

BOARD OF ADJUSTMENT

MEETING AGENDA

Thursday, September 25, 2025 4:30 p.m.

- Pledge of Allegiance
- Roll Call

Regular Agenda Items

 BOA 2025-04: Consideration and action on a request for a 2.5-foot variance to the minimum 10-foot side setback on the east side of the proposed building site. This property is a lot in the Summerset Farms Subdivision Phase 2. This lot is located in the A-1 zone, located 3752 W 2340 South, Ogden, UT, 84404.
 Staff Presenter: Tammy Aydelotte

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/82386786627 Meeting ID: 823 8678 6627



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 2.5-foot variance to the minimum 10-foot side

setback on the east side of the proposed building site. This property is a lot in the

Summerset Farms Subdivision Phase 2. This lot is located in the A-1 zone, located 3752 W

2340 South, Ogden, UT, 84404.

Agenda Date: Thursday, September 25, 2025

Applicant: Craig Gordon **File Number:** BOA 2025-04

Property Information

Approximate Address: 3752 W 2340 South, Ogden, UT, 84404

Project Area: 26,963 square feet (0.62 acre)

Zoning: Agriculture (A-1)
Existing Land Use: Residential
Parcel ID: 15-766-0001

Township, Range, Section: T6N, R2W, Section 28, SE 1/4

Adjacent Land Use

North: Residential South: 2340 South St East: Residential West: Vacant Residential

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 2 (Agricultural Zone A-1)

Background

10/19/2021 - Summerset Farms Phase 2 Subdivision recorded.

11/16/2021 – Building permit issued for SFD on this parcel/lot.

6/18/2025 – Building permit application for an accessory structure submitted.

8/26/2025 – Amended plat recorded to increase the subject property from 26, 963 square feet to 28,299 square feet. This lot line adjustment shifted the eastern boundary further east.

The applicant is requesting a 2.5' variance to the minimum 10' side setback in the A-1 Zone. The applicant feels that a variance is necessary to build their 800 square-foot accessory structure. The applicant feels that the current zoning setbacks, as well as the lot configuration, even with a lot line adjustment in the owner's favor, have created a hardship that was not self-imposed (see applicant narrative, Exhibit A). Despite adjusting the eastern lot line through a plat amendment, the request for a variance was still submitted.

The applicant has provided a site plan to help visualize applicable setbacks and encumbrances to the property.

The applicant is also citing previous approvals in general, by the Board of Adjustment, for this area. The last time a variance to setbacks was granted in the Western Weber area of Unincorporated Weber County, was 3/22/2018 for a public utility substation.

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 Comments to Applicant's Case (Applicant Comments in Bold)

Below is staff analysis & applicant response to the criteria:

a. Literal enforcement would prevent the property owner from enjoying a substantial property right and developing this parcel in accordance with the Western Weber General Plan. The adjustment of the eastern lot boundary was triggered by a fence that was not installed within the original lot boundaries. However, even with the expansion of this parcel area and the flat topography, the applicant feels the limitations of the parcel shape are limited enough to request a variance. A site plan is included as part of the applicant narrative, as well as showing that there may be other options to locate this structure. Another option may be to shrink the footprint of the proposed structure or locate it elsewhere on the lot. Per the applicant narrative, "The literal enforcement of the current land use ordinance would create an unreasonable hardship specific to the physical characteristics of the subject property. The hardship arises due to the east side property line, which is set on an angle and results in an irregular lot shape. This angled boundary is unique to this parcel and is not a condition common to other properties in the area. As a result, the configuration limits the buildable area and directly affects the reasonable use of the property under current zoning standards. Specifically, the angled setback line, from the property line, requires one corner of the proposed 20' x 40' outbuilding to be set 7 feet 6 inches from the property line. Due to the angular constraint, this results in a minimal encroachment into the setback area—measuring 2 feet 6 inches by 10 feet 1 inches—for a total encroachment area of 12.6 square feet. This relatively small portion of the building affected by the setback line makes it impractical to reposition or redesign the structure in a meaningful way that would meet the ordinance without significantly reducing its functionality. The angled property line was established through the original platting/surveying process and predates the current owner's acquisition of the property. This geometric constraint is a permanent feature of the legal description and cannot be altered by the property owner. The current setback requirements, when applied to this pre-existing angled boundary, create an unworkable situation that was not of the owner's making.

The variance requested is not for financial benefit and is not the result of any action or decision made by the property owner; therefore, the hardship is neither self-imposed nor economic in nature. Rather, it stems entirely from the unique physical layout and constraints of the lot, which make compliance with the ordinance unnecessarily burdensome and restrictive to fair property use.

