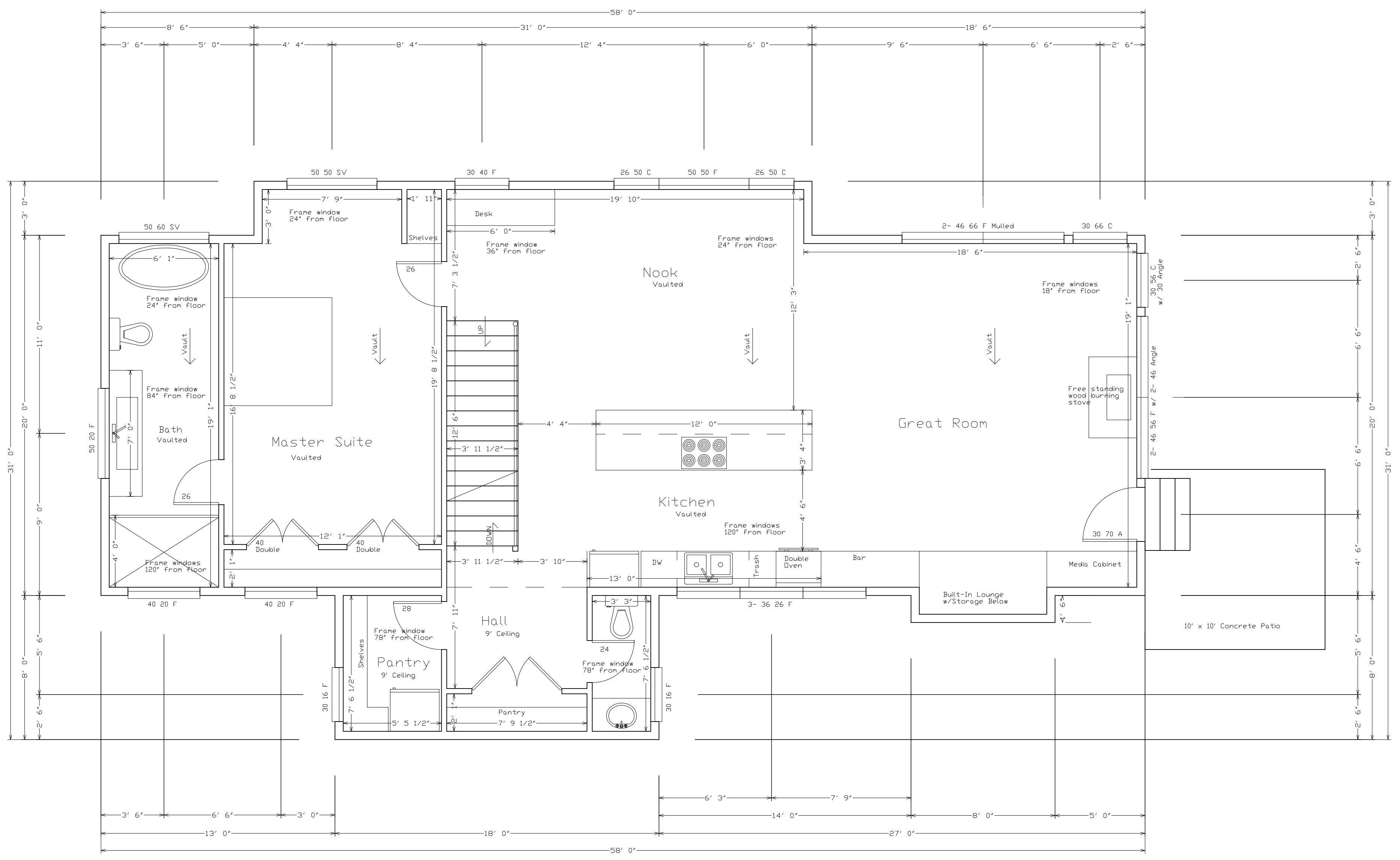
General Contractor:

DePiano Residence
 Lot #42 Powder Mountain West
 6706 East 6675 North
 Eden, Utah

SHEET NO:
 S101
 DESCRIPTION:
 SITE PLAN

Scale: 1/8" = 1 Foot

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Main Floor Plan Main Floor: 1408 Sq. Ft.

