



BOARD OF ADJUSTMENT

MEETING AGENDA

**Thursday, December 11, 2025
4:30 p.m.**

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

1. Minutes: September 25, 2025; October 23, 2025

Regular Agenda Items

1.1 BOA 2025-08: Request to appeal a decision of the Ogden Valley Planning Commission regarding CUP 2025-21; A request for approval of a conditional use permit for a laydown yard situated on a property within the MV-1 Zone. The laydown yard is used by 1884 LineCo for Rocky Mountain Power Work on the Eden Wildfire Mitigation Plan.

Staff Presenter: Tammy Aydelotte

1.2 BOA 2025-07: A request for a variance to the minimum front yard setback of the Forest Residential 3 Zone with the property address of 6715 East 6675 North (Powder Mountain West).

Staff Presenter: Felix Lleverino

1.3 BOA 2025-09: Consideration and action on a request for a variance to the minimum rear and side building setbacks of the Forest Valley 3 zone with the property address of 5551 E Old Snowbasin Road.

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/83298635904> Meeting ID: 832 9863 5904

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

September 25, 2025

Minutes of the Board of Adjustments meeting of September 25, 2025, held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1, Ogden UT at 4:30 pm.

Members Present Rex Mumford, Chair
Marshall McGonegal, Vice Chair
Marinda Espiritu
Lewis Decker
Ben Peterson

Staff Present: Charlie Ewert, Principal Planner; Tammy Aydelotte, Planner; Felix Lleverino, Planner; Lauren Thomas, Legal Counsel; Tiffany Snider, Secretary

- Roll Call
- Pledge of Allegiance

1. **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**

Planner Aydelotte presented the variance request, noting that while variance requests for setbacks are not unusual, this one was uncommon for this particular area. She explained that Somerset Farms is a subdivision that was recorded about four years ago, with this particular phase being recorded in 2021. In June of this year, the applicant submitted a building permit application for an accessory structure that did not meet the required setbacks. Ms. Aydelotte noted that simultaneous to this application, there was a lot line adjustment to align with a fence line that had been incorrectly placed. This adjustment increased the subject property by approximately 1,336 square feet. She emphasized that the Board would need to determine if this situation was self-imposed, as this is one of the five criteria for granting a variance. The applicant was requesting a variance of 2.5 feet from the minimum 10-foot side setback on the east side of the property.

Chair Mumford asked for more detail about the lot line adjustment and whether the fence was relocated. Ms. Aydelotte stated it is her understanding that the lot line adjustment was to move the lot line to the location of the fence rather than moving the fence. The setback is measured from the lot line.

Ms. Aydelotte was asked whether there had been any similar variances granted in the area of the subject property; she mentioned that there was a request granted for a public utility substation in 2018 but emphasized that each case is independent and previous decisions/precedents do not affect current applications. Legal Counsel Thomas agreed and indicated each variance request is assessed on its own circumstances.

The applicant, Greg Gordon, explained that he had purchased additional property from an adjacent lot in August 2024, which resulted in the lot line adjustment. He mentioned that he had placed a fence thinking the property transfer had been completed, but it had not at that time. The property line was subsequently adjusted to match the fence line. Mr. Gordon explained his need for the variance was due to the placement of his proposed 20-foot x 40-foot pole barn. He stated he couldn't shift the building further west because of an RV pad with trailer hookups, and he wanted to keep the building away from the trailer to prevent snow damage. He noted that only a small corner of the building (approximately 12.5 square feet) would encroach into the setback area. He also pointed out that the neighboring undeveloped lot (Lot 600) had utilities on its north side, meaning any future home would likely be built on that side of the property, away from the area where his barn would encroach. HE presented an aerial image of his property to illustrate his explanation of the encroachment.

Chari Mumford asked Mr. Gordon for his explanation as to why he believes the hardship is not self-imposed. Mr. Gordon explained that his lot had unusual angles compared to the more rectangular lots in the subdivision. While other lots are straightforward in shape, his lot's angles complicated the placement of his proposed structure. Board Members questioned whether the building's orientation could be adjusted or its size reduced to comply with setback regulations. Mr. Gordon expressed that tilting the building was possible but

September 25, 2025

argued it would not align aesthetically with his house and fence. He also mentioned the purpose of the pole barn was to store items and host family gatherings, which required the current proposed dimensions.

The Board discussed the five criteria required for granting a variance, focusing particularly on whether the hardship was self-imposed. Board members noted that the building could be modified in size or orientation to fit within the required setbacks, and therefore the hardship appeared to be self-imposed. They also noted that they are not required to take aesthetics into consideration when making a decision on this type of variance application.

Vice Chair McGonegal moved to deny the variance request due to an inability to find an unreasonable hardship, as the building could be relocated or twisted to fit on the parcel. Board Member Decker seconded the motion; voting aye: Board Members Decker, Espiritu, Peterson, Vice Chair McGonegal, and Chair Mumford. Motion carried (5-0)

The meeting adjourned at 5:00 p.m.

**Respectfully Submitted,
Cassie Brown**

October 23, 2025

Minutes of the Board of Adjustments meeting of October 23, 2025, held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1, Ogden UT at 4:30 pm.

Members Present **Rex Mumford, Chair**
 Marshall McGonegal, Vice Chair
 Marinda Espiritu
 Lewis Decker
 Ben Peterson

Staff Present: Rick Grover, Planning Director; Tammy Aydelotte, Planner; Lauren Thomas, Legal Counsel; Tiffany Snider, Secretary

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

1. BOA2025-06: Consideration and action on a request for a variance to the Parking Lot Design and Maintenance requirement for hard surface stated in Section 108-8-7 (d) (6). Staff Presenter: Tammy Aydelotte

Planner Aydelotte explained that in January 2025, the applicant had appeared before the Ogden Valley Planning Commission requesting approval of a conditional use permit for a conference/education center in the F5 zone. One condition of approval was that the parking lot needed a hard surface (asphalt or concrete) per county ordinance. She explained that the Planning Commission had encouraged the applicant to seek a variance since the applicant was looking to minimize their environmental footprint. She showed the Board the location of the property near Causey Road and Causey Dam, describing it as an ideal location for the retreat center the applicant was proposing. She added the applicant has worked with Weber Fire District to ensure the proposed compacted gravel surface met fire apparatus standards by supporting a 75,000-pound vehicle; however, Planning staff's role is to ensure that applications conform with the County's land use code and that was the basis for Planning Commission's denial. She then highlighted the five decision criteria the Board of Adjustments must evaluate when considering an application for a variance; she also provided staff's analysis of whether the five criteria are present for the subject property.

Chair McGonegal stated that he has driven by the subject property and he also paid attention to the yurts that are nearby; he asked why asphalt or concrete parking was not required for the yurts. Ms. Aydelotte stated that in certain cases, a travel surface made of compacted gravel could be permitted, but specific to parking areas, a hard surface is typically required under the ordinance.

Applicant Mark Overdevest requested a variance to use compacted gravel instead of asphalt or concrete for the 10-space parking area. Tammy noted that Weber Fire District was satisfied with the proposal as long as it would support a 75,000-pound fire apparatus.

Staff analysis addressed the five criteria for issuing a variance:

- Literal enforcement of the parking requirement for asphalt would cause an unnecessary hardship;
- Special circumstances surrounding the property include its proximity to Beaver Creek and its riparian area, along with the intended environmentally-focused use;
- Granting the variance would allow for an ideal parking surface that is aesthetic and durable;
- The proposed use aligns with the general plan for the area; and
- The applicant would abide by all other conditional use requirements.

Mr. Overdevest explained that his proposal for a retreat center would focus on providing a natural environment for silent meditation retreats. He stated that the Dancing Moose property nearby had a similar surface but operated under a different conditional use permit (agritourism). Mr. Overdevest explained that a gravel surface would better match the aesthetic goals of the retreat center and mentioned that the property already had dirt berms for privacy. He also noted that UDOT had required asphalt from the gate to where it's adjacent to State Road 39, which has already been installed.

Chair Mumford inquired as to the number of parking spaces on the site, to which Mr. Overdevest answered 10. Chair Mumford also asked if the parking area is visibility from the roadway nearby, to which Mr. Overdevest answered no and reiterated his goal is to shield the property from nearby road noise.

October 23, 2025

Chair Mumford invited public input.

A neighboring property owner, Mike Story, expressed concerns regarding the berms around the applicant's property, specifically questioning whether the dirt mounds created to clear the lot for the parking area would be landscaped. He was informed that the Board of Adjustments was only considering the parking surface issue and that landscaping was outside the scope of their decision. Mike also inquired whether the parking lot, initially planned to accommodate 10 spaces, was going to expand in the future. He was provided with clarification that the current consideration was indeed limited to 10 parking spots, and any potential expansion was not part of the current agenda.

Planning Director Grover noted that Mr. Story is welcome to contact Planning staff to get more information regarding other elements of the proposed development.

Board members discussed the criteria for a variance, with particular focus on the "hardship" requirement. They determined that the hardship was related to the aesthetic and environmental aspects rather than cost considerations. Board members noted that compacted gravel would be aesthetically more appropriate for the retreat setting and potentially more environmentally friendly than asphalt, which contains residual oils. They also discussed the practical advantages of compacted gravel in the canyon environment where frost heaving during the winter months could damage asphalt or concrete surfaces.

Board Member Peterson moved to approve the variance based on the fact that requiring hard surface parking could create a hardship based on the aesthetics of the general purpose of the land use code, recognizing the special circumstances of proximity to Beaver Creek and its immediate riparian area, believing it would have no adverse effect on the substantial enjoyment of neighboring properties, and finding it in conformance with the general plan and spirit of the land use ordinance. Board Member Espiritu seconded the motion. Voting aye: Board Members Decker, Espiritu, Peterson, Vice Chair McGonegal, and Chair Mumford.

- 2. BOA 2025-05: Consideration of a request to hear an appeal of a denial by Wolf Creek Water and Sewer to issue a will-serve letter to Eden Valley Opportunity and Bridges Holding Company, LLC. Denial of this will-serve letter prevents the applicant from submitting a complete subdivision application to Weber County for review and approval. The question the Board will need to answer is whether or not they feel they have jurisdiction to hear this appeal. Staff Presenter: Tammy Aydelotte**

The Chair indicated that his agenda item was withdrawn from consideration; therefore, it was not discussed.

The meeting adjourned at 5:04 p.m.

