



Community Development

Variance Requirements

Please refer to Washington County Code Title 10, Chapter 2 and Utah State Code 17-27a-702. All Variance Applications must meet the applicable requirements of local, state and federal law.

The applicant is required to prove that all conditions justifying a variance have been met. After reviewing each section below describing the justifications for a variance, provide a brief explanation of how your request complies. Attach additional sheets, if necessary. The application sheet along with other required materials will be submitted to the Hearing Officer to aid in his/her review and decision.

"17-27a-702. Variances.

- (1) Any person or entity desiring a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the applicable appeal authority for a variance from the terms of the ordinance.*
- (2) (a) The appeal authority may grant a variance only if:*
 - (i) 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;*
 - (ii) there are special circumstances attached to the property that do not generally apply to other properties in the same zone;*
 - (iii) granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;*
 - (iv) the variance will not substantially affect the general plan and will not be contrary to the public interest; and*
 - (v) the spirit of the land use ordinance is observed, and substantial justice done.*
- (b) (i) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (2)(a), the appeal authority may not find an unreasonable hardship unless the alleged hardship:*
 - (A) is located on or associated with the property for which the variance is sought; and*
 - (B) comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.*



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- (ii) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (2)(a), the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.*
- (c) In determining whether or not there are special circumstances attached to the property under Subsection (2)(a), the appeal authority may find that special circumstances exist only if the special circumstances:*
 - (i) relate to the hardship complained of; and*
 - (ii) deprive the property of privileges granted to other properties in the same zone.*
- (3) The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.*
- (4) Variances run with the land.*
- (5) The appeal authority may not grant a use variance.*
- (6) In granting a variance, the appeal authority may impose additional requirements on the applicant that will:*
 - (a) mitigate any harmful effects of the variance; or*
 - (b) serve the purpose of the standard or requirement that is waived or modified."*



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Variance Application

Please refer to Washington County Code Title 10, Chapter 2 and Utah State Code 17-27a-702. All Variance Applications must meet the applicable requirements of local, state and federal law.

The applicant seeking a variance has the responsibility to establish that all of the requirements have been met under State law for the granting of a variance.

The applicant must be complete, and payment received, prior to acceptance by the Community Development Department. All incomplete applications are deemed rejected. You will be informed within a reasonable time if your application is incomplete. No processing will occur until the application is resubmitted with all the complete information.

Please state the specific Zoning Ordinance Section that you are asking to vary or alter, and the specific relief requested (additional sheets may be attached if necessary):

PLEASE ANSWER THE FOLLOWING (A variance may be granted ONLY if the following five (5) criteria are met):

1. Explain how the literal interpretation of the applicable zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance. *(The hardship cannot be self-imposed or an economic hardship.)*

2. Explain what is peculiar to, or the special circumstances attached to the property that does not generally apply to other properties in the same zone.

3. Explain how the granting of the variance is essential to the enjoyment of a substantial property right possessed by other properties in the same zone.



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4. Explain how the variance will not substantially affect the general plan and will not be contrary to the public interest.

5. Explain how the spirit of the specific zoning ordinance is observed and substantial justice is done.

Please attach one (1) copy of a site plan on 11" x 17" paper or larger and an electronic copy (.pdf). This site plan should be drawn to scale and include the following information:

1. Lot dimensions.
2. Location, size, height, and use of all buildings and structures.
3. Size and dimensions of yards and space between buildings.
4. Location and height of walls and fences.
5. Location, number of spaces, dimensions, circulation patterns, and surface materials for all off-street parking and loading areas, driveways, access ways and pedestrian walkways.
6. Location and general nature of exterior lighting or signage.
7. Street dedications and improvements.
8. Existing and proposed grades and drainage systems.
9. Vicinity map of the site.
10. The size and location of all existing and proposed public and private utilities. All easements must be shown and with supporting written documentation if request by County.
11. Natural features, such as streams, rock outcroppings, natural drainage, manmade features such as existing roads and structures, with an indication as to which are retained, and which are to be removed or altered (if applicable to the variance application).
12. Property ownership of the property at issue, and of the immediately adjacent properties.
13. Existing zoning classification(s) and surrounding land uses.



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Land Use Application

Application must be complete, and payment received, prior to the Community Development Department processing the application. All incomplete applications are deemed rejected. You will be informed within a reasonable time if your application is incomplete. No processing will occur until the application is resubmitted with all the complete information.

Application Type:

<input type="radio"/> Conditional Use Permit <input type="radio"/> Site Plan <input type="radio"/> Variance <input type="radio"/> Lot Line Adjustment <input type="radio"/> Road Dedication	<input type="radio"/> Zone Change <input type="radio"/> Amended Plat <input type="radio"/> Preliminary Plat <input type="radio"/> Final Plat <input type="radio"/> Other: _____
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Project Name and Description: _____

Reason for Request: _____

Address or Approximate Location: _____

Subdivision Name (if applicable): _____

Parcel(s) ID: _____

Area in Acres: _____ Existing Zone: _____ Existing Use: _____

Proposed Zone (if applicable): _____ Proposed Use: _____

I certify that I am signing this application form as an owner of record to the property included in this application. I certify that the information and exhibits submitted are true and correct to the best of my knowledge. I understand that all materials required by Washington County must be submitted prior to having this matter processed. I understand that public hearings or meetings may be required. I understand that I am consenting to allow the County Staff involved in this application or their designees to enter onto and inspect the subject property at any reasonable time, without obtaining any prior consent.

All Landowners are required to sign this application. If additional space is needed, attach additional sheet signed and dated by the applicants.

Signature: _____ Date: _____

Signature: _____ Date: _____