

BOARD OF ADJUSTMENT

MEETING AGENDA February 22, 2013 4:00 p.m.

**Pledge of Allegiance*

Regular Agenda Items

1. Minutes Approval of the October 05, 2012 meeting minutes
2. BOA 2013-01 Consideration and action of a request for a 6,293 square foot variance to a lot area requirements of the Agricultural A-1 Zone located at 391 S 4700 W (Pat and Vickie Ingram, Applicants)
3. Election: Election of Chair and Vice Chair for 2013
4. Schedule & Information: 2013 Meeting Schedule and Member Information List
5. Rules of Order: Review of the Board of Adjustment Rules of Order
6. Training: Discussion on Training Topics
7. Adjournment:

*The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center,
1st Floor, 2380 Washington Blvd., Ogden, Utah.
Beginning at 4:00 p.m.*



In compliance with the American with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8791

Minutes of the Board of Adjustment Meeting held October 18, 2012, in the Weber County Commission Chambers, 1st Floor, 2380 Washington Blvd, commencing at 4:30 p.m.

Present: Phil Hancock, Chair; Celeste Canning; Doug Dickson; Nathan Buttars; Deone Smith; Alternate, Bryce Froerer;

Absent: Rex Mumford

Staff Present: Sean Wilkinson, Planner; Kary Serrano, Secretary

Pledge of Allegiance:

Regular Agenda Items:

- 1. Minutes:** Approval of the August 21, 2012 meeting minutes

MOTION: Chair Hancock declared the meeting minutes approved as written.

- 2. BOA2012-01: Consideration and action on a variance request for a carport to encroach up to 25 feet into the required 30 foot front yard setback on property located at 601 Ogden Canyon (Thair Blackburn and Joseph Del Beato, Applicants)**
Sean Wilkinson, Planning Staff reviewed the revised staff report and said the following variance criteria are what the Board should consider:

#1 Criteria: The 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 zoning ordinance. In looking at the property, there are physical attributes and constraints that would render the property unbuildable for this carport if we were to strictly enforce the setback requirement. While other properties in the Ogden Canyon may have hardships associated with the Ogden River, this property is unique because it is physically separated by the Ogden River in two locations. There is not access across the river for parking. It is actually a foot bridge as it goes from the parking area across to the dwelling. This is not a self-imposed or economic hardship because the hardship is created by the physical attributes of the property including the river and the highway. The parking has always been in this area and now they are seeking to cover the parking area.

#2 Criteria: There are special circumstances attached to the property that do not generally apply to other properties in the same zone. We need to look at the physical property boundary conditions associated with the river and Highway 39. The variance will not allow for a structure larger than what is required for adequate parking and they are meeting the 20 foot length requirement for a parking space. They are not asking for something that would exceed the minimum parking standard.

#3 Criteria: Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone. Detached accessory buildings are allowed for other properties in the FR-1 Zone but this property just happens to have some unique physical conditions. This requested variance will restore the right to build that is being affected by those conditions.

#4 Criteria: The variance will not substantially affect the general plan and will not be contrary to the public interest. If the variance is approved, parking will be in a structure located as far from the existing road as possible while still meeting the County's parking standards, which does create a safer situation for the property owner and traffic on Highway 39. The parking area will remain the same but it will now be covered by a carport. Otherwise the property is the same. The existing trees and vegetation will remain as a buffer for adjacent properties.

#5 Criteria: The spirit of the Land Use Ordinance is observed and substantial justice done. This variance is not an attempt to avoid or circumvent the requirements of the Zoning Ordinance. Approval of the variance allows the applicant to build a carport that improves safety, meets the County parking standards and other yard setback requirements, and provides relief from the physical hardships associated with the property. Staff is recommending approval of the 25 foot front yard variance.

Celeste Canning stated does staff knows when Highway 39 got into its present location and is it safe to assume that in the 1920's when the home was actually built, the road was probably narrower? Mr. Wilkinson replied that the road may have been moved in this area. The road had been moved further down near the Alaskan Inn but I am not aware when that took

place.

Celeste Canning stated with regard to the change from the 8 ft setback to the 25 ft setback, as a practical matter, even if the road expanded there will still be more than 5 feet between the carport and the road. That's the worst that it could ever be without some kind road improvement. Mr. Wilkinson agreed and stated that even if the road was expanded, there would still be a shoulder area within the right-of-way that would separate this structure from this.

Deone Smith asked if the existing entry structure is 40 feet wide? Mr. Wilkinson replied no, the carport structure will be wider than the existing entry structure.

Deone Smith asked about the visibility for entering and exiting and how adding a new structure affects the ability to turn around. Mr. Wilkinson replied right now on the property there is room to turn around and the new structure should not affect this as there is plenty of room to back out of the carport before reaching the road.

Thair Blackburn said staff has covered what our needs are and it's really not going to affect anything as we are already parking in the same place. They need that much room because of the river. On the other side of the highway there is plenty of room for the 30 foot setback, but on this side of the river there is no way of meeting setbacks except to ask for a variance.

MOTION: Celeste Canning moved that BOA 2012-01 be approved because the 25 foot variance requested was not caused or required by a hardship that was self imposed but by a hardship placed by geography. There are special circumstances attached to this property that don't generally apply to other properties in the zone. In particular the river actually bisects the property twice and that is not a circumstance typically seen in that general area or in that zone. Allowing this variance is essential to the enjoyment of a substantial property right such as being able to park in a sheltered parking for winter or adverse weather conditions. The variance would not substantially affect the general plan and is not only not contrary but does promote public interest. The spirit of the land use ordinance is observed and substantial justice is done by granting the variance. Deone Smith seconded the motion. A vote was taken and the motion carried with a unanimous vote.
Motion Carried (5-0)

3. **Other Business:** Sean Wilkinson said he wanted to officially welcome Nathan Butters and Bryce Froerer to the Board of Adjustment. They were recently appointed as Alternate Board Members by the County Commission. He also reminded the Board of the appreciation dinner to be held December 5th.
4. **Adjourn:** The meeting was adjourned at 5:00 p.m.

Respectfully Submitted,



Kary Serrano, Secretary,
Weber County Planning Commission



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 6,293 square foot variance to lot area requirements of the A-1 Zone.

Agenda Date: Thursday, February 14, 2013

Applicant: Pat and Vickie Ingram

File Number: BOA 2013-01

Property Information

Approximate Address: 391 South 4700 West

Project Area: 0.774 Acres

Zoning: A-1

Existing Land Use: Residential

Proposed Land Use: Residential

Parcel ID: 15-048-0038

Township, Range, Section: T6N, R2W, sec17

Adjacent Land Use

North: Residence	South: Residence
East: Agriculture	West: Agriculture

Staff Information

Report Presenter: Ben Hatfield
bhatfield@co.weber.ut.us
801-399-8766

Report Reviewer: SW

Applicable Ordinances

- Zoning Ordinance chapter 5 Agriculture (A-1)
- Zoning Ordinance chapter 29 Board of Adjustment

Background

The applicant is requesting approval of a variance to the lot area requirements of the Agricultural (A-1) Zone. The A-1 zone requires a minimum lot area of 40,000 square feet (0.92 acres). The applicant owns a home at 391 South 4700 West and desires to create a one-lot subdivision (Exhibit A) with an area 33,707 square feet (0.774 acres).

Circumstances associated with this property have occurred to create an area discrepancy between what is legally described as the dimensions of the property, and the dimensions contained and occupied on the ground. This circumstance occurred due to the history of the land divisions surrounding this property. An explanation of how these discrepancies occurred has been submitted by the Weber County Recorder/Surveyor Ernest Rowley (Exhibit B). The home on this property was built in 1917. In 1962 the home was on an approximately 10 acre parcel.

The Board of Adjustment may grant a variance only if findings can reflect that the request has met the five below criteria. The applicant has addressed these criteria in the narrative provided as Exhibit C.

Summary of Board of Adjustment Considerations

Chapter 29 (29-3.2) of the Weber County Zoning Ordinance 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 Zoning Ordinance." (29-3.2). Standards and criteria by which variances may be granted are shown in chapter 29 section 4-2, the particular five criteria addressed are in 2-B 1 through 5:

2. Variances from the requirements of the Weber County Zoning Ordinance
 - A. Any person(s) or entity desiring a waiver or modification of the requirements of the Weber County Zoning Ordinance as applied to a parcel of property that they own, lease, or in which they hold some other beneficial interest may apply to the Board of Adjustment for a variance from the terms of the Zoning Ordinance.
 - B. The Board of Adjustment may grant a variance only if the following 5 criteria are met:
 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 Zoning Ordinance.

- a. 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.
- b. 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.
2. There are special circumstances attached to the property that do not generally apply to other properties in the same zone.
 - a. In determining whether 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.
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.
4. The variance will not substantially affect the general plan and will not be contrary to the public interest.
5. The spirit of the land use ordinance is observed and substantial justice done.
- C. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
- D. Variances run with the land.
- E. The appeal authority may not grant a use variance.
- F. In granting a variance, the appeal authority may impose additional requirements on the applicant that will:
 1. Mitigate any harmful effects of the variance; or
 2. Serve the purpose of the standard or requirement that is waived or modified.

Staff Findings: After reviewing the request for a variance, staff has determined that the 5 criteria listed have been met. The special circumstances and unique boundary conditions attached to the property are:

- The incorrect location of survey monuments causing a discrepancy between the dimensions shown by deed and occupation of property by fences.
- The resulting area occupied is only 33,707 square feet, requiring a variance of 6,293 square feet.

The Board of Adjustment should consider staff's findings, Mr. Rowley's letter, and the criteria listed above to determine whether or not the variance should be granted.

Conformance to the General Plan

N/A

Conditions of Approval

- Completion of Ingram Subdivision
- Requirements of the Weber County Zoning Ordinance Chapter 29

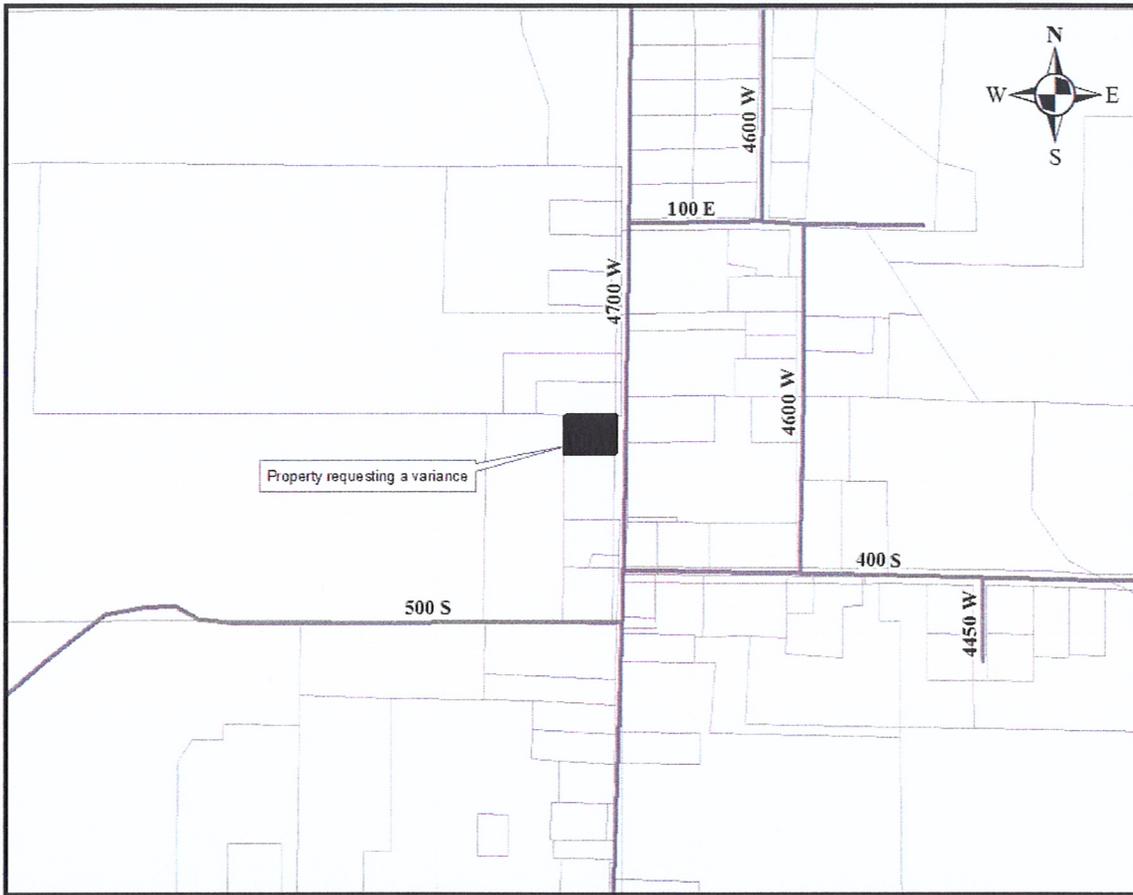
Staff Recommendation

Staff recommends approval of the request for a 6,293 foot variance to the lot area of the A-1 zone based on the staff findings listed above.

