

MILLARD COUNTY APPLICATION – VARIANCE

(This box for office use only)

Date application received:
 Fee collected: \$ 150.00
 Proposal Determined to be Complete:

Commercial \$300.00

Residential \$150.00

CASE NUMBER

The Land Use Hearing Officer (LUHO) shall review the Application and shall determine:

- a) Literal enforcement of the provisions of this Ordinance would cause an unreasonable hardship for the Applicant with the Applicant providing sufficient evidence demonstrating that the hardship is located on, or associated with the subject property, for which the variance is sought, and is peculiar to the property rather than conditions generally existing on other properties located in the same Zoning District or immediate area.
- b) The identified hardship is not self-imposed.
- c) The identified hardship is not economic in nature.
- d) There exist special circumstances peculiar to the property that do not apply to other properties in the same Zoning District. The LUHO may find an unreasonable hardship exists only if the alleged hardship is located on, or associated with, the property for which the Variance is sought and comes from circumstances peculiar to the property, not from conditions that are general to the immediate area.
- e) The Variance is essential to the enjoyment of a substantial property right possessed by other property in the same Zoning District. The LUHO may find that special circumstances are attached to the property exist only if the special circumstances relate to the hardship complained of and deprive the property of privileges granted to other properties in the same Zoning District.
- f) The approval of the Variance Application will not be contrary to the public interest.
- g) The approval of the Variance Application will not have the effect of nullifying in any way the intent and purpose of this Ordinance, or the County's other Land Use Ordinances.

PETITIONER INFORMATION

Name	Phone
Address	Other Phone
	Fax
City, State, Zip	e-mail

(Additional names and addresses should be listed on a separate paper and attached)

OWNER INFORMATION

Name	Phone
Address	Other Phone
	Fax
City, State, Zip	e-mail

(Additional names and addresses should be listed on a separate paper and attached)

VARIANCE DESCRIPTION

Statement of the characteristics of the subject property that prevent compliance with the provisions of this title and result in unnecessary hardship:

PROPERTY and VICINITY DESCRIPTION

Parcel Number	Property Size (in acres)	Zoning District		
Acct Number	Number Parcels	Section	Township	Range
Street Address of Property or General Location				

SUBMITTAL REQUIREMENTS

Application	One original which must contain an original signature(s) of the owner(s)/applicant(s).
Site Plan	<p>One copy of the site plan drawn to scale and of sufficient size to portray the necessary detail but no larger than 11" x 17". The site plan must show a detailed location, site and building plans drawn to scale and all explanatory material shall accompany the completed application forms for a variance. As applicable, the site and building plans and all other explanatory material shall include and identify the following:</p> <ol style="list-style-type: none"> 1. Location Of Building(s) On Property: The location and dimension of the property and all proposed uses and buildings, all existing buildings or other structures located on the property, and existing buildings and structures located within one hundred feet (100') of the property. Existing property lines and existing fence lines shall be shown. 2. Existing Natural Features: The location and dimension of all existing natural features including, but not limited to, wetlands, drainage ways, floodplains, and water bodies. 3. Site Grade And Proposed Finished Grade: Existing site grade, and the proposed finished grade, shown at a contour interval as required by the zoning administrator. <ol style="list-style-type: none"> a. An elevation drawing to scale showing all elevations of existing and proposed structures; b. When the variance involves building height, a streetscape plan showing the height of the buildings on both sides of the street; c. When the variance involves grade changes, a topographical drawing prepared by a licensed surveyor shall be included. The existing topography shall be shown in dashed lines at two foot (2') intervals, and the proposed grade shall be shown in solid lines at two foot (2') intervals. All retaining walls shall be identified, and the height shall be shown on the plan relative to the proposed grades. Retaining walls shall be designed by a structural engineer licensed to practice in the state; and d. When a variance request involves setbacks or height or grade changes, a complete landscape plan shall be provided. Plans shall show landscape design and identify all species and caliper of proposed plants. 4. Setbacks And Exterior Dimensions: The proposed setbacks and exterior dimensions of all proposed buildings and structures. 5. Location Of Streets: The location of all roads and streets adjoining the site, or proposed to serve the site, and including any permits as required by Millard County or the Utah department of transportation, as applicable. 6. Ingress, Egress And Parking: The location and dimension of all proposed ingress and egress points, off street parking, and loading areas, including the total number of parking and loading spaces. 7. Right Of Way Easements: All public and private rights of way and easements located on, or adjacent to the property, proposed to be continued, created, relocated, or abandoned shall be shown. 8. Additional Information: Located on the site plan sheet(s), or on separate sheets, as may be proposed by the applicant or required by the zoning administrator for readability, the following information shall be provided: <ol style="list-style-type: none"> a. The location and sizes of all existing and proposed water, sewer, storm drainage, power, gas, and telephone lines, and facilities. b. The design and cross section of all new roads and streets proposed. 9. Building Plans: Building plans as required by the county's building codes, as adopted. (at the building permit application stage)