Homeowner: Jimmy & Ally DePiano

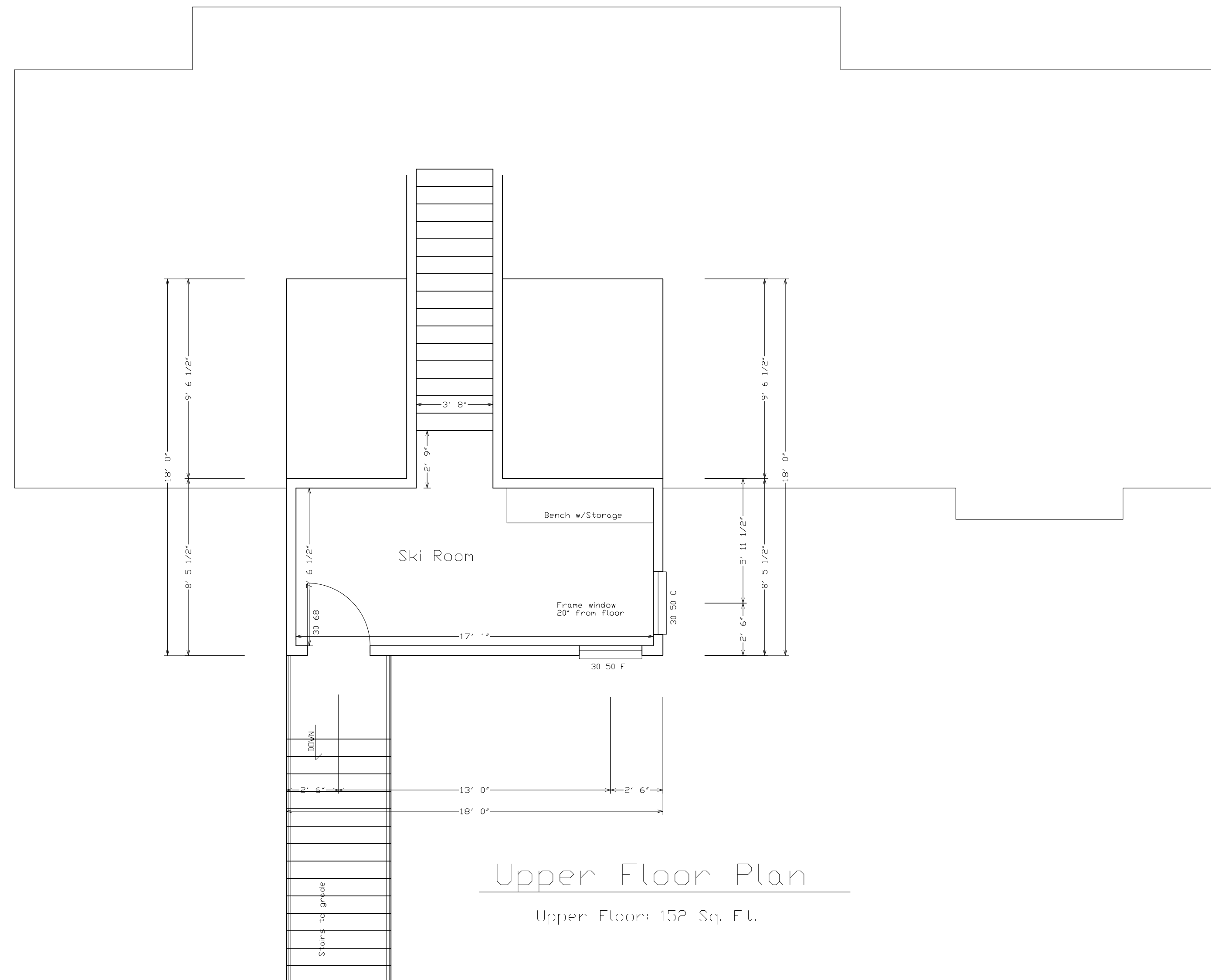
General Contractor: Peterson Builders Tyson DeMeyer

DePiano Residence Lot #42 Powder Mountain West 6706 East 6675 North Eden, Utah

SHEET NO: A101 DESCRIPTION: MAIN FLOOR PLAN

Scale: 1/4" = 1 Foot

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Upper Floor Plan
Upper Floor: 152 Sq. Ft.

