



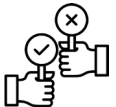
LAND USE: VARIANCE APPLICATION PACKET

Thank you for your interest in submitting an application for variance. The following packet will provide general information regarding the variance process.

For questions regarding any of the information listed in this packet please contact us at cvtown1@gmail.com or give us a call at (435) 893-9178.

PURPOSE AND INTENT OF PROCESS		References: 17.16C
1. In order to provide for just and fair treatment in the administration of local land use ordinances, and to insure that substantial justice is done each municipality adopting a land use ordinance shall, by ordinance, establish one or more appeal authorities to hear and decide requests for variances from the terms of the current land use ordinances. 2. The Mayor with the advice and consent of the Town Council shall appoint an individual to act in the capacity of an appeal authority pursuant to §10-20-1101 of Utah State Code (as amended). 3. The appeal authority shall hear and decide variances from the terms of Title 16 - Subdivisions and Title 17 - Land Use. 4. The Town Council is identified and designated as the applicable appeal authority authorized to approve, approve with requirements, or deny any variance application. 5. All requests for a variance shall be initiated by filing an application with the Town Clerk. A property owner may present a variance application for review and decision by the Town Council. An agent of the property owner, or a lessee of the property may present an application to the Town Council for review and decision, provided such application is accompanied by a property owner's affidavit or authorization.		
REQUIREMENTS		References: 17.16C
(1) 8 ½ X 11 Paper Copy shall be submitted which includes:		
☐	A complete variance application.	
☐	The fee as outlined in the Town's Fee Schedule.	
☐	Information, as determined by the Applicant, which is necessary to clearly establish the need for the variance requested. Note: Such information <u>may include</u> : • A written narrative that includes: ○ Information about the proposed construction and specifically how it would not meet the requirements of the Town's adopted land use ordinances. ○ Identification of the specific provision of the Town's adopted land use ordinances from which the variance is sought. ○ The special circumstances associated with the subject property that prevents compliance with the Town's adopted land use ordinances. ○ How compliance with the adopted land use ordinance would result in an unnecessary hardship.	

	○ <i>The minimum variance of the Town's adopted land use ordinances that would be necessary to permit the proposed construction or development.</i> ○ <i>The special circumstances that exist on the subject property which do not generally apply to other properties in the same zoning district.</i> ○ <i>How the variance is essential to the enjoyment of a substantial property right possessed by other properties in the same zoning district.</i> ○ <i>How the requested variance upholds the Town's General Plan and does not negatively affect the public's interest.</i> ○ <i>How the requested variance observes the spirit of the Town's adopted land use ordinances.</i> ● <i>A site plan or other drawings such as floor plans, streetscape plans, topographical drawings, landscape plans, etc.</i> ● <i>Any other supporting evidence that clarifies and supports the applicant's request.</i>
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REVIEW PROCESS:		References: 17.16C
 APPLICATION RECEIVED Application is submitted and pre-screened by Town to ensure submittal requirements are met and fees are paid.	 DETERMINATION OF COMPLETENESS Application reviewed/deemed complete by Appeal Authority. The Appeal Authority shall set the date for the hearing to be held within 30 days from the variance filing date. Note: <i>If incomplete, a list of missing information to submit will be provided. The date and time of the hearing shall be mailed to the applicant/s at least 10 days prior to the hearing date.</i>	 APPEAL AUTHORITY REVIEW/FINDINGS Appeal Authority reviews submitted information and testimony, and after hearing variance may make such decision or determination. Note: <i>Written summary of the Appeal Authority's determination will be provided to the applicant(s).</i>
IMPORTANT NOTES		References: 17.16C
1. The appeal authority may grant a variance application request only if: a. Literal enforcement of this ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this ordinance. b. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district:		

- i. Granting the variance application is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district;
 - ii. The variance will not substantially affect the current Central Valley Town General Plan and will not be contrary to the public interest; and
 - iii. The spirit of this ordinance is observed and substantial justice is done.
- 2. In determining whether or not enforcement of this ordinance would cause an unreasonable hardship, as required by Section 17.17C.8, the appeal authority shall 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 and not from conditions that are general to the neighborhood.
- 3. In determining whether or not enforcement of this ordinance would cause an unreasonable hardship, as required by Section 17.17C.8, the appeal authority shall not find an unreasonable hardship if the hardship is self-imposed or economic.
- 4. In determining whether or not there are special circumstances attached to the property, under Section 17.17C.8, the appeal authority may find that special circumstances exist only if the special circumstances:
 - a. Relate to the hardship complained of; and
 - b. Deprive the property of privileges granted to other properties in the same zoning district.
- 5. In granting a variance application, 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 standards or requirements that are waived or modified.
- 6. As required by state law, all variance applications granted by the appeal authority will run with the land.
- 7. The appeal authority shall not approve any variance application that would have the effect of authorizing any use that is not allowed in a zoning district, or a use that is prohibited by ordinance, as identified in the current Central Valley conditional use ordinance.
- 8. The approval of variance application by the appeal authority shall authorize such variance, subject to any requirements of approval. It shall not be deemed as an approval of any other application, permit or license.

