



BOARD OF ADJUSTMENT VARIANCE APPLICATION CHECKLIST

Authority for the Board of Adjustment to grant variances is limited by provisions outlined in Chapter 14.05 of the Provo City Zoning Ordinance. An excerpt from that Chapter is included in this packet. In order for the Board to hear the request, its members will need to understand what is being requested. They will need to know the reasons for the request and how the applicant believes it meets each of the five criteria established for approval of a variance by the Utah State Code: Title 10, Chapter 9A, Section 702. Please take the time to submit the appropriate papers, so that we may serve you better.

Below is a list of information that is required to be submitted with the application in order for City staff to process the request. If any of the required information is not submitted, the application will be considered incomplete and will not be accepted.

Fees: \$600 + \$60 Noticing Fee

Submittal Requirements

Please apply for the application and provide the following in an electronic PDF format online at provo.org/portal:

Drawings

- Elevation drawings of existing and proposed construction. Existing buildings can be shown by use of photographs.
- If application is for a reduced yard setback, the site plan must show distances from the property line of the subject lot to the structures on adjacent lots.
- Dimensions of the property and location of property lines.
- Location of all proposed structures, outlined by dashed lines.
- Location of all existing structures, outlined by solid lines.
- Location of existing and any new or proposed parking spaces and driveways.
- Existing distances between buildings and property lines.
- Location of topographical features (streams, canals, hillsides, etc.) which are located on your property.
- Location of current landscaping which may be altered due to your proposal.

Supplementary Information

- Current use of buildings (i.e., home, shed, office, etc.).
- Proposed use of buildings.
- Statement of Applicant (attached).
- Any other features or items which you believe would be helpful for the Board to understand your request.

Excerpt from Chapter 14.05.030 - Provo City Zoning Ordinance:

“The Board of Adjustment shall hear and decide appeals from zoning decisions applying the zoning ordinance; and variances from the terms of the zoning ordinance . . .

(9) Variances.

(a) Any person or entity desiring a waiver or modification of the requirements of the zoning 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 Board of Adjustment for a variance from the terms of the zoning ordinance.

(b) The Board of Adjustment may grant a variance only if:

(i) 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;

(ii) There are special circumstances attached to the property that do not generally apply to other properties in the same district;

(iii) Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;

(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 zoning ordinance is observed and substantial justice done.

(c) (i) In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under subsection 8b, the Board of Adjustment may not find an unreasonable hardship unless the alleged hardship:

(A) is located on or associated with the property for which the variance is sought; and

(B) 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 zoning ordinances would cause unreasonable hardship as outlined under Subsection 8b, the Board of Adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic.

(d) In determining whether or not there are special circumstances attached to the property under Subsection (8) (b), the Board of Adjustment 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 district.

(e) The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

(f) Variances run with the land.

(g) The Board of Adjustment and any other body may not grant use variances.

(h) In granting a variance, the Board of Adjustment may impose additional requirements on the applicant that will:

(i) mitigate any harmful effects of the variance; or

(ii) serve the purpose of the standard or requirement that is waived or modified . . .”

Section 14.02.010(5)(a), Hearings — Notice and Procedures , states, “All written documents and evidence from the applicant shall be received by the Community Development Department at least fourteen (14) days in advance of the public hearing.”

Please submit any additional information you believe that the Board of Adjustment should consider.

Please be aware that, even if the Board grants your request(s), a building permit must still be obtained from the City prior to construction or remodeling of any structure. This is the property owner’s responsibility.