



Town of Leeds

218 North Main Street, PO Box 460879, Leeds, UT 84746-0879

Phone: 435-879-2447 Fax: 435-879-6905

E-mail: clerk@leedstown.org // Website: www.leedstown.org

BOARD OF ADJUSTMENT APPEAL / VARIANCE and POLICY

Type of Request: VARIANCE APPEAL

Project Location _____ Parcel ID# _____ Zone _____

Owner of Property:

Name _____

Address _____

City, State, Zip _____

Phone _____ Fax _____ Cell _____ E-Mail _____

Applicant:

Name _____

Address _____

City, State, Zip _____

Phone _____ Fax _____ Cell _____ E-Mail _____

Engineer:

Name _____

Address _____

City, State, Zip _____

Phone _____ Fax _____ Cell _____ E-Mail _____

PLEASE INCLUDE THE FOLLOWING WITH THE APPLICATION

1. **Filing Fee, Non-refundable: \$550.00.** Petitioner will also be liable for all costs associated with noticing in the local newspaper and atypical costs of administrative time and materials, if applicable.
2. A written notarized statement from the property owner giving authority for the applicant (if not the owner) to request the variance, OR a signed contract from the property owner indicating the property is under contract with the applicant.
3. One set of stamped envelopes addressed to all property owners within a 300 foot radius from the border of the subject property (for variance only) obtained from a title company. Provide enough copies of the variance description
4. A legal description including two (2) full size maps, preferably prepared by a licensed engineer or licensed surveyor which shows all of the following: A. Main Streets; B. Adjoining property owner's names and addresses; C. All City landmarks.
5. A Detailed description of the reason for variance or appeal.



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**BOARD OF ADJUSTMENT
APPEAL / VARIANCE and POLICY**

The Board of Adjustment may grant a variance only if ALL of the following conditions are met:

1. 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;
2. there are special circumstances attached to the property that do not generally apply to other properties in the same district;
3. granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;
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 zoning ordinance is observed and substantial justice done. (10-9-707, U.C.A.).

**Unreasonable hardship:*

- a. *Must be associated with the property and not with the people who will live on the property or the structure that will be built on the property;*
- b. *must be peculiar to this piece of property and one that is not general to the neighborhood;*
- c. *cannot be self imposed. the hardship cannot exist because of something for which the owner of the property is responsible; and*
- d. *cannot be a "use" variance. No variance can change the general purpose of the property. A variance cannot be used to allow a commercial use in a residential zone, nor a duplex in a single home residential zone.*

NOTE: A variance runs with the land and not with the property owner. The burden of proof for meeting all aforementioned requirements rests with the petitioner.

APPROVED: _____ DISAPPROVED: _____

On this _____ day of _____, 20_____.