APPEAL OF DECISIONS

Any person or persons aggrieved by a variance decision of the current Town Council may appeal such decision to the current Central Valley Town Appeal Authority as provided in the current Central Valley Town Land Use Ordinance. Said person/s shall be known as applicant/s.

CONSULTATION

If you have questions regarding the Town's application process or its regulations, please contact the Town at cvtown1@gmail.com or give us a call at **(435) 893-9178**.

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LAND USE: VARIANCE APPLICATION PACKET

IMPORTANT INFORMATION



CONSULTATION

Available prior to submission.
For questions, e-mail us at:
cvtown1@gmail.com



SUBMISSION

Submit complete application
to the Town at:
**50 W Center St, Central
Valley, UT 84754**



REQUIRED FEES

Note: \$200.00

APPLICANT INFORMATION

Project/Plat Name:

Address Of Subject Property:

Name Of Applicant(s):

Phone:

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Mailing Address:

E-Mail Address:

Applicant's Interest In Subject Property:
(**Note: * Requires Owner's Consent**)

If Other, Please Describe:

☐ Owner ☐ Engineer* ☐ Contractor* ☐ Other*

Brief Description Of Variance Sought:

OFFICE USE

Received By:

Date Received:

Review/Approval Date:

Conditions (If Any):

DISCLAIMER: PLEASE NOTE THAT ADDITIONAL INFORMATION MAY BE REQUIRED BY TOWN STAFF TO ENSURE ADEQUATE INFORMATION FOR STAFF ANALYSIS. ALL INFORMATION REQUIRED FOR STAFF ANALYSIS WILL BE COPIED AND MADE PUBLIC, INCLUDING PROFESSIONAL ARCHITECTURAL OR ENGINEERED DRAWINGS FOR THE PURPOSE OF PUBLIC REVIEW BY ANY INTERESTED PARTIES.

ACKNOWLEDGEMENT OF APPLICANT'S RESPONSIBILITY

1. This is to certify that I am making an application for the described action by the Town and that I am responsible for complying with all Town requirements with regard to this request. This application will be processed under the name provided below.
2. By signing this application, I am acknowledging that I have read and understood the instructions provided for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I understand that the documents provided to the Town are considered public records and may be made available to the public.
3. I understand that my application will not be processed until the application is deemed complete by the Zoning Administrator. I acknowledge that a complete application includes all of the required submittal requirements and that the provided documents must comply with all applicable requirements for the specific action being requested.
4. I understand that a staff report will be made available for my review prior to any public hearings or public meetings. This report will be on file and available at the Town's Offices and will be e-mailed to me once it has been finalized.

Name Of Applicant:**E-Mail Address:****Signature:****Date:****LEGAL PROPERTY OWNER'S CONSENT**

Note: If the applicant is not the legal owner of the subject property, written consent from the property owner must be provided. Properties with a single fee title owner may show consent by filling out the information below or by providing an affidavit.

Affirmation Of Sufficient Interest: I hereby affirm that I am the fee title owner of the below described property or that I have written authorization from the owner to pursue the described action.

Name Of Legal Property Owner:**Legal Description/Parcel Number:****Mailing Address:****E-Mail Address:****Signature:****Date:**

1. If a corporation is a fee titleholder, attach a copy of the resolution of the Board of Directors authorizing the action.
2. If a joint venture or partnership is the fee titleholder, attach a copy of the agreement authorizing action on behalf of the joint venture or partnership.
3. If a Home Owner's Association is the applicant, then the representative/president must attach a notarized letter stating they have notified the owners of the proposed application. A vote should be taken prior to submittal and a statement of the outcome provided to the Town along with the statement that the vote meets the requirements set forth in the CC&Rs.

DISCLAIMER: BE ADVISED THAT KNOWINGLY MAKING A FALSE, WRITTEN STATEMENT TO A GOVERNMENT ENTITY IS A CRIME UNDER UTAH STATE CODE CHAPTER 76-8, PART 5 (AS AMENDED). THE TOWN WILL REFER FOR PROSECUTION ANY KNOWINGLY FALSE REPRESENTATIONS MADE PERTAINING TO THE APPLICANT'S INTEREST IN THE PROPERTY THAT IS THE SUBJECT OF THIS APPLICATION.