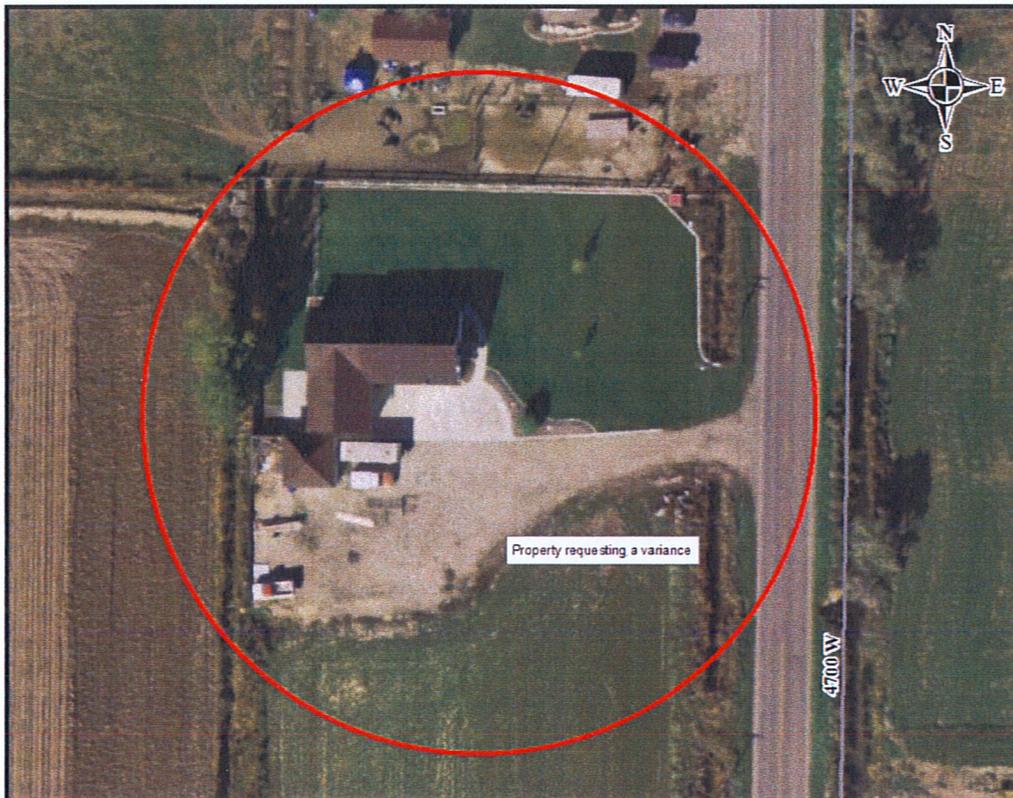
Exhibits

- A. Proposed Ingram Subdivision plat
- B. Background of the property by Ernest Rowley (Weber County Recorder/Surveyor)
- C. Application and applicant's request and response to criteria

Map 1



Map 2





RECORDER / SURVEYOR OFFICE

Weber Center

2380 Washington Blvd., Suite 370

Ogden, Utah 84401

www1.co.weber.ut.us/rs

Surveying:

(801) 399-8020 Fax: (801) 399-8316

Recording:

(801) 399-8441 Fax: (801) 399-8320

Ernest D. Rowley, P.L.S.

Recorder/Surveyor

Debra A. Conley

Recorder/ Surveyor
Administrative Assistant

Surveyors Office:

Larry L. Slagowski, P.L.S.

Chief Deputy Surveyor

Recorders Office:

Leann Kilts

Mapping Services
Lead GIS Cadastral Mapper

February 13, 2013

Weber County Board of Adjustment

RE: Patrick and Vickie Ingram property 15-048-0038

Dear Chair:

It is my understanding that the referenced individuals have asked the Board for a variance on the size of lot so that they may complete a subdivision process. I have been asked by County Planning and the property owners to provide the Board with information relating to the issues surrounding the size of the parcel. The problem associated with the physical size of the parcel has been caused by the incorrect location of County survey monuments.

This is a somewhat complex survey issue that deals with the law surrounding the conveyance of property and how property is described and surveyed. I have included several maps and documents of the relevant area that I will be referring to in a personal appearance before the Board. It is the recommendation of the County Surveyor, based on the information and circumstances presented, to grant a variance relating to size.

Thank you.

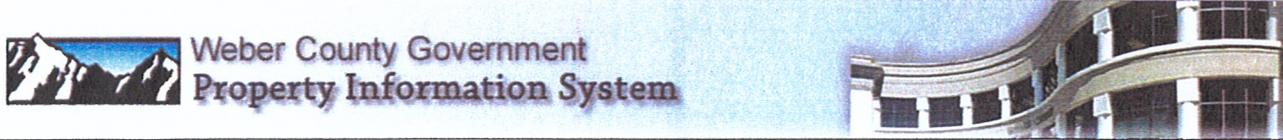
Sincerely,

Ernest D. Rowley, P.L.S., CFedS
Weber County Recorder/Surveyor



CIRCUMSTANCES SURROUNDING INGRAM PARCEL

1. The property being discussed is in the Northwest Quarter of Section 17, Township 6 North, Range 2 West.
2. In 1934 Weber County received a deed for an 80 foot wide road (Book 180 page 492). This is 4700 West street.
3. In November of 1962 Dan Hadley sells to Milo Hadley a parcel (Book 727 page 348) on the south of the property. Prior to this transaction Dan Hadley owned all the property which is now divided into the following parcels; the Scott Hadley parcel (15-048-0020), the GGA LLC parcel (15-048-0026), CJ Hancock Subdivision (15-509-0001), and the Ingram parcel (15-048-0038).
4. In 1963 Weber County Surveyor's Office established the Center of Section Monument in 4700 West street. This point is shown and labeled on the map.
5. October 12, 1973 Dan Hadley Sells to Scott Wright Hadley a parcel (Book 1037 page 652) which is shown on the map in yellow. This parcel was placed on the ground from the new County Monument as evidenced by fencing.
6. In November 1973 Dan Hadley sells to Mary Ann Hadley a parcel (Book 1041 page 107) immediately west of the Milo Hadley parcel.
7. Also, in November 1973 Dan Hadley sells to Scott Wright Hadley a parcel (Book 1041 page 108) that was immediately north of the Milo Hadley parcel.
8. In 1992 Dan Hadley owned a parcel of land that was described as 481.56 feet in the north-south dimension and 233 feet in the east-west dimension. This parcel now comprises all of the CJ Hancock Subdivision (15-509-0001) and the Ingram parcel (15-048-0038).
9. May 3, 1995 Dan Hadley sold to Ryan Stratford what is now the Ingram parcel (210 ft north-south) positively identifying the north line of their property as being the south line of the Opheikens property (book 1756 page 34).
10. June 2001 Dan Hadley put the property that eventually became the CJ Hancock Subdivision into a trust (Book 2146 page 2690) using a description that placed the property about 30 feet north of where it should have been. This also coincided with the conveyance to Scott Wright Hadley in 1973.
11. September 11, 2003 Ryan Stratford sold to Patrick Ingram the property he purchased using the same description that he purchased the property with.
12. May 2, 2008 a boundary line agreement was executed (Entry Number 2339525) which clarified the north line of the Hadley Property and the south line of the Ingram property. See plats.
13. September 22, 2010 the CJ Hancock Subdivision was recorded and identified the property location from the County Monument.



Ownership and Current References

Parcel # Township/Range/Section:

15-048-0008 6N/2W/17

Change Dates: Owner: WEBER COUNTY Property Address: Prior Parcels:
 Name: 18-NOV-1980 Second:
 Tax Unit: 18-NOV-1980 Care of:
 Street:
 Tax Unit: 53 City/State/Zip:

Additional Names:

Current References:	Seq	Entry Nbr	Book/Page	Kind of Instr	Deed Date	Record Date
	1		0180 0492	QUIT CLAIM DEED	06-04-1934	06-NOV-1943

Comments:

Legal Description:

A STRIP OR TRACT OF LAND 80 FEET WIDE, SAME BEING 40 FEET ON EACH SIDE OF AND LYING PARALLEL AND ADJACENT TO THE CENTER LINE OF THE SURVEY OF THE SAID HOOPER-PLAIN CITY ROAD, AS FAR AS SAID STRIP LIES WITHIN THE GRANTOR'S LAND IN SECTION 17, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN. SAID CENTER LINE WITHIN SECTION 17 IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 17; RUNNING SOUTH 89D46' EAST A DISTANCE OF 2659.0 FEET TO AN INTERSECTION OF SAID SECTION LINE WITH THE CENTER LINE OF THE SURVEY OF THE SAID HOOPER PLAIN CITY ROAD. SAID INTERSECTION CORRESPONDS TO ENGINEERS STATION 217+20, SAME BEING THE INITIAL POINT OR PLACE OF BEGINNING; THENCE RUNNING NORTH 0D22' EAST, A DISTANCE OF 1280 FEET; THENCE NORTH 0D47' EAST, A DISTANCE OF 1361 FEET; THENCE NORTH 0D14' EAST, A DISTANCE OF 1639 FEET; THENCE NORTH 0D12' EAST, A DISTANCE OF 1005 FEET, MORE OR LESS, TO THE NORTH LINE OF SAID SECTION 17; SAID POINT CORRESPONDS TO ENGINEER'S STATION 270+05.0 OF SAID SURVEY. SAID GRANTORS LAND LIES APPROXIMATELY BETWEEN ENGINEER STATION 240+32 AND 243+60 OF SAID SURVEY. CONTAINING 0.30 ACRE, MORE OR LESS. LESS APPROXIMATELY 0.23 ACRE OCCUPIED BY EXISTING HIGHWAY. BALANCE 0.06 ACRE, NEW RIGHT-OF-WAY.

