

Santa Clara City  
2603 Santa Clara Drive  
Santa Clara, Utah 84765  
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## APPEAL TO CITY COUNCIL FOR A VARIANCE

Date Submitted: \_\_\_\_\_ Filing Fee: \$100.00 (Fee is non-refundable)

**City Council meets the 2<sup>nd</sup> and 4<sup>th</sup> Wednesday of each month at 5:00 pm. A notice of appeal must be commenced within ten (10) calendar days of the adverse order, requirement, decision or determination by filing a written notice and/or application with the Santa Clara City Building Department. (See Section 17.16.060 of the Santa Clara City Ordinances.)**

Complete the following if variance request is denied by Planning Commission.

*\*\*All property owners within a 500-foot radius of the subject property must be notified of variance request and hearing date by mail. Mailing must be at least 3 days prior to hearing date. Proof of mailing, (list of property owners notified, date mailed and signature of variance applicant) must be presented to City staff. Note: A copy of the letter should be brought to the City prior to mailing for staff approval.*

I/We, the undersigned owner(s) or duly authorized agent of the real property described herein, hereby petition for a variance as described herein, from the provisions of the Santa Clara City Land Use Ordinance.

Property Owner(s): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Cell Phone #: \_\_\_\_\_

Legal description of property (lot, tract, block, etc...) \_\_\_\_\_

Note: Applicant must submit a plat map (from the County Recorder's Office) which shows property locations and a plot plan showing the nature of the request. (Show buildings, structures, driveways, etc. and all items relating to the appeal.)

\_\_\_\_\_ Plat Map Received

\_\_\_\_\_ Plot Plan Received

When a variance is granted subject to conditions, such variance does not become effective until such time as those conditions have been met.

A variance is a waiver or modification of a requirement of the Land Use Ordinance. It is a request by the owner, or anyone having an interest in a piece of property, to be allowed to not follow the letter of the law as established in the Land Use Ordinance. The responsibility of showing that the requirements for granting a variance are met is on the petitioner.

**The standards that must be met before City Council can grant a variance are very narrow and difficult to meet. The State Code is very clear that there are five conditions, all of which must be met.**

Any person or entity desiring a waiver or modification of the requirements of the Land Use Ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest, if such variance request is denied by the Planning Commission, may appeal to the City Council for a variance from the terms of the Land Use Ordinance.

**The City Council may grant a variance only if:**

1. Literal enforcement of the Land Use Ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Land Use Ordinance; and
2. There are special circumstances attached to the property that do not generally apply to other properties in the same district; and
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district; and
4. The variance will not substantially affect the general plan and will not be contrary to the public interest; and
5. The spirit of the Land Use Ordinance is observed and substantial justice done.

**Please list and identify a response for all five conditions as to why the variance should be granted:**

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**APPLICANT'S AFFIDAVIT**

I, (We) \_\_\_\_\_, being duly sworn, depose and say, I, (We) the owners or authorized agent(s) of said property involved in the attached plans and other exhibits present thoroughly, to the best of my, (our) ability, the argument in behalf of the application herewith and that the statements and information above referred to are true and correct to the best of my, (our) knowledge and belief.

PROPERTY OWNER(S) OR AGENT(S): \_\_\_\_\_

Sworn before me on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Residing at:

\_\_\_\_\_  
Commission Expires