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VARIANCE APPLICATION

Brief Description of Variance Request:

A variance request for the code requirements applying to residential park strip areas is requested for an isolated section (Parcel A) of the River Trail Subdivision. The variance calls for living materials which would require continual water. Due to the isolated nature of Parcel A and it not being associated with a dwelling unit, it is requested to allow the installation of artificial grass within the park strip. This variance will provide a solution that does not require water, is easily maintained, and will be aesthetically pleasing for the public.

The applicant is required to prove that all conditions justifying a variance have been met. After reading each section below describing the justifications for a variance, provide a brief explanation of how your request complies. Attach additional sheets if necessary. This application sheet along with other required materials will be submitted to the Hearing Officer to aid in his/her review and decision.

Before any variance may be authorized, it must be shown that:

1) 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;
   a) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (1) above, the Board may not find an unreasonable hardship unless the alleged hardship:
      i) Is located on or associated with the property for which the variance is sought; and
      ii) Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

   b) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (1) above, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.

The attached recorded plat shows three lots on the east side of the street which will follow all ordinance with nc variance. The triangular piece of land on the west side of the road is the only section in which a variance is requested. Prior to the design of our development, the City of South Jordan approved subdivisions to the south and to the west with connecting roads to the land we purchased. As can be seen on the plat, the triangular Parcel A was forced by the position of the connecting roads. We offered the land to the neighbor to the west; however, the neighbor had no interest in the land being added to their backyard.

2) There are special circumstances attached to the property that do not generally apply to other properties in the same zone;
   a) In determining whether or not there are special circumstances attached to the property under Subsection (2) above, 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.

As described in section 1, the creation of Parcel A was forced by the decisions made on the prior subdivisions and the location of the connecting roads. This is a special circumstance not regularly found with other subdivisions regardless of the classified zone.

3) Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;

A condition required for the approval of our subdivision was for Parcel A to be finished in a manner that would be aesthetically pleasing, low maintenance, and continually maintained. It is not easily feasible to provide water or reasonably expect the regular care to keep living materials alive and free from weeds on Parcel A. With the variance to allow the installation of artificial grass in the Park Strip the area will be aesthetically pleasing, low maintenance, and makes it reasonable to keep maintained.

4) The variance will not substantially affect the general plan and will not be contrary to the public interest; and

The general plan is not substantially affected by the variance and blends very well with the sod/grass that will be installed throughout the subdivision in the park strip. The variance will not be contrary to the public interest as it will allow a finished and aesthetically pleasing result for Parcel A.

5) The spirit of the land use ordinance is observed and substantial justice done.

The spirit of the land use ordinance is justified in that the artificial grass closely resembles the desired and approved product of grass. It simply does not require the continual use of water which is not present on Parcel A.