Run Date: January 9, 2013, 1:59 pm

© 2013 Weber County

1962

Centrod. 055-03

ZONE - A-2

CT 44703

OD (17000)

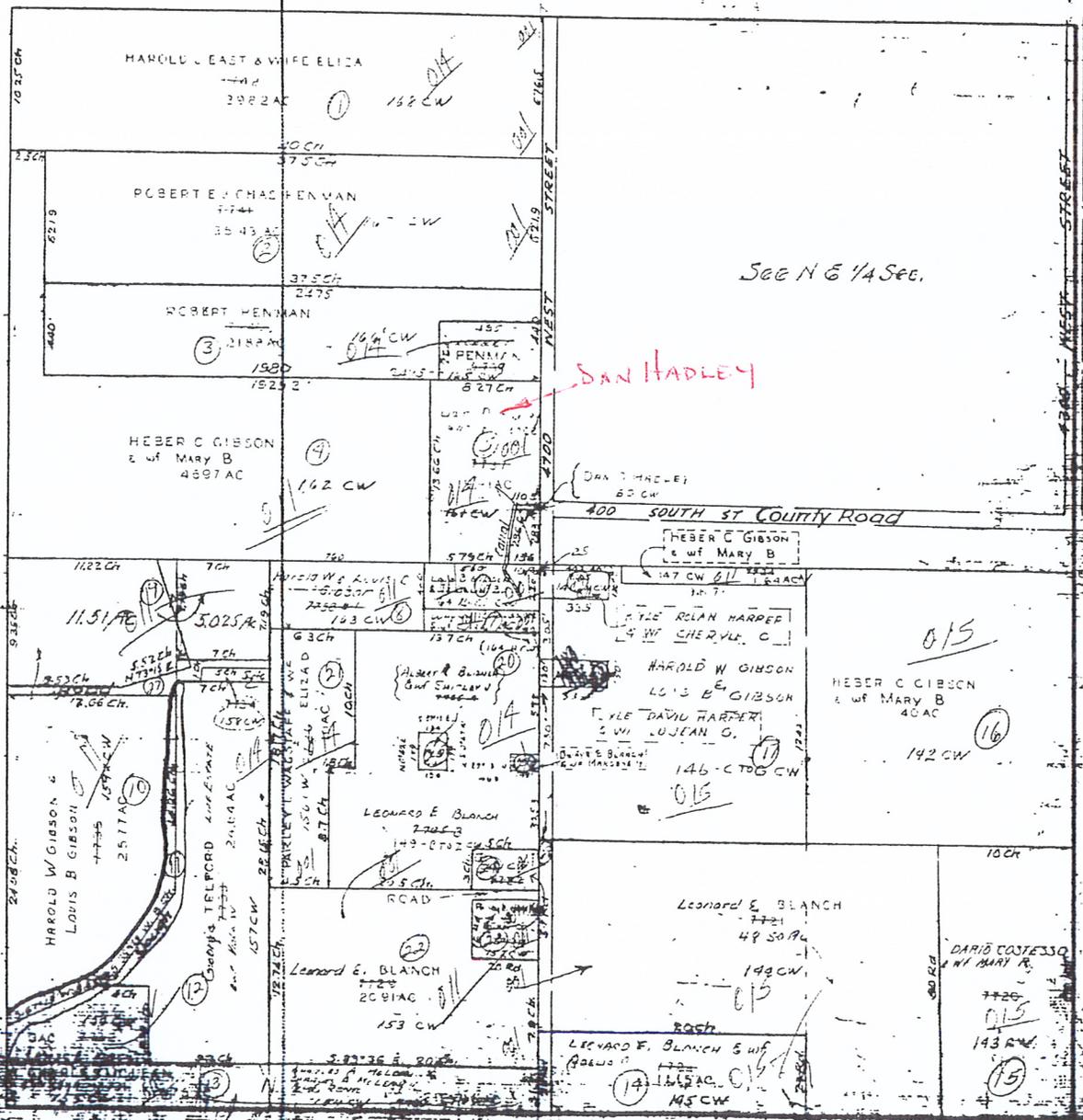
SECTION 17 T. 6 N. R. 2 W. 3 L. B. & M.

West Weber District

Scale 1"=400 feet

WEST WEBER - TAYLOR
CEM MAINT. DIST

A-2 H-1



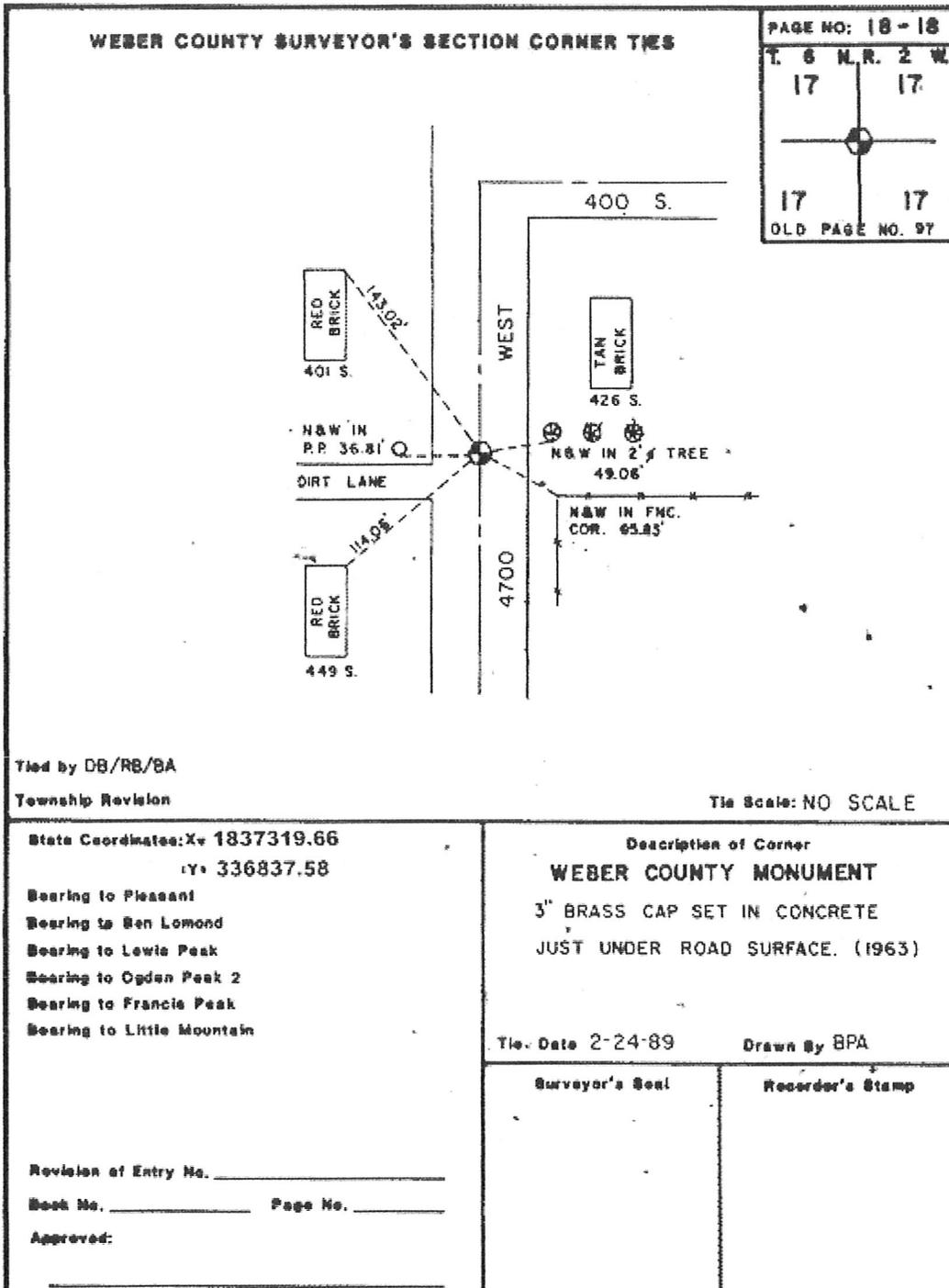
See N E 1/4 Sec.

SAN HADLEY

015

015

015





Surveyor's Office ABSTRACT OF TITLE

Sheet No. F1

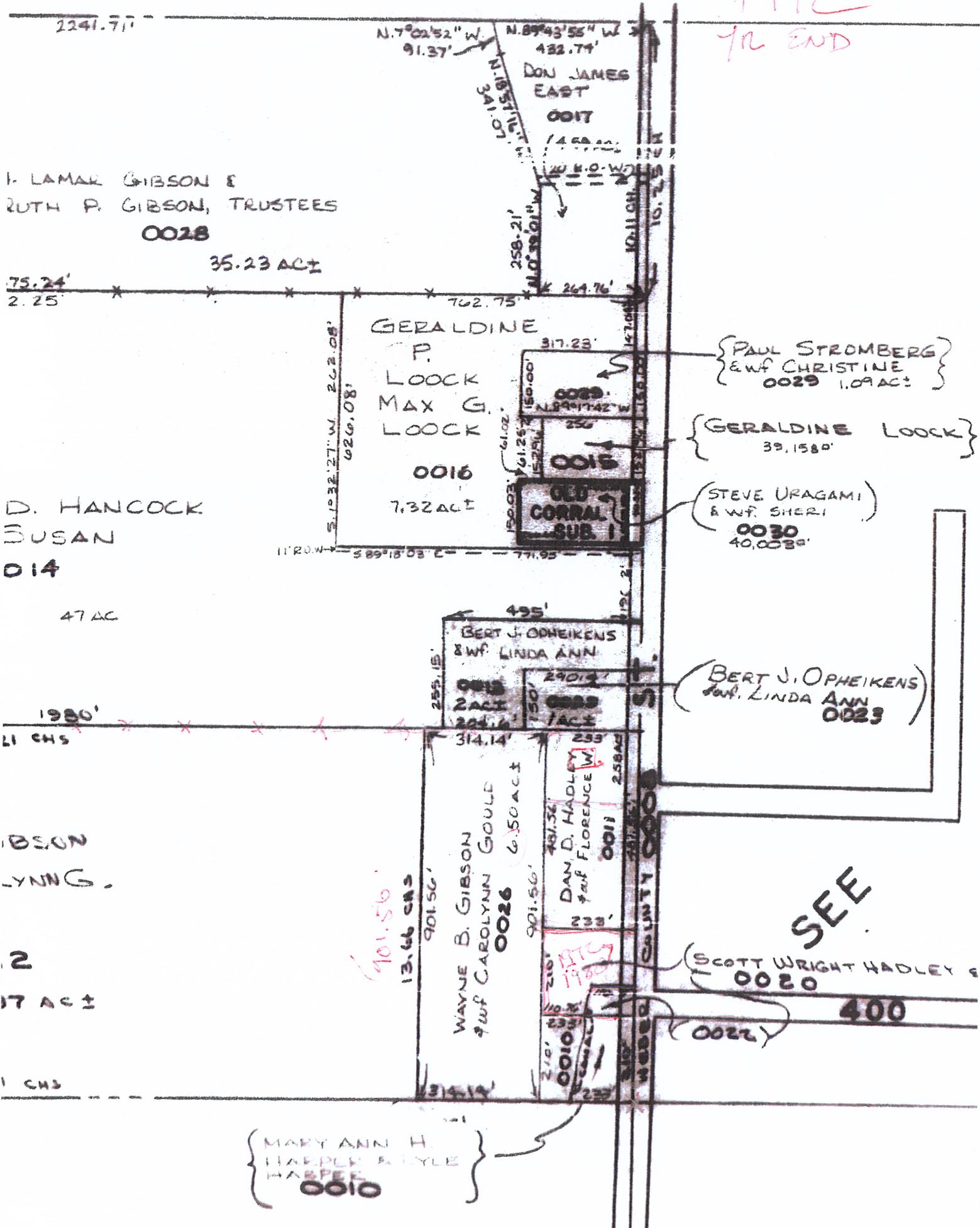
Part of the NW 1/4 Sec 17, T 6 N, R 2 W

From Sheet No. F1 XIS

File:

