

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 9 March 2014	Fees (Office Use) \$225.00	Receipt Number (Office Use)	File Number (Office Use) BOA 2014-3
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Property Owner Contact Information

Name of Property Owner(s) Brandon & Natalyn Lewis	Mailing Address of Property Owner(s) 44 West 1440 North Orem, UT 84057
Phone 801-368-9180	Fax
Email Address JaimesLewis@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)	Mailing Address of Authorized Person
Phone	Fax
Email Address	Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail

Appeal Request

- 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
- A variance request:
 ___ Lot area ___ Yard setback Frontage width ___ Other: _____
- A Special Exception to the Zoning Ordinance:
 ___ Flag Lot ___ Access by Private Right-of-Way ___ Access at a location other than across the front lot line
- An Interpretation of the Zoning Ordinance
- An Interpretation of the Zoning Map
- Other: _____

Property Information

Approximate Address 4311 North 2900 EAST LIBERTY, UT		Land Serial Number(s) 22-008-0071	
Current Zoning FV3			
Existing Measurements		Required Measurements (Office Use)	
Lot Area 3.403	Lot Frontage/Width 143.3	Lot Size (Office Use)	Lot Frontage/Width (Office Use)
Front Yard Setback 30	Rear Yard Setback 30	Front Yard Setback (Office Use)	Rear Yard Setback (Office Use)
Side Yard Setback 20	Side Yard Setback 20	Side Yard Setback (Office Use)	Side Yard Setback (Office Use)

Applicant Narrative

Please explain your request.

In early July 2013, I purchased the piece of land located at approximately **4311 North 2900 East, in Liberty Utah**. This parcel of land was created by Entry # 2545886 and #2545887, and as noted by the county plat maps, does not comply with State Code. The previous land owner had submitted drawings for a Subdivision Application to the County under the name "Steve Rich Subdivision", so we continued the subdivision process under that name. County Records had shown this parcel as being 150 feet Northeasterly along the centerline of the county road from the South Section line. At the beginning of the review process for this subdivision it was discovered the 150 foot frontage needed to be at the 30 foot setback line. The previous land owner negotiated with the land owners to the North to purchase a small sliver of land to gain the required frontage to the setback line.

Shortly after me purchasing the property, the owner of the adjacent land to the West (Mike Rhodes) informed me and the County offices, that he had a right-of-way easement through the Southern 16.5 feet of the lot. After months of investigation and meeting with real estate attorneys, all parties agreed that not only did Mr. Rhodes have a right-of-way, but he actually owned the Southern 16.5 feet of the lot which I had just purchased. The County Maps were incorrect, and seemed to have been that way for many years.

I negotiated with the land owners to the North again, and purchased another sliver of land to replace the 16.5 feet taken from the South. Thinking that I finally had done everything to make the lot compliant, I asked my surveyor (Landmark Surveying) to submit the revised survey to the Weber County Surveyors office.

Through this next review process my surveyor was given a new alignment of the centerline of the road which changed the angle along my land from the current recorded centerline. This change caused my frontage to fall below the 150' requirement. My surveyor worked with the County Surveyor to find an alignment that would allow this property to meet the frontage requirement, but neither found a solution. Why this new alignment wasn't mentioned or made aware in the previous several months this subdivision was under review I do not know, but with the suggestion from the County Surveyor this variance is being requested. I am not a land developer or investor. I am a private owner and I simply want to build a home for myself. I have been doing my absolute best for the last 7 months to keep this parcel in compliance with the zoning requirements but now ask that a variance be granted to allow my 143.3 feet of frontage so that I may continue in the process of building my home.

Variance Request

Explain how the variance will not substantially affect the comprehensive plan of zoning in the County and that adherence to the strict letter of the ordinance will cause unreasonable hardships, the imposition of which upon the petitioner is unnecessary in order to carry out the general purpose of the plan.

This variance will not affect the comprehensive plan of zoning. This land is in an FV-3 zone and according to the site standards me land will meet or exceed all other minimum requirements. This lot contains over the minimum 3 acres which will allow me to build a home as well as protect the naturalistic environment as is the zones objective. If the frontage requirement is strictly enforced this parcel will never be allowed to have a home on it for me or any future land owners to enjoy.

Variance Request (continued...)

List the special circumstances attached to the property covered by the application which do not generally apply to the other property in the same zone.

This property did meet the frontage requirements as did all other properties in this area until the road realignment by the County Surveyors office caused this parcel to be non-compliant.

Based upon the previously stated special circumstances, clearly describe how the property covered by this application is deprived of privileges possessed by other properties in the same zone; and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other properties in the same zone.

My land seems to be the only one affected due to the curvature in the county road directly in front of my property. All other land owners in this area still have the comfort of knowing they have or can build a home on their land, which comfort I no longer have because of this realignment.

Variance Request (continued...)

Explain how the previously listed special circumstances are not considered to be economic or self-imposed hardships.

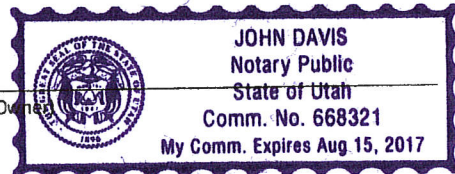
The special circumstances associated with my parcel are not self-imposed, but in my opinion is the cause of two errors on the County's part. The first being not having the plat maps reflecting the 16.5 foot strip of land on the South as belonging to the Rhodes, which once the documents were found and analyzed caused the subdivision application to be delayed for months. Once that error had been rectified and I thought my land would be in compliance, the county road had been realigned without any forewarning to me though the County knew about my land and the subdivision application.

Property Owner Affidavit

I (We), Brandon James Lewis, 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.

Brandon James Lewis
(Property Owner)

(Property Owner)



Subscribed and sworn to me this 10 day of March, 20 14.

John Davis
(Notary)

Authorized Representative Affidavit

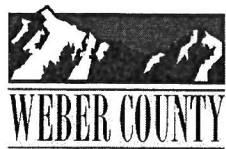
I (We), _____, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), _____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering 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 CMS RECEIPTING SYSTEM
OFFICIAL RECEIPT

*** REPRINT ***

Date: 10-MAR-2014

Receipt Nbr: 2844

ID# 18749

Employee / Department: ANGELA - 4181 - PLANNING
Monies Received From: BRANDON LEWIS
Template: PUBLIC WORKS
Description: BOA

The following amount of money has been received and allocated to the various accounts listed below:

Total Currency	\$	_____	.00
Total Coin	\$	_____	.00
Total Debit/Credit Card	\$	_____	.00
Pre-deposit	\$	_____	.00
Total Checks	\$	_____	225.00
Grand Total	\$	=====	225.00

Account Number	Account Name	Comments	Total
2014-08-4181-3419-0550-000	ZONING FEES		225.00
TOTAL \$			225.00

Check Amounts

225.00

Total Checks: 1

Total Check Amounts: \$ 225.00

*** SAVE THIS RECEIPT FOR YOUR RECORDS ***