

Fairfield Town

Utah County, Utah

Land Use Appeal for Variance Application

Please Print

Name: _____

Authorized Agent (if applicable):

Phone #: _____ Cell #: _____

Email: _____

Mailing Address: _____

Address of Proposed Adjustment/Appeal:

Zoning: _____

Project Information

Name: _____

Address: _____

Acreage/Property size: _____

Type of Request

The Appeal Authority may only consider the three types of cases stated below. Please acquaint yourself with these provisions and put a check by the provision under which you are making this request.

- Appeal from final administrative decision of the Zoning Administrator applying the provisions of the Fairfield Town Code;
- Variance from the terms of the Fairfield Town Code with a finding of unreasonable hardship as allowed by Fairfield Code, Title 10.5.170 (see Additional Information on Variances below for specific provisions);
- Interpretation of a zoning district boundary line as allowed by the Fairfield Town Code;
- Issuance of a building permit authorizing the reconstruction, remodeling, expansion or enlargement of a nonconforming building or structure;

Application Requirements

Attach a plot plan where appropriate showing the location of the existing buildings on the lot and the existing buildings on the adjoining lots, if any.

Please provide a written description of your request and indicate what you interpret the hardship of the lot to be. Use additional sheets if necessary.

Additional Information On Variances (does not apply to appeals or zoning interpretations)
The Appeal Authority shall not approve a variance unless it shall make findings based upon the evidence presented in each specific case and with a finding that all of the following provisions apply:

- A. Literal enforcement of the zoning district provisions of this Code would cause an unreasonable hardship for the applicant not necessary to carry out the general purpose of the zoning district or this Code. The BOA shall not render a finding of unreasonable hardship unless the applicant has demonstrated that the hardship is located on or associated with the property for which the variance is sought, and is peculiar to the property rather than conditions general to the neighborhood. No finding of unreasonable hardship shall be made if the alleged hardship is self-imposed or solely economic.
- B. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district. No finding of special circumstances shall be made unless they relate to the hardship complained of and deprive the property of privileges available to other properties in the same zoning district.
- C. The variance is essential to the enjoyment of a substantial property right possessed by other property in the district.
- D. The granting of the variance will not substantially affect the goals, objectives, policies, or standards of the General Plan and will not be contrary to the public interest.
- E. The spirit of the requirements and provisions of this Code will be observed and substantial justice done.

State 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 is 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.

(b) 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 effects of the variance; or (b) serve the purpose of the standard or requirement that is waived or modified.

Applicants/Owners(s) Certification

I (we) certify under penalty of perjury that this application and all information submitted as a part of this application is true, complete, and accurate to the best of my

knowledge. Should any of the information or representations submitted in connection with this application be incorrect or untrue, I (we) understand that Lehi City may rescind any approval, or take any other legal or appropriate action. I (we) also acknowledge that I (we) have reviewed the applicable sections of the Fairfield Town Code and that items and checklists contained in this application are basic and minimum requirements only and that other requirements may be imposed that are unique to individual projects or uses. I (we) also agree to allow the Staff, Planning Commission, or City Council or appointed agent(s) of the City to enter the subject property to make any necessary inspections thereof.

Applicant's Signature: _____ Date: _____

If more than one owner is involved, please include the signatures of each owner

Name: _____ Phone _____

Address: _____

Tax ID/Parcel # _____

Signature: _____

Name: _____ Phone _____

Address: _____

Tax ID/Parcel # _____

Signature: _____

Each owner and signer for himself says: I have personally signed this application; I am aware of the proposed change and understand the terms and conditions of this application; I am an owner of a portion of the property above mentioned and located at or near Fairfield, Utah County, State of Utah, and my address is correctly written after my name. (Attach additional sheets as necessary)

For Office Use Only

Fee: _____ Receipt #: _____

Date Received: _____

Planning Commission/Town Council Hearing Date: _____

Office Staff Signature: _____

Approval Date: _____

Title: _____