Book - Page	Grantor	Executed Recorded	Instrument Type	Description &/or Sketch
974-127	Louis B. Gibson wf Delia B	6/28/1971	gcd	Pt of NW 1/4 Sec. 17, Beg. at the SW corner of NW 1/4 Sec 17, th. N. to a pt. 10.25 chs. S. of NW corner of Sec. 17, th. E. 2.5 chs. th. S. 1061.9 ft., th. E. 29.21 chs. th. S. 13.66 chs. th. W. 31.71 chs. m/I to beg.
556354	Louis B. Gibson wf Delia B	8/24/1971	102-3	<i>same as 809-612</i>
1026-751	Mary Ann Hadley	5/30/1973	affidavit &	
594939	Milo Dan Hadley Dec'd	6/8/1973	death certif	Pt of NW 1/4 of Sec 17, beg at SE cor of sd 1/2 Sec, & rn th W 156 ft to a canal, th N 9°08' E along E bank of sd canal 286.6 ft, th E 110.5 ft to 1/2 Sec line, th S 283 ft to beg. See Book 727 page 348. <i>same as 727-348</i>
1026-753	Utah State Tax Commission	3/30/1973	waiver of	
594940	Milo Dan Hadley Dec'd	6/8/1973	lien	Same desc as lines 25 & 26 above. same as 1026-751
1036-331	Robert W. Penman et al	9/26/1973	annual applica	Pt of NW 1/4 of Sec 17, beg 1298.4 ft S of NE cor of NW 1/4 of Sec 17, th W 2475 ft, th S 440 ft, th E 1980 ft, th N 264 ft, th E 495 ft, th N 176 ft to beg. Cont 22 Ac. Other lands.
1036-333	Robert W. Penman et al	9/26/1973	annual applica	Undivided 1/2 interest in Pt of NW 1/4 of Sec 17, beg 10.25 chs S of NE cor of sd 1/2 Sec, th W 37.5 chs, th S 621.9 ft, th E 37.52 chs, th N 171.9 ft, th W 256 ft, th N 165 ft, th E 256 ft, th N 285 ft to beg. Other lands.
1037-650	Scott Wright Hadley & Carol Ann S	10/12/1973	mlge	Pt of NW 1/4 of Sec 17 Beg 210 ft N of SE cor of the NW 1/4 of Sec 17, th W 233 ft, th N 210 ft, th E 233 ft th S 210 ft to the pt of beg. Cont. less 1/2 roadway. 0.93 Acre.
603133	Bank of Utah	10/16/1973	102-5	
1037-652	Dan D. Hadley wf Florence W	10/12/1973	wd	
603134	Scott Wright Hadley wf Carol Ann S	10/16/1973	102-5	Desc. same as on lines 1 & 2 above. same as 1037-650
1041-107	Dan D. Hadley wf Florence W	11/30/1973	wd	A pt of the NW 1/4 of Sec 17, Beg at a pt 156.0 ft W of the SE cor of sd 1/2 Sec, & rn th W 77.0 ft; th N 210.0 ft; th E 110.76 ft to E bank of Canal (now abandoned) th S 9° 08' W alg the E bank of Canal 212.67 ft to pt of Beg.
605776	Mary Ann Hadley	12/4/1973	102-5	
1041-108	Mary Ann Hadley	11/30/1973	wd	A pt of NW 1/4 of Sec 17, Beg 210 ft N of the SE cor of the NW 1/4 of Sec 17, & rn th N 73 ft to Grantors Northeast property cor; th W 110.5 ft to the E bank of Canal (now abandoned) th S 9° 08' W alg E bank of canal 73.93 ft to pt of Beg. th E 122.24 ft to the pt of Beg.
605777	Scott Wright Hadley wf Carol Ann S	12/4/1973	102-5	
1042-133	Mary Ann Hadley	12/17/1973	Supplement to	Pt of NW 1/4 of Sec 17, beg 210 ft N of SE cor of NW 1/4 of Sec 17, th W 122.24 ft, th N 9°08' E 73.93 ft, th E 110.5 ft, th S 73 ft to pt of beg. See Book 739 page 559. Substitute the following: Pt of NW 1/4 of Sec 17, beg at pt 156.0 ft W of SE cor of sd 1/2 Sec, & rn th W 77.0 ft, th N 210.0 ft, th E 110.76 ft to E bank of canal, th S 9°08' W alg E bank of sd canal 212.67 ft to beg.
606571	Farmers Home Administration	12/18/1973	Mlge	
			102-5	

1992
7/2 END



I. LAMAR GIBSON &
RUTH P. GIBSON, TRUSTEES
0028

75.24'
2.25'

D. HANCOCK
SUSAN
014

47 AC

1980'
61 CHS

GIBSON
LYNN G.

2
17 AC±

1 CHS

SEE

MARY ANN H.
HARPER & WIFE
HARPER
0010

INGRAM, PATRICK HARVE & WF ETAL	\$ 10.00	1974593	09/11/2003	-	-	-
WILLSON, DERIC SCOTT & WF ETAL MERS ETAL	DEED OF TRST \$ 144,531.00	1974594	09/12/2003	15-SEP-2003	12:39	-
GMAC MTG CORP RIVERS, ROD	SUB TR \$ 0.00	1986317	//	27-OCT-2003	11:36	1842 - 0293 1448127
RIVERS, ROD TR STRATFORD, RYAN B ETAL	RECON \$ 0.00	1986318	//	27-OCT-2003	11:36	1842 - 0293 1448127
WILLSON, DERIC SCOTT ETAL INGRAM, VICKIE	WD \$ 10.00	2126230	08/26/2005	31-AUG-2005	03:24	-
INGRAM, VICKIE AMERICAN HOME MTG ETAL	DEED OF TRST \$ 132,000.00	2126231	08/26/2005	31-AUG-2005	03:24	-
INGRAM, VICKIE AMERICAN HM MTG ETAL	DEED OF TRST \$ 22,000.00	2126232	08/26/2005	31-AUG-2005	03:24	-
INGRAM, VICKIE INGRAM, VICKIE & WF	WD \$ 10.00	2126704	08/31/2005	02-SEP-2005	10:18	-
MERS ETAL WELLS FARGO FINL NATL BK ETAL	SUB TR/RECON \$ 0.00	2141241	11/03/2005	09-NOV-2005	09:10	- 1974594
WEBER COUNTY WHOM IT MAY CONCERN	RESOL 23-2005 \$ 0.00	2156401	07/12/2005	24-JAN-2006	02:31	-
HANCOCK, CURTIS J ETAL WHOM IT MAY CONCERN	BNDRY LN AGRMT PT \$ 0.00	2339525	05/02/2008	05-MAY-2008	12:22	-
INGRAM, VICKIE USAA FED SV BK ETAL	DEED OF TRST \$ 155,912.00	2416520	06/01/2009	08-JUN-2009	11:55	-
AMERICAN HOME MTG BAC HM LN SERV	ASGNMT \$ 0.00	2430812	08/10/2009	21-AUG-2009	08:18	- 2126231
BAC HM LN SERV FKA ETAL RECONTRUST CO ETAL	SUB TR/RECON \$ 0.00	2430813	08/12/2009	21-AUG-2009	08:19	- 2126231
MERS CITICORP TRUST BK	SUB TR \$ 0.00	2433497	08/24/2009	08-SEP-2009	08:42	- 2126232
CITICORP TRUST BK TR INGRAM, VICKIE	RECON \$ 0.00	2433498	08/24/2009	08-SEP-2009	08:42	- 2126232
WEBER COUNTY WHOM IT MAY CONCERN	RESOL #27-2012 \$ 0.00	2610456	12/11/2012	13-DEC-2012	10:38	-

*** RUN DATE: February 12, 2013, 2:20 pm***

END OF ABSTRACT

© 2013 Weber County

MAILING ADDRESS OF GRANTEE: 391 SOUTH 4700 WEST OGDEN, UTAH 84404

WARRANTY DEED

DAN D. HADLEY AND FLORENCE W. HADLEY grantor
of ST. GEORGE, County of WEBER, State of Utah, hereby
CONVEY and WARRANT to RYAN B. STRATFORD AND CAREY STRATFORD, HUSBAND AND WIFE,
AS JOINT TENANTS

of OGDEN CITY, County of WEBER, State of Utah, for the sum of
TEN DOLLARS AND OTHER VALUABLE CONSIDERATION (\$10.00)
the following described tract of land in WEBER County,
State of Utah:

SEE ATTACHED EXHIBIT "A" HERETO ATTACHED AND MADE A PART HEREOF

TOGETHER WITH ONE SHARE OF CAPITAL WATER STOCK IN HOOPER IRRIGATION COMPANY

Subject to easements, rights-of-way, restrictions, reservations and building and use restrictions of record and/or enforceable at law or in equity, if any.

Tax Serial No. ~~(601-12-810-0011)~~

WITNESS, the hand of said grantor, this 3RD day of MAY, A.D. 1995

Signed in the presence of

Dan D. Hadley
DAN D. HADLEY
Florence W. Hadley
FLORENCE W. HADLEY

STATE OF UTAH,

SS.

County of *Washington*

On the *3* day of *May*, A.D. 1995
personally appeared before me DAN D. HADLEY AND FLORENCE W. HADLEY
the signer *S* of the within instrument, who duly acknowledged to me that *T H E Y* executed the same.



NOTARY PUBLIC
HARMONY J. PEARCE
410 East Tabernacle
St. George, Utah 84770
COMMISSION EXPIRES
APRIL 15, 1998
STATE OF UTAH

Harmony J. Pearce
Notary Public
1998 Residing in *St George*



Land Title Company
2562 Washington Boulevard — Ogden, Utah 84401
Telephone (801) 393-5383 Fax (801) 393-6611

E# 1344112 BK 1756 PG 34
DOUG CROFTS, WEBER COUNTY RECORDER
08-MAY-95 252 PM FEE \$12.00 DEP MH
REC FOR: CARDON.LAND.TITLE
15-048-003 (15-048-0011)
PLATTED VERIFIED
ENTERED MICROFILMED

EXHIBIT "A"

Part of the Northwest Quarter of Section 17, Township 6 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey: Beginning at a point 901.45 feet, more or less, North of the Southeast Corner of the Northwest Quarter of Section 17, said point being the Southeast corner of Bert J. Opheikens and wife property as recorded in Book 1434 of Records, Page 735 (15-048-0023) and running thence West along Opheikens South property line 233 feet; thence South 210 feet; thence East 233 feet; thence North 210 feet to the point of beginning.

108268-4W

WHEN RECORDED MAIL TO:
DERRIC SCOTT WILLSON
391 SOUTH 4700 WEST
OGDEN, UT 84404.



WARRANTY DEED

RYAN B. STRATFORD AND CAREY STRATFORD , HUSBAND AND WIFE, AS JOINT TENANTS
Grantor,

of OGDEN, County of WEBER, State of UTAH
hereby CONVEY and WARRANTY to

**DERIC SCOTT WILLSON and SAMANTHA WILLSON , HUSBAND AND WIFE, PATRICK HARVE
INGRAM and VICKIE INGRAM , HUSBAND AND WIFE**
Grantee,

of OGDEN, County of WEBER, State of UTAH, for the sum of ten dollars and other good and valuable
consideration, the following tract of land in WEBER County, State of Utah, to-wit

See Attached Exhibit "A"

15-048-0031 ←

Subject to easements, restrictions and rights of way appearing of record and enforceable in law and subject
to 2003 taxes and thereafter.

WITNESS the hand of said grantor, this 11th day of September, 2003

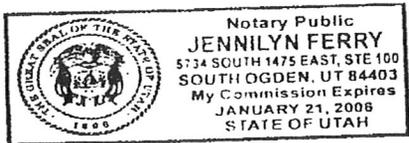
RYAN B. STRATFORD

CAREY STRATFORD

STATE OF UTAH)
 :SS
COUNTY OF Weber)

On the 11th day of September, 2003, personally appeared before me
RYAN B. STRATFORD and CAREY STRATFORD
the signer(s) of the within instrument, who duly acknowledged to me
that they executed the same.

Notary Public



E# 1974593 PG1 OF2
DOUG CROFTS, WEBER COUNTY RECORDER
15-SEP-03 1238 PM FEE \$12.00 DEP SGC
REC FOR: BONNEVILLE.TITLE

Part of the Northwest Quarter of Section 17, Township 6 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey: Beginning at a point 901.45 feet, more or less, North of the Southeast corner of the Northwest Quarter of Section 17, said point being the Southeast corner of Bert J. Opheikens and wife property as recorded in Book 1434, Page 735 of records (15-048-0023), and running thence West along Opheikens South property line 233 feet; thence South 210 feet; thence East 233 feet; thence North 210 feet to the point of beginning.

