

State of Utah Variance Criteria

State law requires that a variance can only be granted if **ALL** of the following conditions are met. If even one of them is not met, the Board of Adjustment is required to deny it. Therefore, you must prove to the Board that all of the following conditions are met:

Unreasonable Hardship: “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. In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship, the Board of Adjustment may not find an unreasonable hardship unless the alleged hardship:

- (1) is located on or associated with the property for which the variance is sought; and
- (2) comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood. The hardship cannot be self-imposed or economic...; and”

Special Circumstances: “There are special circumstances attached to the property that do not generally apply to other properties in the same zone. The Board of Adjustment may find the special circumstances exist only if the special circumstances:

- (1) relate to the hardship complained of; and
- (2) deprive the property of privileges granted to other properties in the same zone; and”

Substantial Property Right: “Granting the variance is essential to the enjoyment of a substantial property right possessed by other properties in the same zone....”

General Plan: “The Variance will not substantially affect the General Plan and will not be contrary to the public interest; and”

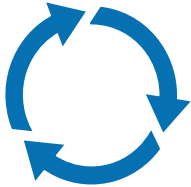
Spirit of the Law: “The spirit of the zoning ordinance is observed and substantial justice is done.”

Step 1: Apply



- Create a concept plan of what you would do with the property if granted the variance request.
- Schedule a pre-application meeting to be held with City Staff. Staff will discuss with you the likelihood of your proposal being approved by the Board of Adjustment.
- Complete the application, checklist, and questionnaire. Submit them to the city with your concept plan.

Step 2: Technical Review



- Staff will review the submitted plans.
- Review sessions are held from Tuesday to Tuesday each week.
- If there are redlines, they will be sent via email on the Tuesday when the review is completed.
- Fix and resubmit by Monday at 12pm.
 - This will repeat until plans are forwarded for approval by the Development Review Committee (DRC).

Step 3: Board of Adjustment



- The Board of Adjustment is a group of citizens appointed by the City Manager with the advice and consent of the City Council.
- Board of Adjustment meetings are held once a month on the last Wednesday.
- Staff is required to notify the public two weeks in advance of the meeting. Your project must be approved by the DRC by this deadline.
- Per State Law, the Board is required to deny your project if any of the five criteria are not met.
- **Attendance at the Board of Adjustment meeting is required. Either the applicant or a representative of the applicant must attend.**

Step 4: Development Process



- If the Board approves your proposal, you can begin the development process.

Development Checklist

Variance

Disclaimer: This information is an abridged version of Utah State Code 10-9-707. This information is for the benefit of the developer/applicant to help you follow the required review and approval process for your project. **This checklist does not release the developer/applicant from the responsibility of reading and following all provisions listed in the Utah State Code.**

This checklist must be completely filled out to apply. Each item must be checked off. If you feel that an item is not applicable to your project please explain why in writing.

Concept Plan:

- Drawings must be to scale and include the following:
 - All property lines with dimensions.
 - Locations, dimensions and labels of all structures existing and proposed.
 - Dimensions from structures to property lines.
 - Locations and dimensions of parking areas, driveways, and landscaped areas that are existing and proposed.
 - Topographical information that may be necessary in determining the variance.
 - Specific information pertaining to the variance sought.

Submit with Application:

- Payment of the non-refundable application fee.
- Completed application and questionnaire.
- Legal description of parcel(s) for which the variance is requested.
- A PDF copy of the Concept Plan showing what is planned if the variance is granted.
- Submit all documents to Cheryl Vargas at chvargas@orem.gov and Makayla Wagstaff at mkwagstaff@orem.gov.



Development Application Variance

Applicant Information:		
Name:	Phone:	
Address:	City:	
Email:	State:	Zip:

Contact Person (Owner / Engineer):	
Name:	Name:
Email:	Email:
Phone:	Phone:

Project Information:	
Project Name:	
Project Address:	

Fees:		
All Variance Proposals:	Variance Fee	\$975
	Neighborhood Notice Fee	TBD
Total:		

Signature:

Office Use Only:	
Application Date:	
Date Paid:	
Project ID Number:	
Received By:	

NOTE:
<p>Please include anyone who needs updates about the approval status of the project as a contact person.</p> <p>All items must be submitted and all fees paid by MONDAY at 12pm of the week you wish to have the project reviewed.</p>



Development Application *Variance*

Please briefly describe your project. Why do you need a variance?



Development Application *Variance*

Use the space below to prove why your proposal meets the following State requirement:

“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. In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship, the Board of Adjustment may not find an unreasonable hardship unless the alleged hardship: (1) is located on or associated with the property for which the variance is sought; and (2) comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood. The hardship cannot be self-imposed or economic.”

Development Application *Variance*

Use the space below to prove why your proposal meets the following State requirement:

“There are special circumstances attached to the property that do not generally apply to other properties in the same zone. The Board of Adjustment may find that special circumstances exist only if the special circumstances: (1) relate to the hardship complained of; and (2) deprive the property of privileges granted to other properties in the same zone.”

Development Application

Variance

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“Granting the variance is essential to the enjoyment of a substantial property right possessed by other properties in the same zone....”

Development Application *Variance*

Use the space below to prove why your proposal meets the following State requirement:

“The variance will not substantially affect the General Plan and will not be contrary to the public interest...”



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Use the space below to prove why your proposal meets the following State requirement:

“The spirit of the zoning ordinance is observed and substantial justice is done.”