



Providence City Application for Variance

FOR OFFICE USE ONLY

Date _____
Payment Form _____
Amount _____
Receipt # _____
Clerk _____

Please Note: City Staff will NOT accept the application and fee payment if they are incomplete. Incomplete applications will NOT be processed or scheduled for review by the City.

Initial _____ Name _____

Date _____

SUBMITTAL REQUIREMENTS

Staff Check

- A complete application, including a written statement as outlined below _____
- \$1000 application fee _____
- A site plan detailing the request _____
- Cache County Plat Map, current; and a copy of the official recorded final plat that includes any notes. _____
- An electronic copy of **ALL** submittals (flash drive or emailed is acceptable) _____

Applicant Information (all information MUST be provided)

Name _____
Address _____
Phone _____ Email _____

Party Responsible for Payment (if different than applicant): the individual/firm to whom any and all professional services invoices (attorney/engineer/etc.) will be sent and who will be responsible for payment of such invoices.

Name _____
Address _____
Phone _____ Email _____

Property Information (if Owner of Record is different than applicant, the application **must** include a written statement from the Owner of Record consenting to the applicant's pursuit of a variance)

Owner of record _____
Address _____
Phone _____ Email _____
Parcel address _____
Parcel Tax I.D. _____ Total acreage _____ Zone _____

VARIANCE INFORMATION (per Providence City Code §2-5-4 and Utah Code Annotated §10-9a-702)

This Application **must** be accompanied by a statement outlining the following:

- From what Providence City code title/chapter/section are you requesting a variance (include the title/chapter/section number AND the language of the regulation)
- Explain how the variance request meets each of the provisions of Utah Code Annotated 10-9a-702, which states:
 1. Any person or entity desiring a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the applicable appeal authority for a variance from the terms of the ordinance.
 2.
 - a. The appeal authority may grant a variance only if:

- i. 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;
 - ii. there are special circumstances attached to the property that do not generally apply to other properties in the same zone;
 - iii. granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
 - iv. the variance will not substantially affect the general plan and will not be contrary to the public interest; and
 - v. the spirit of the land use ordinance is observed and substantial justice done.
 - b.
 - i. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (2)(a), the appeal authority may not find an unreasonable hardship unless the alleged hardship:
 1. is located on or associated with the property for which the variance is sought; and
 2. comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
 - ii. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (2)(a), the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.
 - c. In determining whether or not there are special circumstances attached to the property under Subsection (2)(a), the appeal authority may find that special circumstances exist only if the special circumstances:
 - i. relate to the hardship complained of; and
 - ii. deprive the property of privileges granted to other properties in the same zone.
 3. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
 4. Variances run with the land.
 5. The appeal authority may not grant a use variance.
 6. In granting a variance, the appeal authority may impose additional requirements on the applicant that will:
 - a. mitigate any harmful affects of the variance; or
 - b. serve the purpose of the standard or requirement that is waived or modified.
- Once the application has been received and reviewed for completeness, City Staff will schedule a meeting with the Providence City Appeal Authority, which shall be not more than thirty (30) days from the time the application is determined to be complete.

Property owner and contractor shall have responsibility to determine grades, and final placement and elevations of footings/foundations. Property owner and contractor shall be responsible for compliance with all state, national and local building codes and ordinances. Initial _____ Name _____

Approval by the city of any application submittal or paperwork does not alleviate the owners from their responsibility to understand and conform to local, state and federal laws. Providence City's approval is not intended to and cannot be construed to allow any laws to be violated. Initial _____

By signing this document, you agree that Providence City will bill you for any and all professional firm fees as they arise throughout the approval process. This is in addition to application fees. All subdivisions require engineering review throughout the approval process, such as but not limited to reviews of development agreements, construction drawings, preliminary and final plats, and inspections. These services are billed by our city engineer at an hourly rate. Some subdivision applications may also require legal review. Other applications, such as but not limited to conditional uses, may also require engineering and/or legal review at the City's discretion. You agree to reimburse the City for all such costs, whether or not

you were forewarned about such costs, and that the City cannot predict all situations in which professional services may be required in order to process your application. Initial _____

I declare under penalty of perjury that I am the owner or authorized agent for the property which is the subject of application, and that the statements, answers, and documents submitted in connection with this application are true and correct to the best of my knowledge.

Signature of Applicant Printed Name Date

The following is a general summary of which body reviews each land use application in Providence City. Public hearings may be required by the Planning Commission and City Council, as shown below. This matrix does not include zoning clearance/permits for new single-home construction or for business licenses, both of which are reviewed and approved by city staff.

Application	Executive Staff	Land Use Authority	Planning Commission	Public Hearing	City Council	Public Hearing	Appeal Authority
Code Amendment	✓	----	✓	✓ ¹	✓	----	----
Annexation	✓	----		----	✓	✓	----
Rezone	✓	----	✓	✓	✓	----	----
Conditional Use	✓	✓		----	----	----	----
Subdivision Concept Plan	✓	----	----	----	----	----	----
Preliminary Subdivision Plat	✓	----	✓	----	----	----	----
Final/Amended Subdivision Plat ²	✓	----	✓	----	✓ ³	----	----
Site Plan	✓	✓	----	----	----	----	----
Lot Consolidation ⁴	✓	----	✓	----	----	----	----
Exception to Title ⁵	✓	----	✓	----	✓	----	----
General Plan Amendment	✓	----	✓	✓	✓	----	----
Right-of-Way Vacation	✓	----	✓	----	✓	✓	----
Variance/ Appeal	----	----	----	----	----	----	✓

¹ Public Hearing required at Planning Commission only when the proposed code amendment is related to land use.

² Construction drawings are reviewed/approved by the City Engineer and Public Works Director.

³ The City Council does not review the final plat itself, but rather reviews and approves the development agreement associated with the final plat.

⁴ Lot consolidations are only required to have City approval when they are in a platted/recorded subdivision.

⁵ Developers may ask for an exception from the requirements of the Providence City Subdivision Code (Title 11) through this process. All other variance/exception requests shall be handled by the Appeal Authority.