

# Spanish Fork City

## Variance/Board of Adjustment Application

40 South Main Street, Spanish Fork, UT 84660  
 (801) 798-5000 Ext. 31 Fax (801) 798-5005

[www.spanishfork.org](http://www.spanishfork.org)



Variance Information			
Application Date:	Zone:	Number (Office Use Only):	
Hearing Date:	Approved:		Denied:
Variance Location:			
Variance Requested (setbacks, height, etc.)			
Purpose of Variance			
Applicant Information			
Property Owner/Contact:		Attn:	
Address:		Telephone:	
City:	State:	Zip:	Alt. Telephone:
Email Address:		Fax:	
Dated this _____ Day of _____, 2003			
_____ Signature of owners(s) of record			
City Development Process and Requirements			
<p><b>1. Staff Review Time:</b> Approximately 3 prior to the Public Hearing date.</p> <p><b>2. Board of Adjustment:</b> Held every 2<sup>nd</sup> Wednesday at 7:00 p.m. (if needed)</p> <p><b>All meetings are held in the Spanish Fork City Council Chambers at 40 South Main Street.</b></p>		<ul style="list-style-type: none"> <li><input type="checkbox"/> Pre-application meeting with City Planner</li> <li><input type="checkbox"/> Plot plan indicating property lines, existing buildings showing distances from property lines and any proposed buildings including elevations (height)</li> <li><input type="checkbox"/> Letter detailing variance request</li> <li><input type="checkbox"/> Fees of \$100.00</li> <li><input type="checkbox"/> A list of every adjacent property owner measured from the exterior property lines.</li> <li><input type="checkbox"/> Postage for everyone within 300 feet.</li> </ul>	

# Spanish Fork City Guidelines

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## Purpose

The Board of Adjustment is a quasi-judicial body created to hear request for relief from the terms of City's Ordinances and to hear and decide appeals from the decisions of the City Planner.

### LEGAL STANDARDS

Utah Code in Section 10-9-707(2)(a) and Spanish Fork Zoning Ordinance, Section 17.12.060 outlines the standards, or conditions, for approving a variance. Under State Statute and Spanish Fork City Ordinance, the Board of Adjustment may grant a variance only if all conditions are met. If all five conditions are not met, the Board of Adjustment is compelled **BY LAW** to **DENY** the request for a variance.

Utah State Law and Spanish Fork City Ordinance require that the applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

Those conditions for approval of a variance are:

1. 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 zoning ordinance.
2. There are special circumstances attached to the property that do not generally apply to other properties in the same district.
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.
4. The variance will not substantially affect the general plan and will not be contrary to the public interest.
5. The spirit of the zoning ordinance is observed and substantial justice done.

The Utah Supreme Court decision of Chamber v. Smithfield City (714 P2d 1133) contains the standards of case law for granting variances, including no self-created hardship, no grant of special privilege, and the limited use of variances. **This means that if the variance request is self-created then the Board of Adjustment needs to deny the request. Utah State Law has been amended to reflect those requirements.**

**State Law and Spanish Fork City Ordinance require that each of the five criteria be met before a variance can be granted. The law also indicates that economic or self-inflicted hardships cannot be reasons to grant a variance.**

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## Findings of Fact

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Complete the following proposed Findings of Fact. If you desire additional help or counsel please contact the City Planner and/or an attorney of your choice.

1. 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 zoning ordinance.

2. There are special circumstances attached to the property that do not generally apply to other properties in the same district.

3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.

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

**5. The spirit of the zoning ordinance is observed and substantial justice done.**

**I here by certify that I have read and understand this application and that all representations made and materials submitted with this application, including the fact of ownership of the subject property, are true and correct to the best of my knowledge, information, and belief.**

**Subscribed and sworn to before me this \_\_\_\_\_ Day of \_\_\_\_\_, 2003**

\_\_\_\_\_  
**Signature of applicant**

\_\_\_\_\_  
**Notary Public**