



BOARD OF ADJUSTMENT

MEETING AGENDA

Thursday, March 13, 2025

4:30 p.m.

- **Pledge of Allegiance**
- **Roll Call**

Regular Agenda Items

1.1 BOA 2025-01: Consideration and action on a request for a variance to the minimum lot area of the Agricultural Valley (AV-3) zone. This would allow for the owner to subdivide Lot 2 of the Gillespie Subdivision into two building lots.

Staff Presenter: Felix Lleverino

Adjourn

*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/84171028927> Meeting ID: 841 7102 8927

***In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the
Weber County Planning Commission at 801-399-8761***



Staff Report to the Weber County Board of Adjustment

Weber County Planning Division

Synopsis

Application Information

Application Request: BOA 2025-01 - Consideration and action on a request for a variance to the minimum lot area of the Agricultural Valley (AV-3) zone. This would allow for the owner to subdivide Lot 2 of the Gillespie Subdivision into two building lots.

Agenda Date: Thursday, March 13, 2025

Applicant: Michael Gillespie, Owner

File Number: BOA 2025-01

Property Information

Approximate Address: 5688 E 2300 North, Eden Utah

Project Area: 5.866 acres

Zoning: Destination Recreation Resort (DRR-1)

Existing Land Use: Residential

Proposed Land Use: Residential

Parcel ID: 22-257-0002

Township, Range, Section: T7N, R1E, Section 35

Adjacent Land Use

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

Staff Information

Report Presenter: Felix Lleverino
flleverino@co.weber.ut.us
801-399-8767

Report Reviewer: TA

Applicable Codes

- Title 102 (Administration) Chapter 3 (Board of Adjustment)
- Title 104 (Zones) Chapter 2 (Agricultural Valley AV-3)

Development History

The current owner subdivided an 11.6 acre parcel into two lots by the Gillespie Subdivision, which was platted with the Weber County Recorder’s office on May 26, 2006.

Background

The applicant is requesting variances to the minimum area requirements of the AV-3 Zone. This variance would allow for the owner to subdivide lot 2 of the Gillespie Subdivision through the county subdivision process, thereby creating two building lots that would possess all of the development rights of the Agricultural Valley AV-3 zone code. The current acreage of lot 2 is 5.866 or 255,530 SF. The square foot area of 3 acres amounts to 130,680. This request of the board is for a 5,830 SF variance.

The applicant has provided a detailed narrative with exhibits to help inform the board’s decision. See Exhibit A.

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.*

The list below are points taken from the applicant's narrative:

