



Development Services
439 W Utah Ave. Payson, UT 84651
Phone: 801-465-5204
www.paysonutah.org

Application to Petition the Board of Adjustment

Office Use Only:		Review Fees: \$100.00 (15-1)
Application Date _____	County Parcel # _____	
Application # _____		
BOA Meeting Date: _____	Approved ☐	Denied ☐

GENERAL INFORMATION

Name of Applicant or Authorized Agent(s): _____

Address _____ City _____ Zip _____

Phone # _____ Fax # _____

Name of Property Owner(s): _____

Address _____ City _____ Zip _____

Phone # _____ Fax # _____

Property Owner's Signature of Authorization to file: _____

Project Location: _____

Current Zoning of the Property (see official zone map): _____

Check Applicable:

- ☐ An appeal of an administrative interpretation of the Zoning Ordinance
- ☐ A variance in the front, side, or rear yard setback requirements
- ☐ A variance in the lot size requirement
- ☐ A variance in the lot frontage requirement
- ☐ Other

APPLICATION REQUIREMENTS AND PROCEDURE

All applications must contain, at a minimum, the following items:

1. _____ Ownership plat map of the lots or parcels included in the request.
2. _____ A detailed explanation of the proposed variance and how all of the conditions justifying the variance have been met in accordance with State statute.
3. _____ Any other information such as a detailed site plan including setback, width, frontage, parcel size and location of existing and proposed structures that will assist the Board of Adjustment in their determination.
4. _____ The payment of the appropriate fee in accordance with the Payson City Fee Resolution.

5. _____ One set of addressed stamped envelopes for each adjacent property owner within ninety (90) feet and across the street for public notification and a complete list of the names and addresses.

VARIANCES

In accordance with state law specifically § 10-9a-702 of the Utah Code:

- (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 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.
- (c) 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.

BOARD OF ADJUSTMENT USE ONLY

FINDINGS

To grant a variance, ***all*** of the following conditions must be answered yes.

YES NO

- ☐ ☐ Would literal enforcement of the zoning ordinance cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance?
- ☐ ☐ Are there special circumstances attached to the property that do not generally apply to other properties in the same zone?
- ☐ ☐ Is granting the variance essential to the enjoyment of a substantial property right possessed by other property in the same zone?
- ☐ ☐ Will the variance not substantially affect the general plan and not be contrary to the public interest?
- ☐ ☐ Will the spirit of the zoning ordinance be observed and substantial justice done?

To find an unreasonable hardship, ***all*** of the following conditions must be answered yes.

YES NO

- ☐ ☐ The hardship is located on or associated with the property for which the variance is being sought.
- ☐ ☐ The hardship comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
- ☐ ☐ The hardship is not self-imposed or imposed by a previous property owner.
- ☐ ☐ The hardship is not economic in nature.
- ☐ ☐ What the applicant is proposing cannot be accomplished in another fashion without granting the variance.

ORDER

☐ Granted ☐ Denied

Conditions: _____

Signature of the Chair: _____

Date: _____