Homeowner:
Jimmy & Ally DePiano

General Contractor:
Peterson Builders
Tyson DeMeyer

DePiano Residence
Lot #42 Powder Mountain West
6706 East 6675 North
Eden, Utah

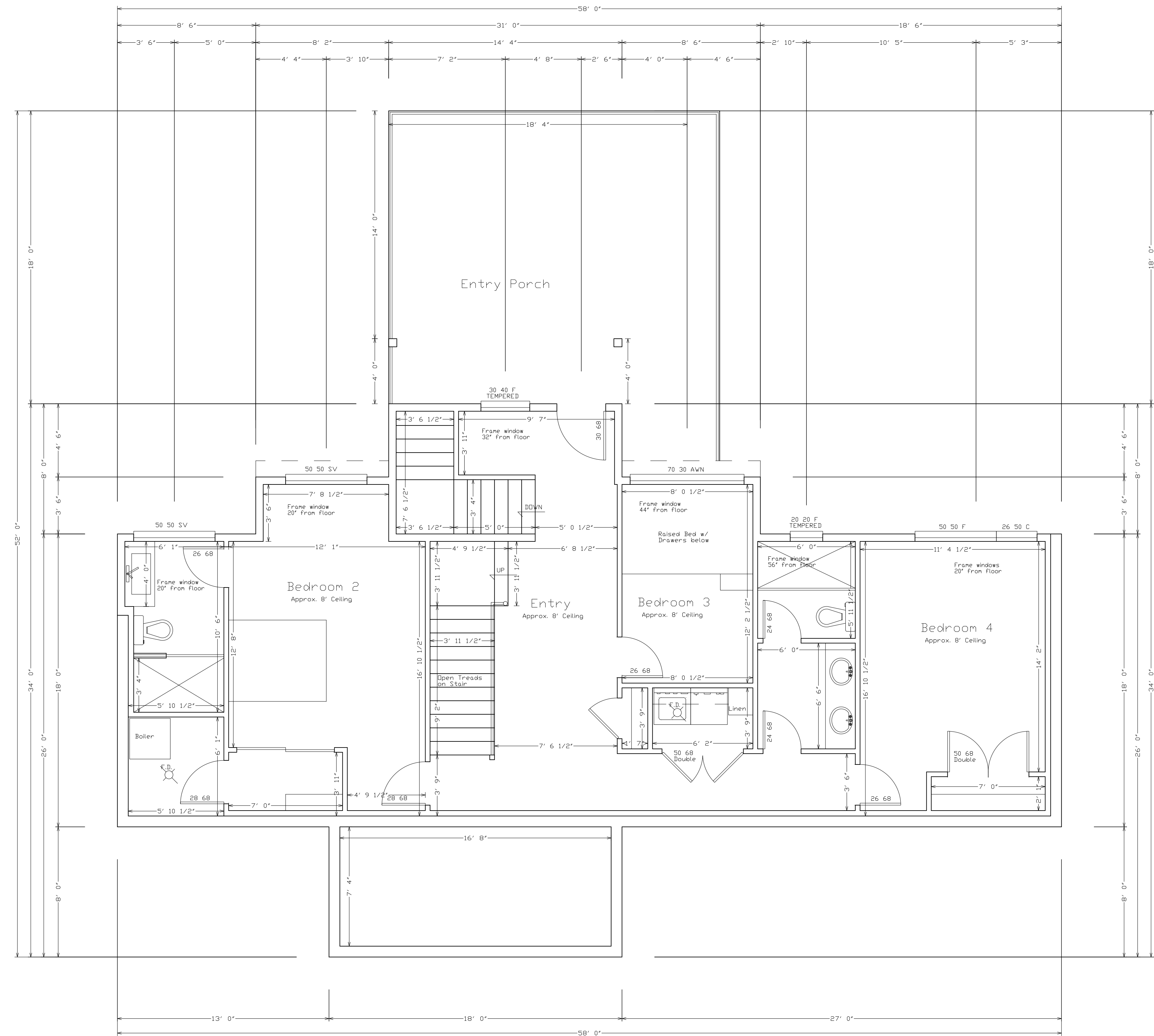
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A102

DESCRIPTION:
UPPER FLOOR PLAN

Scale: 1/4" = 1 Foot

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Lower Floor Plan

Lower Floor: 1048 Sq. Ft.