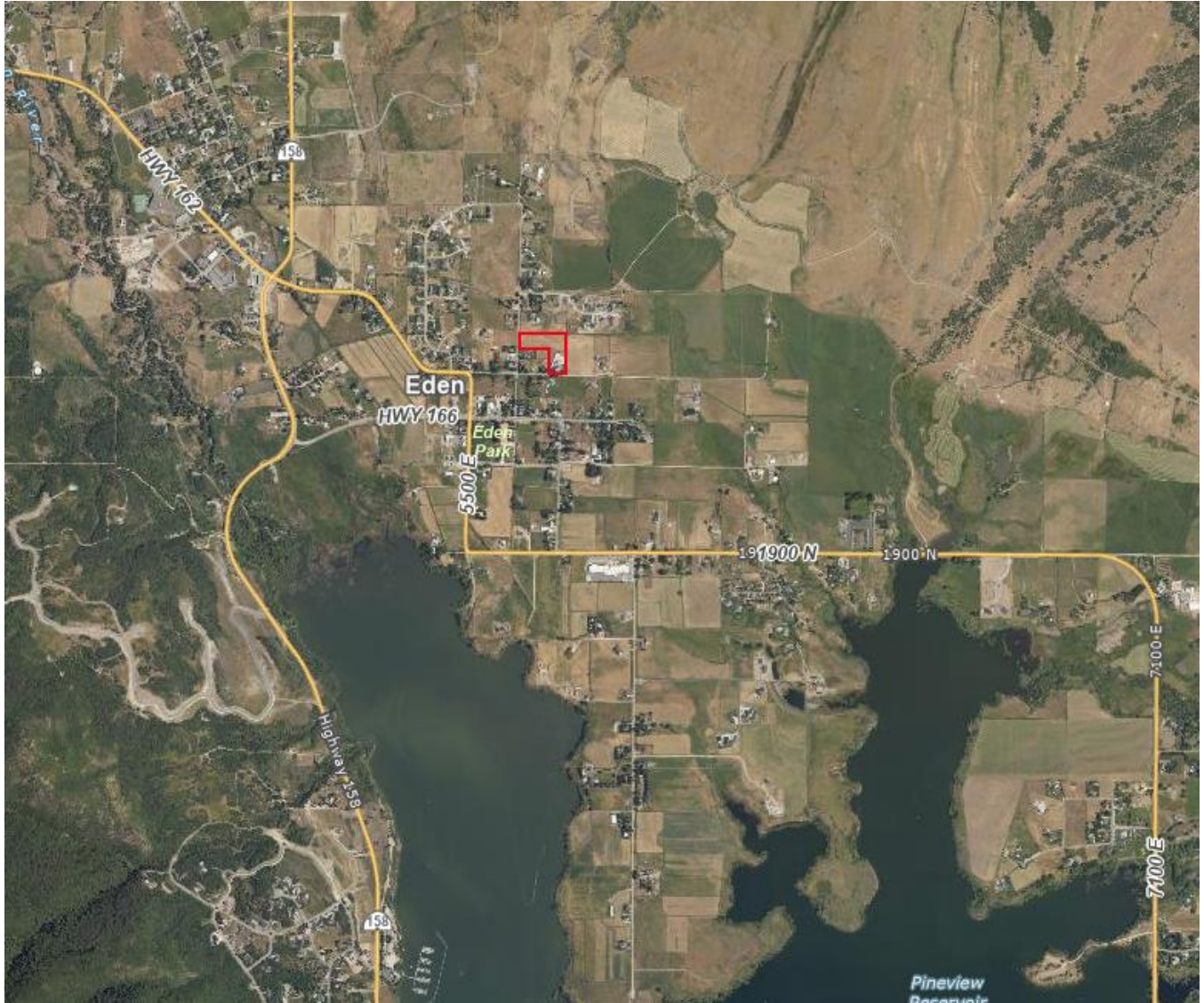
- a. The applicant's narrative states that literal enforcement of the 3-acre minimum should be varied because the owner contributed, for free, an easement for an underground storm water system.
- b. The applicant's narrative does not provide details specifying circumstances that apply to this lot that do not generally apply to other properties in the same zone.
- c. The applicant's narrative does not provide details arguing that granting a variance is essential to enjoy a substantial property right possessed by other properties in the same zone.
- d. The applicant's narrative does not include statements regarding the general plan, however, the owner's narrative states that an additional building lot would add to the property tax revenue, thereby aligning with the public interest.
- e. The board may find that the spirit of the land use ordinance is observed and substantial justice is done because approving this variance with such a thin margin would not appear to adversely affect the community, or impinge upon the easement or setbacks.

Staff recommends the board review the variance request details in the report and in the exhibits.

Exhibits

- A. Applicant's Narrative
- B. Gillespie Subdivision plat

Area Map



To	Weber County Board of Adjustments
Cc	Mike Gillespie G
Bcc	
Subject	Narrative for Gillespie-Michael Application for Variance

The Gillespie Subdivision was created in 2005. The survey, after accounting for all County required easements and setbacks, rendered Lot 2 to be unexpectedly short of 6 acres. (5.887 acres). A matter beyond my control.

When Lot 2 acreage is combined with .113 acres in Parcel 22-050-0040, which I own and is contiguous to Lot 2, the total acreage available for consideration is 5.93 acres.

The requested variance then is for .07 acres.

Approval would allow Lot 2 to be split into two "3" acre parcels, facilitating my adult son to build a single family residential dwelling facing frontage toward 5600 E. in Eden.