E# 1974593 PG2 OF2



W2126704*

Recording Requested by:
First American Title Insurance Agency, LLC
5926 Fashion Pointe Drive, Suite 120
South Ogden, UT 84403
(801) 479-6600

E# 2126704 PG 1 OF 2
DOUG CROFTS, WEBER COUNTY RECORDER
02-SEP-05 1018 AM FEE \$12.00 DEP SGC
REC FOR: FIRST AMERICAN TITLE

AFTER RECORDING RETURN TO:
Charlett Dean and Graham R. Dean
391 South 4700 West
Ogden, UT 84404

SPACE ABOVE THIS LINE (3 1/2" X 5") FOR RECORDER'S USE

WARRANTY DEED

Escrow No. 338-4511095 (sh)
A.P.N.: 15-048-0031

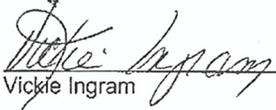
Vickie Ingram, Grantor, of Ogden, Weber County, State of Utah, hereby CONVEY AND WARRANT to

Vickie Ingram and Patrick Harve Ingram, wife and husband, Grantee, of Ogden, Weber County, State of Utah, for the sum of Ten Dollars and other good and valuable considerations the following described tract(s) of land in Weber County, State of Utah:

PART OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT 901.45 FEET, MORE OR LESS, NORTH OF THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 17, SAID POINT BEING THE SOUTHEAST CORNER OF BERT J OPHEIKENS AND WIFE PROPERTY AS RECORDED IN BOOK 1434 OF RECORDS, PAGE 735 (15-048-0023) AND RUNNING THENCE WEST ALONG OPHEIKENS SOUTH PROPERTY LINE 233 FEET; THENCE SOUTH 210 FEET; THENCE EAST 233 FEET; THENCE NORTH 210 FEET TO THE POINT OF BEGINNING.

Subject to easements, restrictions and rights of way appearing of record or enforceable in law and equity and general property taxes for the year and thereafter.

Witness, the hand(s) of said Grantor(s), this August 31, 2005.


Vickie Ingram

420.00
271.56

691.59
210.00

901.59

A.P.N.: 15-048-0031

Warranty Deed - continued

File No.: 338-4511095 (sh)

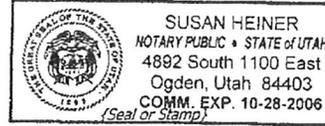
STATE OF **Utah**)
)Ss.
COUNTY OF **Weber**)

On September 1, 2005, personally appeared before me, **Vickie Ingram** the signer of the within instrument, who duly acknowledged to me that he/she executed the same.



Notary Public

(Printed Name)
My Commission expires: _____





W2339525

When recorded, return to:

EH 2339525 PG 1 OF 4
ERNEST D ROWLEY, WEBER COUNTY RECORDER
05-MAY-08 1222 PM FEE \$19.00 DEP SPY
REC FOR: CURTIS J. HANCOCK

BOUNDARY LINE AGREEMENT

This Boundary Line Agreement (the "Agreement") is made this 2nd day of May, 2008, by and between Curtis J. and Michelle Hancock, (Party of the First Part); of 222 South 4700 West, Ogden, UT 84404, and Patrick H. and Vickie Ingram, (Party of the Second Part) of 391 South 4700 West, Ogden UT 84404 with respect to the following facts and circumstances (collectively the Parties):

RECITALS

- A. Party of the First Part is the owner of certain real property which is more particularly described as Exhibit A attached hereto.
- B. Party of the Second Part is owner of certain real property which is more particularly described as Exhibit B attached hereto.
- C. The Party of the First Part and the Party of the Second Part have discussed certain mutual advantages to be derived through the relocation and/or establishment of their common boundary line and are interested in establishing written evidence of their agreement.
- D. The Party of the First Part and the Party of the Second Part have reviewed and approved revised descriptions of their respective boundary which have been prepared in accordance with the terms of the agreement reached by said parties regarding the identification, alteration, or correction of their respective boundary. Attached hereto as Exhibit C is a description of the line which is being agreed to as their common dividing line.

NOW THEREFORE, for valuable considerations, the receipt and sufficiency of which are hereby acknowledged, The Party of the First Part and the Party of the Second Part hereby covenant and agree as follows:

- 1. The Party of the First Part hereby quit claims and conveys to the Party of the Second Part all that property lying Northerly of the Boundary Line as described as Exhibit C, and the Party of the Second Part hereby quit claims and conveys to the Party of the First Part all that property lying Southerly of the Boundary Line as described as Exhibit C, of which the Parties have interest.

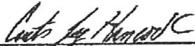
15

2. All improvements hereafter constructed or installed by the Parties on their respective sides of the boundary line shall be placed in a manner that will preclude encroachments over the common property line created by this Boundary Line Agreement.
3. The terms of this Boundary Line Agreement shall run with the land and shall be binding upon all parties claiming by, through or under the Parties including, but not limited to, their purchasers, successors, assigns and lenders.
4. All easements of use or record now in existence on the Parties properties shall remain in force and effect.
5. The terms of this Boundary Line Agreement represent the final and complete understanding of the Parties with respect to the issues described herein. Said terms supercedes all prior verbal and written representations, discussions and understandings between the Parties.
6. In the event of a default in the terms of this Boundary Line Agreement or a disagreement as to the interpretation or implementation of said terms, the party alleging a default shall be entitled to bring an action in an appropriate court and shall be further entitled to recover, in addition to all other relief sought, reasonable attorney's fees and court costs.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed effective as of the date first set forth above

Curtis J. and/or Michelle Hancock,

Patrick H. and/or Vickie Ingram



Hancock



Ingram

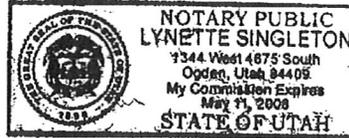
ATTEST:

State of Utah)
County of Weber) SS

On the 2nd day of May, 2008, personally appeared before me, a Notary Public in and for the State of Utah, Vickie Ingram

the signer[s] of the foregoing instrument, who duly acknowledged to me that he she they executed the same.

My Commission expires: 5/11/08
[Signature]
Notary Public



In the County of Weber, State of Utah, Subscribed and sworn to before me this 2nd day of May, 2008 by Curtis J. Hancock

[Signature]
Notary Signature and seal

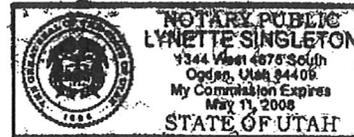


EXHIBIT A

(Party of the First Part Hancock property)

Current Serial Numbers: 15-048-0011 ✓

Part of the Northwest Quarter of Section 17, Township 6 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey: Beginning 420 feet North of the Southeast corner of the Northwest Quarter of Section 17; thence North 271.56 feet; thence West 233 feet; thence South 271.56 feet; thence East 233 feet to the point of beginning.

EXHIBIT B

(Party of the Second Part Ingram property)

Current Serial Numbers: 15-048-0031 ✓

Part of the Northwest Quarter of Section 17, Township 6 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey: beginning at a point 901.45 feet, more or less, North of the Southeast Corner of the Northwest Quarter of Section 17, said point being the Southeast Corner of Bert J Opheikens and wife property as recorded in Book 1434 of Records, Page 735 (15-048-0023) and running thence West along Opheikens South property line 233 feet; thence South 210 feet; thence East 233 feet; thence North 210 feet to the point of beginning.

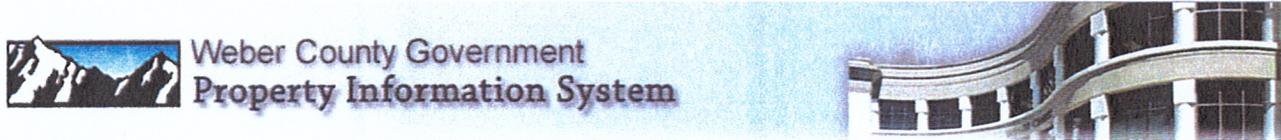
EXHIBIT C

A part of the Northwest Corner of Section 17, Township 6 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey in Weber County, Utah:

Beginning at a point located 1923.43 feet South $0^{\circ}1'57''$ West along the Quarter Section Line from the North Quarter Corner of said Section 17; said point of beginning is also located 2670.08 feet North $1^{\circ}06'08''$ East along the Quarter Section Line to the Center of said Section 17 and 691.56 feet North $0^{\circ}41'57''$ East along the Quarter Section Line from the South Quarter Corner of said Section 17; and running thence North $89^{\circ}18'03''$ West 233.00 feet to the endpoint of this Boundary Line description.

15-048-0039 (15-048-0011 + 0031) k1

15-048-0038 (15-048-0031) k1



Weber County Recorder

Abstract of Title

[Print Page](#) [Close Window](#)

PARCEL NUMBER: 15 - 509 - 0001

Prior Parcel Numbers:
15 - 048 - 0039

OWNER: HANCOCK, CURTIS J & WF 393 S 4700 W TAX UNIT
MICHELLE HANCOCK OGDEN UT 844049549 53

DESCRIPTION OF PROPERTY: 2010 ORIG ACRES: 1.44

ALL OF LOT 1, CJ HANCOCK SUBDIVISION, WEBER COUNTY, UTAH.

Grantor/ Grantee	Kind of Document Consideration	Time Period Entry #	Book-Page Doc Date	Record Date	Time BK PG Rel	Abstract Date Entry Ref
BOARD OF COUNTY COMMISSIONERS WHOM IT MAY CONCERN	ORDNCE \$ 0.00	849262	1394 - 1772 12/21/1981	22-DEC-1981	11:57 -	
WEBER COUNTY WHOM IT MAY CONCERN	WITHDRL ANN APP \$ 0.00	952970	1479 - 1314 11/13/1985	13-NOV-1985	03:01 -	
HADLEY, DAN D ETAL STRATFORD, RYAN B & WF	WD \$ 10.00	1344112	1756 - 0034 05/03/1995	08-MAY-1995	02:52 -	
STRATFORD, RYAN B ETAL UTAH FED SV BK	DEED OF TRST \$ 56,600.00	1344113	1756 - 0036 05/01/1995	08-MAY-1995	02:52 -	
STRATFORD, RYAN B & WF REPUBLIC MTG CORP ETAL	DEED OF TRST \$ 87,750.00	1448127	1842 - 0293 12/27/1996	02-JAN-1997	03:23 -	
REPUBLIC MTG CORP PHH MTG SERV CORP	ASGNMT \$ 0.00	1448579	1842 - 1334 12/27/1996	06-JAN-1997	10:27 1842 - 0293	
OGDEN FIRST FED S & L NKA STRATFORD, RYAN B ETAL	RECON \$ 0.00	1448752	1842 - 1850 01/03/1997	07-JAN-1997	08:32 1756 - 0036	
PHH MTG SERV CORP FKA CAPSTEAD INC	ASGNMT \$ 0.00	1490975	1879 - 0945 07/02/1997	03-SEP-1997	08:36 1842 - 0293	
CAPSTEAD INC GMAC MTG CORP	ASGNMT \$ 0.00	1648944	2022 - 2633 02/02/1999	13-JUL-1999	08:33 11 - REFS	
HADLEY, DAN D ETAL HADLEY, DAN D TR ETAL	QCD \$ 10.00	1777120	2146 - 2690 06/12/2001	18-JUN-2001	08:35 -	
STRATFORD, RYAN B & WF INGRAM, PATRICK HARVE & WF ETAL	WD \$ 10.00	1974593	- 09/11/2003	15-SEP-2003	12:38 -	
WILLSON, DERIC SCOTT & WF ETAL MERS ETAL	DEED OF TRST \$ 144,531.00	1974594	- 09/12/2003	15-SEP-2003	12:39 -	
GMAC MTG CORP RIVERS, ROD	SUB TR \$ 0.00	1986317	- //	27-OCT-2003	11:36 1842 - 0293	1448127
RIVERS, ROD TR STRATFORD, RYAN B ETAL	RECON \$ 0.00	1986318	- //	27-OCT-2003	11:36 1842 - 0293	1448127

