



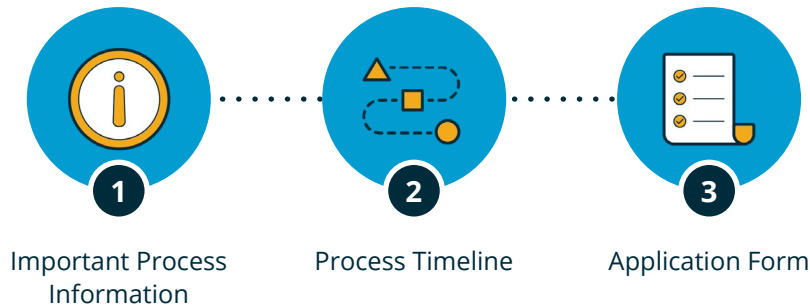
# PLANNING PROCESS //

# VARIANCE

## ABOUT THE APPLICATION

Thank you for your interest in submitting a Variance application. The following packet will provide general information to get started on your project and guide you through the application process from start to finish. The package is broken down into three sections: Information about the application, a visual diagram of the application process, and the application form.

**We highly encourage you to work with our Planning staff prior to submitting an application.** For questions regarding any of the information listed in this packet or to set up a pre-submittal meeting please contact us at [zoning@slc.gov](mailto:zoning@slc.gov) or give us a call at 801.535.7757.



### PURPOSE & INTENT OF THE PROCESS

The variance process is intended to provide relief from unforeseen applications of the zoning ordinance where it creates unreasonable hardships that cannot be remedied by other means. The appeals hearing officer may grant a variance for the enjoyment of a substantial property right and at the minimum necessary to relieve the unnecessary hardship.



### WHEN TO APPLY FOR A VARIANCE?

To apply for a variance, you must show that the literal enforcement of the zoning code creates an unreasonable hardship. The appeals hearing officer may not find an unreasonable hardship unless:

1. The alleged hardship is related to the size, shape or topography of the property for which the variance is sought; and
2. The alleged hardship comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

### PROHIBITED VARIANCES

The appeals hearing officer shall not grant a variance that:

- A. Is intended as a temporary measure only;
- B. Is greater than the minimum variation necessary to relieve the unnecessary hardship demonstrated by the applicant; or
- C. Authorizes uses not allowed by law (i.e., a “use variance”).



### SELF-IMPOSED OR ECONOMIC HARDSHIP

In determining whether or not enforcement of this title would cause unreasonable hardship under subsection [21A.18.060.A](#) of the Zoning Ordinance, the appeals hearing officer may not find an unreasonable hardship if the hardship is self-imposed or economic.

### CONSULTATION

If you have questions regarding the Variance regulations or process, please contact the Salt Lake City Planning Counter staff at [zoning@slc.gov](mailto:zoning@slc.gov) or give us a call at 801-535-7757. If you would like to discuss your development plan in more detail, you can request a pre-submittal meeting with Planning staff by contacting the Planning Counter.

**Pre-submittal meetings are held on Thursdays in 30 minute slots between 1:30 and 3:30 pm.**



# PROCESS TIMELINE

## TIME FRAME

 2 - 3 MONTHS

-  APPLICANT
-  STAFF




### APPLICATION RECEIVED

*Application submitted and pre-screened to ensure submittal requirements are met and fees are paid.*



### PLANNER ASSIGNED

*Application reviewed by Planner to ensure complete documentation (if incomplete, the applicant will be provided a list of missing info to submit).*

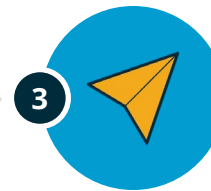
 14 days



### APPEAL HEARING

*Public hearing scheduled, notices sent and staff report produced. Hearing officer takes matter under advisement.*

 21 days



### PUBLIC NOTICE

*Public notices sent to nearby neighbors, property owners and Community Councils (when required by ordinance).*

 12 days



### APPEALS HEARING OFFICER DECISION

*Typically rendered 1 - 3 weeks after the appeal hearing is held. Further appeals must be filed to the Third District Court within 30 days of the decision being made.*

**DISCLAIMER:** APPLICATION TIME FRAMES MAY VARY DEPENDING ON CURRENT WORKLOAD AND COMPLEXITY OF APPLICATIONS. INCOMPLETE OR MISSING INFORMATION ON DRAWINGS AND APPLICATION FORMS WILL DELAY THE PROCESS.

# VARIANCE

## IMPORTANT INFORMATION



### CONSULTATION

Available prior to submitting an application. For questions regarding the requirements, email us at [zoning@slc.gov](mailto:zoning@slc.gov).



### SUBMISSION

Submit your application online through the [Citizen Access Portal](#). Learn how to submit online by following the [step-by-step guide](#).



### REQUIRED FEES

- **\$489** filing fee.
- Additional required notice fees will be assessed after submission.

## APPLICANT INFORMATION

PROJECT NAME (OPTIONAL)

ADDRESS OF SUBJECT PROPERTY

REQUEST

NAME OF APPLICANT

PHONE

MAILING ADDRESS

EMAIL

APPLICANT'S INTEREST IN PROPERTY (*\*owner's consent required*)

☐ Owner ☐ Architect\* ☐ Contractor\* ☐ Other\*

IF OTHER, PLEASE LIST

NAME OF PROPERTY OWNER (*if different from applicant*)

PHONE

MAILING ADDRESS

EMAIL

## OFFICE USE

CASE NUMBER

RECEIVED BY

DATE RECEIVED

**DISCLAIMER:** PLEASE NOTE THAT ADDITIONAL INFORMATION MAY BE REQUIRED BY THE PROJECT PLANNER TO ENSURE ADEQUATE INFORMATION IS PROVIDED FOR STAFF ANALYSIS. ALL INFORMATION REQUIRED FOR STAFF ANALYSIS WILL BE COPIED AND MADE PUBLIC, INCLUDING PROFESSIONAL ARCHITECTURAL OR ENGINEERING DRAWINGS, FOR THE PURPOSES OF PUBLIC REVIEW BY ANY INTERESTED PARTY.