Approving a variance of such a thin margin would not appear to adversely affect the community, or impinge upon existing easements or setbacks.

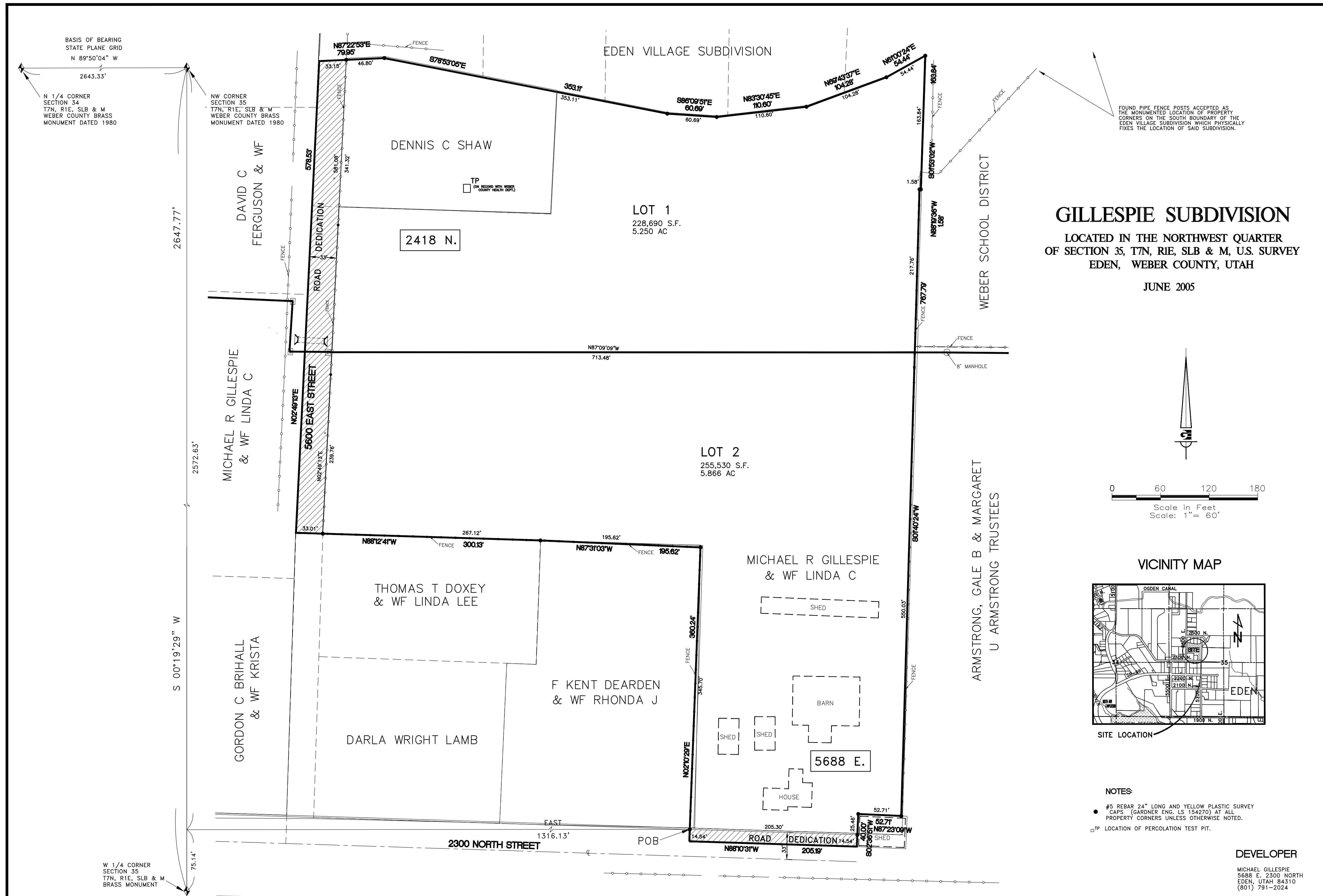
Approval would create a win-win situation with the county gaining an additional prop tax revenue parcel in Eden.

