



Variance Application

For property located at:

FEE: \$900.00 (non-refundable)

Date _____

Application # _____

(Staff Use)

Project Title _____

Property Owner* _____ Phone _____

Mailing Address _____

Applicant/Developer/Agent _____

Office Phone _____ Cell Phone _____

Mailing Address _____

E-mail Address _____

Parcel # _____ Legal Description: Please Attach

Total Area - Acres or Square Feet: _____ Zone Designation _____

What is the reason for this variance request? Add additional sheet of paper if necessary.

*Meets all building permit/code requirements outside of variance request.

*Current property owner must sign application

*City of Monticello*17 N 100 E Monticello, UT 84535*435-587-2271*melissa@monticelloutah.org*

Utah State Code 10-9a-702 states the appeal authority may grant a variance only if five specific requirements are met. Please answer the following questions to show how you feel this variance meets those requirements. Add additional sheets of paper as needed.

- 1. Will the literal enforcement of the ordinance cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinance?

- 2. Are there special circumstances attached to the property that do not generally apply to other properties in the same zone and what are they?

- 3. Is granting the variance essential to the enjoyment of a substantial property right possessed by other property in the same zone?

- 4. How will this variance affect the general plan of Monticello City and not be contrary to the public interest?

- 5. How will your proposal benefit the community?

AFFIDAVIT

PROPERTY OWNER

STATE OF UTAH)
) ss
COUNTY OF SAN JUAN)

I (we), _____, being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

(Property Owner)

(Property Owner)

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

(Notary)

Residing in: _____

My commission expires: _____

AGENT AUTHORIZATION

I (we), _____, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) _____ to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

(Property Owner)

Dated this _____ day of _____, 20__, personally appeared before me _____, the signer(s) of the above agent authorization who duly acknowledged to me that they executed the same.

(Notary)

Residing in: _____

My commission expires: _____

PROCESS OVERVIEW

Public Hearings

A variance is a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are met that mitigate or eliminate the detrimental impacts. The Board of Adjustments holds a public hearing for all variance applications.

The Board of Adjustments meets on a case-by-case basis. Once your hearing is scheduled, you will be contacted with the date, time, and place. You or your appointed representative must be present at the public hearing to explain your case and answer questions.

The Board of Adjustments may make a final decision on your request the day of the public hearing. They will either approve, approve with conditions, continue, or deny the application. You will receive written notice of the decision approximately one week after the hearing date.

Application Requirements

Complete the attached application form. Incomplete or inadequate information may result in your case being delayed until complete and adequate information is supplied. There is a filing fee to help defray the costs of advertising, public hearings, staff review and the fee charged by the Board of Adjustments. This is a non-refundable fee which must be submitted at the time of application and is listed on the application form. For your application to be complete, you must also submit the following:

- **Proof of Ownership** - The current property owner must be the applicant but may designate an authorized agent to act on their behalf. Proof of ownership may include a County Recorder's printout indicating ownership with corresponding parcel number, a Warranty Deed or tax notice.
- **Letter of Intent** - Please include an explanation letter to outline your request.
- **Adjacent Property Owner Information** – A current computer printout of all the property owners and their mailing addresses adjacent to the outer boundaries of your property is required and shall be obtained from the San Juan County Recorder's Office. Notification of your proposal will be sent to the adjacent property owners by Monticello City prior to the public hearing.
- **Accurate Scale Drawing** consisting of - Existing and proposed streets and buildings, Property lines, Existing and proposed uses, Driveways, Pedestrian walkways, On-site and off-street parking and loading areas, Landscaped areas & property features, North arrow and name of project, Date of drawings, Existing topography, and Current utility hook-ups.
- **A written statement** explaining how this request meets all five requirements from the State of Utah for a Variance. Utah State Code 10-9a-702

VARIANCE APPLICATION CHECKLIST: Your request will not be processed without this information.

- A written statement explaining how this request meets all five requirements from the State of Utah for a Variance 10-9a-702.
- Proof of Ownership
- Letter of Intent
- Adjacent Property Owner Information
- Accurate Scale Drawing:
 - Existing and proposed streets and buildings
 - Property lines
 - Existing and proposed uses
 - Driveways
 - Pedestrian walkways
 - On-site and off-street parking and loading areas
 - Landscaped areas/property features
 - North arrow
 - Name of Project
 - Date of drawings
 - Existing topography
 - Current utility hook-ups

Utah State Code
10-9a-702. Variances.

- (1) Any person or entity desiring a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the applicable appeal authority for a variance from the terms of the ordinance.
- (2) (a) The appeal authority may grant a variance only if:
 - (i) 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;
 - (ii) there are special circumstances attached to the property that do not generally apply to other properties in the same zone;
 - (iii) granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
 - (iv) the variance will not substantially affect the general plan and will not be contrary to the public interest; and
 - (v) the spirit of the land use ordinance is observed and substantial justice done.
- (b) (i) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection [\(2\)\(a\)](#), the appeal authority may not find an unreasonable hardship unless the alleged hardship:
 - (A) is located on or associated with the property for which the variance is sought; and
 - (B) comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
- (ii) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection [\(2\)\(a\)](#), the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.
- (c) In determining whether or not there are special circumstances attached to the property under Subsection [\(2\)\(a\)](#), 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.
- (3) The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
- (4) Variances run with the land.
- (5) The appeal authority may not grant a use variance.
- (6) In granting a variance, the appeal authority may impose additional requirements on the applicant that will:
 - (a) mitigate any harmful affects of the variance; or
 - (b) serve the purpose of the standard or requirement that is waived or modified.

Appealing a Decision of the Board of Adjustments

Any person wishing to appeal a decision of the Board of Adjustments must file the appeal with the Monticello City Council within 10 business days of the final decision of the Board of Adjustments.

(Office Use Only)

DATE RECEIVED: _____ RECEIVED BY: _____

DATE APPLICATION REVIEWED: _____

1ST COMPLETION DETERMINATION MADE BY: _____ DATE: _____

Signature

2ND COMPLETION DETERMINATION MADE BY: _____ DATE: _____