## ACKNOWLEDGMENT OF RESPONSIBILITY

1. This is to certify that I am making an application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application will be processed under the name provided below.
2. By signing the application, I am acknowledging that I have read and understood the instructions provided for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I understand that the documents provided are considered public records and may be made available to the public.
3. I understand that my application will not be processed until the application is deemed complete by the assigned planner from the Planning Division. I acknowledge that a complete application includes all of the required submittal requirements and provided documents comply with all applicable requirements for the specific applications. I understand that the Planning Division will provide, in writing, a list of deficiencies that must be satisfied for this application to be complete and it is the responsibility of the applicant to provide the missing or corrected information. I will keep myself informed of the deadlines for submission of material and the progress of this application.
4. I understand that a staff report will be made available for my review prior to any public hearings or public meetings. This report will be on file and available at the Planning Division and posted on the Division website when it has been finalized.

NAME OF APPLICANT

EMAIL

MAILING ADDRESS

PHONE

APPLICATION TYPE

SIGNATURE

DATE

## LEGAL PROPERTY OWNER CONSENT

If the applicant is not the legal owner of the property, a consent from property owner must be provided. Properties with a single fee title owner may show consent by filling out the information below or by providing an affidavit.

**Affirmation of sufficient interest:** I hereby affirm that I am the fee title owner of the below described property or that I have written authorization from the owner to pursue the described action.

LEGAL DESCRIPTION OF SUBJECT PROPERTY

NAME OF OWNER

EMAIL

MAILING ADDRESS

SIGNATURE

DATE

- .....
1. If a corporation is fee titleholder, attach copy of the resolution of the Board of Directors authorizing the action.
  2. If a joint venture or partnership is the fee owner, attach copy of agreement authorizing action on behalf of the joint venture or partnership.
  3. If a Home Owner's Association is the applicant then the representative/president must attach a notarized letter stating they have notified the owners of the proposed application. A vote should be taken prior to the submittal and a statement of the outcome provided to the City along with the statement that the vote meets the requirements set forth in the CC&Rs.

**DISCLAIMER:** BE ADVISED THAT KNOWINGLY MAKING A FALSE, WRITTEN STATEMENT TO A GOVERNMENT ENTITY IS A CRIME UNDER UTAH CODE CHAPTER 76-8, PART 5. SALT LAKE CITY WILL REFER FOR PROSECUTION ANY KNOWINGLY FALSE REPRESENTATIONS MADE PERTAINING TO THE APPLICANT'S INTEREST IN THE PROPERTY THAT IS THE SUBJECT OF THIS APPLICATION.

Please provide the following information with your application. Confirm that you have included each of the requirements listed below by adding a check mark for each item.

CHECK	STAFF	REQUIREMENTS ( <a href="#">21A.18.040.A</a> )
<input type="checkbox"/>	<input type="checkbox"/>	<b>A Narrative that Includes:</b> <ul style="list-style-type: none"><li>Information about the proposed construction and specifically how it would not meet the zoning ordinance.</li><li>The specific provision of the zoning ordinance from which the variance is sought.</li><li>The special circumstances associated with the subject property that prevent compliance with the zoning requirement.</li><li>How compliance with the zoning requirement would result in unnecessary hardship.</li><li>The minimum variation of the zoning requirement that would be necessary to permit the proposed use, construction or development;</li><li>The special circumstances that exist on the subject property, which do not generally apply to other properties in the same zoning district.</li><li>How the variance is essential to the enjoyment of a substantial property right possessed by other properties in the same zoning district.</li><li>How the variance upholds the general city's plan and not negatively affect the public interest.</li><li>How the variance observes the spirit of the Zoning Ordinance.</li></ul>
<input type="checkbox"/>	<input type="checkbox"/>	<b>Site Plan:</b> <ul style="list-style-type: none"><li>Site plan (see <a href="#">Site Plan Requirements</a> flyer for further details).</li></ul>
<input type="checkbox"/>	<input type="checkbox"/>	<b>Other Drawings:</b> <ul style="list-style-type: none"><li>Floor plans drawn to scale identifying the use and size of the interior space(s).</li><li>Elevations, sections, and details drawn to scale, if applicable.</li><li>Streetscape plan if involving building height.</li><li>Topographical drawing if involving grade changes.</li><li>Landscape plan if involving setback, height or grade changes.</li></ul>
<input type="checkbox"/>	<input type="checkbox"/>	<b>Supporting Evidence:</b> <ul style="list-style-type: none"><li>Drawings and photos that clarify and support the applicant's claim.</li></ul>

INCOMPLETE INFORMATION WILL NOT BE ACCEPTED

INITIALS

**DISCLAIMER:** I ACKNOWLEDGE THAT SALT LAKE CITY REQUIRES THE ITEMS ABOVE TO BE SUBMITTED BEFORE MY APPLICATION CAN BE PROCESSED. I UNDERSTAND THAT PLANNING WILL NOT ACCEPT MY APPLICATION UNLESS ALL OF THE FOLLOWING ITEMS ARE INCLUDED IN THE SUBMITTAL PACKAGE.