Granting this variance would still align with the general purpose of the Land Use Code, which is to promote public health, safety, and orderly development. The minimal encroachment does not compromise the intent of the ordinance and would allow for reasonable and practical use of the property without negatively affecting neighboring properties or the character of the area."

- b. Special circumstances attached to the property may include the shape of the lot. Per the applicant, "Special circumstances exist on this property that are directly related to the hardship described and are not generally found on other properties within the same zone. Specifically, the east side setback line is positioned at an angle, which creates an irregular lot shape and results in a reduced and unusually shaped buildable area. This unique configuration is not typical of neighboring parcels and places limitations on the reasonable placement and construction of structures—limitations that other properties in the same zone do not face. Because of this angled boundary, one corner of the proposed outbuilding would need to be placed 7 feet 6 inches from the side property line in order to fit within the lot, which is not possible without a variance. This deprives the applicant of property use privileges commonly available to other property owners in the zone, who are able to utilize standard rectangular setbacks and buildable areas without such geometric constraints. Therefore, the requested variance is necessary to provide the same reasonable use and development potential afforded to similar properties in the area. A review of other properties surrounding the subject property shows that 11 of neighboring parcels have standard rectangular lot lines that allow full utilization of setback areas. This property is unique within the immediate area in having an angled boundary that creates this geometric constraint."
- c. The applicant's narrative indicates that granting a variance is needed in order to enjoy a substantial property right that includes an approximate 800 square-foot accessory structure. Per the applicant, "Granting the requested variance is essential to the applicant's ability to enjoy a substantial property right that is commonly possessed by other property owners in the same zone—namely, the ability to construct accessory structures in a practical and functional location on their lot. Due to the irregular shape of this property, caused by the angled east side property line, the buildable area is constrained compared to neighboring parcels. This geometric limitation makes it difficult to place the proposed outbuilding in compliance with current setback requirements without severely compromising its size, orientation, or usability.

Other properties in the same zone, which do not have angled lot lines or irregular setback constraints, are able to fully utilize their lot space and construct similar structures without requiring a variance. Denying this variance would prevent the applicant from enjoying a standard and reasonable use of their property that is otherwise accessible to others in the neighborhood. Therefore, approval of the variance is necessary to ensure equitable use and enjoyment consistent with the rights of similarly zoned properties. The variance affects only 12.6 square feet of the lot which is 30,492 square feet (less than 0.05% of the total lot area), yet without it, the property owner would lose the practical ability to construct a standard-sized accessory building that neighboring properties can accommodate. This represents a diminishment of development rights compared to similarly zoned properties.

The variance will not substantially affect the general plan and will not be contrary to the public interest. Per the applicant, "Granting this variance will not substantially affect the general plan and will not be contrary to the public interest. The requested variance is minor in nature and pertains only to a small portion of the proposed outbuilding that would encroach upon the angled setback line. The structure will remain consistent with the character, scale, and use of other similar buildings within the zone, and will not negatively impact neighboring properties in terms of privacy, access, or aesthetics. The intent of the general plan and land use ordinance—to promote orderly development, public safety, and neighborhood compatibility—will still be fully upheld. The variance simply allows the applicant to make reasonable use of their property despite the unique and irregular lot configuration. It does not introduce any use or intensity of development that would conflict with existing zoning standards or community expectations. As such, the proposed variance is compatible with the goals of the general plan and does not pose any risk to the public interest. The minimal encroachment maintains all safety and compatibility objectives while addressing an unusual geometric constraint."

d. The variance will not substantially affect the general plan and will not be contrary to the public interest. Per the applicant, "Granting this variance will not substantially affect the general plan and will not be contrary to the public interest. The requested variance is minor in nature and pertains only to a small portion of the proposed outbuilding that would encroach upon the angled setback line. The structure will remain consistent with the character, scale, and use of other similar buildings within the zone, and will not negatively impact neighboring properties in terms of privacy, access, or aesthetics. The intent of the general plan and land use ordinance—to promote orderly development, public safety, and neighborhood compatibility—will still be fully upheld. The variance simply allows the applicant to make reasonable use of their property despite the unique and irregular lot configuration. It does not introduce any use or intensity of development that would conflict with existing zoning standards or community expectations. As such, the proposed variance is compatible with the goals of the general plan and does not pose any risk to the public interest. The minimal encroachment maintains all safety and compatibility objectives while addressing an unusual geometric constraint."

