



BOARD OF ADJUSTMENT

MEETING AGENDA

**Thursday, January 23, 2025
4:30 p.m.**

- Pledge of Allegiance
- Roll Call

Regular Agenda Items

1. **Minutes: October 24, 2024**
2. **File No. BOA2024-08:**
Request for a 7' variance to the minimum 20' side setback standard in the FV-3 zone.

Planner: Tammy Aydelotte
3. **Voting for new Chair and Vice Chair for the year 2025**
4. **Rules of Order**

*The Board of Adjustments meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1st Floor,
2380 Washington Blvd., Ogden, Utah*

Join Zoom Meeting

<https://webercountyutah.zoom.us/j/89337684156>

Meeting ID: 893 3768 4156

*In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the
Weber County Planning Commission at 801-399-8374*

October 24, 2024

Minutes of the Board of Adjustments meeting of October 24, 2024, held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1, Ogden UT at 4:30 pm.

Member Present Laura Warburton – Acting Chair
 Rex Mumford
 Marshall McGonegal

Staff Present: Charlie Ewert, Long Range Planner; Tammy Aydelotte, Planner; Lauren Thomas, Legal Counsel; Tiffany Snider, Secretary

- Roll Call
- Pledge of Allegiance
- Laura Warburton verified if any public was present (no public present)

1. Minutes: August 8, 2022. Approved as presented

2. BOA 2024-06:

Consideration and action on a request for a 7.11 foot variance to the front yard setback in the FR-1 zone, to facilitate the construction of an attached awning to an existing water treatment facility for Pineview Water, located at approximately 880 Ogden Canyon Rd, Ogden, UT, 84401.

Tammy Aydelotte cites ordinance for projections (LUP108-7-2) but indicates the variance is still required as the request projects 2 feet beyond what ordinance allows.

Questions for Tammy Aydelotte:

Q: Rex Mumford asks if there is an additional rear lot setback variance request and if any other portion of the building or buildings will require an awning.

A: Tammy Aydelotte has stated the only variance requested is for the front lot line and only the portion outlined on the site plan will require an awning.

Q: Are the small squares in the site plan toward the south supports for the awning? Does LUP108-7-2 (ordinance) allow for support structures within the projections?

A: Question is deferred to Ogden City representative regarding site plan. Footings are not allowed into projections.

Q: Laura Warburton asks about a government entity requesting a variance and the lack of similar requests to compare this to. She feels this should be a Planning Commission decision instead of the BOA. Because this doesn't have residences close, she wants to know why the BOA wouldn't approve it.

A: Each zone has its own development standards based on the zone, not the use. This request is for a main use building. Regardless if it is a residence or another main building the development standards are the same. Government agencies and utility companies are not exempt and are held to the same standards as anyone else in that zone.

Q: Rex Mumford asks if the development standards are for all structures within a zone and there are no exceptions, regardless of government agency or personal use.

A: Charlie Ewert verified what Tammy Aydelotte said with the exception that public utilities have some different setbacks for the side lot lines only.

Q: LW looking for reasons to approve this request based on most recent training.

A: TA offers LW the reasons stated in ordinance to approve variance.

October 24, 2024

Representative Brady Herd from Ogden City Water

Stated this request does not negatively impact the General Plan. Ogden City Water serves 90,000 people daily. The building in question is a critical part of the water infrastructure and the ability to produce clean water to Ogden City. The main reason for the request is for the safety of the workers. It will prevent the necessity of backing a large truck into a structure lined with heavy equipment. Instead the trucks can stay under the canopy. It also will aid with snow removal challenges.

Q: LW asks if the variance request is granted, will the canopy inhibit snow removal for the state on Ogden Canyon road.

A: BH states it will not.

Q: How long will the truck sit under the canopy?

A: It depends on how quickly the waste water gets processed.

Q: Where are the support beams?

A: Up against the grassy area. The roof projection will be 1' 2".

Q: How big is the awning?

A: 39'6"x32'

Q: Can the city build a permanent structure there in the future?

A: They would have to apply to build for a different use. Be specific in the motion.