A substantial consideration in my favor is that in 2002 I contributed, free of charge, to Weber County an easement for an under-ground storm water system. It runs west to east directly through what would later become Lot 2. Several of my neighbors demanded reparation or payment for easements through their properties. Another neighbor refused outright, causing a redirection of the system to a less desirable, more expensive route.

There was no way at that time for me to predict the impact that this easement would have upon the future acreage available to Lot 2 when Gillespie Subdivision would happen.

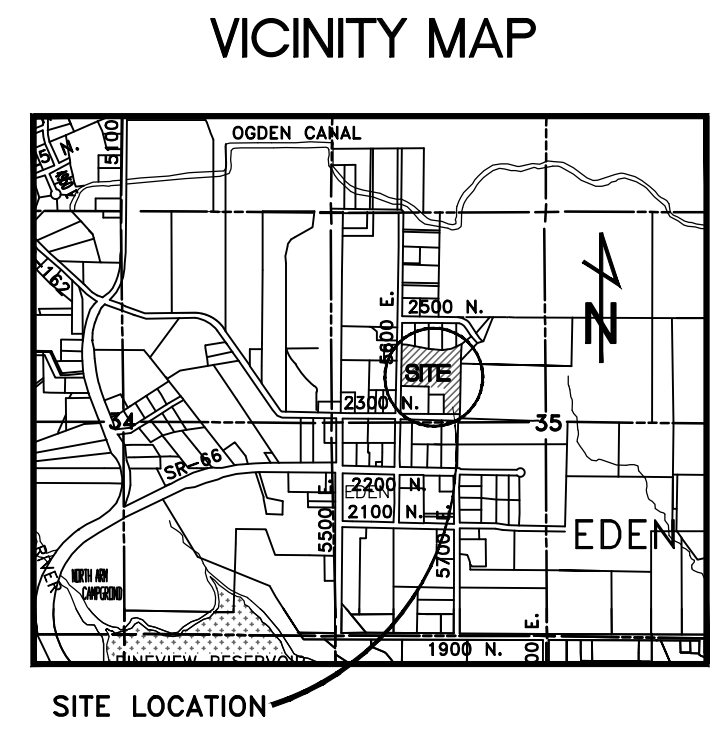
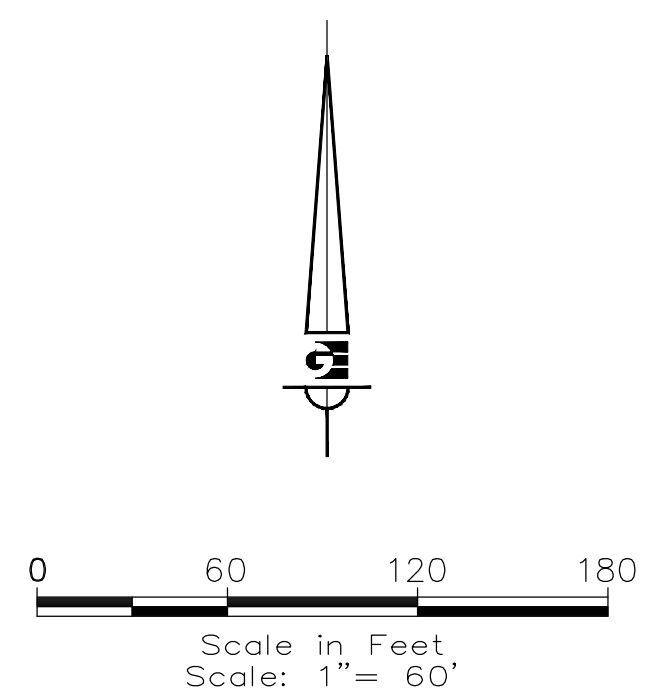
Respectfully,

M.R. Gillespie



GILLESPIE SUBDIVISION
 LOCATED IN THE NORTHWEST QUARTER
 OF SECTION 35, T7N, R1E, SLB & M, U.S. SURVEY
 EDEN, WEBER COUNTY, UTAH

JUNE 2005



- NOTES:**
- #5 REBAR 24" LONG AND YELLOW PLASTIC SURVEY CAPS (GARDNER ENG. LS 154270) AT ALL PROPERTY CORNERS UNLESS OTHERWISE NOTED.
 - TP LOCATION OF PERCOLATION TEST PIT.