e. The spirit of the land use ordinance is observed and substantial justice done. Per the applicant, "Granting this variance upholds the spirit of the land use ordinance and ensures that substantial justice is done. The purpose of the ordinance is to promote fair, consistent, and reasonable land use practices that protect public welfare while allowing property owners to make practical use of their land. In this case, strict enforcement of the angled setback line—unique to this parcel—would impose an undue burden not experienced by other property owners in the same zone. By allowing a small variance to accommodate the proposed outbuilding, the applicant is afforded the same basic property rights and usability enjoyed by others in the neighborhood, without compromising public safety, neighbor relations, or the intent of zoning regulations. The request is modest, not excessive, and does not result in overdevelopment or incompatibility with surrounding properties. Therefore, approving the variance respects the ordinance's underlying goals while providing a fair and just outcome for the applicant under these unique circumstances.

Conformance to the General Plan

Structures accessory to the main use (residential) are allowed as a permitted use in the A-1 zone. If the requested variance is granted, it may not have a negative impact on the goals and policies of the Western Weber General Plan.

Exhibits

- A. Applicant-written Narrative and Site Plans
- B. Original Recorded Plat and Amended Plat Recorded 4 years Later

Area Map



Variance Request

Summerset Farms Lot 200 3752 West 2340 South Taylor, Utah 84401

Criteria 1

- 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.
 - In determining whether or not enforcement of the land use ordinance 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.
 - In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.

Response to Criteria 1:

The literal enforcement of the current land use ordinance would create an unreasonable hardship specific to the physical characteristics of the subject property. The hardship arises due to the east side property line, which is set on an angle and results in an irregular lot shape. This angled boundary is unique to this parcel and is not a condition common to other properties in the area. As a result, the configuration limits the buildable area and directly affects the reasonable use of the property under current zoning standards. See Diagram 1: Property Layout.



Diagram 1: Property Layout

Specifically, the angled setback line, from the property line, requires one corner of the proposed 20' x 40' outbuilding to be set 7 feet 6 inches from the property line. Due to the angular constraint, this results in a minimal encroachment into the setback area—measuring 2 feet 6 inches by 10 feet 1 inches—for a total encroachment area of 12.6 square feet. This relatively small portion of the building affected by the setback line makes it impractical to reposition or redesign the structure in a meaningful way that would meet the ordinance without significantly reducing its functionality. See Diagram 2: Side Setback Encroachment.



Diagram 2: Side Setback Encroachment

The angled property line was established through the original platting/surveying process and predates the current owner's acquisition of the property. This geometric constraint is a permanent feature of the legal description and cannot be altered by the property owner. The current setback requirements, when applied to this pre-existing angled boundary, create an unworkable situation that was not of the owner's making.

The variance requested is not for financial benefit and is not the result of any action or decision made by the property owner; therefore, the hardship is neither self-imposed nor economic in nature. Rather, it stems entirely from the unique physical layout and constraints of the lot, which make compliance with the ordinance unnecessarily burdensome and restrictive to fair property use.

Granting this variance would still align with the general purpose of the Land Use Code, which is to promote public health, safety, and orderly development. The minimal encroachment does not compromise the intent of the ordinance and would allow for reasonable and practical use of the property without negatively affecting neighboring properties or the character of the area.

Criteria 2:

- There are special circumstances attached to the property that do not generally apply to other properties in the same zone.
 - 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 relate to the hardship complained of, and deprive the
 property of privileges granted to other properties in the same zone.

Response to Criteria 2:

Special circumstances exist on this property that are directly related to the hardship described and are not generally found on other properties within the same zone. Specifically, the east side setback line is positioned at an angle, which creates an irregular lot shape and results in a reduced and unusually shaped buildable area. This unique configuration is not typical of neighboring parcels and places limitations on the reasonable placement and construction of structures—limitations that other properties in the same zone do not face. See Diagram 3: Surrounding Properties.



Diagram 3: Surrounding Properties

Because of this angled boundary, one corner of the proposed outbuilding would need to be placed 7 feet 6 inches from the side property line in order to fit within the lot, which is not possible without a variance. See Diagram 2: Side Setback Encroachment. This deprives the applicant of property use privileges commonly available to other property owners in the zone, who are able to utilize standard rectangular setbacks and buildable areas without such geometric constraints. Therefore, the requested variance is necessary to provide the same reasonable use and development potential afforded to similar properties in the area.