**Respectfully Submitted,
Cassie Brown**



Staff Report to the Board of Adjustment

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration of an appeal on a decision made by the Ogden Valley Planning Commission in a public meeting held on October 28, 2025 to approve a conditional use permit (CUP 2025-21) to operate a temporary construction building and yard for 16 months.

Agenda Date: Thursday, December 11, 2025

Applicant: Christopher Cross

File Number: BOA 2025-08

Property Information

Approximate Address: 4795 E 2600 N, Eden, UT, 84310

Zoning: MV-1

Existing Land Use: Commercial

Parcel ID: 22-040-0004

Township, Range, Section: T7N, R1E, Section 34 NW Qtr

Adjacent Land Use

North: Manufacturing	South: Agricultural
East: Commercial	West: Manufacturing

Staff Information

Report Presenter: Tammy Aydelotte
taydelotte@webercountyutah.gov
801-399-8794

Report Reviewer: FL

Applicable Land Use Codes

- Weber County Land Use Code Title 102 (Administration) Chapter 3 (Board of Adjustment)

Background

This appeal was accepted for review by the Planning Division on November 5, 2025. The appellant asserts that the applicant for the CUP had been operating in violation of ordinance for approximately 17 months without a conditional use permit. Applicant for this appeal also states a deficient staff report by not mentioning the violation in the staff report. Applicant also mentions negative impacts tied to the existing operation, and a lack of measurable mitigation standards for these negative impacts (See applicant narrative, Exhibit A).

The appellant's narrative and supplemental information are included in the staff report as exhibits (Exhibit A).

Copy and paste the link below into your Internet address bar. You will find the audio presentation and Planning Commission discussion beginning at the 2:24:53 mark. The motion is made at the 2:45:10 mark.

<https://www.youtube.com/watch?v=uoNO7synRvk>

Draft minutes are not yet available to include as part of this staff report.

Under Weber County's Land Use Code (Sec 102-3-3), The Board of Adjustment has the following duties and powers:

- a) To act as the appeal authority from decisions applying and interpreting this Land Use Code and Zoning Maps.*
- b) To hear and decide variances from the requirements of the Land Use Code.*

The following are the decision criteria and standards for the Board when considering appeals from decisions applying and interpreting the Land Use Code and Zoning Maps (Sec 102-3-4).

Appeals from decisions applying and interpreting the Land Use Code and Zoning Maps.

- 1. The board of adjustment shall determine the correctness of a decision of the land use authority in its interpretation and application of the Land Use Code and Zoning Maps.*
- 2. The board of adjustment may hear only those decisions in which the land use authority has applied the Land Use Code or Zoning Maps to a particular application, person, or parcel.*
- 3. The appellant has the burden of proof that the land use authority erred.*
- 4. All appeals to the board of adjustment shall be filed with the planning division not more than 15 calendar days after the date of the written decision of the land use authority.*
- 5. Appeals to the board of adjustment shall consist of a review of the record. In cases where there is no record to review, the appeal shall be heard de novo.*

Planning Staff considers the exhibits in this staff report to be the record, so far.

Exhibits

- A. Planning Division Notice of Decision for CUP 2025-21
- B. Appellant's narrative
- C. CUP 2025-21 Public Presentation Meeting Slides
- D. October 28, 2025 Planning Commission Report

Ogden Valley Planning Commission
NOTICE OF DECISION

October 29, 2025

Victoria Garcia
4775 E 2600 N/ 4785 E 2600 N
Eden, Utah, 84310

Case No.: Conditional Use Permit 2025-21

You are notified that the Ogden Valley Planning Commission held a meeting to take action on a request for approval of a conditional use permit to operate a Temporary Construction Building and Yard for an additional 16 months. The public meeting was held on October 28, 2025.

The Ogden Valley Planning Commission renders the following decision:

Approved based on the following conditions:

- 1) The traffic shall abide by the Storm Water Pollution Prevention requirements.
- 2) The site shall be kept and maintained for safety and good visual appearance
- 3) The site and the streets within the cul-de-sac shall be watered to mitigate dust.
- 4) Street sweeping shall take place on a daily basis.
- 5) All vehicles shall obey the speed limit and shall park within the designated area specified on the site plan.
- 6) All outdoor lighting shall be compliant with the outdoor lighting code for dark skies.

This recommendation is based on the following findings:

- 1) The proposed use is allowed in the MV-1 Zone and meets the appropriate site development standards.
- 2) The criteria for issuance of a conditional use permit have been met because mitigation of potential detrimental effects can be accomplished.

Weber County Planning Division
2380 Washington BLVD, Suite 240
Ogden, Utah

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

The decision of the Planning Commission may be appealed to the Board of Adjustment by filing such appeal within 15 days after the date of the notice of decision.

New World Distillery Inc. – P.O. Box 597, Eden, UT 84310.

New World Distillery Inc.

P.O. Box 597, Eden, UT 84310

Appeal Filing – CUP 2025-21 (LineCo Laydown Yard)

Filed: November 4, 2025

Submitted by:

Christopher Cross, Owner

New World Distillery Inc.

P.O. Box 597, Eden, UT 84310

(801) 920-1110 | Chris@NewWorldDistillery.com

New World Distillery Inc. – P.O. Box 597, Eden, UT 84310.

NOTICE OF APPEAL

To: Weber County Planning Division (Appeal Authority Clerk)

Cc: Ogden Valley Planning Commission; Weber County Attorney – Civil Division

From: Christopher Cross, Owner – New World Distillery, Inc.

Address: P.O. Box 597, Eden, UT 84310

Phone: (801) 920-1110 | **Email:** Chris@NewWorldDistillery.com

Date: November 4, 2025

Re: Appeal of Conditional Use Permit Approval – CUP 2025-21 (1884 LineCo Laydown Yard)

Pursuant to the **Weber County Land Use Code** and Utah's **Land Use, Development, and Management Act (LUDMA, Utah Code Title 17-27a)**, the undersigned hereby files this **Notice of Appeal** of the Ogden Valley Planning Commission's decision on **October 28, 2025**, approving **Conditional Use Permit (CUP) 2025-21** for the **1884 LineCo Laydown Yard**.

Appellant: Christopher Cross (adjacent business owner – New World Distillery, Inc.)

Decision Appealed: Approval of CUP 2025-21 (Ogden Valley Planning Commission – 10/28/2025)

Appeal Authority: Board of Adjustment


Relief Requested: See attached *Statement of Grounds for Appeal*.

Appellant requests that the Appeal Authority:

1. Accept this appeal as **timely**;
2. **Stay the effectiveness** of the CUP approval pending final resolution of this appeal;
3. Direct preparation and **certification of the complete administrative record** (including audio, minutes, staff report, exhibits, public comments, and conditions of approval); and
4. Set a **hearing schedule** for review.

By filing this Notice, Appellant preserves all rights and issues raised in the attached *Statement of Grounds for Appeal* and in the administrative record.

Respectfully submitted,



Christopher Cross
New World Distillery, Inc.
P.O. Box 597, Eden, UT 84310
Date: November 4, 2025

STATEMENT OF GROUNDS FOR APPEAL

Appellant: Christopher Cross, Owner – New World Distillery, Inc.

Mailing Address: P.O. Box 597, Eden, UT 84310

Adjacent to subject property: Cul-de-sac, MV-1 Zone

CUP: 2025-21 – 1884 LineCo Laydown Yard

Decision Date: October 28, 2025 (Ogden Valley Planning Commission)

Appeal Authority: Board of Adjustment

Filing Date: November 4, 2025

Requested Relief

Appellant respectfully requests that the Appeal Authority:

- **Vacate the approval** of CUP 2025-21; or in the alternative,
- **Remand the matter** to the Planning Commission for further proceedings with proper findings and complete evidence; and
- **Stay the effectiveness** of the CUP pending this appeal.

Appellant further requests issuance of an **immediate Stop-Use Order** until lawful approvals, if any, take effect.

Grounds for Appeal

1. **Exceeding the One-Year Limit Without Findings of “Good Cause.”**
The approval allows operation for approximately **17 months** beyond the code’s one-year limit without any factual findings of good cause or authority for such extension.
2. **Inaccurate and Incomplete Staff Report.**
The Staff Report omits the documented **17 months of unpermitted operation** and multiple enforcement complaints, instead presenting the operation as a new or compliant applicant.
3. **Unaddressed Negative Impacts.**
Documented conditions include **dust, air particulates, truck congestion, blocked access, light pollution, noise, and safety hazards** along the cul-de-sac. These are not speculative concerns — they are ongoing and verifiable.
4. **Lack of Measurable Mitigation Standards.**
The decision provides no specific metrics for **dust suppression, decibel limits, truck**

New World Distillery Inc. – P.O. Box 597, Eden, UT 84310.

routing, hours of operation, or lighting compliance, rendering the permit **unenforceable**.

5. **Unequal Enforcement and Arbitrary Leniency.**

Allowing a violator to retroactively apply for a CUP after 17 months of illegal operation — when other businesses followed the code — represents **unequal treatment** under Weber County enforcement policy.

6. **Material Misstatements at Hearing.**

During the public meeting, the applicant's representatives made **false statements** regarding site fencing, locked gates, and operational limitations. These were accepted without verification, compromising the integrity of the record.

7. **Procedural Errors in Findings and Duration.**

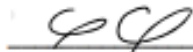
The Commission's motion lacks specific findings supporting the 16-month duration or identifying measurable conditions to justify approval.

Conclusion

The approval of **CUP 2025-21** is **arbitrary, unsupported by substantial evidence, and contrary to law**.

Appellant respectfully requests that the Appeal Authority **vacate or remand** the approval, direct the County to **resume enforcement and issue a Stop-Use Order**, and ensure that future approvals adhere to the **equal and lawful application of County Code**.

Respectfully submitted,



Christopher Cross
New World Distillery, Inc.
P.O. Box 597, Eden, UT 84310
Filed: November 4, 2025

Appendix Exhibit Index

Exhibit	Title / Description	Summary of Content	Purpose / Relevance
A	<i>Annotated Staff Report – CUP 2025-21 (LineCo Laydown Yard)</i>	Marked-up Weber County staff report highlighting omissions, inaccuracies, and contradictory findings.	Demonstrates reliance on incomplete and inaccurate information in approval recommendation.
B	<i>Neighbor Business Joint Letter</i>	Jointly signed letter by adjacent businesses detailing dust, noise, parking, and lighting impacts.	Shows collective, first-hand evidence of adverse operational impacts contradicting staff findings.
C	<i>Complaint Timeline Summary (June 2024 – Oct 2025)</i>	Chronological summary of complaints, follow-ups, and County responses.	Documents 17 months of unpermitted operation and lack of enforcement action.
D	<i>Photographic & Observational Evidence</i>	Photos showing dust emissions, light glare, and access obstructions from March 2024 – Oct 2025.	Provides direct visual corroboration of ongoing noncompliance.
E	<i>Public Comment Statement (Oct 28 2025)</i>	Transcript of appellant's oral comments to the Ogden Valley Planning Commission.	Ensures appellant's live testimony is part of the official record.
F	<i>Future Supplemental Materials (Pending GRAMA Response)</i>	Placeholder for official slides, transcripts, and correspondence once released.	Completes the administrative record for appeal review.

