

Santa Clara City
2603 Santa Clara Drive
Santa Clara, Utah 84765
(435) 656-4690
Fax (435) 879-5298

APPLICATION FOR A VARIANCE



Date Submitted: _____ **Application Fee:** \$1,000.00 (Fee is non-refundable)

TRC Committee meets every Thursday at 8:30 am. Planning Commission meets on the 2nd and 4th Thursday of each month at 5:30 pm. Applications and all other required documents and information must be completed and submitted by Tuesday at noon prior to the Thursday TRC Committee Meeting.

***All property owners within a 500-foot radius of the subject property must be notified of variance request and hearing date by mail. Mailing must be at least 3 days prior to hearing date. Proof of mailing, (list of property owners notified, date mailed and signature of variance applicant) must be presented to City staff. Note: A copy of the letter should be brought to the City prior to mailing for staff approval.*

I/We, the undersigned owner(s) or duly authorized agent of the real property described herein, hereby petition for a variance as described herein, from the provisions of the Santa Clara City Land Use Ordinance.

Property Owner(s): _____

Mailing Address: _____

Phone #: _____ Cell Phone #: _____

Legal description of property (lot, tract, block, etc...) _____

Note: Applicant must submit a plat map (from the County Recorder's Office) which shows property locations and a plot plan showing the nature of the request. (Show buildings, structures, driveways, etc. and all items relating to the appeal.)

_____ Plat Map Received

_____ Plot Plan Received

When a variance is granted subject to conditions, such variance does not become effective until such time as those conditions have been met.

A variance is a waiver or modification of a requirement of the Land Use Ordinance. It is a request by the owner, or anyone who has an interest in a piece of property, to be allowed to not follow the letter of the law as established in the Land Use Ordinance. The responsibility of showing that the requirements for granting a variance are met is on the petitioner.

The standards that must be met before TRC Committee review and Planning Commission consideration of a proposed variance are very narrow and difficult to meet. The State Code is very clear that there are five conditions, all of which must be met.

Any person or entity desiring a waiver or modification of the requirements of the 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 TRC Committee and/or Planning Commission for a variance from the terms of the Land Use Ordinance.

The Planning Commission may grant a variance only if:

1. Literal enforcement of the Land Use Ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Land Use Ordinance; and
2. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district; and
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district; and
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.

Please list and respond to all five conditions (additional space for responses may be needed) as to why the variance should be granted:

APPLICANT'S AFFIDAVIT

I, (We) _____, being duly sworn, depose and say, I, (We) the owners or authorized agent(s) of said property involved in the attached plans and other exhibits present thoroughly, to the best of my, (our) ability, the argument in behalf of the application herewith and that the statements and information above referred to are true and correct to the best of my, (our) knowledge and belief.

PROPERTY OWNER(S) OR AGENT(S): _____

Sworn before me on this ____ day of _____, 20__

Notary Public Residing at:

Commission Expires