MURRAY CITY CORPORATION
COMMUNITY & ECONOMIC DEVELOPMENT

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Applying for a Zoning Variance

The Board of Adjustment is a board of five Murray City residents appointed by the Mayor with the advise and consent of the City Council.

Overview
Utah State Law requires all communities that have adopted zoning to adopt a Board of Adjustment to provide a process for relief of any injustice that may arise with the strict application of the land use ordinance. The Board of Adjustment is authorized to hear appeals of a Planning Commission decision. The Board of Adjustment shall review the record of the Planning Commission decision to determine whether that decision was so unreasonable as to be arbitrary and capricious, or stated differently, where there is substantial evidence in the record to support the Planning Commission's decision.

Under certain limited circumstances, the Board of Adjustment is authorized to "modify" the terms of the land use ordinance by granting a zoning variance. A variance is a modification of the terms of the land use ordinance in cases where the land use ordinance imposes an undue hardship on a property owner. By State Law, the Board of Adjustment may only grant a variance under the following circumstances:

1. The 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 land use ordinance. (The term "hardship: can not be interpreted as personal or economic hardship. The hardship must be created by the land and not by a personal problem of the property owner. The hardship cannot be self imposed or created by the current of past owner.)

2. There are special circumstances attached to the property that do not generally apply to other properties in the same district. (There must be some physical feature of the property that is unique to the site such as shape, topography, etc. that is preventing strict adherence to the ordinance).

3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other properties in the same district. *(*There must be some characteristic of your property which is preventing you from enjoying a property right which others in your same neighborhood have.*)*

4. The variance will not substantially affect the general plan and will not be contrary to the public interest. (The proposed variance must be in conformance with

the spirit of the Murray City General Plan. The Board of Adjustment may not grant use variances.)

5. The spirit of the zoning ordinance is observed and substantial justice is done. (Although not meeting the letter of the ordinance, a variance request must still meet the intent of the ordinance.)

Submittal Deadline:
Application for a variance or an appeal must be submitted to the Murray City Community Development Department, 4646 South 500 West by 10:00 a.m. at least three weeks prior to the scheduled meeting date of the Board of Adjustment. Incomplete applications may delay processing of the application and subsequent scheduling before the Board of Adjustment.

Meeting Dates:

Who?	Board of Adjustment
When?	2nd Monday of each month at 5:30 p.m.
Where?	Murray City Hall Council Chambers, 5025 South State Street

Application Fee (Non-refundable)

- ☐ Variance Request $200
- ☐ Appeal $100

Application Process:
Step 1. Contact the Planning Department. Meet informally with a member of the planning department staff to discuss your variance or appeal request and review the issues, procedures and fee associated with the application.

Step 2. Submit Application: For all variances and appeals submit and provide the following information:

- ☐ Completed Board of Adjustment Application;
- ☐ A signed and notarized owner's affidavit;
- ☐ Pay the filing fee. Make checks payable to Murray City Corporation;
- ☐ Submit one (1) copy of variance related plans, site plans, floor plans, building elevations and other related plans and documents;

- ☐ Identify the area where the variance is requested;
- ☐ All plans to be drawn with accurate dimensions to a standard architects or engineers scale (i.e. 1" = 10', 1/8 inch = 1' , etc.) with north arrow and date of drawing. Show property lines, adjoining streets, water ways, existing and proposed buildings, parking areas, driveways, etc.;
- ☐ If submitting a large architectural plan, you must also include an 81/2 x 11 inch reduced copy;
- ☐ Provide any other information required by the planning staff;
- ☐ For appeals, provide a written statement of the reasons for the appeal and any related information, details and plans;
- ☐ A Board of Adjustment poster will be provided to the applicant to post on the property at least 10 days prior to the scheduled meeting date.

Step 3. Attend the Board of Adjustment Meeting. The applicant will be sent a copy of the Board of Adjustment agenda in advance of the meeting date. Information on the agenda will give the date, place and time of the meeting. The applicant or an authorized representative must be in attendance at the meeting. If no representative is present the Board will move to the next agenda item. It will be up to the applicant to reschedule another hearing date and pay the appropriate fee. An application may be "tabled" or "continued" if the Board needs additional information or time to consider the application.

Appeal of Board of Adjustment Decision: Murray City or any person directly aggrieved by any 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 such relief is presented to the court within thirty (30 days) after the date of the decision.

BOARD OF ADJUSTMENT APPLICATION

Type of Application (check all that apply):
☐ **Variance**
☐ **Appeal**

Subject Property Address:_____

Parcel Identification (Sidwell) Number:_____

Parcel Area:_____ Current Use:_____

Floor Area:_____ Zoning Classification:_____

Applicant Name:_____

Mailing Address:_____

City, State, ZIP:_____

Daytime Phone #:_____ Fax #:_____

Business Name (If applicable):_____

Property Owner's Name (If different):_____

Property Owner's Mailing Address:_____

City, State, Zip:_____

Daytime Phone #:_____Fax #:_____

Type of variance request, exact measurement, and reason for request: _____

_____

_____

_____

_____

Authorized Signature:_____ Date:_____

Property Owners Affidavit

I (we) _____, being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application: that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

_____ _____

Owner's Signature Owner's Signature (co-owner if any)

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

_____

Notary Public

Residing in _____

My commission expires: _____

Agent Authorization

I (we), _____, the owner(s) of the real property located at

_____, in Murray City, Utah, do hereby appoint

_____, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize

_____ to appear on my (our) behalf before any City board or commission considering this application.

_____ _____

Owner's Signature Owner's Signature (co-owner if any)

On the _____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 public

Residing in _____

My commission expires: _____

VARIANCE ANALYSIS FORM

(To be filled out by the applicant)

1. Is the applicant being deprived of property rights possessed by other property owners in the area?

2. Is the problem caused by actions of the land owner?

3. What special circumstances are associated with your property that is different from other properties in your zoning district?

4. What special conditions associated with this application constitute a hardship?