Appendix Exhibits

Exhibit A – Annotated Staff Report: CUP 2025-21 (LineCo Laydown Yard)

Exhibit B – Neighbor Business Joint Letter

Exhibit C – Complaint Timeline Summary (June 2024 – October 2025)

Exhibit D – Photographic and Observational Evidence

Exhibit E – Public Comment Statement (October 28 2025)

Exhibit F – Future Supplemental Materials (Upon Release)

End of Appeal Filing Packet

Filed November 2, 2025 | New World Distillery, Inc.

Exhibit A

Annotated Staff Report – CUP 2025-21 (LineCo Laydown Yard)

Prepared by: Christopher Cross – New World Distillery, October 2025

Key Annotations and Observations

L53: Incorrect statement describing the site as 'vacant.' The site has been in active use since 2024.

L59–L61: Mischaracterization of surrounding land uses as residential. The adjacent parcels include lawful MV-1 businesses such as a distillery, gym, childcare facility, excavation yard, and homebuilder office.

L117–L123: The report claims 'nominal impact' despite documented issues with dust, noise, traffic congestion, and runoff. These observations contradict the on-the-ground reality.

L122: Unsupported statement: 'No negative environmental impact expected.' No inspection or air/dust monitoring data is presented.

L195–L205: Omission of enforcement history: 17 months of operation without a CUP and paused enforcement by the County.

L297–L305: Community impact section includes no consultation with adjacent property owners, despite multiple formal complaints on file.

General: No acknowledgment of cumulative duration violations per §108-4-3, which limits temporary operations to 12 months.

Summary

This Staff Report omits critical context regarding violation history, operational impacts, and code consistency. It presents an incomplete record that could mislead Commissioners into approving a use that has already caused prolonged disruption. The absence of verified mitigation data, neighbor consultation, and accurate land-use representation requires that this CUP be denied or deferred pending correction.

Exhibit B

Ogden Valley Group Letter Opposing Retroactive CUP Approval

To: Weber County Planning Division

Ogden Valley Planning Commission

Subject: Opposition to Retroactive CUP 2025-21 – 1884 LineCo Laydown Yard

Date: [Insert Date]

Dear Members of the Ogden Valley Planning Commission,

We, the undersigned neighboring property and business owners, respectfully submit this letter regarding Conditional Use Permit (CUP) 2025-21 for the 1884 LineCo Laydown Yard in the MV-1 zone.

Our position is simple: this operation should not be granted a retroactive Conditional Use Permit after operating unlawfully for more than 16½ months without one.

1. A Matter of Fairness and Precedent

This business has been operating without the required permit for over sixteen and a half months. Granting a CUP after such a long period of unpermitted use creates the clear appearance that compliance with County Code is optional. Businesses that followed the law from the beginning bore the time, cost, and scrutiny of the proper approval process, while this operator has been allowed to profit and continue operations outside the law.

Approving this CUP now would set a troubling precedent—signaling to future operators that it is acceptable to begin operations first and seek approval later.

2. Land Use Context and Compatibility

The subject parcels are located at the end of a cul-de-sac that hosts a mix of small local businesses and community-serving uses. It is also bordered by properties used for residential care and agricultural purposes.

The laydown-yard activity introduces heavy truck traffic, early-morning staging, dust, and equipment noise into an area not designed for industrial intensity. Extending that activity retroactively for another year would amplify existing conflicts and degrade safety and quality of life for neighboring operators and patrons who rely on clean air, accessible roadways, and predictable business hours.

3. Code Integrity and Community Trust

Weber County's Land Use Code exists to ensure fair, consistent application of rules. When enforcement is deferred or ignored, confidence in that system erodes. Allowing continued operation during a retroactive permit process rewards noncompliance and undermines public trust in County enforcement.

4. Reasonable Expectation

If the operator had followed County procedures from the start, the project's one-year term would likely be completed by now. Extending that operation for yet another year effectively doubles the impact period on the surrounding community.

We urge the Commission to deny this CUP request and require cessation of the unpermitted use. We further ask the County to apply enforcement consistently to protect those who comply with the law.

Respectfully submitted,

Name	Business / Property	Signature	Date
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Ashley Cross	New World Distillery		28 October 2025
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Ashley Cross

Jeri Torman	HEL Fitness		28 October 2025
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Jeri Torman

Chandra Barrong	HAKids		28 October 25
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Chandra Barrong

Exhibit C

Timeline of Events – Unpermitted Operation Complaint (June–October 2025)

This timeline summarizes all major actions, communications, and County responses related to the ongoing complaint against the unpermitted construction yard adjacent to New World Distillery, from June 1, 2025 through October 26, 2025.

Date	Action	Description / Details	Status
June 2025	Initial Formal Complaint Filed	Formal letter submitted to Weber County Planning and Code Enforcement requesting a Stop-Use Order and denial of any retroactive CUP. One week later, the County confirmed receipt, stating they were 'working on the complaint' and coordinating with the criminal division. Tenant operations continued.	No enforcement action taken.
June 2025	GRAMA Request Filed	Request for enforcement and CUP records submitted. County denied under Utah Code §63G-2-305(10), citing investigative exemption.	Denied; no records released.
July–August 2025	No Enforcement Updates	No written updates received. Violations	Ongoing; unaddressed.

		continued including dust, noise, traffic, lighting, and access conflicts.	
Sept 10, 2025	County Response – Enforcement Paused	Email from Code Enforcement (Iris Hennon) stating enforcement paused while tenant applies for CUP; operator claimed ignorance of need for permit.	County paused enforcement.
Sept 11, 2025	Formal Response Sent to County and Commission	Letter demanding immediate Stop-Use Order, rejecting ignorance defense, and opposing retroactive CUP; cited fairness and precedent concerns.	No formal written reply received.
Mid-Sept 2025	Fairness and No-CUP Policy Memos Sent	Two memos — 'Fairness in Land Use Enforcement' and 'No Retroactive CUP Policy' — sent to Commission and Planning Division.	Delivered; no response.
Oct 11, 2025	Follow-Up Email Sent	Reminder email requesting written response after a month of silence.	No reply received.
Mid-Oct 2025	Formal Escalation Letter to Commission	Comprehensive escalation letter sent requesting resumption of enforcement, rejection of retroactive CUP, and code citation authorizing	Delivered; no written reply.

		enforcement pause.	
Oct 2025	County Staff Report Issued	Staff Report recommended approval of CUP 2025-21 despite acknowledging the use exceeded one-year limit; recommends continued operation through 2026.	Pending Planning Commission review.
Oct 2025	Call with Staff Report Preparer (Mr. Lleverino)	Phone conversation; invited to submit written comments for Commission review.	Invitation accepted.
Oct 2025	Written Comments Submitted	Detailed written comments pointing out omissions in Staff Report (no enforcement history, inaccurate land-use, fairness issues).	Submitted; acknowledgment pending.
Oct 2025	Joint Business Letter Submitted	Jointly signed by neighboring business and property owners documenting ongoing noncompliance and impacts; requested Staff Report revision.	Pending Commission review.
Oct 2025	Concise One-Page Business Letter Drafted	Shorter version circulated to maximize signatures; emphasizes fairness and enforcement	Signatures being collected.

		integrity.	
Oct 28, 2025	Planning Commission Hearing Scheduled	Planned to present comments, group letter, and fairness arguments; appeal ready if CUP approved.	Hearing pending; appeal contingency prepared.

Exhibit D





Exhibit E

Public Comments – Ogden Valley Planning Commission

Prepared by: Christopher Cross
Owner, New World Distillery, Inc.
October 28, 2025

Full 3-Minute Version

Good evening Commissioners,

My name is Christopher Cross, and I own and operate New World Distillery, one of several small, lawful businesses at the end of the same cul-de-sac as the LineCo Laydown Yard.

For 17 months, this operator has conducted daily heavy construction-yard activity without a Conditional Use Permit, in direct violation of Weber County Code §108-4-3. During that entire period, enforcement has been paused, allowing the use to continue uninterrupted.

From a code-compliance standpoint:

- The applicant has operated unlawfully for 17 months—far beyond the one-year limit stated in the code.
- Allowing them to apply now creates a precedent where compliance is optional and delay is rewarded.
- Every additional day of operation is technically a separate violation under County Code.

From a real-world standpoint, the impacts are daily and ongoing:

- Dust pollution blanketing neighboring properties.
- Noise from heavy equipment early and late.
- Non-compliant lighting spilling onto adjacent lots.
- Truck congestion on a cul-de-sac never designed for industrial traffic.
- Runoff and erosion damaging adjacent properties.

These are not hypothetical impacts—they are documented, recurring conditions that have persisted for well over a year. Every neighboring business can confirm that the required standards for compatibility and mitigation have not been met.

I understand that this project may be considered large and important. But no project—large or small—should be above the law. Small businesses like mine go through every review, inspection, and permit requirement because that's what County code demands. When a larger operator is allowed to bypass the rules for more than a year, it sends a troubling message that enforcement is unequal—that the rules apply only to those without influence or size.

Over these 17 months, County responsiveness has been disappointing. Repeated complaints from nearby businesses have been met with silence or delay, showing little regard for those already complying with the law. This lack of accountability compounds the unfairness.

Commissioners, this isn't about opposing growth—it's about fair governance. If the County intends to maintain integrity in its code enforcement, the same standards must apply to everyone.

I urge you to deny this CUP, and direct staff to resume enforcement immediately and issue the long overdue Stop-Use Order. This action would restore fairness, accountability, and faith in Weber County's zoning process.

Thank you for your time and for the opportunity to speak.