DEVELOPER
 MICHAEL GILLESPIE
 5688 E. 2300 NORTH
 EDEN, UTAH 84310
 (801) 791-2024

SURVEYOR'S CERTIFICATE

I, KEN E. GARDNER, DO HEREBY CERTIFY THAT I AM REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 154270 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW AND THAT THE REFERENCE MARKERS SHOWN ON THIS SUBDIVISION PLAT ARE LOCATED AS INDICATED AND ARE SUFFICIENT TO RETRACE OR REESTABLISH THIS SURVEY, THAT THE INFORMATION SHOWN HEREIN IS SUFFICIENT TO ACCURATELY ESTABLISH THE LATERAL BOUNDARIES OF THE BELOW DESCRIBED TRACT OF REAL PROPERTY AND OF EACH OF THE LOTS LOCATED ON SAID TRACT AND THIS SUBDIVISION PLAT COMPLIES WITH THE PROVISIONS OF THE CURRENT SUBDIVISION AND ZONING ORDINANCE REGULATIONS OF WEBER COUNTY.

BOUNDARY DESCRIPTION

PART OF THE NORTHWEST QUARTER OF SECTION 35, T7N, R1E, SLB & M, U.S. SURVEY BEGINNING AT A POINT THAT IS SOUTH 00°19'29" WEST 2,572.63 FEET ALONG THE WEST SECTION LINE OF THE NORTHWEST QUARTER OF SAID SECTION 35 AND EAST 1,316.13 FEET, THENCE RUNNING THE FOLLOWING COURSES:

COURSES:		
N 02°10'29" E	345.70 FT.	ALONG AN EXISTING FENCE LINE TO A FENCE CORNER; THENCE
N 87°31'03" W	195.62 FT.	ALONG A FENCE LINE TO A FENCE CORNER; THENCE
N 88°12'41" W	300.13 FT.	ALONG A FENCE LINE AND IT'S EXTENSION TO A LINE 33.00' WEST OF A FENCE LINE ALONG THE EAST RIGHT OF WAY OF 5600 EAST STREET; THENCE
N 02°49'13" E	578.53 FT.	ALONG SAID LINE 33.00' WEST OF A FENCE LINE ALONG THE EAST RIGHT OF WAY OF 5600 EAST STREET TO THE SOUTH LINE OF EDEN VILLAGE SUBDIVISION; THENCE
N 87°22'53" E	79.95 FT.	ALONG THE SOUTH LINE OF SAID EDEN VILLAGE SUBDIVISION TO AN ANGLE POINT; THENCE
S 78°53'05" E	353.11 FT.	ALONG SAID SOUTH LINE OF EDEN VILLAGE SUBDIVISION TO ANOTHER ANGLE POINT; THENCE
S 86°09'51" E	60.69 FT.	ALONG SAID SOUTH LINE OF EDEN VILLAGE SUBDIVISION TO ANOTHER ANGLE POINT; THENCE
N 83°30'45" E	110.60 FT.	ALONG SAID SOUTH LINE OF EDEN VILLAGE SUBDIVISION TO ANOTHER ANGLE POINT; THENCE
N 69°43'37" E	104.28 FT.	ALONG SAID SOUTH LINE OF EDEN VILLAGE SUBDIVISION; THENCE
N 61°00'24" E	54.44 FT.	ALONG SAID SOUTH LINE OF EDEN VILLAGE SUBDIVISION; THENCE
S 01°53'02" W	163.84 FT.	ALONG A WEST LINE OF EDEN VILLAGE SUBDIVISION; THENCE
N 88°19'36" W	1.58 FT.	TO THE EAST LINE OF AN EXISTING FENCE LINE; THENCE
S 01°40'24" W	767.79 FT.	ALONG SAID EXISTING EAST FENCE LINE; THENCE
N 87°23'09" W	52.71 FT.	ALONG A LINE OF AN EXISTING BUILDING; THENCE
S 02°36'51" W	40.00 FT.	ALONG A LINE OF SAID EXISTING BUILDING TO THE SOUTH LINE OF A PARCEL DESCRIBED IN WARRANTY DEED #1270406 BK 1699 PG 1844; THENCE
N 88°10'31" W	205.19 FT.	ALONG SAID PARCEL LINE; THENCE
N 02°10'29" E	14.54 FT.	TO THE POINT OF BEGINNING.
CONTAINS 506,017 SQ.FT. 11.617 ACRES		
BASIS OF BEARING: N 89°50'04" W FROM THE NORTHWEST CORNER OF SECTION 35 TO THE NORTH 1/4 CORNER OF SECTION 34, T7N, R1E, SLB&M, O.R. (STATE PLANE GRID).		