Q: What are the materials of the building and the pitch of the roof?

A: Steel. 1.50 x 12

Q: How long has the building been there?

A: 10 years

Q: Will you be able to run two trucks.

A: Depending on production, yes.

Q: Were neighbors notified? Was the meeting posted?

A: No neighbors to notice. The meeting was posted.

Discussion:

Rex Mumford: Not uncomfortable with request due to lack of neighbors, no comparable, functionality makes sense, safety is a good reason. Special circumstances attached to the property. Is there a concern for precedence?

Lauren Thomas: There is a five part criteria for approval. Consider code.

LW: Does not go against the General Plan.

RM: Makes a motion to approve BOA 2024-06 in the FR-1 zone a request for a 7.11 foot variance based on:

- Not self-imposed
- Not against general plan
- Does alleviate a hardship
- Special circumstances geographically with property due to location of the river to the north.
- Not contrary to public interest.
- Limited to the existing awning as proposed

Motion draws a 2nd.

Marshall McGonegal Aye

Marshall McGonegal: Aye

Rex Mumford: Aye

Motion carries (3-3)

Rex Mumford questions if we should select a vice chair. Cannot because it wasn't noticed.

Adjourned

October 24, 2024

**Respectfully Submitted,
Tiffany Snider**



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 7 foot variance to the 20 foot side yard setback, in the FV-3 zone. This request comes from a lot of record located at 4116 East, 4100 North, Liberty, UT, 84310.
Agenda Date:	Thursday, January 23, 2025
Applicant:	Robert Heslop
File Number:	BOA 2024-08

Property Information

Approximate Address:	4116 East 4100 North, Liberty, UT, 84310
Project Area:	1.40 acres
Zoning:	Forest Valley (FV-3)
Existing Land Use:	Vacant
Proposed Land Use:	Residential
Parcel ID:	22-015-0084
Township, Range, Section:	T7N, R1E, Section 21, NW 1/4

Adjacent Land Use

North:	Residential	South:	4100 North St
East:	Vacant	West:	Forest

Staff Information

Report Presenter:	Tammy Aydelotte tayelotte@webercountyutah.gov 801-399-8794
Report Reviewer:	FL

Applicable Codes

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

Background

In September of 2022, this parcel was deemed a lot of record. A document was recorded to title reflecting this determination.

The applicant is requesting a 5' 8" variance to the minimum 20-foot side yard setback required in the FV-3 Zone, leaving a 14'4" foot setback from the east side lot line. The applicant feels that a variance is necessary to build their desired home. The applicant explains that the current zoning setbacks, and the seasonal stream that runs through a portion of the lot, make it difficult to construct a single-level, ADA compliant home. The applicant's narrative is included as **Exhibit B**.

The applicant is also requesting a 25-foot variance to the 50' stream corridor setback. The County Engineer, who determines the high water mark of these stream corridors, has outlined suggestions for the applicant to help mitigate concerns from the County Engineer regarding this variance request. These include locating the home right to the front setback line (30'), to avoid additional encroachment into the stream setback, a front-facing garage, to avoid having a portion of the driveway encroach into the stream setback, as well as fill and retaining walls. If the applicant follows suggestions from County Engineering, then there are no concerns from the County Engineer.

The applicant has provided a site plan to help visualize applicable setbacks and encumbrances to the property. The second page of **Exhibit B** shows encroachment of the proposed building, by , side setback of 8 feet, side adjacent to a street of 20 feet, and a front setback of 20 feet. It should be noted that on the first page of Exhibit B, the front setback should be shown at 25 feet, further reducing the area within the triangle. Pages 3 and 5 of Exhibit B show where a 1050 square foot house could be located on the lot, should the BOA grant the variance.