Exhibit G – GRAMA Response #25-2270 Summary and Analysis

Filed: November 5, 2025

Submitted By: Christopher Cross | New World Distillery, Inc. | P.O. Box 597, Eden, UT 84310

Summary of GRAMA Response #25-2270 (Weber County Planning Division)

Date Received: October 31, 2025

Respondent: Iris Hennon, Principal Code Enforcement Officer

Requestor: Christopher Cross

1. **Acknowledgment of Unpermitted Operation:**

Weber County acknowledges that the **LineCo Laydown Yard** operated for **more than 12 months without a Conditional Use Permit (CUP)** in the MV-1 zone.

2. **County Action and Policy Statement:**

The response states that the County contacted the property owner and tenant after being alerted by the complainant and then “paused enforcement” once the tenant agreed to apply for a CUP.

The letter cites a County “policy” to rectify violations through post-hoc applications instead of active enforcement.

3. **Protected Records Denial:**

Access to all related enforcement records was denied under **Utah Code § 63G-2-305(10)**, which allows withholding of records if release would interfere with ongoing enforcement.

4. **Current Status and Contradiction:**

The County confirms that CUP 2025-21 was approved on October 28, 2025 — meaning the enforcement case is no longer active, yet records remain withheld under the same “active case” exemption.

Analysis and Observations

- **Policy vs. Code Conflict:**

The County’s self-declared “rectify the problem” policy directly conflicts with **Weber County Code § 108-1-7**, which requires timely enforcement of ongoing violations and does not authorize retroactive CUP approval.

- **Protected Record Exemption No Longer Applies:**

Since the CUP was approved and the enforcement action concluded, there is no remaining proceeding to be “interfered with.” Continued withholding is no longer supported by law.

- **Admission of Unequal Enforcement:**

The letter admits the County acted only after a citizen complaint and then paused

enforcement for a large contractor. This reveals a pattern of preferential treatment inconsistent with the County's obligation to apply the Code equally to all operators

Addendum – Misstatement Regarding CUP Timing and Duration

- The County's GRAMA response implies that a construction yard may operate for up to one year before requiring a Conditional Use Permit. This interpretation is **contrary to Weber County Land Use Code §§ 108-4-3 and 108-1-7**, which clearly require that all conditional uses—including contractor or construction yards—obtain a valid CUP **before** commencing operations. The "one-year" provision cited in County practice refers only to the **maximum duration of a temporary CUP once issued**, not a grace period for unpermitted activity. By suggesting otherwise, staff introduced a material error of law that effectively excuses 17 months of unlawful operation and undermines uniform enforcement within the MV-1 zone.
- **Cross-Reference:** See also **Exhibit A – Annotated Staff Report** (demonstrating staff's omission of violation history) and **Exhibit C – Complaint Timeline** (documenting 17 months of unpermitted operation and delayed enforcement).

Filed November 5, 2025

Christopher Cross | New World Distillery, Inc.

(Additional GRAMA correspondence and released materials will be appended to Exhibit G as they become available.)

NEW WORLD DISTILLERY, INC.

P.O. Box 597
Eden, Utah 84310

APPEAL OF CONDITIONAL USE PERMIT

CUP 2025-21 – LINECO LAYDOWN YARD

Ogden Valley Planning Commission Decision
Dated: **October 28, 2025**

Administrative Record Filing Supplement

Expectations Memorandum and Filed Email Copy

Submitted By:

Christopher Cross

Owner, New World Distillery, Inc.

(801) 920-1110

Chris@NewWorldDistillery.com

Filed with:

Weber County Planning Division

Appeal Authority Clerk

2380 Washington Blvd.

Ogden, UT 84401

Administrative Record Request – Filing Copy

Appeal of CUP 2025-21 (LineCo Laydown Yard)

Filed: November 6, 2025

Submitted by:

Christopher Cross

New World Distillery, Inc.

P.O. Box 597, Eden, UT 84310

(801) 920-1110 | Chris@NewWorldDistillery.com

I. Cover Email (Filed Copy)

Subject: Administrative Record – Appeal of CUP 2025-21 (LineCo Laydown Yard)

Date: November 6, 2025

From: Christopher Cross

To: mborchert@webercountyutah.gov

CC: Weber County Attorney – Civil Division

Dear Planning Staff and Appeal Authority Clerk,

Thank you again for confirming receipt of my appeal filing. To help make the next steps as efficient and straightforward as possible for everyone, I am sending the attached **Expectations Memorandum** outlining the materials that I understand will form the **complete administrative record** for CUP 2025-21.

My intent is **not** to create extra work or to overburden staff.

Quite the opposite — my goal is to be as **clear and complete up front** as possible so we don't end up in a back-and-forth later about missing components or follow-up record requests. This memo is simply meant to ensure that all departments are working from the same checklist and that the Record is certified accurately the first time.

Please let me know:

1. Who the primary **record custodian** will be; and
2. The anticipated **timeline** for assembling and certifying the Record.

If anything on the list needs clarification or adjustment, I'm happy to work collaboratively so the process runs smoothly.

Thank you very much for your time and cooperation.

Sincerely,
Christopher Cross
New World Distillery, Inc.
P.O. Box 597 | Eden, UT 84310
(801) 920-1110 | Chris@NewWorldDistillery.com

II. Expectations Memorandum

Date: November 6, 2025
To: Appeal Authority Clerk, Weber County Planning Division
(mborchert@webercountyutah.gov)

Cc: Weber County Attorney – Civil Division; Applicant
From: Christopher Cross, Owner – New World Distillery, Inc.
Re: Expectations for Preparation and Certification of the Administrative Record
Matter: Appeal of CUP 2025-21 (1884 LineCo Laydown Yard) – Ogden Valley Planning Commission decision of October 28, 2025

Purpose

This memorandum confirms expectations for the **complete preparation and certification of the Administrative Record** (“Record”) for the above-referenced appeal, consistent with Utah LUDMA and Weber County procedure.

Requested Contents of the Administrative Record

1. Notices & Agendas

- Public notices, agenda postings, proof of posting/distribution for the Oct 28, 2025 meeting.

2. CUP Application & Submittals

- Applicant's CUP application and all submittals, including:
 - Plans, narrative, exhibits

- Slide decks, photos, diagrams, maps
- Traffic, dust, lighting, and access plans
- Any revisions or addenda

3. Staff Materials

- Staff Report (final and any versions relied upon)
- Staff presentation slides
- Technical memoranda (traffic, dust/air, lighting, drainage, etc.)

4. Public Comments

- All written comments submitted before or during the hearing
- Sign-in sheets or participation logs

5. Hearing Record

- Complete audio/video recording
- Draft and approved minutes
- Final Findings and Conditions of Approval
- Motions, amendments, vote tally

6. Correspondence & Communications

- Emails/letters between:
 - Planning
 - Code Enforcement
 - County Attorney's Office
 - Applicant/representatives
- Any communications relied upon by staff or Commissioners

7. Code Enforcement / Violation History

- Complaints, notices, photos, field notes
- Communications regarding the **17-month unpermitted operation**
- Any internal rationale for enforcement pause

8. External Agencies

- Communications with Rocky Mountain Power or other agencies referenced in staff recommendations.

9. Maps & Site Documentation

- Parcel maps, zoning maps, aerials, staff site photos.

10. Policies, Guidance, Code References

- Any written policies or internal guidance regarding “temporary” contractor yards, one-year durations, or post-hoc compliance practices.

11. Ex Parte Disclosures

- Any ex parte communications, if present.

12. Post-Decision Documents

- Signed approval letter
- Conditions
- Any immediate follow-up instructions or compliance communications

Certification & Production Standards

- **Bates numbering** of all record pages
 - **OCR searchable PDFs**
 - **Index** listing all Record components
 - **Privilege log** if anything is withheld
 - **Rolling production** permitted
 - Provide original **audio/video** files
-

Next Steps Requested

Please confirm:

1. The assigned **record custodian**;
2. The anticipated **certification date**; and
3. Any remaining procedural steps or required fees.

Thank you for your cooperation.

Sincerely,

Christopher Cross

New World Distillery, Inc.

P.O. Box 597

Eden, UT 84310

(801) 920-1110

Chris@NewWorldDistillery.com

1884 LineCo Conditional Use Permit



A request for approval of a Laydown Yard



1884 LineCo Conditional Use Permit



Conditional Use Review



PROPOSAL

- **CONDITIONAL USE PERMIT FOR A TEMPORARY LAYDOWN YARD**
- **MANUFACTURING VALLEY (MV-1)**
- **STAGING AREA FOR POWER POLE REPLACEMENT IN THE OGDEN VALLEY**
- **2.27 ACRES**
- **ADDITIONAL 16 MONTHS**

Conditional Use Review



Standards:

1. Safety for person and property
2. Standard related to infrastructure, amenities, and services
3. Standards related to the environment
4. Standards relating to the current qualities and characteristics of the surrounding area and compliance with the intent of the general plan.
5. Standards related to performance
Standards generally
7. Voluntary contributions providing satisfactory compliance with applicable standards

Design Review



Considerations:

- (a) Related to traffic safety and traffic congestion
- (b) Outdoor Advertising
- (c) Landscaping
- (d) Building and site layout
- (e) Utility, easements, drainage, and other engineering questions
- (f) Prior development concept plan approval associated with any rezoning agreement...

Staff Recommendation



Approval with the following conditions:

- 1) The traffic shall abide by the Storm Water Pollution Prevention requirements.
- 2) The site shall be kept and maintained for safety and good visual appearance
- 3) The site and the streets within the cul-de-sac shall be watered to mitigate dust.
- 4) Street sweeping shall take place on a daily basis.
- 5) All vehicles shall obey the speed limit and shall park within the designated area specified on the site plan.



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 15' variance to the front yard setback.
Agenda Date: Thursday, December 11, 2025
Applicant: Jared Kay, Representative
File Number: BOA 2025-07

Property Information

Approximate Address: 6715 East 6675 North, Utah
Project Area: 15,340 SF
Zoning: Forest Residential (FR-3)
Existing Land Use: Residential
Proposed Land Use: Residential
Parcel ID: 22-119-0001
Township, Range, Section: T7N, R1E, Section 1

Adjacent Land Use

North:	Residential	South:	Residential
East:	Residential	West:	Ski Resort

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 8 (Forest Residential 3 Zone)

Development History

The Powder Mountain West Subdivision Phase 3 was recorded on May 17, 1995. This lot 43 is the last lot at the end of 6675 East (Aspen Drive).

Background

The applicant is requesting variances to the front minimum yard setbacks of the Forest Residential (FR-3) zone for the construction of a single-family dwelling. The applicant feels that a variance is necessary to build their desired home. The applicant cites the shape of the parcel, the square footage of the parcel, and the steep terrain within the property.