DATE _____ SIGNATURE _____ SEAL _____

OWNER'S DEDICATION

WE, THE UNDERSIGNED OWNERS OF THE HEREON DESCRIBED TRACT OF LAND, DO HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS AND STREETS AS SHOWN ON THIS PLAT AND NAME SAID TRACT GILLESPIE SUBDIVISION.

AND DO HEREBY DEDICATE TO PUBLIC USE TO ALL THE WIDENING PORTION OF ROADWAY SHOWN THAT IS OWNED BY THE DEVELOPERS TO BE USED AS PUBLIC THOROUGHFARE FOREVER, GRANT AND DEDICATE A PERPETUAL RIGHT AND EASEMENT OVER, UPON AND UNDER THE LANDS DESIGNATED ON THE PLAT AS PUBLIC UTILITY, DRAINAGE, POWER UTILITY AND CANAL MAINTENANCE EASEMENTS, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE, AND OPERATION OF PUBLIC UTILITY SERVICE LINES, STORM DRAINAGE FACILITIES, IRRIGATION CANALS OR FOR THE PERPETUAL PRESERVATION OF WATER DRAINAGE CHANNELS IN THEIR NATURAL STATE WHICH EVER IS APPLICABLE AS MAY BE AUTHORIZED BY THE GOVERNING AUTHORITY, WITH NO BUILDINGS OR STRUCTURES BEING ERECTED WITHIN SUCH EASEMENTS.

BY: MICHAEL R. GILLESPIE OWNER / DEVELOPER
 LINDA C. GILLESPIE OWNER
 DENNIS C. SHAW OWNER TRUSTEE
 DIANNE K. SHAW OWNER TRUSTEE

WEBER COUNTY PLANNING APPROVAL

THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT WAS DULY APPROVED BY THE WEBER COUNTY PLANNING ON THE _____ DAY OF _____, 2005

WEBER COUNTY PLANNING DIRECTOR

WEBER COUNTY ENGINEER

I HEREBY CERTIFY THAT THE REQUIRED PUBLIC IMPROVEMENT STANDARDS AND DRAWINGS FOR THIS SUBDIVISION CONFORM WITH COUNTY STANDARDS AND THE AMOUNT OF THE FINANCIAL GUARANTEE IS SUFFICIENT FOR THE INSTALLATION OF THESE IMPROVEMENTS.

SIGNED THIS _____ DAY OF _____, 2005.

WEBER COUNTY SURVEYOR

I HEREBY CERTIFY THAT THE WEBER COUNTY SURVEYOR'S OFFICE REVIEWED THIS PLAT FOR MATHEMATICAL CORRECTNESS, SECTION CORNER DATA, AND FOR HARMONY WITH LINES AND MONUMENTS ON RECORD IN COUNTY OFFICES. THE APPROVAL OF THIS PLAT BY THE WEBER COUNTY SURVEYOR DOES NOT RELIEVE THE LICENSED LAND SURVEYOR WHO EXECUTED THIS PLAT FROM THE RESPONSIBILITIES AND/OR LIABILITIES ASSOCIATED THEREWITH.