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.*
- b. *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. 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

Below is staff analysis:

- a. Literal enforcement would prevent the property owner from enjoying a substantial property right and developing this parcel in accordance with the Ogden Valley General Plan.
- b. Special circumstances surrounding this lot of record include a stream runoff area that cuts across the lot. The location of this stream, the configuration of this lot, and the setbacks standards for the FV-3 zone, create a unique challenge in developing this lot.
- c. The applicant's narrative indicates that granting a variance is needed in order to enjoy a substantial property right that includes construction of a home that meets unique needs.
- 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 allow the construction of a home that is coherent to the neighborhood, and will not be a detriment to adjacent property owners.
- e. The applicant is exhausting their remedies, under the land use code, for the potential of a lesser setback and is requesting that substantial justice be done, considering the unique conditions of the lot.

Conformance to the General Plan

Single-family dwellings are allowed as a permitted use in the FV-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.

Exhibits

- A. 2024 Recorder's Plat
- B. Applicant-written Narrative and Site Plans

Area Map

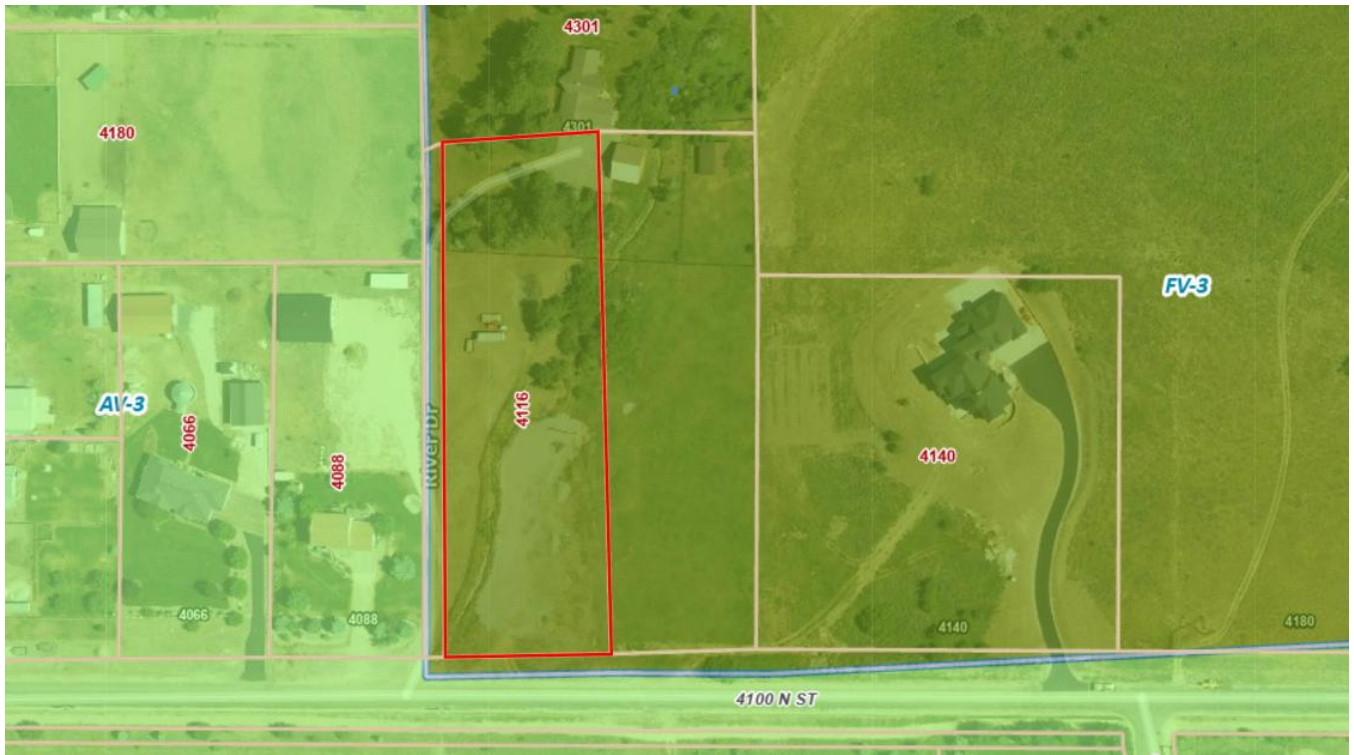


Exhibit A - Recorder's Plat

5/9.11

ROBERT HESLOP ET 220150083 7,860 SQ FT

426.00'