	<p>10. Site And Building Signage Plans: Information and plans shall be provided identifying all proposed site and building signage identifying the design, height, size, materials, and colors of all site and building signs.</p> <p>11. Site And Building Lighting Plans: Plans shall be provided identifying all proposed site and building lighting identifying the type, design, location, intensity, height, and direction of all site and building lighting.</p> <p>12. Waste Collection: The location and dimensions of all proposed solid waste collection areas and storage areas, including the proposed methods of screening.</p> <p>13. Erosion Control Plans: Plans identifying proposed temporary and permanent erosion control measures.</p> <p>14. Construction Plan: Plan identifying the phases of construction, a construction schedule, and a list of all permits necessary for the proposed use(s), as applicable.</p> <p>15. Other Information For Review: Other information, as may be required by the zoning administrator, commission, or council, necessary to review the variance application.</p>
Fees	A non-refundable administrative fee in the amount of \$150.00 for residential or \$300 for commercial must accompany this application, along with \$.90 per word of the legal description of the property.
Plat Map(s)	County Recorder's property plat (s) showing all the subject property clearly marked and all adjoining properties within 300 feet of the subject property. This can be obtained from the County Recorder's office in Fillmore.
Checklist	Please refer to the attached Submittal Checklist for further information.

Upon compliance with certain procedures as set forth in TITLE 10, CHAPTER 11 of the *Millard County Zoning Ordinance*, a variance with conditions for the requested use may be issued. The following check list, when completed, will assure the petitioner that the required steps have been taken, and provide the Land Use Hearing Officer (LUHO) with qualifying information. However, partial completion or total omission of any requirement listed below may cause the application to be rejected. Please provide:

LEGAL DESCRIPTION

A legal description can generally be obtained from the deed, tax notice, or the County Recorder's office. Please attach an accurate and complete legal description on a suitably titled addendum sheet.

NAMES AND ADDRESSES

A list of the names and the mailing addresses for owners of property within 300 feet from the outer boundaries of the subject property. Addresses may be obtained at the County Assessor's office in Fillmore. In addition, provide names and addresses of anyone or any entity having a material interest in the subject property, such as co-owners, mortgage companies, banks, etc.

PERMISSION

Provide written permission from any lien holders, mortgage companies, property owners (if different than the applicant) or anyone having a material interest in the property.

VALUATION

State the total valuation of the project.

OTHER INFORMATION

Provide any other information that you feel would be helpful to the LUHO in his/her consideration of this application.

AUTHORIZATION SIGNATURES		
ONLY THE OWNER OF THE PROPERTY OR AN AUTHORIZED AGENT MAY FILE AN APPLICATION		
I, the Owner/Agent agree to indemnify and hold harmless Millard County and its agents, officers and employees from any claim, action or proceeding against the Owner/Agent's project.		
I certify, under penalty of perjury, that I am (check one):		
<input type="checkbox"/> Legal property owner (includes partner, trustee, grantor, or corporate officer) of the property(s) involved in this application, and that the foregoing application statements are true and correct		
<input type="checkbox"/> Legal agent (attach proof of the owner's consent to the application of the property(s) involved in this application and have been authorized to file on their behalf, and that the foregoing application statements are true and correct.		
Print Name _____	Signature _____	Date: _____
Print Name _____	Signature _____	Date: _____
Print Name _____	Signature _____	Date: _____
Print Name _____	Signature _____	Date: _____
Print Name _____	Signature _____	Date: _____
Print Name _____	Signature _____	Date: _____

If signatory is not the owner of record, the attached "Owner/Agent Agreement" must be signed and notarized.

