



Dedicated to the vision of a self-sufficient rural community with a unique country lifestyle.

BLUFFDALE CITY

14175 South Redwood Road
Bluffdale, Utah 84065
(801) 254-2200
(801) 253-3270
www.bluffdale.com

Application Form

***This application form must be completely filled out in order to be processed.
Incomplete applications will not be accepted.***

BOARD OF ADJUSTMENT

Date of Application: _____

Applicant(s) Name: _____

Applicant Address: _____

Applicant Phone Numbers: Home: _____ Work: _____ Cell: _____

Property Owner(s) Name(s) (if different from the applicant): _____

Owner(s) Address: _____

Owner(s) Phone Numbers: Home: _____ Work: _____ Cell: _____

Contact Person's Name (if different from the applicant): _____

Contact Person's Address: _____

Contact Person's Phone Numbers: Home: _____ Work: _____ Cell: _____

Type of Request: (Using the attached sheet, describe the requested variance and list ordinance provision for which relief is being requested and why such provision causes undue hardship or need for a variance)

Variance: (Describe) _____
(attach a separate sheet if necessary and write "See attached sheet" on the line above)

Appeal of Decision: (Describe) _____
(attach a separate sheet if necessary and write "See attached sheet" on the line above)

Submittal Requirements: *(REMINDER: Incomplete applications will not be processed)*

- Completed Application Form
- Affidavits from the property owner(s) and agent authorization (if applicable)
- Fee: \$350
- An accurate plot plan, where appropriate, indicating the manner in which the variance will be applied and its effect on adjacent properties.
- Postage at first class rate for all property owners within 1,000 feet from the perimeter boundary of the subject property.

FOR OFFICE USE ONLY:

Date Received: _____ Amount Received: _____ Received By: _____ Receipt Number: _____

Applicant Affidavit

PROPERTY OWNER

STATE OF UTAH)
) ss
COUNTY OF SALT LAKE)

I (we), _____, being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statement therein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I also acknowledge that I have received written instructions regarding the process for which I am applying and the Bluffdale City Planning staff have indicated they are available to assist me in making this application.

_____(Property Owner)

_____(Property Owner)

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

(Notary)Residing in Salt Lake County, Utah

My commission expires: _____

AGENT AUTHORIZATION

I (we), _____, the owner(s) of the real property described in the attached application, do authorized as my (our) agent(s) _____ to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the City considering this application, and to act in all respects as our agent in matters pertaining to the attached application.

_____(Property Owner)

_____(Property Owner)

Dated this _____ 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)

Residing in Salt Lake County, Utah

My commission expires: _____

12.2.5 Board of Adjustment (amended 5/13/04 Ord. 2004-10)

- 12.2.5.1 Board of Adjustment Created**
- 12.2.5.2 Removal from Office**
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12.2.5.1 Board of Adjustment Created (amended 7/12/2005 Ord. No. 2005-15)

Pursuant to Utah Code Annotated § 10-9-701, *et seq.*, there is hereby created a Board of Adjustment and designated as the appeal authority for this Title. The Board shall consist of five (5) members and one (1) alternate member, each to be appointed by the Mayor with the advice and consent of the City Council for a term of five (5) years, provided that the terms of the members of the first board so appointed shall be such that the term of one member shall expire each year.

12.2.5.2 Removal from Office

Members of the Board of Adjustment may be removed for cause by the Mayor upon written charges filed against the member with the Mayor and after public hearing if a public hearing is requested by the member being removed.

12.2.5.3 Vacancies to be Filled

Any vacancy on the Board of Adjustment occurring by reason of death, resignation, removal or expiration of term shall be filled by appointment from the Mayor with the advice and consent of the City Council. Vacancies shall be filled within forty-five (45) days after the date of the vacancy.

12.2.5.4 Organization of Board of Adjustment

The Board of Adjustment shall organize and annually elect a Chairman and Vice-Chairman and adopt rules in accordance with the provisions of this Title. Meetings of the Board shall be held as necessary to hear applications for variances, appeals or special exceptions or at the call of the Chairman at such other times as may be necessary. The Vice-Chairman may, in the absence of the Chairman, fulfill the duties of the Chairman at any meeting. All meetings of the Board shall comply with Utah Code Ann. § 52-4-1, *et seq.* The Board shall keep minutes of its proceedings showing the vote of each member on each issue or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Adjustment and shall be a public record.

12.2.5.5 Rules Governing Alternate Members of the Board

An alternate member of the Board of Adjustment shall serve in the absence of members of the board. When the absence of a member or members of the board for any meeting is known in advance, alternate members shall be called upon to fill such vacancies for that meeting. When filling such vacancies, an alternate member shall have full voting powers to decide matters before the board on that specific meeting's agenda.