155.00'

ROBERT HESLOP &
ALEXIS HESLOP

4116 E

155.00'

220150084 1.40 AC±

426.00'

550.00

Exhibit B- Application and Request

Heslop -Robert -Board of Adjustment

[+ Add Follower](#)[✎ Change Status](#)[✎ Change Review Due Date](#)[✎ Edit Project](#)

Address: 4116 E 4100 N , Liberty , UT, 84310
Maps: [County Map](#), [Google Maps](#)
Project Type: Board of Adjustment
Sub Type: Board of Adjustment
Created By: [robert heslop](#)
Created On: 10/25/2024

Project Status: Accepted
Status Date: 10/30/2024
File Number: BOA-2024-08
Project Manager: [Tammy Aydelotte](#)

[Application](#)[Documents 6](#)[Comments 1](#)[Reviews 1](#)[Followers 9](#)[History](#)[Reminder 0](#)[Payments 1](#)[Internal 0](#)

Application

[+ Add Building](#)[+ Add Parcel](#)[+ Add a Contractor](#)[✎ Edit Application](#)[Print](#)[Building Permit](#)

Project Description Single Family Dwelling Unit

Property Address 4116 E 4100 N
Liberty , UT, 84310

Property Owner Robert Heslop
801-430-1456
robert@all-proelectric.net

Accessory Dwelling Unit	False
Current Zoning	R-1-10
Subdivision Name	
Number of new lots being created	0
Lot Number	
Lot Size	1.5 acre
Frontage	155'
Culinary Water Authority	Health Department (Well)
Secondary Water Provider	
Sanitary Sewer Authority	Health Department (Septic)
Nearest Hydrant Address	41.333487,-111.849290
Signed By	Owner, Robert Heslop