A review of other properties surrounding the subject property shows that 11 of neighboring parcels have standard rectangular lot lines that allow full utilization of setback areas. This property is unique within the immediate area in having an angled boundary that creates this geometric constraint. See Diagram 3: Surrounding Properties.

Criteria 3

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

Response to Criteria 3:

Granting the requested variance is essential to the applicant's ability to enjoy a substantial property right that is commonly possessed by other property owners in the same zone—namely, the ability to construct accessory structures in a practical and functional location on their lot. Due to the irregular shape of this property, caused by the angled east side property line, the buildable area is constrained compared to neighboring parcels. This geometric limitation makes it difficult to place the proposed outbuilding in compliance with current setback requirements without severely compromising its size, orientation, or usability.

Other properties in the same zone, which do not have angled lot lines or irregular setback constraints, are able to fully utilize their lot space and construct similar structures without requiring a variance. See Diagram 3: Surrounding Properties. Denying this variance would prevent the applicant from enjoying a standard and reasonable use of their property that is otherwise accessible to others in the neighborhood. Therefore, approval of the variance is necessary to ensure equitable use and enjoyment consistent with the rights of similarly zoned properties.

The variance affects only 12.6 square feet of the lot which is 30,492 square feet (less than 0.05% of the total lot area), yet without it, the property owner would lose the practical ability to construct a standard-sized accessory building that neighboring properties can accommodate. This represents a diminishment of development rights compared to similarly zoned properties.

Criteria 4

The variance will not substantially affect the general plan and will not be contrary to the public interest.

Response to Criteria 4:

Granting this variance will not substantially affect the general plan and will not be contrary to the public interest. The requested variance is minor in nature and pertains only to a small portion of the proposed outbuilding that would encroach upon the angled setback line. The structure will remain consistent with the character, scale, and use of other similar buildings within the zone, and will not negatively impact neighboring properties in terms of privacy, access, or aesthetics.

The intent of the general plan and land use ordinance—to promote orderly development, public safety, and neighborhood compatibility—will still be fully upheld. The variance simply allows the applicant to make reasonable use of their property despite the unique and irregular lot configuration. It does not introduce any use or intensity of development that would conflict with existing zoning standards or community expectations.

As such, the proposed variance is compatible with the goals of the general plan and does not pose any risk to the public interest.

The minimal encroachment maintains all safety and compatibility objectives while addressing an unusual geometric constraint.

Criteria 5

5. The spirit of the land use ordinance is observed and substantial justice done.

Response to Criteria 5:

Granting this variance upholds the spirit of the land use ordinance and ensures that substantial justice is done. The purpose of the ordinance is to promote fair, consistent, and reasonable land use practices that protect public welfare while allowing property owners to make practical use of their land. In this case, strict enforcement of the angled setback line—unique to this parcel—would impose an undue burden not experienced by other property owners in the same zone.

By allowing a small variance to accommodate the proposed outbuilding, the applicant is afforded the same basic property rights and usability enjoyed by others in the neighborhood, without compromising public safety, neighbor relations, or the intent of zoning regulations. The request is modest, not excessive, and does not result in overdevelopment or incompatibility with surrounding properties.

Therefore, approving the variance respects the ordinance's underlying goals while providing a fair and just outcome for the applicant under these unique circumstances.

Summary of Minimal Impact: The requested variance represents less than 0.05% encroachment into the setback area and affects only one corner of the structure. The building will still maintain 7" 6" of clearance from the property line at its closest point, which exceeds the clearance of many conforming structures on regularly shaped lots when measured diagonally.

ADDENDUM - ADJACENT PROPERTY IMPACT ANALYSIS

Supporting Evidence for Minimal Impact on Neighboring Properties

The adjacent property to the east, which shares the angled boundary line that creates the geometric constraint, provides additional context that supports the reasonableness of this variance request:

Property Configuration and Development Pattern:

The eastern adjacent property is currently undeveloped and approximately twice the length of the subject property. See **Diagram 1**: Summer Farms Plat. Due to utility locations positioned at the north end of the adjacent lot, any future residential construction would logically occur at the north end of that property, following standard development practices of locating homes near utility connections.

Spatial Relationship Analysis:

The subject property's residence is located at the south end, aligning with the southern portion of the adjacent property. The proposed outbuilding would be positioned toward what will effectively be the "rear yard" or undeveloped southern section of the adjacent property. This configuration creates a compatible land use pattern where the outbuilding would be adjacent to open space rather than conflicting with the neighboring property's primary structures or functional areas.

