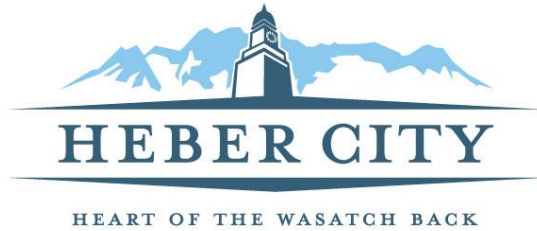


Heber City Variance Application

75 North Main Street, Heber City, UT 84032
(435) 654-4830 Fax (435) 657-2543
www.ci.heber.ut.us



Variance Information

Date submitted:	Zone:	Number (Office Use Only)	
Hearing Date:		Approved:	Denied:
Variance Location:			
Variance Requested (setbacks, height, etc.)			
Purpose of Variance			

Applicant Information

Property Owner/ Contact:		Attn:	
Address:		Telephone:	
City:	State	Zip:	Alt. Telephone:
Email Address:		Fax:	

Dated this _____ Day of _____, _____.

Signature of owner(s) of record

City Review Process and Requirements

- Staff Review Time:** Approximately 3 weeks prior to the meeting date.
- Board of Adjustment Meeting Time:** By request on the 3rd Tuesday of each Month.

All meetings are held in the Heber City Council Chambers at 75 North Main Street.

- Pre-application meeting with City Planner
- Plan indicating property lines, existing buildings showing distances from property lines and any proposed buildings including elevations (height)
- Letter detailing variance request
- Fee of \$200.00
- A list of every adjacent property owner's name and address

Purpose

The Board of Adjustment was created to hear request for relief from the terms City's Ordinances and to hear and decide appeals from the decision of the Zoning Administrator.

LEGAL STANDARDS

Utah Code in Section 10-9-707(2)(a) and Heber City Municipal Code, Section 18.12.120(B) outlines the standards, or conditions for approving a variance. Under State Statute and Heber City Municipal Code, the Board of Adjustment may grant a variance only if all conditions are met. If all five conditions are not met, the Board of Adjustment is compelled by law to deny the request for a variance.

Utah State Law and Heber City Municipal Code require that the Applicant bear the burden of proving that all of the conditions justifying a variance have been met.

Those conditions for approval of a variance are:

1. **Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;**
2. **There are special circumstances attached to the property that do not generally apply 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; and**
5. **The spirit of the land use ordinance is observed and substantial justice done.**

The Utah Supreme Court decision of Chamber v. Smithfield City (714 P2d 1133) contains the standards of case law for granting variances, including no self-created hardship, no grant of special privilege, and the limited use of variances. This means that if the variance request is self-created then the Board of Adjustment needs to deny the request. Utah State Law has been amended to reflect those requirements.

State Law and Heber City Ordinance require that each of the five criteria be met before a variance can be granted. The law also indicates that economic or self-inflicted hardships cannot be reasons to grant a variance.

The following are questions that the Board of Adjustment must ask as part of the process of granting a variance. Please respond briefly in writing and be prepared to discussion in greater length as part of the hearing.

1. From what specific ordinance are you seeking relief?

2. What are the difficulties and hardships that will be imposed upon the applicant if the variance is not granted.

3. List the special circumstances attached to this property which do not generally apply to the other surrounding property in the same zone.

4. What rights or privileges are possessed by other property owners in the same zone that are being denied to this property because of the above listed conditions?

5. What, if any, negative impacts might result from the granting of this variance and what would the owner be willing to do to mitigate such problems?

I hereby certify that I have read and understand this application and that all representations made and materials submitted with this application, including the fact of ownership of the subject property, are true and correct to the best of my knowledge, information, and belief.

Name _____
(print name)

By: _____
Owner/Manager (sign name)

STATE OF UTAH)
 : ss.
COUNTY OF WASATCH)

On this _____ day of _____, 20____, personally appeared before me _____ Owner, who duly acknowledged to me that he is the owner in fee and executed the same as such.

NOTARY PUBLIC

2018 Heber City Board of Adjustment

Submittal Deadlines		Meeting Dates	
December	26, 2017	January	16, 2018
January	30, 2018	February	20, 2018
February	27, 2018	March	20, 2018
March	27, 2018	April	17, 2018
April	24, 2018	May	15, 2018
May	29, 2018	June	19, 2018
June	26, 2018	July	17, 2018
July	31, 2018	August	21, 2018
August	28, 2018	September	18, 2018
September	25, 2018	October	16, 2018
October	30, 2018	November	20, 2018
November	27, 2018	December	18, 2018
December	20, 2018*	January	15, 2019

If there are no agenda items to be heard, the meeting for that particular date will not be held.

* moved from regular timeframe due to Christmas Holiday