Same As 15-048-0039

WILLSON, DERIC SCOTT ETAL INGRAM, VICKIE	WD \$ 10.00	2126230	- 08/26/2005	31-AUG-2005	03:24 -	
INGRAM, VICKIE AMERICAN HOME MTG ETAL	DEED OF TRST \$ 132,000.00	2126231	- 08/26/2005	31-AUG-2005	03:24 -	
INGRAM, VICKIE AMERICAN HM MTG ETAL	DEED OF TRST \$ 22,000.00	2126232	- 08/26/2005	31-AUG-2005	03:24 -	
INGRAM, VICKIE INGRAM, VICKIE & WF	WD \$ 10.00	2126704	- 08/31/2005	02-SEP-2005	10:18 -	
MERS ETAL WELLS FARGO FINL NATL BK ETAL	SUB TR/RECON \$ 0.00	2141241	- 11/03/2005	09-NOV-2005	09:10 -	1974594
WEBER COUNTY WHOM IT MAY CONCERN	RESOL 23-2005 \$ 0.00	2156401	- 07/12/2005	24-JAN-2006	02:31 -	
DAN D & FLORENCE W HADLEY TRST HANCOCK, CURTIS J & WF	WD \$ 10.00	2252054	- 03/24/2007	28-MAR-2007	02:06 -	
HANCOCK, CURTIS J ETAL AMERICA FIRST FED CR UN	TRUST DD \$ 58,500.00	2252055	- 03/15/2007	28-MAR-2007	02:06 -	
HANCOCK, CURTIS J ETAL WHOM IT MAY CONCERN	BNDRY LN AGRMT PT \$ 0.00	2339525	- 05/02/2008	05-MAY-2008	12:22 -	
AMERICAN HOME MTG BAC HM LN SERV	ASGNMT \$ 0.00	2430812	- 08/10/2009	21-AUG-2009	08:18 -	2126231
BAC HM LN SERV FKA ETAL RECONTRUST CO ETAL	SUB TR/RECON \$ 0.00	2430813	- 08/12/2009	21-AUG-2009	08:19 -	2126231
HANCOCK, CURTIS J & WF REPUBLIC MTG HM LNS LLC ETAL	DEED OF TRST \$ 204,000.00	2491102	- 09/10/2010	10-SEP-2010	04:52 -	10-SEP-2010
CJ HANCOCK WHOM IT MAY CONCERN	DED PLAT \$ 0.00	2492767	71 - 58 09/22/2010	22-SEP-2010	04:59 -	27-SEP-2010
HANCOCK, CURTIS JAY ETAL WHOM IT MAY CONCERN	AGRMT \$ 0.00	2492832	- 09/22/2010	23-SEP-2010	09:29 -	27-SEP-2010
REPUBLIC MTG HM LNS LLC CL LLC	ASGNMT \$ 0.00	2493013	- 09/17/2010	24-SEP-2010	08:20 -	24-SEP-2010 2491102
AMERICA FIRST FED CR UN TR HANCOCK, CURTIS J ETAL	RECON \$ 0.00	2504799	- //	02-DEC-2010	08:23 -	02-DEC-2010 2252055
HANCOCK, CURTIS J & WF REPUBLIC MTG HM LNS LLC ETAL	DEED OF TRST \$ 250,586.00	2514192	- 02/01/2011	03-FEB-2011	01:21 -	03-FEB-2011
HALLIDAY JR, PAUL M TR HANCOCK, CURTIS J ETAL	RECON \$ 0.00	2520142	- //	22-MAR-2011	08:43 -	22-MAR-2011 2491102
WEBER COUNTY WHOM IT MAY CONCERN 01/18/2013 ABSTRACTED THROUGH	RESOL #27-2012 \$ 0.00	2610456	- 12/11/2012	13-DEC-2012	10:38 -	

*** RUN DATE: February 13, 2013, 11:16 am***

END OF ABSTRACT

© 2013 Weber County

Recorded at Request of:
Snow & Jensen
PO Box 2747
St. George, UT 84771

Mail tax notice to:
Mr. & Mrs. Dan D. Hadley
163 N. 500 E. #20
St. George, UT 84770

QUIT-CLAIM DEED

DAN D. HADLEY and FLORENCE W. HADLEY, Grantors, of Washington County, State of Utah, hereby QUIT-CLAIM all right, title and interest which Grantors have to DAN D. HADLEY and FLORENCE W. HADLEY, as Trustees of the DAN D. AND FLORENCE W. HADLEY TRUST U/A/D April 12, 2001, Grantee for the sum of TEN DOLLARS, (\$10.00), and other good and valuable consideration, the following described property located in Weber County, State of Utah:

Part of the Northwest quarter of Section 17, Township 6 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey: beginning 420 feet North of the Southeast corner of the Northwest quarter of Section 17; thence North 271.56 feet; thence West 233 feet; thence South 271.56 feet; thence East 233 feet to beginning.

15-048-0011 /

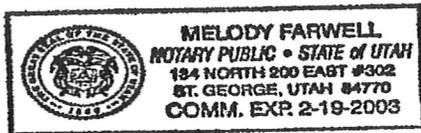
WITNESS the hand of said grantors, this 12 day of June, 2001.

Dan D. Hadley
DAN D. HADLEY

Florence W. Hadley
FLORENCE W. HADLEY

STATE OF UTAH,)
 : ss.
County of Washington.)

On the 12th day of June, 2001, personally appeared before me DAN D. HADLEY AND FLORENCE W. HADLEY who are personally known to me to be the signers of the foregoing instrument, who duly acknowledged before me that they executed the same.



Melody Farwell
Notary Public

E# 1777120 BK2146 PG269D
DOUG CROFTS, WEBER COUNTY RECORDER
18-JUN-01 835 AM FEE \$10.00 DEP JPM
REC FOR: SNOW.&.JENSEN

JML



Small text in the middle left area, possibly a survey or map reference.

Small text in the lower right area, possibly a survey or map reference.

Map 1



Robert G. Galloway
Hazel W. Galloway
1934-1912
1934-1912

Mary Ann Hackey Sr.
1934-1912
1934-1912

Mike Hackey
1934-1912
1934-1912

Christine D. Mary Ann Hackey
1934-1912
1934-1912

Map 2



Cover G. Chas. & P. Ward N. 1894
1894-1895
1895-1896

South end of Old Haddy parcel as shown on the map

Mary Ann Haddy to South West Haddy 17.05.1872

Mary Ann Haddy to South West Haddy 17.05.1872

Old Haddy to Mary Ann Haddy 17.05.1872

Old Haddy to Mary Ann Haddy 17.05.1872

Map 2a



Miss C. (2007)
Hansley (2007)
2/18/08

Don E. (2007)
12/08/07

12/08/07

Mary Ann Hickey to
Scott Wright Hickey
21-01-07
10/1/08

Don Hickey to
Scott Hickey
11/01/07
10/1/08

Don Hickey to
Mary Ann Hickey
11/01/07
10/1/08

Map 2b



Approx. 28'

Area of survey error

Approximate areas:
Parcel without 40' road: 40,530 ft sq.
Parcel without 50' road: 38,430 ft sq.
Parcel without 50' road
and 28' overlap: 33,488 ft sq. or
0.7688 acres.

15-048-0038

Dedication line required for subdivision

Dedicated Right of way from 1934

40'

50'

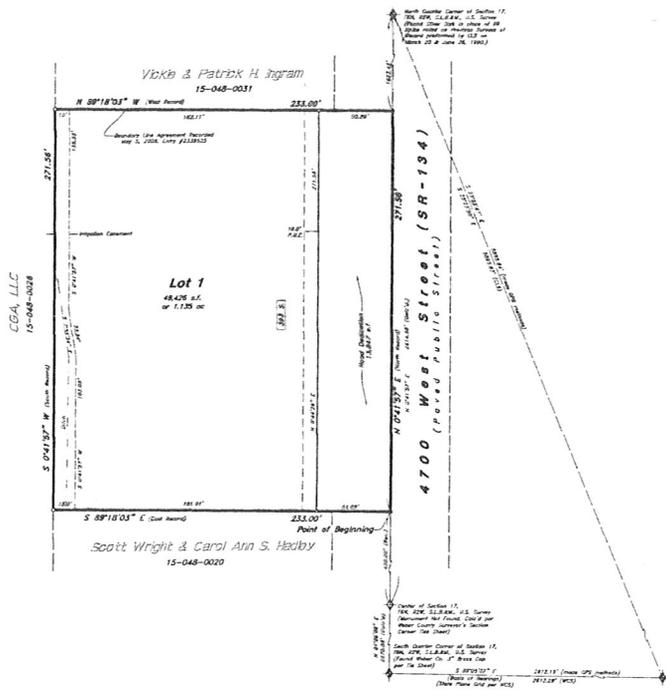
Map 4

CJ Hancock Subdivision

15-509-0001

CJ Hancock Subdivision

A part of the Northwest 1/4 of Section 17, T6N, R2W, SLB&M, U.S. Survey
Weber County, Utah
September 2008



Scale: 1" = 30'

Legend

- Subdivision Boundary
- Survey Station
- Found monument
- Old monument
- P.U.L. Public Utility Location
- Corner set with 1/2" x 1/4" steel with brass cap stamped "Weber Survey"
- Corner set with steel nail
- Weber County Survey

Agricultural Note

Agriculture is the preferred use in Agriculture Zone A-1. All agricultural operations shall be permitted at any time, including the operation of farm machinery and no agricultural use shall be subject to restriction because of interference with other uses permitted in the zone. (Chapter 3-1A of Weber County Zoning Ordinance)

Narrative

This Subdivision was requested by CJ and Michele Hancock in order to create (1) residential lot.
The Subdivision is based on a property survey prepared by Great Basin Engineering - South dated July 8, 2008 on file in the Weber County Surveyor's Office as Survey No. 4114.
Previous March 1800 (WCS Survey No. 323) and March 2006 (WCS Survey No. 3597) surveys by GLE were utilized to establish the existing 45' highway right-of-way.
Property corners have been set at specified locations.

Owner / Developer
Curtis J. & Michele Hancock
712 S. 4700 W.
Ogden, UT 84403

004447
000007
WEBERCOURTREC

Surveyor's Certificate

I, Eric D. Hancock, holding License number 13446 in compliance with title 66, Chapter 22, Professional Engineers and Land Surveyors Licensing Act, have conducted a survey of the property described on the plat in accordance with Section 17-21-12 and have verified all measurements and placed monuments as represented on the plat.
I do also hereby certify that this plat is:

CJ Hancock Subdivision

In Weber County, Utah, has been correctly drawn to scale and is a true and correct representation of the following description of lands included in said subdivision, listed on data compiled from records in the Weber County Recorder's Office, Weber County Surveyor's Office and of a survey made on the ground, and I further certify that all the same conform to width and area requirements for Weber County Land.

Signed this 18th day of May, 2010.

13446
License No.



Description

A Part of the Northwest Quarter of Section 17, Township 6 North, Range 2 West, Salt Lake Base & Meridian, U.S. Survey

Beginning of a point on the Quarter Section line being 420.00 feet North 274°37' East along said Quarter Section line from the Center of road Section 17, said corner being 2875.00 feet North 271°04' East from the South Quarter Corner said Section 17, and running thence North 274°37' East 274.37 feet along said Quarter Section line; thence North 89°18'03" East 253.00 feet; thence South 274°37' West 274.36 feet; thence South 89°18'03" East 253.00 feet to the point of beginning.

Contains: 65,273 sq. ft. or 1.48 acres

Owner's Dedication

We the undersigned owners of the herein described tract of land, do hereby offer and dedicate the same into the public use and streets as shown herein and substitute the same as shown and named hereon.

CJ Hancock Subdivision

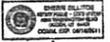
and the hereby dedicate to public use all those parts or portions of said tract of land designated as streets, to be used as public thoroughfares and the area just and adjacent to a particular lot and treatment level open and under the legal jurisdiction of public utility, storm water collection, drainage easements and canal maintenance easements, the same to be used for restrictive maintenance and separation of public utility service lines, storm drainage facilities, irrigation canals or for the perpetual preservation of water channels in their natural state insofar as applicable as may be authorized by the governing authority, with no building or structure being erected within such easements.

Signed this 22nd day of September, 2010.

Curtis J. Hancock
Michele Hancock

Individual Acknowledgment

I, the County of Weber,
On this 22nd day of September, 2010, personally appeared before me, the undersigned Notary Public, CURTIS J. HANCOCK, ALBERTA SHARPE, the signers of the foregoing instrument who duly acknowledged to me that they had executed the same.