Impact Assessment:

The southern area of the adjacent property would typically be utilized for:

- · Rear yard/recreational space, or
- · Potential future accessory structures

Neither of these anticipated uses would be negatively impacted by the proposed outbuilding. In fact, <u>the placement</u> creates a logical transition between properties where accessory uses are positioned away from primary residential structures on both lots.

Precedent of Variance Approvals:

The Board has previously granted variances for properties in this area, demonstrating recognition of unique circumstances that warrant relief from strict setback enforcement. These approvals establish a pattern of reasonable accommodation for property-specific constraints while maintaining neighborhood compatibility.

Comparative Setback Analysis:

Notably, there are existing structures in the vicinity where entire buildings are located within 5 feet of property lines, having received variance approval. The current request is

significantly more modest, affecting only one corner of the proposed structure with a minimal 2.5-foot encroachment, while the majority of the building maintains full setback compliance. This represents a substantially smaller deviation than previously approved variances in the area.

Conclusion:

This spatial relationship demonstrates that the 2.5-foot setback encroachment would not interfere with the reasonable development or enjoyment of the adjacent property. The geometric constraint that necessitates this variance actually positions the outbuilding in the most compatible location relative to both current and anticipated future land uses on neighboring properties. The precedent of more substantial variances already granted in the area supports the reasonableness of this minimal request.

This addendum reinforces Criteria 4 (public interest) and Criteria 5 (spirit of the ordinance) by showing the variance creates logical, compatible development patterns rather than conflicts, while demonstrating consistency with previous Board decisions.

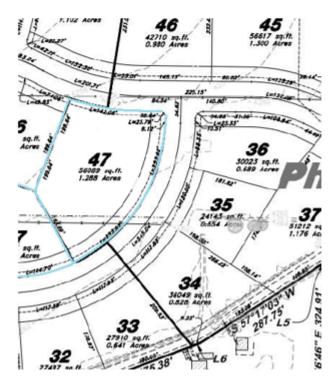


Diagram 1: Summer Farms Plat

ADDENDUM - ADJACENT PROPERTY IMPACT ANALYSIS

Supporting Evidence for Minimal Impact on Neighboring Properties

Lot 600, to the east of the Gordon property (lot 601), shares the angled boundary line that creates the geometric constraint, provides additional context that supports the reasonableness of this variance request:

Property Configuration and Development Pattern:

Lot 601 is currently undeveloped and approximately twice the length of the subject property. See **Diagram 1**: Summer Farms Plat. Due to utility locations positioned at the north end of lot 601, any future residential construction would logically occur at the north end of that property, following standard development practices of locating homes near utility connections.

Spatial Relationship Analysis:

The subject property's residence, lot 601, is located at the south end, aligning with the southern portion of lot 600 property. The proposed outbuilding would be positioned toward what will effectively be the "rear yard" or undeveloped southern section of lot 600 property. This configuration creates a compatible land use pattern where the outbuilding would be adjacent to open space rather than conflicting with the neighboring property's primary structures or functional areas.

Impact Assessment:

The southern area of the adjacent property would typically be utilized for:

- · Rear yard/recreational space, or
- Potential future accessory structures

Neither of these anticipated uses would be negatively impacted by the proposed outbuilding. In fact, the placement creates a logical transition between properties where accessory uses are positioned away from primary residential structures on both lots.

Precedent of Variance Approvals:

The Board has previously granted variances for properties in this area, demonstrating recognition of unique circumstances that warrant relief from strict setback enforcement. These approvals establish a pattern of reasonable accommodation for property-specific constraints while maintaining neighborhood compatibility.

Comparative Setback Analysis:

The current request is significantly more modest, affecting only one corner of the proposed structure with a minimal 2.5-foot encroachment, while the majority of the building

maintains full setback compliance. This represents a substantially smaller deviation than previously approved variances in the area.

Conclusion:

This spatial relationship demonstrates that the 2.5-foot setback encroachment would not interfere with the reasonable development or enjoyment of <u>lot</u> 600 property. The geometric constraint that necessitates this variance actually positions the outbuilding in the most compatible location relative to both current and anticipated future land uses on neighboring properties. The precedent of more substantial variances already granted in the area supports the reasonableness of this minimal request.

This addendum reinforces Criteria 4 (public interest) and Criteria 5 (spirit of the ordinance) by showing the variance creates logical, compatible development patterns rather than conflicts, while demonstrating consistency with previous Board decisions.



Diagram 1: Summer Farms Plat

Exhibit B- Original and Amended Plats