The applicant has provided an elevation plan to help visualize constraints due to slopes and the desired home placement with the reduced setbacks requested. The board of adjustment may review the proposal and make variations to the request.

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 setbacks poses limitations that hinder the construction of any reasonable home size.
- b. The applicant states that the steepness of the slope and the unusual shape of the property are special circumstances that exists that do not generally apply to other properties in the same zone.
- c. The applicant's narrative provides an argument that granting a variance is essential to the enjoyment of a substantial property right that is possessed by other properties in the same zone because this property is located in an area of steep terrain and a variance is needed to reduce the visual impact of extensive grading.
- d. The General Plan indicates that this area should be developed as planned and zoned. The property would be developed in a manner that is consistent with the Forest Residential Zone and the Ogden Valley General Plan for resort areas.
- e. The applicant's narrative explains that the impact on the neighboring properties is minimal, and in the best interest of the community by reducing the height in its relationship to the ground it will also reduce the amount of earthen cuts and fills.

Exhibits

- A. Applicant's Narrative
- B. HOA Letter
- C. Elevation drawings and Site Plan
- D. Project description
- E. Survey

Area Map





RANDALL M. LEWIS

RANDY@RMLDESIGNSTUDIO.COM

TEL: 801.217.3727

WWW.RMLDESIGNSTUDIO.COM

420 E. SOUTH TEMPLE, SUITE 515
SALT LAKE CITY, UTAH 84111

RESPONSE TO PLAN REVIEW

Name of city: WEBER COUNTY PLANNING

Address: Lot # 43, Powder Mountain Subdivision, Phase 3

Name of client: Gary Schmeichel

Name of Project: Schmeichel Residence

Petition: On behalf of the client, we are petitioning a variance to the front setback from 25' to 10' ideally or at least 15'

COMMENT

1. Unreasonable Hardship 1: We are providing (included) diagrams of the lot at 10', 15' and 25' back from the property line. The dilemma we face here is that the property slopes so steeply that to begin the house 25' back from the curb moves the ground at the back of the house far below not just the basement but the sub-basement. The house is already creating a basement below the basement to get closer to the ground. At 25' the ground would be quite a distance below even the sub-basement making any single-story home effectively too tall by the county's height ordinance, and a back wall so steep it would be visually jarring. At 10' or at most 15' the vertical position of the sub-basement is more level to the actual grade.
2. Unreasonable Hardship 2: We are providing another diagram of how the shape of the lot makes it uniquely sensitive to the front setback. With a 25' setback the depth of the right side becomes unreasonably shallow even for a garage attached to the house, which is our intention. The 25' setback nullifies the usability of a good portion of the property to be used for the home and fails, because of its shape to provide sufficient space for a house of any reasonably size. (see attached)
3. Other lots in the area: The shape of the property is unique to the other lots in the neighborhood which are not as sensitive to how this setback would impact the building pad.
4. Garage: The analysis of the project is based on the premise that the house would need a garage which would establish to some extent the vertical position of any main floor.
5. Precedent: Similar accommodation was made to other properties in this area for the slope conditions.

6. Interests of the neighbors and community: The accommodation of the front setback would make the house less “tall” in its relationship to the ground and reduce its visual impact to the surrounding neighbors dramatically. It serves the interest of the community to reduce, as much as possible, the vertical distance between the existing grade and the top of the structure. This is accomplished best by moving the project uphill toward the street.

Summary: We believe that due to the nature of the steepness of the slope and the unusual shape of the property that providing accommodation to the front setback in this case makes the construction of any reasonable house feasible. Without this accommodation both the shape and slope of the property may render any reasonably home unfeasible on this property and negate the value of the property to the owner. We also believe it is in the interest of the community and the HOA to reduce the visual impact of the structure on the property by building it where the existing grade would more or less match the level of a sub-basement which is the most the planning can do to accommodate the dramatic slope of the property.

Randall Lewis

Exhibit B

Dear Board of Adjustments,

The Powder Mountain West (PMW) Architectural Control Committee (ACC) has requested that Gary Schmeichel (6715 E. Aspen Dr.) (PMW lot 43R), apply for a 15 foot variance, on the front, 25 foot setback.

The ACC has made a conscious effort, to require new builds, to have “parkable garages”. PMW, currently does NOT plow our road, in the winter.

Since Reed Hastings has started developing Powder Haven, many PMW lots have changed hands, and we are seeing a strong increase in submissions to build.

Mr. Schmeichel’s lot is the steepest/Geotech Required, of the 53 lots in our subdivision.

By granting a variance, this will allow the Garage to be accessible/parkable, should we choose to plow Aspen Drive, in the future.

Thank you for your attention with this variance request.

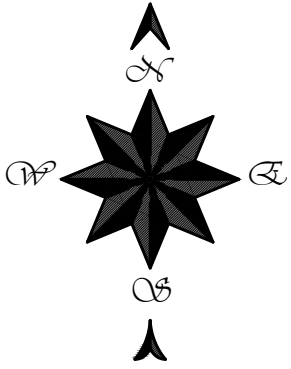
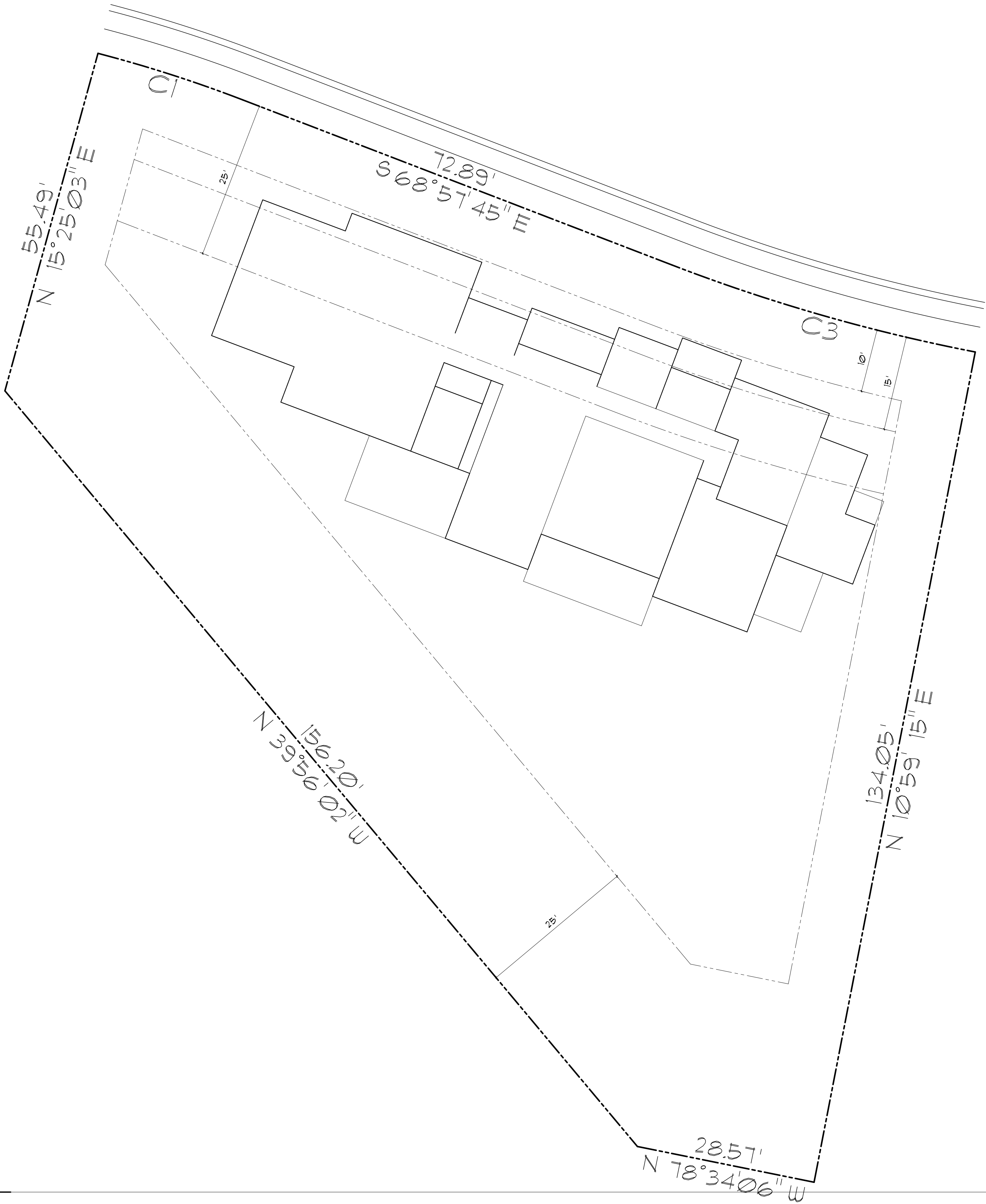
Brian R. Matthias
PMW
ACC Chairman

NOTE
LOT SHALL BE GRADED TO DRAIN SURFACE WATER AWAY FROM CONCRETE WALLS. THE GRADE AWAY FROM THE FOUNDATION SHALL FALL A MINIMUM OF 6" WITHIN THE FIRST 10 FEET. (5%)

NOTE
DUST, MUD, AND EROSION SHALL BE CONTROLLED BY WHATEVER MEANS NECESSARY, AND THE ROADWAY SHALL BE KEPT FREE OF MUD AND DEBRIS AT ALL TIMES.
BUILDER-OWNER SHALL REPLACE ANY CURB OR GUTTER ALONG THE FRONTAGE OF THIS PROJECT, THAT IS FOUND TO BE DEFECTIVE, AS DIRECTED BY CITY INSPECTOR.
A PROFESSIONAL ENGINEER, CURRENTLY LICENSED IN UTAH, SHALL INSPECT AND APPROVE ANY RETAINING WALLS THAT ARE HIGHER THAN 4', ONCE CONSTRUCTED.