SIGNED THIS _____ DAY OF _____, 2005

WEBER COUNTY ATTORNEY

I HAVE EXAMINED THE DOCUMENTS ASSOCIATED WITH THIS SUBDIVISION PLAT AND IN MY OPINION THEY CONFORM TO THE COUNTY ORDINANCE APPLICABLE THERETO AND NOW IN FORCE AND EFFECT.

SIGNED THIS _____ DAY OF _____, 2005

SIGNATURE

WEBER COUNTY COMMISSION ACCEPTANCE

THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT, THE DEDICATION OF STREETS AND OTHER PUBLIC WORKS AND FINANCIAL GUARANTEE OF PUBLIC IMPROVEMENTS ASSOCIATED WITH THIS SUBDIVISION, THEREON ARE HEREBY APPROVED AND ACCEPTED BY THE COMMISSIONERS OF WEBER COUNTY, UTAH

THIS _____ DAY OF _____, 2005

CHAIRMAN, WEBER COUNTY COMMISSION

TITLE: _____ ATTEST: _____

WEBER-MORGAN COUNTY HEALTH DEPARTMENT

I HEREBY CERTIFY THAT THE SOILS, PERCOLATION RATES, AND SITE CONDITIONS FOR THIS SUBDIVISION HAVE BEEN INVESTIGATED BY THIS OFFICE AND ARE APPROVED FOR ON-SITE WASTEWATER DISPOSAL SYSTEMS.

SIGNED THIS _____ DAY OF _____, 2005

DIRECTOR, WEBER-MORGAN COUNTY HEALTH DEPARTMENT

NARRATIVE

THIS SURVEY AND SUBSEQUENT SUBDIVISION PLAT WERE COMPLETED AT THE REQUEST OF MICHAEL GILLESPIE FOR THE PURPOSE OF SUBDIVIDING THIS PROPERTY TO CREATE AGRICULTURAL VALLEY ZONE LOTS. BOUNDARY LINES WERE DETERMINED FROM THE RECORDED DEED, THE PHYSICAL LOCATION OF VARIOUS FENCE LINES, AND THE ESTABLISHED LOCATION OF THE EDEN VILLAGE SUBDIVISION ADJACENT TO THE NORTH LINE OF THIS PROPERTY.

AGRICULTURAL AV-3 ZONE

AGRICULTURE IS THE PREFERRED USE IN THE AGRICULTURAL ZONES. AGRICULTURAL OPERATIONS AS SPECIFIED IN THE ZONING ORDINANCES FOR A PARTICULAR ZONE ARE PERMITTED AT ANY TIME INCLUDING THE OPERATION OF FARM MACHINERY AND NO ALLOWED AGRICULTURAL USE SHALL BE SUBJECT TO RESTRICTION ON THE BASIS THAT IT INTERFERES WITH ACTIVITIES OF FUTURE RESIDENTS OF THIS SUBDIVISION.

ACKNOWLEDGEMENT

STATE OF UTAH)
) SS
 COUNTY OF WEBER)

ON THIS _____ DAY OF _____, 2005.

PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY OF WEBER, IN SAID STATE OF UTAH, THE SIGNERS AND OWNERS MICHAEL R. & LINDA C. GILLESPIE AND DENNIS C. & DIANNE K. SHAW, TRUSTEES WHO DULY ACKNOWLEDGED TO ME THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN MENTIONED.

STAMP

NOTARY PUBLIC

WEBER COUNTY RECORDER

Prepared By:



5875 SOUTH ADAMS AVENUE PARKWAY
 SUITE 200
 ODGEN, UT 84405
 (801) 476-0202

N:\Gillespie\GILLESPI.DWG

ENTRY NO. _____ FEE PAID _____
 FILED FOR RECORD AND RECORDED _____, AT _____ IN BOOK _____ OF OFFICIAL RECORDS, PAGE _____, RECORDED FOR _____

COUNTY RECORDER
 BY: _____ DEPUTY