Witness on: *Walter Co.*
Commission Expires: *2-28-12*
Shawn Sullivan
Notary Public

CJ Hancock Subdivision

A part of the Northwest 1/4 of Section 17, T6N, R2W, SLB&M, U.S. Survey
Weber County, Utah

WEBER COUNTY RECORDER

FILED ON 2/15/2010 AT 10:40 AM
BOOK 22-542-10
PAGE 21 - OFFICE RECORD - 2010-09-22

ERIN D. RONALD
REC'D REC'D REC'D
2010

<p>GREAT BASIN ENGINEERING - SOUTH CONSULTING ENGINEERS AND LAND SURVEYORS 2010 South Redwood Road, P.O. Box 16247 Salt Lake City, Utah 84116 Tel: (801) 487-8888 Fax: (801) 487-8889</p>	<p>WEBER / MORMON HEALTH DEPARTMENT This is to certify that this subdivision and other information submitted with the application and set in the application conform with the Health / Mormon Health Department's requirements. SIGNED: <i>[Signature]</i> 22.10. DATE: 22.10.2010</p>	<p>WEBER COUNTY ATTORNEY I have examined the foregoing instruments and other documents submitted with the application and set in the application and certify that they conform with the County Ordinance and are in full compliance with the requirements of the County Ordinance. SIGNED: <i>[Signature]</i> 22.10. DATE: 22.10.2010</p>	<p>WEBER COUNTY SURVEYOR I hereby certify that the Weber County Surveyor's Office has received the plat for subdivision and recorded the same in the County Recorder's Office and that the same conform with the requirements of the County Ordinance and are in full compliance with the requirements of the County Ordinance. SIGNED: <i>[Signature]</i> 22.10. DATE: 22.10.2010</p>	<p>WEBER COUNTY ENGINEER I hereby certify that the applicant's subdivision conforms with the requirements of the County Ordinance and that the same conform with the requirements of the County Ordinance and are in full compliance with the requirements of the County Ordinance. SIGNED: <i>[Signature]</i> 22.10. DATE: 22.10.2010</p>	<p>WEBER COUNTY PLANNING COMMISSION This is to certify that this subdivision and other information submitted with the application and set in the application conform with the requirements of the County Ordinance and are in full compliance with the requirements of the County Ordinance. SIGNED: <i>[Signature]</i> 22.10. DATE: 22.10.2010</p>	<p>WEBER COUNTY COMMISSION This is to certify that this subdivision and other information submitted with the application and set in the application conform with the requirements of the County Ordinance and are in full compliance with the requirements of the County Ordinance. SIGNED: <i>[Signature]</i> 22.10. DATE: 22.10.2010</p>	<p>WEBER COUNTY COMMISSION This is to certify that this subdivision and other information submitted with the application and set in the application conform with the requirements of the County Ordinance and are in full compliance with the requirements of the County Ordinance. SIGNED: <i>[Signature]</i> 22.10. DATE: 22.10.2010</p>
--	---	--	---	---	--	---	---

MAP 6

Weber County Board of Adjustment Application

Application submittals will be accepted by appointment only. (301) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted / Completed	Fees (Office Use) \$225.00	Receipt Number (Office Use) 1557	File Number (Office Use) BOA 2013-01
----------------------------	-------------------------------	-------------------------------------	---

Property Owner Contact Information

Name of Property Owner(s) Vickie and Patrick Ingram		Mailing Address of Property Owner(s) 2311 South 7500 West Ogden, UT 84404	
Phone (801) 624-9658	Fax		
Email Address vickie.ingram@hill.af.mil		Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s) Vickie or Patrick Ingram		Mailing Address of Authorized Person 2311 South 7500 West Ogden, UT 84404	
Phone (801) 624-9658	Fax		
Email Address vickie.ingram@hill.af.mil		Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Appeal Request

A variance request:
 Lot area Yard setback Frontage width Other: _____

A Special Exception to the Zoning Ordinance:
 Flag Lot Access by Private Right-of-Way Access at a location other than across the front lot line

An Interpretation of the Zoning Ordinance

An Interpretation of the Zoning Map

A hearing to decide appeal where it is alleged by appellant that there is an error in any order, requirement, decision or refusal in enforcing of the Zoning Ordinance

Other: _____

Property Information

Approximate Address 391 South 4700 West Ogden, UT 84404	Land Serial Number(s) Current Serial Number 15-048-0038 Past Serial Number 15-048-0031
Current Zoning A1	

Existing Measurements		Required Measurements (Office Use)	
Lot Area 43,110 SF	Lot Frontage/Width 185.02'	Lot Size (Office Use)	Lot Frontage/Width (Office Use)
Front Yard Setback	Rear Yard Setback	Front Yard Setback (Office Use)	Rear Yard Setback (Office Use)
Side Yard Setback	Side Yard Setback	Side Yard Setback (Office Use)	Side Yard Setback (Office Use)

Applicant Narrative

Please explain your request.

(See attachment 1, 2 and 3) [Also see letter from Earnest Rowley]

Variance Request

Explain how the variance will not substantially affect the comprehensive plan of zoning in the County and that adherence to the strict letter of the ordinance will cause unreasonable hardships, the imposition of which upon the petitioner is unnecessary in order to carry out the general purpose of the plan.

(See attachment 1, 2 and 3) [Also see letter from Earnest Rowley]

Variance Request (continued...)

List the special circumstances attached to the property covered by the application which do not generally apply to the other property in the same zone.

(See attachment 1, 2, and 3) [Also see Ernest Rowley's letter]

Based upon the previously stated special circumstances, clearly describe how the property covered by this application is deprived of privileges possessed by other properties in the same zone; and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other properties in the same zone.

(See attachment 1, 2 and 3) [Also see letter from Ernest Rowley]

Variance Request (continued...)

Explain how the previously listed special circumstances are not considered to be economic or self-imposed hardships.

(See attachment 1, 2 and 3) [Also see letter from Ernest Rowley]

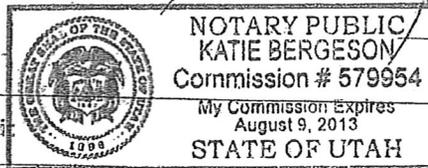
Property Owner Affidavit

I (We), Patrick and Vickie Ingram, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

Patrick Ingram
(Property Owner)

Vickie Ingram
(Property Owner)

Subscribed and sworn to me this 28 day of JANUARY, 2013



Katie Bergeson
(Notary)

Authorized Representative Affidavit

I (We), _____, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), _____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

(Property Owner)

Dated this _____ day of _____, 20____, personally appeared before me _____, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

(Notary)

Attachment 1
Patrick and Vickie Ingram's Variance
for property located at
391 South 4700 West Ogden, UT

Also, see Ernest Rowley's February 2013 letter researching the government causes of the land dimension discrepancy.

Variances from the requirements of the Weber County Zoning Ordinance.

1. What unreasonable hardship would be felt by the application if the variance is not granted?
 - The Ingram's are in the process of selling the home which was originally built in 1932. Without the variance the home owners can neither sell nor rebuild if damage should happen to the home that is currently on the property.
 - Currently the home is under contract to sell awaiting the Board of Adjustment decision.
2. In the county's determination was the hardship self-imposed by the home/land owner?
 - This dispute was in no way caused by the current owners of the property. This dispute has been caused by the placement of the county monument marker.
 - Since the original home was built in 1932 there have been upgrades (building permits were requested and granted under a previous owner Ryan Stratford. The approximate time frame was around 1996)
3. Are there special circumstances attached to the property that do not generally apply to other properties in the same zone?
 - It has been determined by county research that the County marker placement was accomplished in the wrong area. This placement is causing the property to be in non-compliance to the Weber County Code. Because of the placement of the country marker this property has one set of dimensions on paper which differs from the survey of the actual land.
 - Because of the placement the county marker the property total square foot dimension is now determined to be less than the required 40,000 square feet.
4. By granting the variance will it affect the general plan for public interest?
 - The land/home is a residential property use with a home on the land since 1932 which is the same as those within the surrounding area.
 - During the ownership of the property under the Ingram's the use has only been, and will continue to be, for residential use.
5. By granting the variance will the spirit of the land use ordinance be observed?
 - The Ingram's have and will maintain the use of the land for residential only
 - The reason for the variance is due to the documentation of the land being recorded at greater than 40,000 square feet. But due to the above mentioned County marker placements the property survey has determine the actual land is less than the required 40,000 square feet.

Additional information

- Attached is a copy of the 2008 Boundary Line agreement between Ingram's and Hancock's was to substantiate the property boundary. No property owner was anticipated to lose any actual property by this agreement. {See Exhibit C page 2 dimensions of Ingram property 233' x 210'}
- Attached is a copy of the Weber County Recorder/Surveyor – Ownership Description Report
 - i. Property description states the dimensions to be 233' x 210' which equals 1.12 acres of ground at the time the Ingram's purchased the property.
- This variance request is being requested due to circumstances put into place by Weber Country. These changes have adversely effected the property owned by the Ingram's to which they now find what they originally bought is now decreasing in value.
- The country has also stated they have determined a 40' road easement for the future of 4700 west will not be adequate. Therefore, the country has changed the requirement to 50' road easement. This additional road easement has reduced the property even further than when the Ingram's first purchased the property
 - i. Original road variance 233' (East to west dimension reduce by 40' for road) x 210' (North to south dimension) equals 40,530 square feet
 - ii. New road variance 233' (East to west dimension reduce by 50' for road) x 210' (North to south dimension) equals 38,430 square feet

WEBER COUNTY RECORDER / SURVEYOR
 OWNERSHIP / DESCRIPTION REPORT

SERIAL NUMBER 15-048-0038

COPY



PRIOR SERIAL NUMBERS
 (15-048-0031)

OWNER	INGRAM, VICKIE & HUS PATRICK HARVE INGRAM	TAX UNIT	CHANGE DATES
MAILING ADDRESS	391 S 4700 W OGDEN UT	53	Name 05-MAY-2008 Tax Unit 05-MAY-2008
	84404		
		PROPERTY ADDRESS	

ADDITIONAL NAMES

CURRENT REFERENCES

Seq	Entry Nbr	Book	Page	Kind of Instrument	Deed Date	Recorded Date
1	2126704			WARRANTY DEED JI	31 / 08 / 2005	02-SEP-2005
2	2339525			BNDRY LN AGRMNT	02 / 05 / 2008	05-MAY-2008

COMMENTS

DESCRIPTION OF PROPERTY 2008 ORIG. ACRES 7914 1.12
 PART OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 6 NORTH,
 RANGE 2 WEST, SALT LAKE BASE & MERIDIAN, U.S. SURVEY; BEGINNING
 AT A POINT 901.45 FEET, MORE OR LESS, NORTH OF THE SOUTHEAST
 CORNER OF THE NORTHWEST QUARTER OF SECTION 17, SAID POINT
 BEING THE SOUTHEAST CORNER OF BERT J OPHEIKENS AND WIFE
 PROPERTY AS RECORDED IN BOOK 1434 OF RECORDS PAGE 735
 (15-048-0023) AND RUNNING THENCE WEST ALONG OPHEIKENS SOUTH
 PROPERTY LINE 233 FEET, THENCE SOUTH 210 FEET; THENCE EAST 233
 FEET, THENCE NORTH 210 FEET TO THE POINT OF BEGINNING
 SUBJECT TO BOUNDARY LINE AGREEMENT # 2339525

*Acres re calculated
 Boundary line
 Agmt long
 section
 2670 08*

[NOTE: BECAUSE THE DESCRIPTION OF RECORD DID NOT CONTAIN
 AN AREA FOR THIS PARCEL, THE AREA FOR THIS PARCEL WAS
 CALCULATED BY THIS OFFICE FOR TAX PURPOSES.]

*** RUN DATE: 17-DEC-2012 09:52 AM ***

*LALPA 801-399-8802
 Leann 801-399-1347*

Atch 2

When recorded, return to:



W233526

EA 2339525 PG 1 OF 4
ERNEST D ROWLEY, WEBER COUNTY RECORDER
05-MAY-09 1222 PM FEE \$19.00, DEP SPY
REC FOR: CURTIS J. HANDECK

BOUNDARY LINE AGREEMENT

This Boundary Line Agreement (the "Agreement") is made this 2nd day of May, 2008, by and between Curtis J. and Michelle Hancock, (Party of the First Part); of 222 South 4700 West, Ogden, UT 84404, and Patrick H. and Vickie Ingram, (Party of the Second Part) of 391 South 4700 West, Ogden UT 84404 with respect to the following facts and circumstances (collectively the Parties):

RECITALS

- A. Party of the First Part is the owner of certain real property which is more particularly described as Exhibit A, attached hereto.
- B. Party of the Second Part is owner of certain real property which is more particularly described as Exhibit B attached hereto.
- C. The Party of the First Part and the Party of the Second Part have discussed certain mutual advantages to be derived through the relocation and/or establishment of their common boundary line and are interested in establishing written evidence of their agreement.
- D. The Party of the First Part and the Party of the Second Part have reviewed and approved revised descriptions of their respective boundary which have been prepared in accordance with the terms of the agreement reached by said parties regarding the identification, alteration, or correction of their respective boundary. Attached hereto as Exhibit C is a description of the line which is being agreed to as their common dividing line.

