

FOR OFFICE USE ONLY:

Date Accepted: _____

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23 East Center Street,
Kaysville, Utah 84037
Ph: 801-546-1241 ♦
www.kaysvillecity.com



VARIANCE REQUEST APPLICATION

Please provide the following information as part of your petition for a variance request. We need the details on this list in order to process and review your request. An incomplete application or lack of required information will delay acceptance and/or processing of your application. We may return your application, along with all submitted drawings, until it is complete. Please help us serve you better by submitting the following minimal information.

Applicant Information

Property owner: _____

Address: _____

Phone: _____

E-mail address: _____

Regulation from which you are seeking a variance: _____

Brief Summary of your requested variance: _____

Items Required

- _____ A written statement that indicates that indicates why you feel your situation qualifies for a variance. This statement must also address each of the applicable criteria described in section 17-4-6 of the city ordinances included with this form.
- _____ Any applicable maps, plans, drawings or renderings which help demonstrate the existing conditions of the property and the desired use of the property detailing what the variance would accommodate.
- _____ Application fee (\$50.00)

17-4-6 Variances

- 1) Any person or entity desiring a waiver or modification of the requirements of this Title as applied to a parcel of property that he or she owns, leases, or in which he or she holds some other beneficial interest, may apply to the Planning Commission for a variance from the terms of this Title.
- 2)
 - a) The Planning Commission may grant a variance only if:
 - i) Literal enforcement of this Title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this Title;
 - 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 this Title is observed and substantial justice done.
- b)
- i) In determining whether or not enforcement of this Title would cause unreasonable hardship under Subsection 2(a), the Planning Commission 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.
 - ii) In determining whether or not enforcement of this Title would cause unreasonable hardship under Subsection (2)(a), the Planning Commission 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 Planning Commission 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 district.
- 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 Planning Commission and any other body may not grant a use variance.
- 6) In granting a variance, the Planning Commission 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.