

# 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) \$225.00	Receipt Number (Office Use)	File Number (Office Use)
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## Property Owner Contact Information

Name of Property Owner(s) <i>Michael &amp; Carolyn Sherman</i>		Mailing Address of Property Owner(s) <i>960 Ogden Canyon Ogden, UT 84401</i>	
Phone <i>801-549-8483</i>	Fax		
Email Address <i>Michael.sherman@hill.af.mil</i>		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 <i>960 Ogden Canyon Ogden 84401</i>	Land Serial Number(s)
Current Zoning <i>F-40</i>	

Existing Measurements		Required Measurements (Office Use)	
Lot Area	Lot Frontage/Width	Lot Size (Office Use)	Lot Frontage/Width (Office Use)
Front Yard Setback	Rear Yard Setback	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)

**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.

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.

Attachment one:

Please explain your request.

During the past five years my wife and I have become full time residents in Wheeler Creek. We have made significant improvements to the area during that time and plan to continue to do so. We demolished a 1200 square foot home that had fallen into poor repair and turned the area it occupied into a flat gravel lot for parking and games. We demolished a shed that had once been used to pump water from the stream and removed all the pipes and the cistern. We have planted appropriate vegetation to reduce erosion. We have made significant improvements to the cabin we are occupying, a new roof and siding as well as rock work on the walls. The area is much improved since we have lived there and impact has been reduced from two houses and five bedrooms to one house and one bedroom.

The challenge that we are now facing is that we have no garage or storage and the winters here are harsh. We hit twenty below on several days last winter and did not rise above freezing for several months, this makes it difficult to start cars and get to work. It is approximately 150 yards to the trail head and I clear that road with my snow blower. All of my vehicles, equipment, and my snow blower have to remain outside since I have no garage.

Recently I purchased the lot on the north side of my property which has an existing foundation on it. The county informed me that if I wished to build on this foundation I would need to have it surveyed and create a subdivision consolidating my three lots. I went ahead with the survey part of the plan and have discovered in the process that the existing foundation will need a variance in order to be able to use it as planned.

Many of the existing structures in Wheeler creek pre date the F40 zoning and are much closer to the property lines than the variance I am requesting.

This garage will provide a place for property and tools to be protected and stored that will otherwise be stored outside creating an eye sore and contributing to their deterioration.

The F40 zoning reads – 30 feet in the rear yard, this will require a 2.08 foot variance

## Attachment two: Variance request

1. 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 up on the petitioner is unnecessary in order to carry out the general purpose of the plan

The variance will not substantially affect the comprehensive plan of zoning in the county because this area is an anomaly; all the structures were built and then the zoning was added after the fact. The area I would like to build on had a house on it at one time. Since none of the structures in this area are in compliance, and my request is only for a small variance, granting the variance will not affect the general purpose of the plan.

Unreasonable hardship: It will be very difficult to continue to endure the winters without a garage to work on vehicles, store snow removal equipment and keep vehicles ready for work and emergencies. This past winter it was necessary on a frigid day to bring the snow blower into the kitchen in the morning in order to repair it so that we could clear the road and get out of the canyon to go to work. I leave for work at 4.30 A.M. and if it is snowing my wife must deal with the cold and the snow alone in order to leave for work. A garage is very useful to all homes; it is a must in this environment. My garage will not impact any other property owners or make their property less accessible or valuable. On the contrary it will fit the landscape and enhance the area. The existing foundation is an eyesore and gives the area an unfinished appearance.

The General plan for the F40 forest zone was created long after the homes in Wheeler creek were established. The area is different since it falls within the zone but construction in the canyon was ninety percent finished when the ordinance was created. The remaining work that needs to be done to bring it up to acceptable living standards and allow residents to enjoy their properties will not affect the general plan or be contrary to the public interest. On the contrary, properties that have been deteriorating and have been an eyesore will now be fixed and maintained and will enhance the areas aesthetic appeal.

2. There are special circumstances attached to the property covered by the application which do not generally apply to other properties in the same zone. .

Special circumstances exist because existing foundation is on a lot that had a home on it at one time. The home was demolished and a new home was slated to be built. The lane use permit was issued. The person attempting to build the home poured the currently existing foundation but was not able to complete the project within the specified time allowed.

If I am successful in this variance application I am planning to consolidate the three lots I have purchased (which would have had three families) into one lot with one bedroom significantly reducing impact to the area.

### Attachment 3

The property described is deprived of privileges possessed by other properties in the same zone.

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

The property shown in the picture has a garage that is located 13 feet from the rear property line. The set back is 30 feet and so it is 17 feet within the setback and would require a 17 foot variance if it was built today. The departure from the F40 Zoning that this property enjoys does not negatively affect anyone; my request on the rear set back is only for a 2.08 foot variance.

My request is to build a garage, a privilege that other properties enjoy.

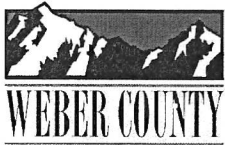
I was originally planning on asking for the 2.08 foot variance on the rear and a 6 foot variance on the front of the building. After extensive consultation with the planning department I have decided to only request the rear variance since they informed me that the stream setback is more crucial to the general plan.

#### Attachment 4

Explain how the previously listed special circumstances are not considered a self-imposed hardship

Please see new plat map survey.

The survey shows that the existing foundation is 2.08 feet over the rear set back. The Surveyor noted on the survey that the person who measured this measured thirty feet but did not take into account that the ground slopes which would explain the difference in measurements. If you measure from the property line to the foundation you have thirty feet, if you measure into the slope you have a difference of the 2.08 feet in question.



WEBER COUNTY CMS RECEIPTING SYSTEM  
OFFICIAL RECEIPT

\*\*\* REPRINT \*\*\*

Date: 11-FEB-2014

Receipt Nbr: 2768

ID# 18065

Employee / Department: ANGELA - 4181 - PLANNING  
Monies Received From: MIKE SHERMAN  
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	\$	_____	225.00
Pre-deposit	\$	_____	.00
Total Checks	\$	_____	.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

Total Checks: Total Check Amounts: \$ .00

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