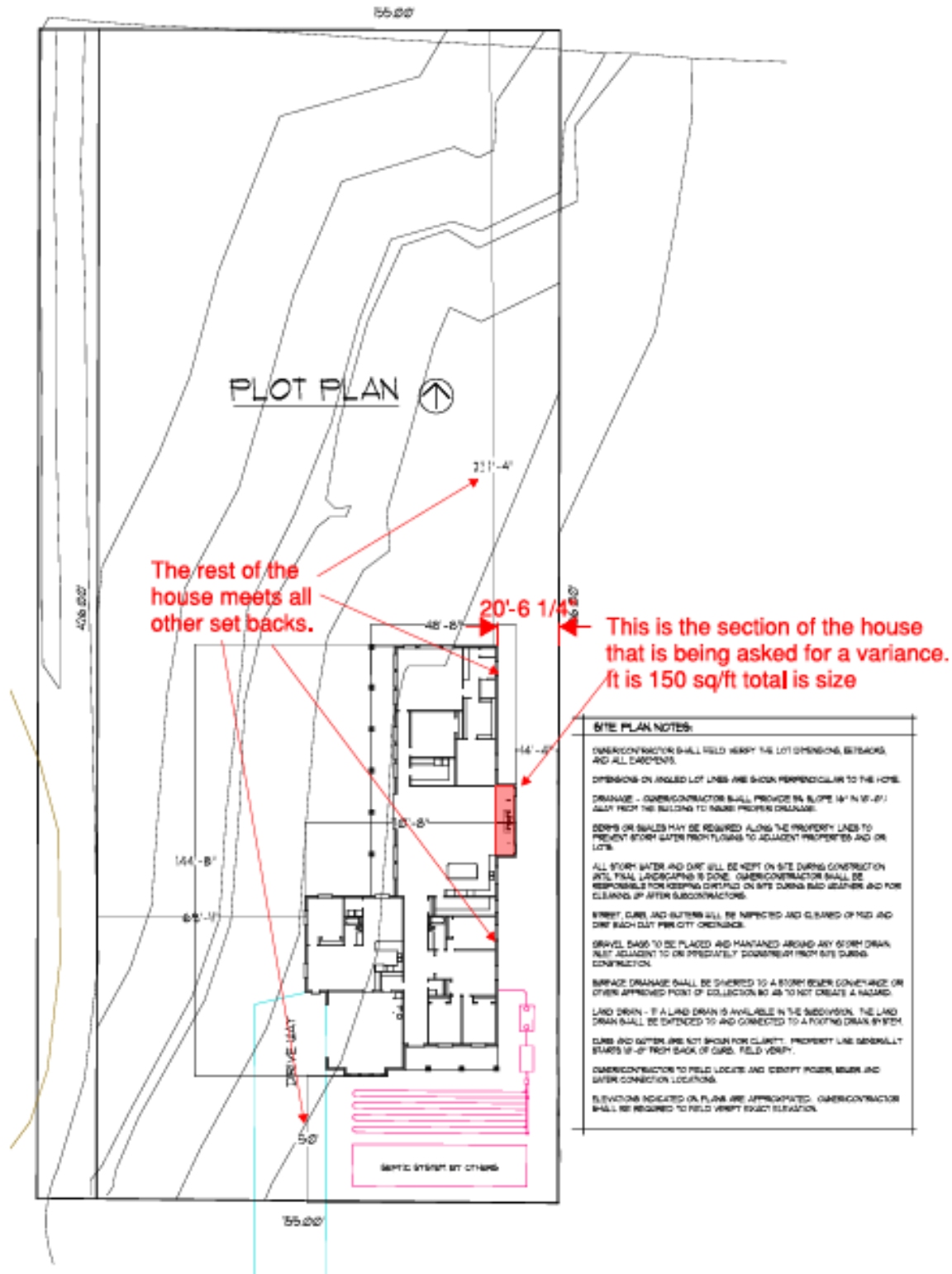
Parcel Number

[✖ Remove](#) 220150084 - [County Map](#)

Heslop Residence Narrative

The purpose of this narrative is to explain the reason a variance is being requested for Parcel #220150084 located in the Ogden Valley. If you refer to the provided documents you will see that there is a seasonal run off stream that divides this parcel into 2. Because of this run off stream and the set back requirements of it, it has made it difficult to place a residence to meet all required set backs. To add to the difficulty of the design I had to make it ADA compliant (single level) since the purpose of the residence is to not only house my family but also my wifes elderly mother. Our intent is to have a single level house that also fits the surrounding appearance of the neighboring houses. We added the small additional space to the living area to give dimension to the east side of the house. Our intent of this is that it would help break up the long straight wall and add an extra focal point so the roof isn't all one plane. We understand that our distant neighbor to the east will have to look at this side of our roof line and wall side and wanted something more appealing. I would simply shift the house to the west 6' and avoid this set back issue but we are already more limited that way and as close to the run off stream as we can be. For the majority of the house we are right at the set back requirements as you can see in the additional documents.

The Parcel to the east and north (220150085, 220150036) are owned by the same person. The one to the east is a 1.4 Acre lot and the one north is 2 Acre. The lot to the north has an existing home on it while the one to the east has only ever been open field. It is my understanding that the lot to the east isn't a building lot and could only ever be used for livestock or possibly an outbuilding. Also if the lot to the east was sold separately from the one to the north, it doesn't meet the required 3 acre minimum to become a building lot.



The rest of the house meets all other set backs.

This is the section of the house that is being asked for a variance. It is 150 sq/ft total in size

