



MIDVALE CITY

Department of Community Development
7505 South Holden Street, Midvale City, Utah 84047
Phone: 801.567.7231 * www.midvalecity.org

VARIANCE PROCEDURE

A variance is defined as the waiving of a strict requirement of the Zoning Ordinance when existing conditions on a specific property cause an unreasonable hardship. An unreasonable hardship cannot be self-imposed or economic. By Utah State Law, Midvale City's Appeal Authority may only grant a variance under the following circumstances:

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.***
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 also can not be self imposed or created by the current or past property 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, size, etc.
3. ***Granting the variance is essential to the enjoyment of a substantial property right possessed by other property 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 enjoy.
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 compliance with the spirit of the Midvale City General Plan. For example, if an objective in Midvale City's General Plan called for a certain area to be characterized.
5. ***The spirit of the zoning ordinance is observed and substantial justice is done.***
6. ***The Appeal Authority may not grant a use variance.***
If a property is zoned for a certain use, for instance single family residential, the property owner could not be granted a variance for a commercial structure or a multi-family structure such as an apartment building.

MEETING DATE: A complete application, including the items below, must be submitted to the Midvale City Planning Department in order to schedule a meeting date with Midvale City's Appeal Authority. Meetings will be scheduled on an as needed basis, subject to the availability of all parties and compliance with noticing requirements.

ITEMS TO BE SUBMITTED: The following items must be submitted with the application. Incomplete applications will not be accepted.

- Completed application form and fee.
- Property owner's affidavit or agent authorization.
- List of all property owners and one set of mailing labels for all property owners within 300 feet of the subject property along with applicable postage. Property ownership information is available at the Salt Lake County Recorder's office located at 2001 South State Street, Room N1600. **No hand written or title company generated labels please.**
- Letter of Intent explaining the variance request and how it complies with the six (6) circumstances above.
- Site plan showing the following:
 - o Accurate dimensions of the subject property drawn to scale with north arrow.
 - o Location of existing and proposed buildings, parking areas, landscape areas, sidewalk, curb and gutter, etc.
 - o Location of existing property features such as streets, canals, hillsides, etc.
- Building elevations for new structures or exterior remodeling, if applicable.
- Other documents, photos, illustrations, etc. that help explain the situation, if applicable.

PROCESS: Midvale City's Appeal Authority shall consider the variance application at a scheduled meeting, and prepare written findings and a final decision within thirty (30) working days of the meeting.



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VARIANCE APPLICATION

Applicant Information

Name: _____

Mailing Address: _____

City, State, Zip: _____

Daytime Phone: _____ Email: _____

Property Owner Information (if different):

Property Owner Name: _____

Mailing Address: _____

City, State, Zip: _____

Daytime Phone: _____ Email: _____

Project Information

Property Address: _____

Sidwell No. _____ Zoning Designation: _____

Variance Request

Description of Variance Request: _____

Application Fee

\$325.00

Authorized Signature

I certify that the submitted information is true and correct to the best of my knowledge. I am aware that only complete applications will be accepted for processing. (*Complete application requirements are attached.*)

Authorized Signature: _____ Date: _____

NOTES (1) The final action of the appeal authority may be appealed to a court of competent jurisdiction within 30 days of the appeal authority's written decision. (2) Approval of a variance application does not eliminate the necessity of obtaining subsequent site plan or building permit approvals. The appropriate Midvale City Department(s) will need to be contacted prior to any new construction.

For Office Use Only

Project #: _____

Fee: _____

Date Accepted: _____

Planner: _____

Hearing Date

AFFIDAVIT

PROPERTY OWNER

STATE OF UTAH }
 }SS
COUNTY OF SALT LAKE }

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. I (we) also acknowledge that I (we) have received written instructions regarding the process for which I (we) am (are) applying and the Midvale City Planning Staff have indicated they are available to assist me (us) in making this application.

(Property Owner)

(Property Owner)

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

(Notary)
Residing in Salt Lake County, Utah
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 _____, _____, 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 Salt Lake County, Utah
My commission expires: _____