12.2.5.6 Duties and Powers of the Board of Adjustment

The Board of Adjustment shall have the following powers:

- a. To hear and decide special exceptions to the terms of this Title upon which such Board is required to pass under provisions of this Title.
- b. To authorize, upon appeal, such variance from the terms of this Title as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Title will result in unnecessary hardship, provided that the spirit of the Title shall be observed and substantial justice done. Before any variance may be authorized, however, it shall be shown that:
 1. literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance;

2. the variance will not substantially affect the general plan and will not be contrary to the public interest;
3. the spirit of the zoning ordinance is observed and substantial justice is done;
4. there are special circumstances attached or related to the property or development of the property that do not generally apply to other property or development of other property in the same district; and
5. granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.
6. an unreasonable hardship has not be self-imposed or is economic.

- c. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this Title or of any ordinance adopted pursuant thereto.

12.2.5.7 Variances - Procedures

The Board of Adjustment may authorize, upon application, such variances from the terms of this Title as will not be contrary to the public interest where, owing to special conditions, the literal enforcement of the provisions of this Title will result in unnecessary hardship, provided that the spirit of the Title shall be observed and substantial justice done. In determining whether or not a variance should be granted, the Board of Adjustment shall strictly adhere to the provisions of Utah Code Ann. § 10-9-707, as amended.

Applications for variance shall be filed with the Planning Department. Said application shall contain the following information:

- a. A description for the requested variance together with a description of that ordinance provision for which relief is being requested and why such provision causes undue hardship or need for a variance.
- b. An accurate plot plan, where appropriate, indicating the manner in which the variance will be applied and its effect on adjacent properties.
- c. A filing fee as set by the City Council.

Upon receipt of the application by the Planning Department, a copy with all accompanying materials shall be forwarded to the Board of Adjustment for its action. The Board of Adjustment shall hold a hearing to review the request and other concerns and take appropriate action upon the request. Notices for variance hearings shall follow the procedure set forth in Section 12.2.7 of this Title.

The Board of Adjustment, after hearing necessary testimony, information and citizen input, shall then make a finding conforming to Section 12.2.5.8 of this Title. In granting a variance, the Board of Adjustment may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties.

12.2.5.8 Appeals to the Board of Adjustment

12.2.5.8.1 Appeal Procedure

Any person or entity desiring a waiver or modification of the requirements of the Zoning Ordinance 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 appeal to the Board of Adjustment an order, requirement, decision or determination made by a city official in the enforcement, administration or interpretation of this Title. The Board of Adjustment shall hear appeals and make decisions consistent with this Section.

The appellant, or agent, shall make an appeal on a form provided by the city and shall include all appropriate information. In all matters before the Board of Adjustment, the burden of proof to overturn a decision administering or interpreting the Zoning Ordinance shall rest with the appellant.

The Board of Adjustment shall set a hearing on the appeal at their next available Board meeting.. In exercising its powers, the Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the city official in question as ought to be made, and to that end shall have all of the powers of the enforcement of this Title. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination or to decide in favor of the appellant on any matter upon which it is required to pass under such ordinance.

The decision of the Board becomes effective at the meeting in which the decision is made, unless a different time is designated in the Board's rules at the time the decision is made.

12.2.5.8.2 Time Limitation (amended 7/12/2005 Ord. No. 2005-15)

An appeal of a decision administering or interpreting the Land Use Ordinance shall be submitted to the City within ten (10) days from the date of the final decision.

12.2.5.9 Appeals from the Board of Adjustment (amended 7/12/2005 Ord. No. 2005-15)

Bluffdale City or any person adversely aggrieved by a decision of the Board of Adjustment, may have and maintain a plenary action for relief therefrom in any court of competent jurisdiction provided petition for each relief is presented to the court within ten (10) days after the date of such decision.

INFORMATION FOR VARIANCE REQUEST

Please provide the following information. (Use additional sheets, if necessary)

1. Describe your proposed construction and specifically how it would not meet the requirements of the zoning ordinance.

2. Explain how the literal enforcement of the zoning ordinance causes an unreasonable hardship that is not necessary in carrying out the general purpose of the zoning ordinance.

3. Explain what special circumstances exist on the property, which do not apply to other properties in the same zoning district. (The law requires that the Board of Adjustment identify a property-related hardship before granting a variance, i.e., size, topography, etc.. Such special circumstances may not be self-imposed or economic.)

4. Explain how the variance will be essential to the enjoyment of a substantial property right possessed by other properties in the same zoning district.

5. Would the variance uphold the general plan and not negatively affect the public interest?
 Yes No

Please explain.

6. Explain how this variance will observe the spirit of the zoning ordinance and the general plan.