SITE PLAN NOTES:
OWNER/CONTRACTOR SHALL FIELD VERIFY THE LOT DIMENSIONS, SETBACKS AND ALL EASEMENTS.
DIMENSIONS ON ANGLED LOT LINES ARE SHOWN PERPENDICULAR TO THE HOME.
DRAINAGE - OWNER/CONTRACTOR SHALL PROVIDE 5% SLOPE 1/4" IN 10'-0" GUT FROM THE BUILDING TO MAINTAIN PROPER DRAINAGE.
SEDS OR SAILS MAY BE REQUIRED ALONG THE PROPERTY LINES TO PREVENT STORM WATER FROM FLOWING TO ADJACENT PROPERTIES AND ON LOTS.
ALL STORM WATER AND DIRT WILL BE KEPT ON SITE DURING CONSTRUCTION UNTIL FINAL LANDSCAPING IS DONE. OWNER/CONTRACTOR SHALL BE RESPONSIBLE FOR KEEPING COVERED ON SITE DURING BAD WEATHER AND FOR CLEANING UP AFTER SUBCONTRACTORS.
SPRINK, CURB, AND GUTTERS WILL BE INSPECTED AND CLEARED OF MUD AND DIRT EACH DAY PER CITY ORDINANCE.
GRAVEL BAGS TO BE PLACED AND MAINTAINED AROUND ANY STORM DRAIN JUST ADJACENT TO OR IMMEDIATELY DOWNSTREAM FROM SITE DURING CONSTRUCTION.
SURFACE DRAINAGE SHALL BE DIRECTED TO A STORM SEWER COVERAGE OR OTHER APPROVED POINT OF COLLECTION SO AS TO NOT CREATE A HAZARD.
LAND DRAIN - IF A LAND DRAIN IS AVAILABLE IN THE SUBDIVISION, THE LAND DRAIN SHALL BE EXTENDED TO AND CONNECTED TO A FOOTING DRAIN SYSTEM.
CURB AND GUTTER ARE NOT SHOWN FOR CLARITY. PROPERTY LINE GENERALLY STARTS 18"-0" FROM BACK OF CURB, FIELD VERIFY.
OWNER/CONTRACTOR TO FIELD LOCATE AND IDENTIFY POLES, SEWER AND WATER CONNECTION LOCATIONS.
ELEVATIONS INDICATED ON PLANS ARE APPROXIMATE. OWNER/CONTRACTOR SHALL BE REQUIRED TO FIELD VERIFY EXACT ELEVATION.

4100 NORTH STREET

SCALE 1" = 30' 476 EAST

TYPE B GRADING 5% GRADE 10' AWAY FROM HOUSE



Parcel #220150036
Thomas Hannum
2 Acre Lot

Parcel #220150085
Thomas Hannum
1.4 Acre Lot

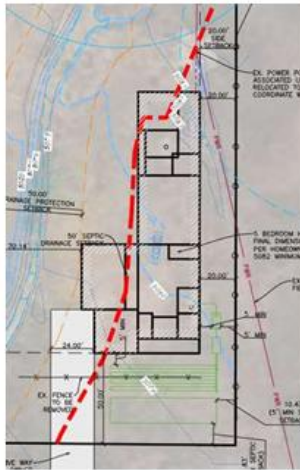
RIVER DR

In addition to the variance for the east side property boundary we are requesting that the stream set back on the west of the residence be changed from 50' to 25'. This is not needed for the whole west side but for certain areas (see below). This stream is a season run off stream and is only affected from the snow run off. I have done a study on this stream and in the 100 year data pulled it shows this stream to have a flow of less than 180 cubic feet per second (1346 gallons per second). After discussing this with a civil engineer he said a 24" culvert pipe would be a sufficient size pipe to handle that size flow. He also said that with at least a 10% grade from the high water mark to the top of foundation that I would be out of the 100 year flood path and that is why he didn't have a problem designing the site plot plan and septic system the way that he did it.

I also believe that the existing high water mark to be a faults indication of how this stream flows under normal or even flood conditions. I know in the past there have been some concerns that this area has high water problems. I believe these problems are due to clogged culverts and water backing up not natural forces. I have attached some images of these issues so that you can see the reason the high water mark is so high is due to puddling and that if these issues where fixed water would flow like it should.

Thank You and I hope you take all of this into consideration for you decision.

The red dotted line is the 50' set back. This shows the area of the residence affected.



These 2 images show the 36" culvert going under the street to the south. As you can see it is more than half full and is causing the water back up and even eventually overflow over the road. I believe this is giving a faults high water mark up stream.





FRONT ELEV. VIEW

