



Application to Appear Before the Board of Adjustment

Please return the complete application To:

**City of Cedar Hills
Att: Kim E. Holindrake, City Recorder
3925 W Cedar Hills Drive
Cedar Hills UT 84062
801-785-9668, ext. 101**

The Board of Adjustment is a quasi-judicial body appointed for the benefit of residents in hearing requests to vary zoning and building ordinances set by the City of Cedar Hills. The Board of Adjustment meets as needed in the City Office. This is a public meeting and will be conducted as such, following proper procedure. Public Notice must be published in the local newspaper one week in advance of the meeting. Any applicants requesting a meeting must have their completed application, including eight (8) copies of all relative maps and plot plans (drawn to scale), in the office of the City Recorder no later than one week prior to the meeting date. All applicants must be present at the hearing in order for action on their request to be taken.

An application will not be considered unless completed in full and the fee paid. All applicable information is needed for review by board members. If you have any questions, please contact City Recorder Kim E. Holindrake at the City Office at 785-9668, ext. 101.



**CITY OF CEDAR HILLS
BOARD OF ADJUSTMENT APPLICATION**

Date: _____ Name: _____ Phone: _____

Mailing Address: _____

Location of property covered by appeal: _____

Zoning District: _____ Tax I.D. No.: _____

I (we) hereby apply to the Board of Adjustment of the City of Cedar Hills, Utah, for the following: (Check the provision that describes the type of request.)

- 1. An error by the Zoning Administrator in the enforcement of the Zoning Regulation.
- 2. An interpretation of the Zoning Ordinance text or zone boundary lines.
- 3. A variance in the requirements relating to front, side or rear yards, or size of lot or building. (You must show a property-related hardship.)

SUMMARY OF REQUEST (Please be very specific.)

**CITY OF CEDAR HILLS BOARD OF ADJUSTMENT
VARIANCE WORKSHEET**

In order to grant a variance, ALL CONDITIONS MUST BE MET. In order to deny a variance, you only need to be lacking on ONE condition.

- (1) Would granting the variance change the intended use of the property?

The answer must be NO.

Explanation: A variance may never change the use of the given zoning. Such a change can only be accomplished through an amendment to the zoning ordinance. For example, a Board of Adjustment cannot grant a variance to: Allow a commercial use in a residential zone; allow an apartment in a single-family zone; provide for any use that does not appear as a permitted use for the zone.

Findings _____
of _____
Fact _____

- (2) Are there special circumstances ATTACHED TO THE PROPERTY that do not generally apply to other properties in the same district?

The answer must be YES.

Explanation: There must be something ABOUT THE PROPERTY that is unusual. That may include a geographic feature such as a steep slope, or a stream. There may be a legal right-of-way, or an approved platted lot that is irregularly shaped, or be a legally non-conforming lot that no longer meets minimum requirements.

Findings _____
of _____
Fact _____

- (3) Do those circumstances in (2) cause an unreasonable hardship on the applicant, denying use of the property, that others in the same district enjoy or that he/she has a right to expect?

The answer must be YES.

Explanation: By definition, a hardship may not be economical, esthetic, or self-imposed. In other words, it cannot be a hardship if it will merely add value, look better, or be more convenient. In addition, if the hardship was created by the applicant, it cannot be considered a legal hardship. An example would be "I have a hardship because I would have to tear down the garage..." Such is not a hardship because the applicant apparently built the garage illegally, and has therefore created the hardship.

Findings _____
of _____
Fact _____

(4) Is the variance essential to a substantial property right?

The answer must be YES.

Explanation: If the applicant can accomplish his/her needs without a variance, you may not grant a variance. The most difficult part of this requirement is defining the term "substantial." What may be a substantial right in one neighborhood may not be in another. Find out what one is "expected" to have in this neighborhood. Ask: "How necessary is this specific request to the enjoyment of the property?" The expansion of a little old house for a laundry room may be a more substantial right than the addition of a playroom or an extra bedroom. This is one where you will be expected to use good and fair judgement.

Findings _____
of _____
Fact _____

(5) Will granting the variance substantially affect the goals of the general plan or be contrary to the public interest?

The answer must be NO.

Explanation: Again, you must define what constitutes a substantial affect. Rule of thumb is: If others will say, "Who the heck let them do that?" There is probably a negative substantial affect and the variance should not be granted. Likewise, if granting the variance will negatively impact the neighbor's property values, the variance should be denied.

Findings _____
of _____
Fact _____

(6) Is the "spirit" of the zoning ordinance observed and is the Board being fair to all involved?

The answer must be YES.

Explanation: Like the previous two questions, this requires good judgement on the part of the Board. In addition, it requires that the Board understand the intent and spirit of the zoning ordinance. If the variance would allow a major violation of the intent of the ordinance, differ from the character of the underlying zoning, or appear to be out of place, the variance should not be granted.

Findings _____
of _____
Fact _____