Homeowner:
Jimmy & Ally DePiano

General Contractor:
Peterson Builders
Tyson DeMeyer

DePiano Residence
Lot #42 Powder Mountain West
6706 East 6675 North
Eden, Utah

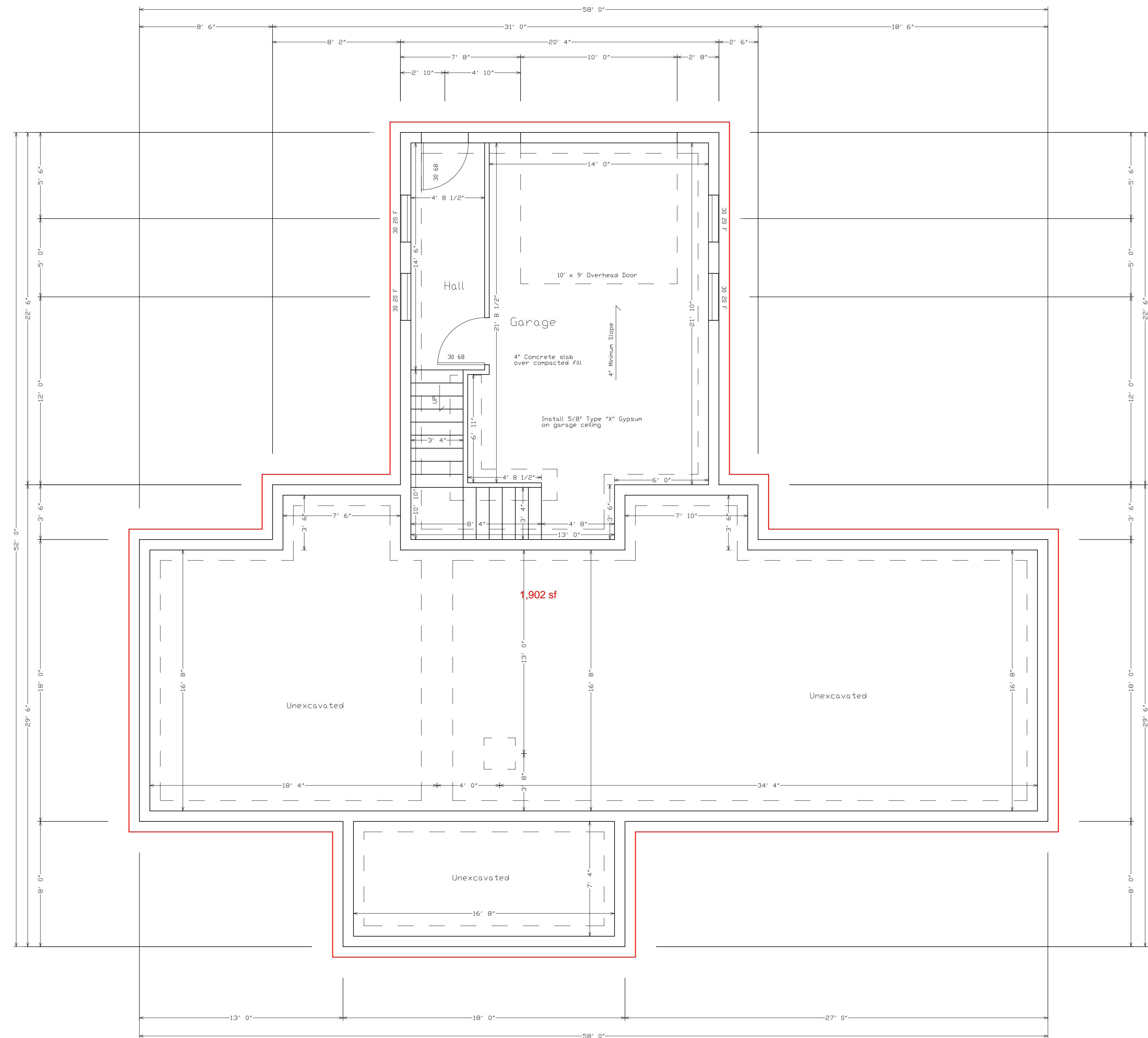
SHEET NO:
A102

DESCRIPTION:
MAIN FLOOR PLAN

Scale: 1/4" = 1 Foot

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Garage Floor Plan

Garage: 462 Sq. Ft.