NOTE
*ALL STORM WATER AND DIRT WILL BE KEPT ON SITE DURING CONSTRUCTION UNTIL FINAL LANDSCAPING IS DONE.
*GENERAL CONTRACTOR WILL BE HELD RESPONSIBLE FOR DIRT/MUD ON SITE DURING BAD WEATHER AND FOR CLEANING UP AFTER SUBCONTRACTORS.
*STREET, CURB AND GUTTER WILL BE INSPECTED AND CLEANED OF ALL MUD AND DIRT AT THE END OF EVERY DAY.
*GRAVEL BAGS TO BE PLACED AND MAINTAINED AROUND ANY STORM DRAIN INLET ADJACENT TO OR IMMEDIATELY DOWNSTREAM FROM SITE DURING CONSTRUCTION.
*BERMS AND SWALES MAY BE REQUIRED ALONG PROPERTY LINES TO PREVENT STORM WATER FLOW ONTO ADJACENT LOTS, FINAL GRADING TO BLEND WITH ADJACENT LOTS.
*DRAINAGE ALONG REAR DRAINAGE EASEMENT MUST BE MAINTAINED AFTER LANDSCAPING TO ALLOW FLOW FROM SURROUNDING LOTS TO CROSS THE LOT AS SHOWN ON SUBDIVISION GRADING PLAN.
*A LINED CONCRETE WASHOUT AREA MUST BE PROVIDED AT THE SITE FOR ALL CONCRETE WORK. WASHOUT INTO THE FOUNDATION OR ON THE GROUND IS PROHIBITED.

Exhibit C



420 E. SOUTH TEMPLE
SUITE 515
SALT LAKE CITY, UTAH 84111
801.217.3727

ATTENTION
RML DESIGN MAINTAINS THE INTELLECTUAL RIGHTS TO THIS PROPERTY. ALL RIGHTS ARE RESERVED, AND SHALL NOT BE REPRODUCED OR COPIED WITHOUT THE EXPRESSED WRITTEN CONSENT OF RML DESIGN, UNDER PENALTY OF PROSECUTION

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PROJECT NAME:
SCHMEICHEL
RESIDENCE

LOCATION INFO:
LOT #
43
SUBDIVISION
SUBNAME
SUBNAME
SUBNAME
CITY
CITYNAME
STATE
UTAH

CLIENT NAME:
XXXXXX
XXXXXX

PLAN NAME:
XXX
XXX

ORIGINAL RELEASE:
FEB 18, 2007

REVISION DATES
XX/XX/XXXX
XX/XX/XXXX
XX/XX/XXXX
XX/XX/XXXX

SCHMEICHEL-G-KAT-1-28-C

SITE
PLAN

A1 | 1

PAGE 4 OF 22

A SITE PLAN
SCALE: 1" = 10'



420 E. SOUTH TEMPLE
SUITE 515
SALT LAKE CITY, UTAH 84111
801. 217. 3727

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USE OF COPYRIGHTED MATERIAL

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PROJECT NAME:
SCHMEICHEL
RESIDENCE

LOCATION INFO:
LOT #
101
SUBDIVISION
SUBNAME
SUBNAME
CITY
CITYNAME
STATE
UTAH

CLIENT NAME:
MR. AND MRS.
CLIENT

PLAN NAME:
PLANNAME

ORIGINAL RELEASE:
JAN 1, 2007

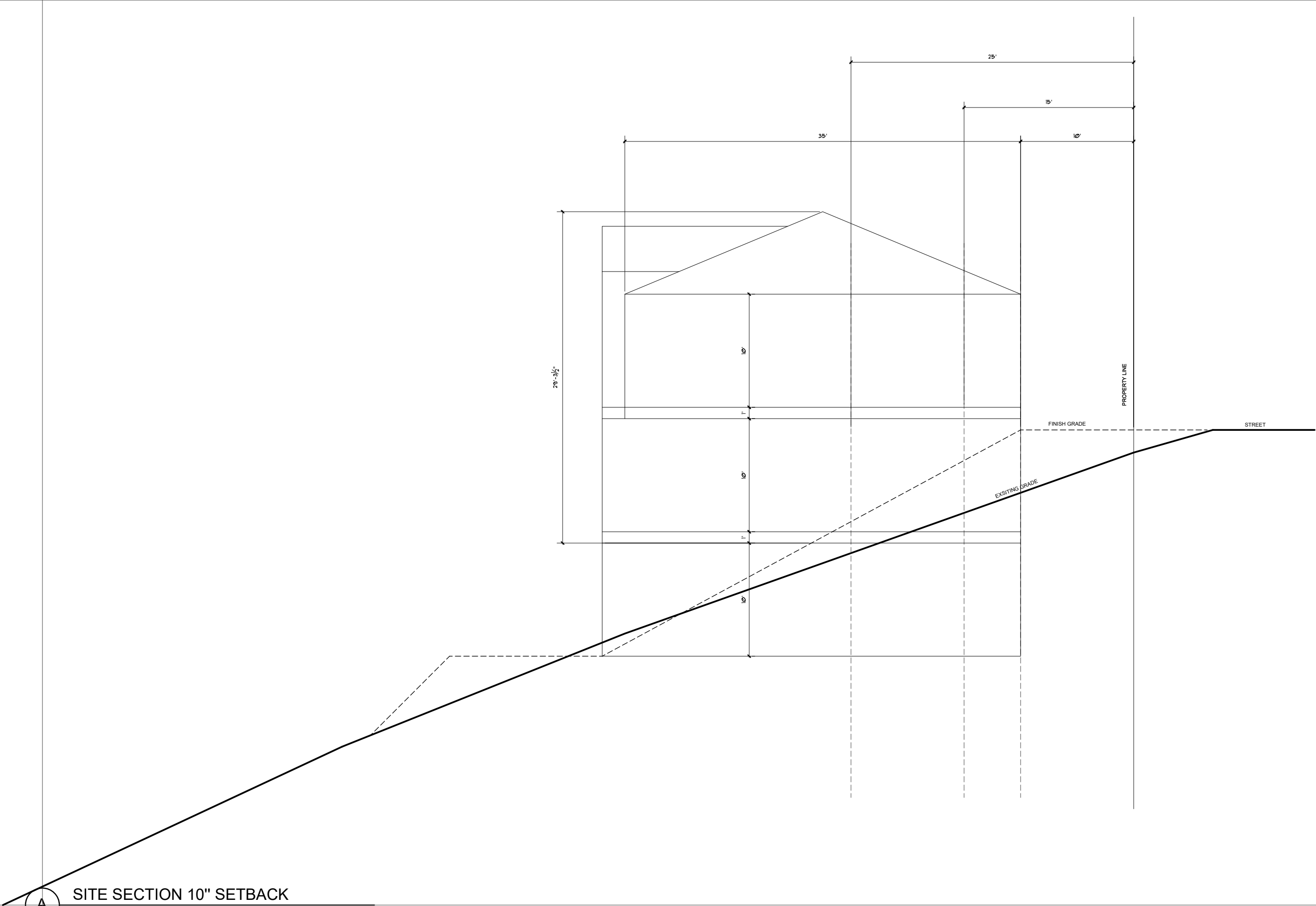
REVISION DATES
XX/XX/XXXX
XX/XX/XXXX
XX/XX/XXXX
XX/XX/XXXX

SCHMEICHEL-C-KAY-I-JS-B

FRONT
REAR
ELEVATIONS

A2 | 1

PAGE 4 OF 23



A SITE SECTION 10" SETBACK
SCALE: 1/8" = 1'-0"

Exhibit D



RANDALL M. LEWIS

RANDY@RMLDESIGNSTUDIO.COM

TEL: 801.217.3727

WWW.RMLDESIGNSTUDIO.COM

420 E. SOUTH TEMPLE, SUITE 515
SALT LAKE CITY, UTAH 84111

RESPONSE TO PLAN REVIEW

Name of city: WEBER COUNTY

Name of Project: LOT 43 POWDER MOUNTAIN SUBDIVISION PHASE 3

COMMENTS

- I have introduced a hypothetical house. As any house would be on such a steep lot it would be wide and shallow so as to minimize its intrusion on the lower part of the slope to keep within the height limit
- I am showing this hypothetical house at 10', 15' and 25' setbacks
- In the 10' setback the hypothetical house works well
- In the 15' the house could be made to work, with some adjustments
- Because of the shape of the lot, the 25' rear setback creates a severe restriction on the West side of the lot.
- At 25' this hypothetical house would not work at all, even though the garages are occupying the narrow part of the lot and would have the most shallow dimension of any part of the project.
- On a less steep lot this could be designed around by going deeper on the side where the building pad is deeper.
- But on this lot building deeper on any aspect of the lot presents a significant logistical and regulatory obstacle in moving more house deeper into the slope.
- For this reasons, accommodation to the front setback not only makes the house involve itself with the less steep parts of the lot, but accommodates the unfortunate shape created by the lot shape and the setbacks

Randall Lewis

39 - 63

PART OF SECTION 1, T. 7 N., R. 1 E., S. L. B. & M.

WEBER COUNTY, UTAH

MAY 1995

		CURVE				DATA		
NO.	DELTA	RAD	ARC	TAN	CHORD	CHORD	CHORD	BRNG.
[1]	06° 25' 17"	21500	24.10	12.06	24.08	5.72	10° 23' E	
[2]	21° 02' 15"	28500	104.64	52.92	104.06	7.93	28° 52' E	
[3]	19° 04' 00"	29500	50.02	26.87	50.00	5.58	54° E	
[4]	10° 16' 15"	268	54.37	27.37	54.49	5.64	30° E	
[5]	18° 04' 07"	36500	95.38	48.38	95.72	8.27	27° S	
[6]	36° 36' 42"	36500	42.33	21.19	42.31	3.64	40° 39' E	
[7]	08° 25' 25"	36500	53.66	26.88	53.61	3.79	08° 36' E	
[8]	22° 20' 25"	6400	243.90	126.40	248.00	26.06	42° 12" E	
[9]	00° 16' 43"	64000	2.93	1.46	2.93	5.75	03° S	
[10]	07° 15' 33"	64000	81.09	40.60	81.03	7.58	43° 23' E	
[11]	07° 13' 33"	64000	81.09	40.60	81.03	8.04	54° 24' E	
[12]	07° 33' 48"	64000	84.48	42.30	84.42	8.96	30° S	

LOT			
LOT	NO.	BEARING	DIST.
(43)	(1)	S 78° 34' 06" E	28.57
(44)	(1)	N 90° 00' 00" E	23.94
(46)	(1)	S 74° 55' 53" E	35.85
(48)	(1)	N 84° 27' 03" E	8.91

LOT INFORMATION		
LOT NO.	AREA (S.F.)	ADDRESS
(43)	15,340	6715 EAST ASPEN DRIVE
(44)	12,740	6727 EAST ASPEN DRIVE
(45)	12,281	6739 EAST ASPEN DRIVE
(46)	12,433	6753 EAST ASPEN DRIVE
(47)	13,245	6767 EAST ASPEN DRIVE
(48)	13,765	6777 EAST ASPEN DRIVE
(49)	12,711	6789 EAST ASPEN DRIVE
(50)	12,205	6801 EAST ASPEN DRIVE
(51)	9,502	6813 EAST ASPEN DRIVE
(52)	9,661	6825 EAST ASPEN DRIVE

NOTES:

- 1 - UTILITY EASEMENTS ARE INDICATED BY DASHED LINES. ALL EASEMENTS TO BE USED FOR IRRIGATION WATER LINES, POWER LINES, TELEPHONE LINES AND OTHER PUBLIC UTILITIES.
- 2 - (R) LOTS SHALL REQUIRE COUNTY HILLSIDE REVIEW APPROVAL.
- 3 - PROPERTY CORNERS WERE STAKED WITH 1/2" REBAR WITHOUT CAPS IN 1983.
- 4 - (N/R) - NON-RADIAL.

