



LAND USE HEARING OFFICER APPLICATION

Applicant Name (Please Print)	
Applicant's Mailing Information Address, City, State, Zip:	
Phone:	Email:
Contact Person (Please Print): Name:	
Nature of Request: <input type="checkbox"/> Variance <input type="checkbox"/> Appeal of an Administrative Decision	
<p>The administrative appeals officer may grant a variance only if all of the following are met (§9-1C-2, et.al.)</p> <p>C-2. Variances:</p> <ol style="list-style-type: none"> a. Literal enforcement of this title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinances; and b. There are special circumstances attached to the property that do not generally apply to other properties in the same district; and c. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district; and d. The variance will not substantially affect the general plan and will not be contrary to the public interest; and e. The spirit of the zoning ordinance is observed and substantial justice done. <ol style="list-style-type: none"> 3. In determining whether or not enforcement of this title would cause unreasonable hardship, the administrative appeals officer may not find an unreasonable hardship unless the alleged hardship: <ol style="list-style-type: none"> 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. 4. The administrative appeals officer may not find an unreasonable hardship if the hardship is self-imposed or economic. 5. In determining whether or not there are special circumstances attached to the property under subsection C2b of this section, the administrative appeals officer may find that special circumstances exist only if the special circumstances: <ol style="list-style-type: none"> a. Relate to the hardship complained of; and b. Deprive the property of privileges granted to other properties in the same district. 6. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met. 7. Variances run with the land. 8. The Land Use Hearing Officer may not grant use variances. 9. In granting a variance, the administrative appeals officer may impose additional requirements on the applicant that will: <ol style="list-style-type: none"> a. Mitigate any harmful effects of the variance; or b. Serve the purpose of the standard or requirement that is waived or modified 	

Applicant's Signature _____ Date _____

WRITTEN NARRATIVE GUIDELINES FOR VARIANCE REQUESTS

Section I

Refer to the section(s) of the Cedar Hills zoning ordinance which you feel its literal enforcement would cause an unreasonable hardship. Give specifics about your request such as, why the property is unique, whether the variance is for setbacks, building height, etc.; and how much variance is requested.

State the hardship that would be caused. State how the hardship is located on, or associated with, the property. Remember, the hardship cannot come from circumstance or conditions that are general to the neighborhood, cannot be self-imposed, or economic in nature.

Section II

State the special circumstance(s) attached to the property that do not generally apply to other properties in the same zone. Remember, the special circumstances shall relate to the hardship complained of and deprive the property of privileges granted to other properties in the same district.

Section III

State why granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.

Section IV

Indicate reasons why granting the variance requested will not substantially affect the Cedar Hills General Plan. State your reasons why granting the variance will not be contrary to the public interest.

Section V

State the reasons you feel that by granting the variance, the spirit of the zoning ordinance is observed and how substantial justice is done.

WRITTEN NARRATIVE GUIDELINES FOR APPEAL REQUESTS

Cedar Hills ordinance §9-1C-3, provides that the Land Use Hearing officer may:

- A. Appeals: To hear and decide appeals from zoning decisions applying the zoning ordinance, subject to the following:
 - 1. The applicant or any other person or entity adversely affected by a decision administering or interpreting a zoning ordinance may appeal that decision applying the zoning ordinance by alleging that there is error in any order, requirement, decision or determination made by an official in the administration or interpretation of the zoning ordinance; provided, that any such appeal shall be received at the office of the city recorder within forty five (45) days from the date of action on the matter for which the appeal is requested.
 - 2. Any officer, department, board or bureau of a city affected by the grant or refusal of a building permit or by any other decisions of the zoning administrator in the administration or interpretation of the zoning ordinance may appeal any decision to the hearing officer.
 - 3. The hearing officer shall hear and decide appeals from planning commission decisions regarding conditional use permits, unless the zoning ordinance designates another body to hear conditional use permit appeals.
 - 4. The person or entity making the appeal has the burden of proving that an error has been made.
 - 5. Only zoning decisions applying the zoning ordinance may be appealed to the hearing officer. A person may not appeal, and the hearing officer may not consider, any zoning ordinance amendments.
 - 6. Appeals may not be used to waive or modify the terms or requirements of the zoning ordinance.
- B. Special Exceptions: To hear and decide special exceptions to the terms of the zoning ordinance, but only if authorized to do so by the zoning ordinance and based only on the standards contained in the zoning ordinance.
- C. Variances. (see guidelines for Variance Request).
- D. Modifications To nonconforming Uses: The hearing officer may make determinations regarding the existence, expansion or modification of nonconforming uses, but only if that authority is delegated to them by the city council.

If your application is for the appeal of a zoning decision or other matter set forth above (other than a variance request), please submit a detailed written statement that includes at least the following:

- 1. The reason for the appeal.
- 2. The specific zoning decision being appealed and the specific portion of the zoning ordinance which is in question. Attached a written copy of the zoning decision if available.
- 3. The reason that you believe the zoning decision to have been in error.