The LUHO is authorized as the Appeals Authority responsible to review and approve, approve with revisions, or deny all Variance Applications.

This space for LUHO use only ↓

Land Use Hearing Officer Decision

Approved
 Approved with Revisions
 Denied

Signature

Date

Figure 10
VARIANCE APPLICATIONS

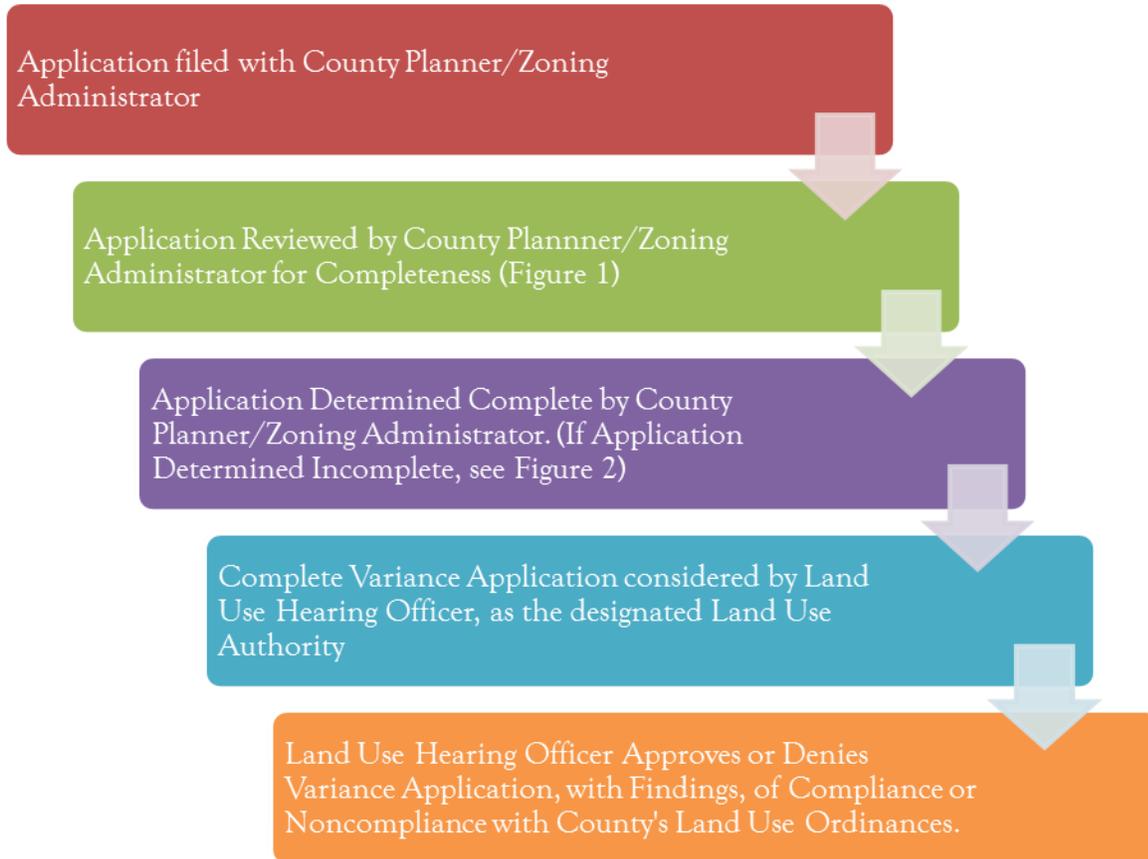


Figure 2
**PROCEDURES FOR DETERMINATION OF LAND USE APPLICATION COMPLETENESS
 BY COUNTY PLANNER/ZONING ADMINISTRATOR**