WEBER COUNTY SURVEYOR

I HEREBY CERTIFY THAT I HAVE INVESTIGATED THE LINES OF SURVEY OF THE FOREGOING PLAT AND LEGAL DESCRIPTION OF THE LAND EMBRACED THEREIN, AND FIND THEM TO BE CORRECT AND TO AGREE WITH THE LINES AND MONUMENTS ON RECORD IN THIS OFFICE.

SIGNED THIS 10th DAY BREWER COUNTY 1995.

THIS 10th DAY OF FEBRUARY 1995.
COUNTY OF CLATSOP
STATE OF OREGON
SIGNATURE _____

WEBER COUNTY ENGINEER

I HEREBY CERTIFY THAT I APPROVE THE REQUIRED IMPROVEMENT STANDARDS AND DRAWINGS FOR THIS SUBDIVISION AND THE AMOUNT OF FINANCIAL GUARANTEE FOR THESE IMPROVEMENTS.

SIGNED THIS 11th DAY OF May, 1995.

WEBER COUNTY ATTORNEY

I HAVE EXAMINED THE SUBDIVISION DOCUMENTS
SUBMITTED WITH THIS PLAT AND FIND THEY ARE IN
CONFORMANCE WITH THE ORDINANCE REQUIREMENTS
NOW IN FORCE AND EFFECT.

May 9th 1995 *Monette Nunez*
DATE COUNTY ATTORNEY

ACKNOWLEDGEMENT³⁾

STATE OF UTAH
COUNTY OF WEBER

ON THE 9th DAY OF May, 1955 PERSONALLY
APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR
SAID COUNTY OF WEBER IN THE SAID STATE OF UTAH, THE SIGNERS
OF THE ATTACHED OWNER'S DECLARATION, 1 IN NUMBER, WHO DULY
ACKNOWLEDGED TO ME THEY SIGNED IT FREELY AND VOLUNTARILY
AND FOR THE PURPOSES THEREIN MENTIONED.

MY COMMISSION EXPIRES: Nov., 1956.

NOTARY PUBLIC
CLARETIA CHRISTIANSON

Open Utah 84401
My Commission Expires
Nov 21, 1995
STATE OF UTAH

CORPORATE ACKNOWLEDGEMENT

CORPORATE ACKNOWLEDGEMENT

STATE OF UTAH
COUNTY OF WEBER

ON THE 9th DAY OF May, 1995 PERSONALLY APPEARED BEFORE
ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID STATE AND COUNTY,
LEDGED TO ME _____ AND AFTER BEING DULY SWORN ACKNOWLEDGED TO ME _____ IS _____ OF SAID
CORPORATION AND THAT _____ SIGNED THE OWNER'S DEDICATION FREELY AND VOL-
UNTARILY AND IN BEHALF OF SAID CORPORATION FOR THE PURPOSES THEREIN MENTIONED

MY COMMISSION EXPIRES : _____, 19____.

COUNTY RECORDER

COUNTY RECORDER

ENTRY NO. 1345674 FEE PAID
40.00 FILED FOR RECORD AND
RECORDED 17-MAY-95, A
1:40 PM IN BOOK 39
OF OFFICIAL RECORDS, PAGE 93
FOR: RAY MOSS

DOUG CROFTS
COUNTY RECORDER
BY Laura Taylor
ccr/clk

39 - 93

95-3



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 variance to the minimum rear and side building setbacks of the Forest Valley 3 zone with the property address of 5551 E Old Snowbasin Road.
Agenda Date:	Thursday, December 11, 2025
Applicant:	Tyler McCue, Representative
File Number:	BOA 2025-09

Property Information

Approximate Address:	5551 E Old Snowbasin Road, Utah
Project Area:	.57 acres
Zoning:	Forest Valley (FV-3)
Existing Land Use:	Residential
Proposed Land Use:	Residential
Parcel ID:	20-035-0047
Township, Range, Section:	T6N, R1E, Section 23

Adjacent Land Use

North:	Residential	South:	Forest
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 5 (Forest Valley 3 Zone)
- Title 108 (Standards) Chapter 22 (Natural Hazard Areas)

Development History

This parcel of land is shown on the 1966 ownership plat and, therefore, the Weber County Planning Division does consider this a nonconforming buildable parcel.

A variance request by the same applicant was made on May 23, 2024. Following a decision by the Board to deny the request, the designers have reduced the variance request to ensure the majority of the home sits inside the building area.

Background

The applicant is requesting variances to the minimum 20' side yard setback for a concrete patio that would extend 16' 8" into the 20' minimum side yard setback, a 4' variance to the minimum rear yard setback, and a 1' 2 ½" variance to the opposite side yard setback associated with the construction of a single-family dwelling. The applicant feels that a variance is necessary to build their desired home. The applicant cites the shape of the parcel, the design of the home in relation to other homes in the area as circumstances that justify a variance to the setbacks.

The site plan in the plan set in Exhibit B shows encroachments around both sides and the rear of the home. The board of adjustment may review the proposal and make variations to the request.

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 is points taken from the applicant's narrative:

- a. The applicant's narrative states that literal enforcement of the setbacks "will result in a loss of functional space and architectural integrity."
- b. The applicant states that the unique geometry is a special circumstance that exists that does not generally apply to other properties in the same.
- c. The applicant's narrative provides an argument that granting a variance is essential to the enjoyment of a substantial property right that is possessed by other properties in the same zone because this variance will maximize the development potential.
- d. The General Plan indicates that this area should be developed as planned and zoned. The applicant states that "The changes align with the neighborhood character."
- e. The applicant's narrative explains that granting this variance will not adversely affect adjacent properties or the general plan. "Granting supports the ordinance's intent for orderly development and protection of property rights."

Exhibits

- A. Applicant's Narrative
- B. Home plans

Area Map



Weber County Board of Adjustment

2380 Washington Blvd., Suite 240
Ogden, Utah 84401

Date: 11/20/2025

Request for Variance – East Rear setback (4') and South side setback (487 Sqft)

Dear Board Members,

We are writing to request a variance for the property located at 5551 Old Snowbasin Rd. After meeting with the committee on 5/23/2024 date, we considered their feedback and reduced the design of the home to ensure the majority of the structure sits inside the building envelope with the exception of a small corner in the rear east side and a hot tub and firepit that sit on the south side.

We are specifically requesting a reduction on the “Rear Setback” or project east side as, based on the following:

- Code Sections§104-14-5 – Site Development Standards for FV-3 states the following:

Minimum yard setbacks - Rear
Main Building = 30 feet
 - We are requesting this “rear east setback” be reduced from 30 feet to 26 feet.
- In addition, Code Sections§108-7-2 - Outside stairways, fire escapes, flues, chimneys and fireplace structures not wider than eight feet measured along the wall of a building, may project not more than five feet into a required front yard setback, ten feet into a required rear yard setback, and three feet into a required side yard setback.
 - We are requesting a variance to allow for a 478 square foot patio with a hot tub, stairs and firepit to be built inside the south side setback. This variance would include protruding into the setback 16’8” by 28’8” – total 478sqft.

Justification:

1. **Unreasonable Hardship:** The lot's irregular shape makes compliance with standard setbacks impractical, resulting in loss of functional space and architectural integrity. This hardship is unique to the property and not self-imposed.
2. **Special Circumstances:** The unique geometry of the lot necessitates encroachment to maintain structural support and design continuity, depriving the property of privileges enjoyed by others in the zone.
3. **Substantial Property Right:** Approval will allow for consistent structural support and allow the owner to maximize the properties potential compared to neighboring properties.
4. **General Plan & Public Interest:** The proposed changes align with neighborhood character and do not adversely affect adjacent properties or the general plan. All other codes and ordinances will be observed.
5. **Spirit of the Ordinance:** Granting this variance supports the ordinance's intent for orderly development and protection of property rights.

Conclusion:

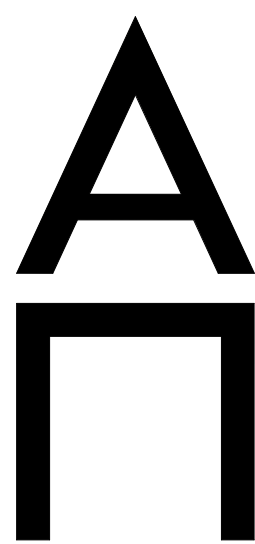
We respectfully request approval of this variance to allow an additional four feet for the rear east corner and approval for a 478 sqft on the south side for a hot tub and firepit. We believe this request meets all criteria set forth by Weber County and will result in a fair and reasonable outcome.

Thank you for your consideration.