Homeowner:
Jimmy & Ally DePiano

General Contractor:
Peterson Builders
Tyson DeMeyer

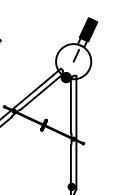
DePiano Residence
Lot #42 Powder Mountain West
6706 East 6675 North
Eden, Utah

SHEET NO:
A104

DESCRIPTION:
GARAGE FLOOR PLAN

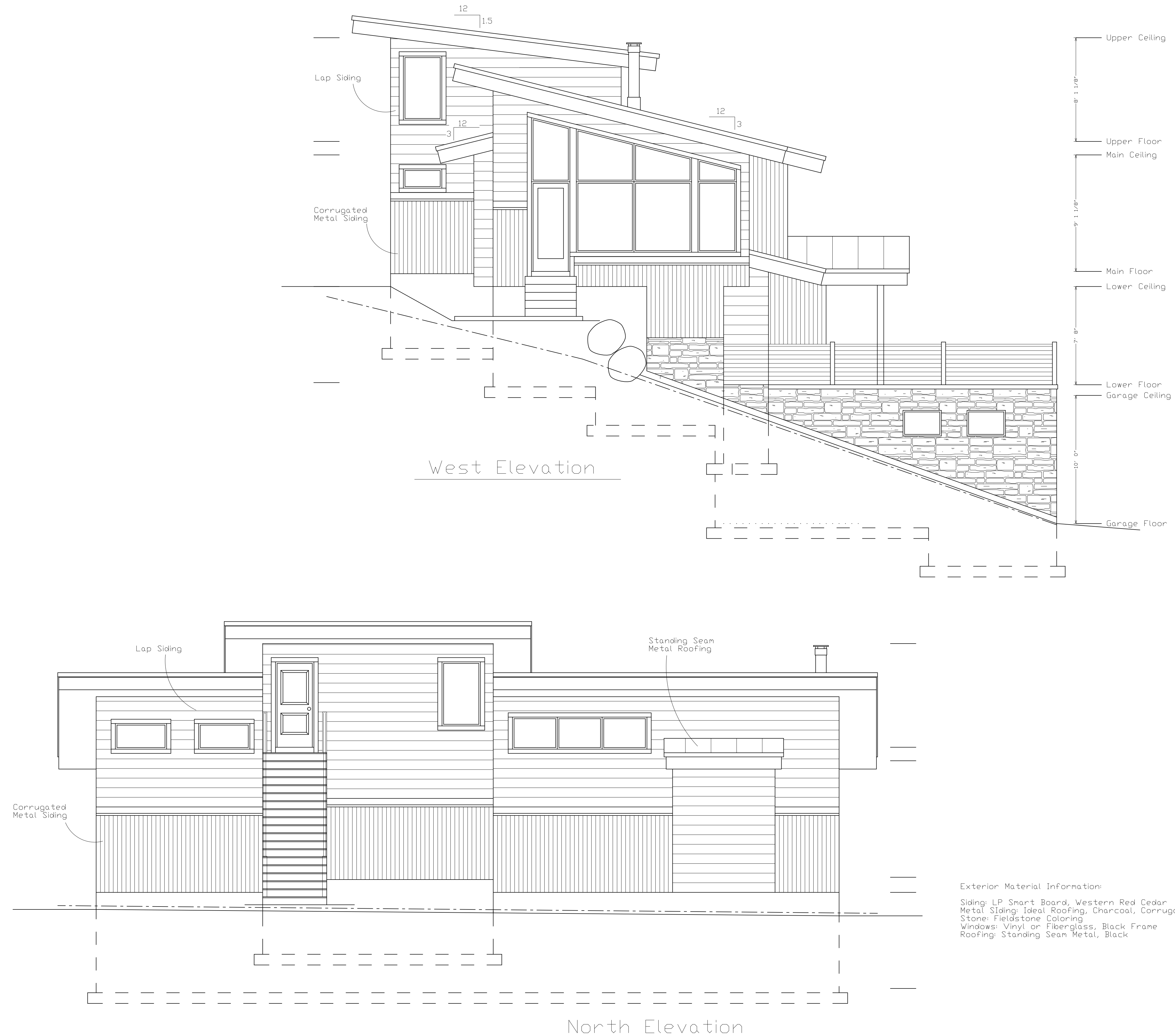
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Homeowner:
Jimmy & Ally DePiano

