



For Office Use Only	
Date Rec'd	_____
Application \$	_____
Zone	_____

VARIANCE APPLICATION

Date of Submittal: _____

Property Address: _____

Applicant Name: _____

Applicant Address: _____

Applicant Phone #: _____

Applicant E-Mail: _____

Authorization (Owner Signature): _____

(If applicant is not owner, applicant must submit notarized authorization from all property owners)

Project Name and Description: _____

Committee

Planning Commission \$250.00 (application fee)

- The Site Plan Review Committee will review complete applications prior to review by the Planning Commission. **Applicant should attend this meeting.** (See attached for available dates for Planning Commission Meeting and Site Plan Review).

Plans need to include:

- Bountiful City** will prepare labels and mail out the notice to all property owners within three hundred feet (300') of the subject property boundaries based on the most recent Davis County Tax Assessment records.

The fee for the preparation and mailing of notices has been added to the application fee. **Do not get labels from Davis County Recorders office, if you do, you will be charged from Davis County Recorders office and Bountiful City will still charge the entire fee on page 1.

****Items heard by the Administrative Committee do not require mailing labels.***

- Plans needed for a site plan review , two (2) full sized, and one (1) 11x17 copy and one (1) .PDF file, of the proposed site plan drawn at 1:10 scale or as required by the City Engineer and City Planner. A site plan shall include:

- A north arrow, the scale of the drawing, and the date of the drawing.
- Street names and addresses.
- Property lines with dimensions.
- All sidewalks, driveways, curbs and gutter, and parking areas.
- All existing easements, rights-of-way, and any other restrictions on the use of the property.
- Existing buildings, proposed buildings, and other significant features on the site.
- Existing buildings and significant features located on adjacent properties within 50 feet (50') of the subject property boundaries
- When required by the City Planner or City Engineer, and for all new construction, a survey including both existing and proposed contours of the land at intervals of two feet (2') or better.

- Typed responses to the following questions:

- What City Ordinance(s) do you want a variance from?
- By Law, any government body granting a variance must find that the proposal meets **ALL** of the requirements of Utah Code 10-9a-702 (below).
How does the proposed variance request meet all of these criteria?
 - (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.*

Excerpt - Utah Code 10-9a-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.
 - (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 affects of the variance; or
 - (b) serve the purpose of the standard or requirement that is waived or modified.

The application must be signed and notarized by each property owner or authorized agent(s).

Property Owners Affidavit

I (we) _____, being first duly sworn, depose and say that I (we) am (are) the current owner(s) of the property involved in this application: that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my (our) personal knowledge.

Owner's Signature

Owner's Signature (co-owner if any)

State of Utah)

§

County of Davis)

Subscribed and sworn to before me this ____ day of _____, 20____.

Notary Public: _____

Agent Authorization

I (we), _____, the owner(s) of the real property located at _____, in Bountiful City, Utah, do hereby appoint _____, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize the aforementioned agent to appear on my (our) behalf before any City board or commission considering this application.

Owner's Signature

Owner's Signature (co-owner if any)

State of Utah)

§

County of Davis)

On the ____ day of _____, 20____, personally appeared before me _____ the signer(s) of the above *Agent Authorization* who duly acknowledge to me that they executed the same.

Notary Public: _____