Respectfully,

Tyler McCue – Magleby Construction
1291 W Center St
Lindon UT, 84042
385-307-2404
tmccue@maglebyvonstruction.com

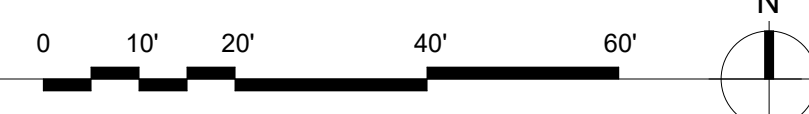
Exhibit B



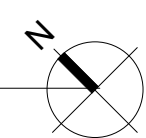
APPLEGARTH RESIDENCE
5551 E OLD SNOWBASIN RD
HUNTSVILLE, UT
PARCEL NO 200350047
VARIANCE APPLICATION
SET

2025 / NOV /20

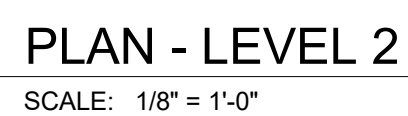
APOLLO DESIGN
STUDIO
2666 52ND AVENUE SW
SEATTLE, WA 98166



- ENCROACHING ELEMENTS - EAST
- ROOF OVERHANG
- COVERED DECK
- UNCOVERED DECK



A1.21



APOLLO

APPLEGARTH
RESIDENCE
5551 E OLD SNOWBASIN RD
HUNTSVILLE, UT
PARCEL NO 200350047

VARIANCE
APPLICATION SET
2025 / NOV /20

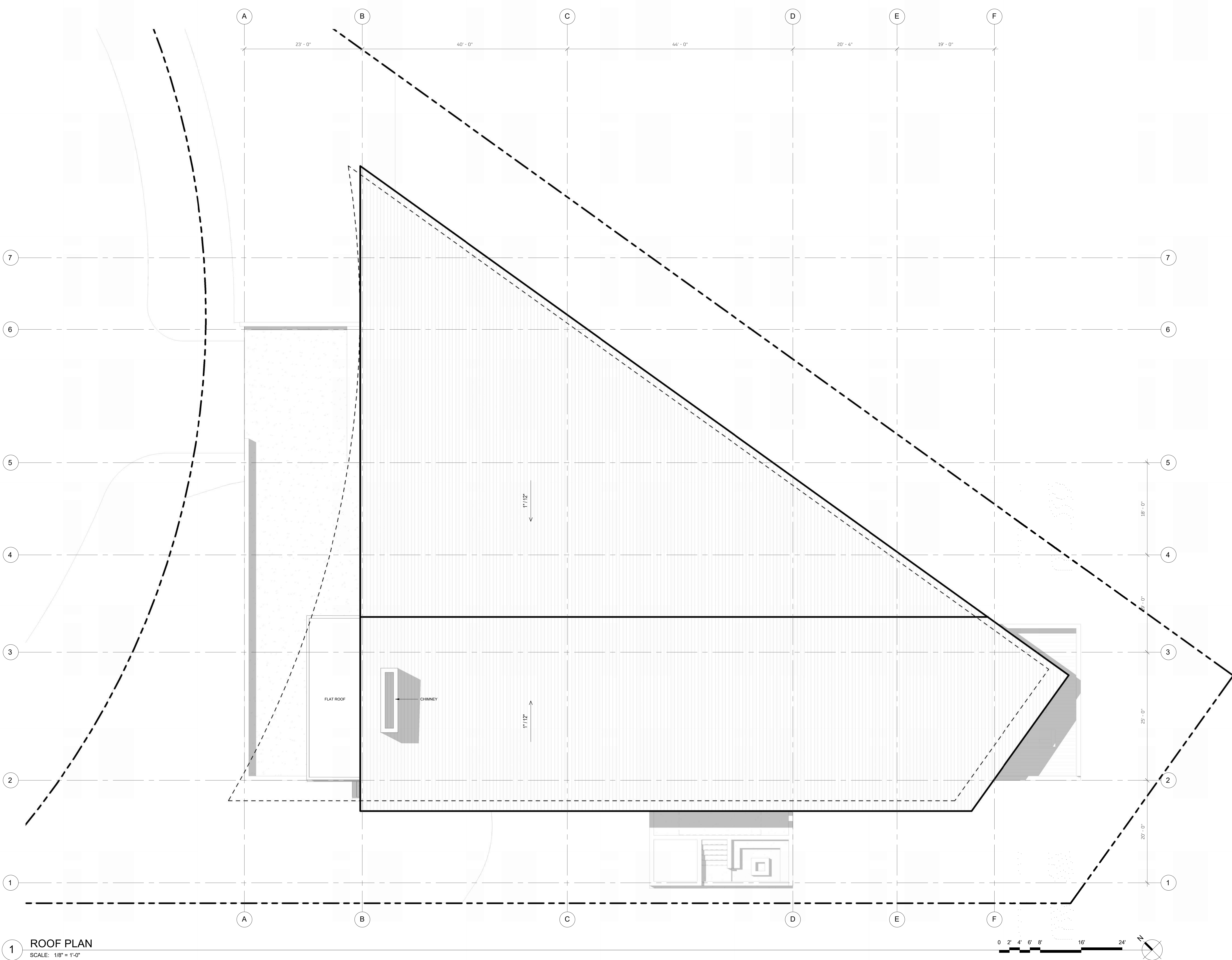
SHEET NOTES
1. SEE STRUCTURAL CONFIGURATION PLANS AND
RCPS FOR ADDITIONAL FRAMING NOTES.
2. ID TAGS AND DETAIL TAGS APPLY TO THE FULL,
STRAIGHT RUN OF WALL, UON.
3. ROOF ASSEMBLY IS RX, UON.

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specifically for the project named herein. They are not
for use on other projects, and/or in other locations,
and/or without the written approval of the Architect.

SEAL
PRINCIPALPS
TEAMCC
JOB ######
REVISIONS

ROOF - PLAN

A1.31



1 ROOF PLAN
SCALE: 1/8" = 1'-0"

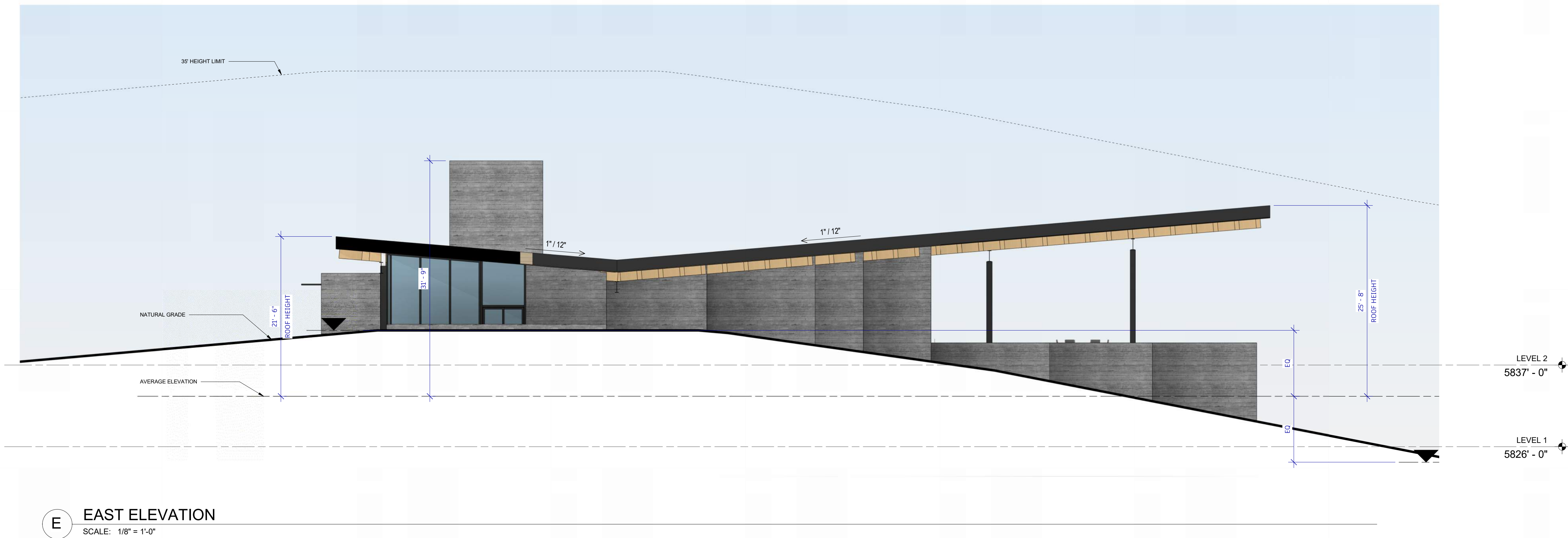
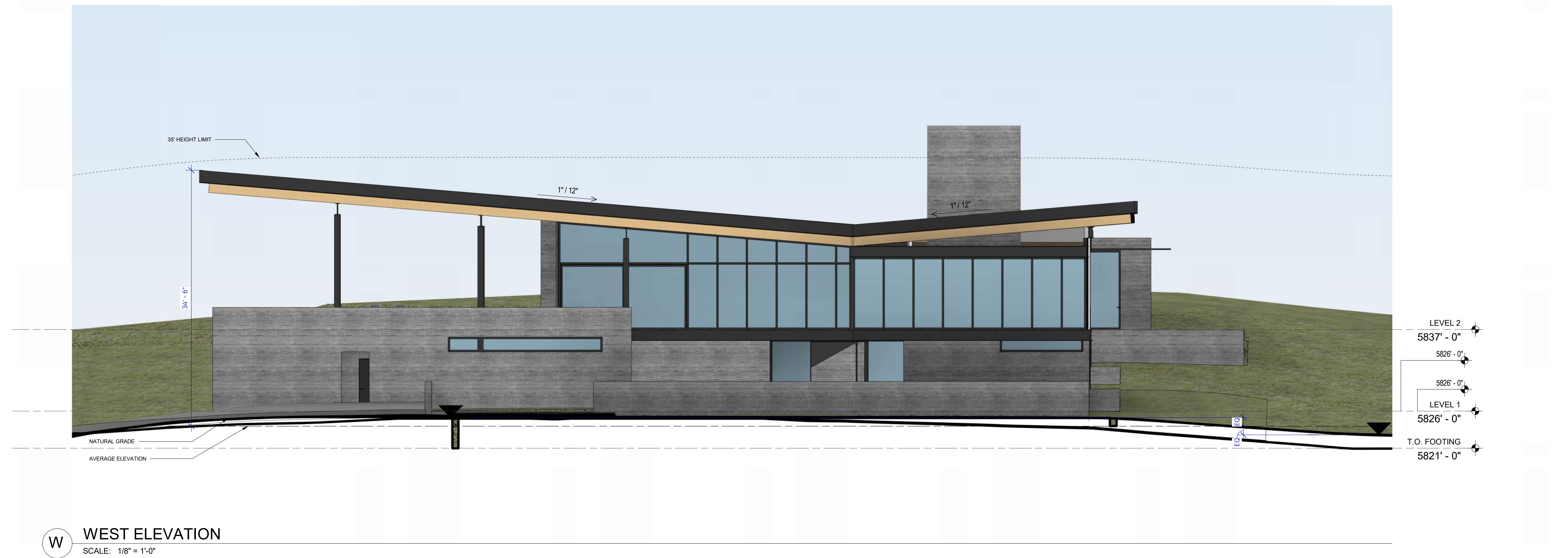
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[illegible]

EXTERIOR ELEVATIONS

A2.00



NOT / FOR CONSTRUCTION

