



Application for a Variance

Overview

Under certain limited circumstances, the Hearing Officer is authorized to modify the terms of the land use ordinance by granting a zoning variance. A variance is a modification of the requirements of the land use ordinance in cases where the land use ordinance imposes an undue hardship on a property owner. By State Law, the Hearing Officer 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” cannot be interpreted as personal or economic hardship. The hardship must be created by the land and not by the occupant/property owner themselves such as 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 zoning district 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 Hearings Officer 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.)

Application Submittal:

Applicants may submit an application at any time. The Planning Division will schedule the application for review by the Hearing Officer on the next available Hearing Officer meeting. Incomplete applications may delay processing of the application and subsequent scheduling before the Hearing Officer.

The Hearing Officer meeting is held once a month on the second Wednesday of each month at 12:30 PM in the Murray City Hall, Poplar Room #151, located at 10 East 4800 South.

Application Fee (non-refundable):

- Variance application fee: \$ \$250.00

Application Process:

Step 1. Contact the Planning Division: Meet informally with a member of the planning staff to discuss your variance request and review the issues, procedures and fees associated with the application.

Step 2. Submit Application: For all variance applications, please submit the following information, ensuring each item is either checked off or marked 'NA' if not applicable. For each 'plan' submitted, include at least one (1) 11x17 copy (or larger if requested by staff) and a digital PDF.

Required for all applications:

- ___ 1. Completed variance application form.
- ___ 2. Property Owner's Affidavit (i.e. a written statement made before a notary).
- ___ 3. If the property owner is to be represented by an "agent" during meetings with the City, please complete and submit the Agent Authorization form.
- ___ 4. Payment of application fee.
- ___ 5. Completed Variance Analysis Form.
- ___ 6. One (1) paper and one (1) electronic copy of any variance related plans including:
 - ___ a. Site Plan. Please indicate the area where the variance is requested.
 - ___ b. Floorplans.
 - ___ c. Building elevations.
 - ___ d. Any other related plans and documents.

Additional Information:

The applicant may be required to provide such reports and studies which will provide information relating to adequate utilities, traffic impacts, school impacts, soil and water target studies, engineering reports, financing availability, market considerations and any other information which may be needed in order to render a proper decision.

All plans submitted with the application will not be returned to the applicant and are the property of Murray City.

Step 3. Attend the Hearing Officer Meeting: The applicant will be sent a copy of the Hearing Officer 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 Hearing Office may move on 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 continued to a later date, if the Officer needs additional information or time to consider the application.

Step 4. Hearing Officer Decision: Approximately one (1) week after the Hearing Officer meeting (Step 3), a copy of the report of the decision and findings will be available to the applicant at the Community and Economic Development Department offices.

Appeal of Hearing Officer Decision:

Murray City or any person directly aggrieved by any decision of the Hearing Officer 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 of the Hearing Officer.

VARIANCE APPLICATION

Application Information

Project Name: _____

Project Address: _____

Parcel Identification (Sidwell) Number: _____

Parcel Area(acres): _____ Zoning District: _____

Applicant Information

Name: _____

Mailing Address: _____ City: _____ State: _____ ZIP: _____

Phone #: _____ Fax #: _____ Email Address: _____

Property Owner's Information (If different)

Name: _____

Mailing Address: _____ City: _____ State: _____ ZIP: _____

Phone #: _____ Fax #: _____ Email Address: _____

Describe the requested variance in detail, include exact measurements, and reason for the request:

Authorized Signature: _____ Date: _____

For Office Use Only

Project Number: _____ Date Accepted: _____

Planner Assigned: _____

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)

State of Utah

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County of Salt Lake

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)

State of Utah

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County of Salt Lake

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 completed by the applicant)

1. Can you describe how the enforcement of the zoning ordinance creates a hardship specific to the land of your property, distinct from personal or economic issues, and not self-imposed?

2. What unique physical features or circumstances of your property, such as shape or topography, differentiate it from others in the same district and hinder adherence to the zoning ordinance?

3. How does the zoning ordinance prevent you from enjoying a substantial property right that is available to other properties in the same district, and how would the variance rectify this?

4. How will your requested variance align with the Murray City General Plan and not be contrary to the public interest, while not substantially affecting the general plan?

5. How does your request for a variance uphold the spirit of the zoning ordinance and ensure substantial justice, despite not meeting its literal terms?