

Application for Variance

Date Submitted: _____

(Please print clearly:)
Applicant's name: _____
Address: _____

Phone: _____
Email address: _____

(Please print clearly:)
Authorized agent's name: _____

Address: _____

Phone: _____ **Email:** _____

Address or Legal Description of Property:

List all property owners as identified on the latest records of the Garfield County Recorder's Office:

As applicant/agent, I request a hearing before the Boulder Town Appeals Authority on this application for a variance from the **Boulder Town Council** ordinance(s) _____.

Documents to support this request should include, but are not necessarily limited to, exhibits as follows:

- 1. Copy of the page(s) of the ordinance from which the variance is sought, together with any minutes, letter(s) or any other evidence that represents a decision by an official from the Town and indicates that a variance is required.
- 2. Copy of any application(s) and all supporting documents and exhibits that were submitted to any Town Council or Commission or other official acting in a duly authorized capacity leading the Applicant to believe that a variance is required to complete the original application or approval process.
- 3. Statement or brief, with supporting documentation, specifying the grounds upon which the Applicant is entitled to a Variance, including, but not limited to, the following statutory requirements:
 - a. Explain how literal enforcement of the ordinance would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the land use ordinances;
 - b. Explain any special circumstances attached to this property that do not generally apply to other properties in the same zone;
 - c. Explain why granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
 - d. Explain how a variance will not substantially affect the general plan and will not be contrary to the public interest; and
 - e. Explain why the spirit of the land use ordinance will be observed and substantial justice done by the granting of the variance.
- 4. Attach as additional exhibits any of the following for the subject property that would apply to the granting of a variance, but which were not attached to any original application(s) (see #2 above):
 - a. Plat map showing the property and all adjoining land owners with a list of names and official addresses on file with the Garfield County Assessor
 - b. Plot plan showing:
 - i. The location of all existing and proposed structures on the lot;
 - ii. The location of existing structures on adjoining lots; and
 - iii. Set back requirements from lot lines;

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- 5. A tax clearance from the Garfield County Treasurer indicating that all taxes, interest, and penalties owing for the property have been paid
- 6. Boulder Town zoning map showing the site location and the zoning district classification
- 7. Letter authorizing any agent(s) that might be appearing on the applicant's behalf
- 8. If relevant, a preliminary title report on the subject property showing all easements, covenants, or other deed restrictions, including third party interests.

Applicant(s)/Authorized Agent's Signature

Date

Office Use Only

Date Application Received: _____ by Town Clerk: _____
Date Application deemed complete: _____ by Zoning Administrator: _____
Filing Fees \$75.00 Paid: Cash Receipt # _____ Check # _____ Date Paid: _____

Notice to Applicant

Attached to this application is a copy of Utah State Code Title 10, Part 7 (as amended 2005) that governs variances and appeals. This copy is supplied for the convenience only. It is the duty of the applicant to be apprised of any town ordinances, statutory amendments or appellate decisions that modify the rights and duties of the parties.

Depending upon the complexity of the issues, the need for expert witnesses and/or other evidentiary requirements, a hearing will be scheduled at a time mutually agreed between the town and the applicant at a regularly scheduled meeting of the Appeals Authority.

The applicant or agent will be issued a written notice of the Appeal Authority's decision within the time specified by law, or within a reasonable time after the hearing if none is specified, unless otherwise stipulated in writing between the parties.

Multiple copies of certain documents, exhibits and/or plats set out on page one will be required for the hearing. The applicant is required to furnish these and should contact the staff for further instructions as to number of copies and formatting.

The decision and case files will be filed in the office of the Boulder Town Clerk.

Submit Application to:

Judith Davis, Boulder Town Clerk
Town Building, 351 North 100 East
P.O. Box 1329
Boulder, Utah 84716

(435) 335-7300