NOW THEREFORE, for valuable considerations, the receipt and sufficiency of which are hereby acknowledged, The Party of the First Part and the Party of the Second Part hereby covenant and agree as follows:

- 1. The Party of the First Part hereby quit claims and conveys to the Party of the Second Part all that property lying Northerly of the Boundary Line as described as Exhibit C, and the Party of the Second Part hereby quit claims and conveys to the Party of the First Part all that property lying Southerly of the Boundary Line as described as Exhibit C, of which the Parties have interest.

15

Atch. 3

EXHIBIT A

(Party of the First Part Hancock property)

Current Serial Numbers: 15-048-0011 ✓ *sd*

Part of the Northwest Quarter of Section 17, Township 6 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey: Beginning 420 feet North of the Southeast corner of the Northwest Quarter of Section 17; thence North 271.56 feet; thence West 233 feet; thence South 271.56 feet; thence East 233 feet to the point of beginning.

EXHIBIT B

(Party of the Second Part Ingram property)

Current Serial Numbers: 15-048-0031 ✓ *sd*

Part of the Northwest Quarter of Section 17, Township 6 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey: beginning at a point 901.45 feet, more or less, North of the Southeast Corner of the Northwest Quarter of Section 17, said point being the Southeast Corner of Bert J Opheikens and wife property as recorded in Book 1434 of Records, Page 735 (15-048-0023) and running thence West along Opheikens South property line 233 feet; thence South 210 feet; thence East 233 feet; thence North 210 feet to the point of beginning.

EXHIBIT C

A part of the Northwest Corner of Section 17, Township 6 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey in Weber County, Utah:

Beginning at a point located 1923.43 feet South $0^{\circ}1'57''$ West along the Quarter Section Line from the North Quarter Corner of said Section 17; said point of beginning is also located 2670.08 feet North $1^{\circ}06'08''$ East along the Quarter Section Line to the Center of said Section 17 and 691.56 feet North $0^{\circ}41'57''$ East along the Quarter Section Line from the South Quarter Corner of said Section 17; and running thence North $89^{\circ}18'03''$ West 233.00 feet to the endpoint of this Boundary Line description.

15-048-0039 (15-048-0011 + 0031) *kl*

15-048-0038 (15-048-0031) *kl*

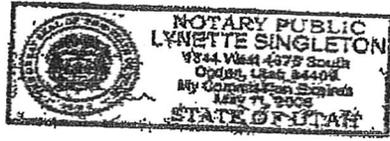
ATTEST:

State of Utah)
County of Wasatch) SS

On the Tuesday of March, 2008, personally appeared before me, a Notary Public in and for the State of Utah Vickie Ingram

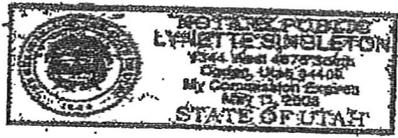
the signer[s] of the foregoing instrument, who duly acknowledged to me that he ~~is~~ she they executed the same.

My commission expires: 5/11/08
[Signature]
Notary Public



In the County of Wasatch, State of Utah, Subscribed and sworn to before me this Tuesday of March, 2008 by Vickie Ingram

[Signature]
Notary Signature and Seal



**WEBER COUNTY BOARD OF ADJUSTMENT
RULES OF PROCEDURE AND ETHICAL CONDUCT**

A Board of Adjustment shall be governed by the provisions of all applicable Statutes, County Ordinances and these rules.

I

MEMBERS

The Board of Adjustment shall each consist of five voting members, and two alternates, all of whom shall be citizen members appointed by the County Commission in accordance with the provisions of Utah Code Annotated and Weber County Ordinances.

II

OFFICERS AND DUTIES

A. Chair and Vice Chair

The Board of Adjustment shall elect annually, during the first regularly scheduled meeting in January, a Chair and Vice Chair who may be elected to succeed themselves for one additional term only. The Chairman shall be elected from the voting members of the Board of Adjustment by a majority of the total membership. The Chair, or in his/her absence or incapacity, the Vice Chair, shall preside over all meetings and hearings of the Board of Adjustment and shall execute all official documents and letters of the Board of Adjustment.

B. Secretary

The Director of Planning or his/her designated Staff member shall be the Secretary of the Board of Adjustment.

III

MEETINGS

A. Quorum

Three (3) or more members shall constitute a quorum for the transaction of business and the taking of official action; however, in the case of only three members in attendance, a unanimous vote shall be required to approve or deny an application.

B. Time of Meeting

Regular meetings shall be held on the second and fourth Thursdays of each month, or at the call of the Chair, at a time to be scheduled by Staff in the Weber County Commission Chambers of the Weber Center, 2380 Washington Blvd., Ogden. The date of the regular meeting may be changed by the majority of the total membership of the Board of Adjustment provided at least one week notice is given each member of the new date of a regular meeting.

C. Meetings Open to the Public

All regular or special meetings of the Board of Adjustment shall be open to the public.

D. Order of Business

The order of business shall be:

1. Approval of the minutes of previous meeting
2. Petitions for Variance, Special Exceptions or other applicable matters.
3. Other Business
4. Adjournment

The Board of Adjustment may change the order of business or consider matters out of order for the convenience of the applicants or other interested persons.

E. Voting

An affirmative vote of the three (3) or more of the voting members present at the meeting shall decide all matters under consideration by the Board of Adjustment unless otherwise provided for in these rules.

Voting shall be by voice vote. The Chair votes on all questions unless the Chair has declared a conflict of interest on a specific issue under consideration before the Board of Adjustment. No voting member of the Board shall be allowed to abstain from voting on any matter under consideration by the Board, unless that member has declared a conflict of interest on the matter under consideration before the Board of Adjustment.

F. Parliamentary Procedure

Parliamentary procedure in Board of Adjustment meetings shall be governed by Robert's Rules of Order, as revised.

G. Suspension of Rules

The Board of Adjustment may suspend any of these rules by a majority vote of the entire Board.

H. Record of Meetings

The Secretary of the Board of Adjustment shall keep an accurate record of the proceedings and perform other duties as the Board of Adjustment may determine.

J. Meeting Agenda

The Planning Director or his designated Staff member shall review items proposed for the Board of Adjustment meeting agenda to determine whether all requirements necessary for Board of Adjustment consideration have been complied with. The Board shall establish reasonable deadlines for submission of applications and other items for Board of Adjustment consideration prior to a Board of Adjustment meeting to allow sufficient time for staff and agency review.

K. Non Performance or Misconduct - Removal from Office

In the event any member of the Board of Adjustment shall fail to attend more than seventy percent of the Board of Adjustment meetings held during any one year, the member may be removed from office by an affirmative vote of the majority of the County Commission. Any member of the Board of Adjustment may be removed for cause, upon written charges, by an affirmative vote of the majority of the County Commission. The member shall be provided a Public Hearing, if requested.

IV

CONSIDERATION OF APPLICATIONS

A. Hearing Procedure

Any person may appear in person, by agent or attorney at any meeting of the Board of Adjustment. The order of procedure in the hearing of each application shall be as follows:

1. Presentation by the Planning Staff of the application, including staff recommendation.
Presentation shall include the reading of pertinent written comments or reports concerning the application.
2. Additional presentation by applicant or his/her agent.
3. Public comments in favor of application.

4. Public comments against application.
5. Rebuttals by invitation of the Chair.

B. Decisions

Decisions and/or recommendations of the Board of Adjustment shall be final at the end of the meeting at which the matter is decided. The Board of Adjustment Staff shall send a Letter of Decision to the applicant, his/her attorney or agent.

V

RULES OF ETHICAL CONDUCT FOR A BOARD OF ADJUSTMENT MEMBER

Preamble

1. Ethical practice has special relevance to all people who are charged with responsibilities in public service. Board members, whose decisions and actions have long-range consequences for later generations, must be keenly concerned to adhere to ethical principles.
2. Codes of ethics, as commonly adopted, present a catalog of temptations that are prohibited. It cannot be an exhaustive catalog: human imagination is sufficiently rich to discover new variations of old temptations. The existence of a code simply puts a challenge, to some, to find a gap or loop-hole. Emphasis must be put not on the letter of prohibition but on the spirit of observance. A performance standard of ethical behavior will be superior to a specification standard.

A. Conflict of Interest

A Board of Adjustment member to whom some private benefits may come as the result of a Board of Adjustment action should not be a participant in the action.

1. The private benefit may be direct or indirect, create a material, personal gain or provide a distinct advantage to relations or to friends or to groups and associations which hold some share of a person's loyalty. However, mere membership itself in a group or organization shall not be considered a conflict of interest as to Board of Adjustment action concerning such groups or associations unless a reasonable person would conclude that such membership in itself would prevent an objective consideration of the matter.
2. A Board member experiencing, in his/her opinion, a conflict of interest, should declare his/her interests publicly, abstain from voting on the action, and may excuse himself/herself from the

room during consideration of the action. He/she should not discuss the matter privately or with any other Board member. The vote of a Board member experiencing a conflict of interest who fails to disqualify himself shall be disallowed.

3. A conflict of interest may exist under these rules although a Board member may not believe he/she has an actual conflict; therefore, a Board member who has any question as to whether a conflict of interest exists under these rules should raise the matter with the other Board members and the County Attorney's representative in order that a determination may be made as to whether a conflict of interest exists.
4. No Board of Adjustment member should engage in any transaction in which he/she has a financial interest, direct or indirect, with the agency or jurisdiction that he/she serves unless the transaction is disclosed publicly and determined to be lawful.
5. The Board members that the County Commission, in making appointments to the Board of Adjustment, not attempt to exclude whole categories or associations of business, professional, or other persons in anticipation of conflict of interest problems. The service of competent people of good character need not be sacrificed. Their withdrawal from participation in planning matters is necessary only in those specific cases in which a conflict of interest arises.

B. Gifts and Favors

Gifts, favors or advantages must not be accepted if they are offered because the receiver holds a position of public responsibility.

The value of a gift or advantage and the relation of the giver to public business should be considered in determining acceptability. Small gifts that come in the form of business lunches, calendars or office bric-a-brac are often, not always, acceptable. In cases of doubt, refuse. In cases of marginal doubt, refuse.

C. Treatment of Information

It is important to discriminate between information that belongs to the public and information that does not.

1. Reports and official records of a public agency must be open on an equal basis to all inquiries. Advice should not be furnished to some unless it is available to all.

2. Information on private affairs that is learned in the course of performing planning duties must be treated in confidence. Private affairs become public affairs when an official action -- such as an application for Variance or Special Exception -- is requested with respect to them. Only then is a disclosure of relevant information proper.
3. Information contained in studies that are in progress should not be divulged except in accordance with established agency policies on the release of its studies.
4. Prearranged private meetings between a Board of Adjustment member and applicants, their agents, or other interested parties are prohibited. Partisan information on any application received by a Board of Adjustment member whether by mail, telephone, or other communication should be made part of the public record.

D. Political Activity

Membership in a political party and contributions to its finances or activities are matters of individual decision that should neither be required of nor prohibited to Board of Adjustment members.

1. The extent of participation in political activities should be governed by professional judgment as well as limited by any applicable civil service law or regulation.
2. The powers of the Board of Adjustment must not be exercised, nor their duties performed, in any way that will create special advantages for a political party. The special position of a Board of Adjustment member should not be used to obtain contribution or support for a political party and should not be used to obtain partisan favors.
3. Partisan debate of a community's planning program and the consideration of planning in a party's platform is proper. Planning Officials should, however, give political parties equal access to information.