General Contractor:
Peterson Builders
Tyson DeMeyer

DePiano Residence
Lot #42 Powder Mountain West
6706 East 6675 North
Eden, Utah

SHEET NO:
A201

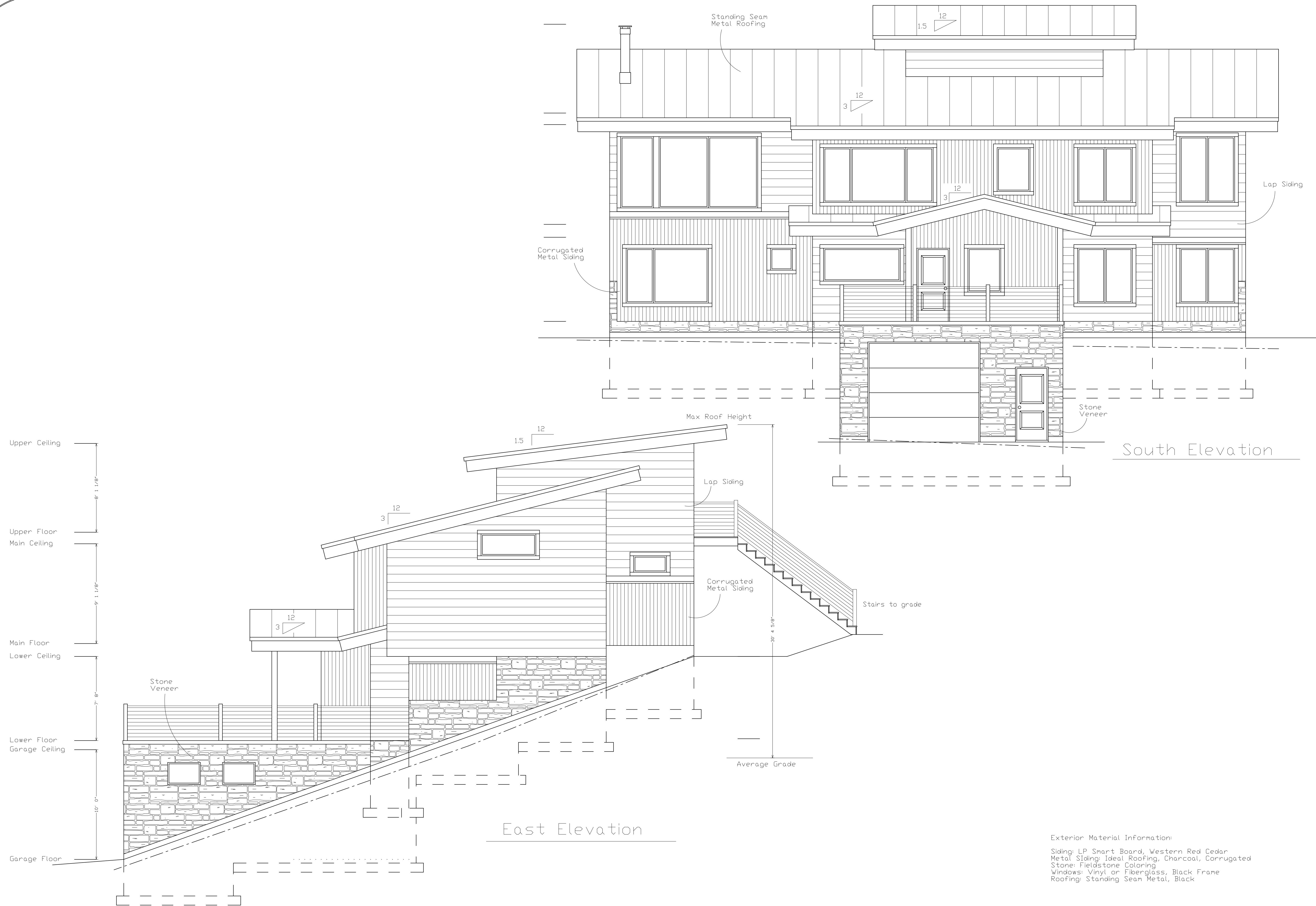
DESCRIPTION:
EXTERIOR ELEVATIONS

Scale: 1/4" = 1 Foot

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Homeowner:
Jimmy & Ally DePiano

General Contractor:
Peterson Builders
Tyson DeMeyer

DePiano Residence
Lot #42 Powder Mountain West
6706 East 6675 North
Eden, Utah

SHEET NO:
A202
DESCRIPTION:
EXTERIOR ELEVATIONS

Scale: 1/4" = 1 Foot

Exterior Material Information:
Siding: LP Smart Board, Western Red Cedar
Metal Siding: Ideal Roofing, Charcoal, Corrugated
Stone: Fieldstone Coloring
Windows: Vinyl or Fiberglass, Black Frame
Roofing: Standing Seam Metal, Black

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