



# Application Process for the Board of Adjustment

## **The Salt Lake County Board of Adjustment:**

Since it is impossible to draft a zoning ordinance that will cover every conceivable combination of circumstances, the Salt Lake County Board of Adjustment has been created to provide a means to deal with unanticipated hardships as they arise. The Board of Adjustment is a quasi-judicial, not a policy-making body. The Board is charged to interpret the meaning and spirit of the zoning ordinance as enacted by the County Legislative Body. It does not have the authority to make law or change zoning law.

The Board of Adjustment consists of five members and three alternates who are appointed by the Salt Lake County Mayor and Salt Lake County Council. All members of the Board are residents of the unincorporated area of Salt Lake County.

The powers and duties of the Board of Adjustment are to:

- Hear and decide appeals from administrative decisions applying a zoning ordinance as provided in Section 19.92.050;
- Hear and decide the special exceptions to the terms of the zoning ordinance as provided in Section 19.92.060;
- Hear and decide variances from the terms of the zoning ordinance; and,
- Determine the existence, expansion or modification of nonconforming uses.



## How to Apply for the Board of Adjustment:

1. It is highly suggested that you meet with a planner to evaluate possible alternatives or site design solutions related to the property and proposed development. If your proposal cannot comply with ordinance requirements, a planner will review the issues, the Board of Adjustment application processes and fees associated with your request.
2. The applicant is required to submit the following information:

<p>➤ A complete signed and notarized application form along with the application fee to the Planning and Development Services office located at: Salt Lake County Government Center 2001 South State St. Room #N3600</p>
<p>➤ A legal description of the parcel(s).</p> <p>➤ A current property plat. A lined aerial plat is preferred. Please outline subject property in a red marker.</p> <p>➤ Mailing labels of adjacent property owners' within 300 feet of the subject property. Print names, addresses on labels. This information can be obtained from: Salt Lake County Recorder's Office Salt Lake County Government Center 2001 South State St. Room #N1600</p>
<p>➤ Four (4) Site Plans: the drawings must be on a minimum sheet size of 18" x 24", drawn to a suitable scale, (1" = 10', 1" = 20', etc.) and must include the following.</p> <ul style="list-style-type: none"><li>• North point, scale &amp; drawing date;</li><li>• Property lines, w/ dimensions, adjoining streets, rights-of-ways, structures on adjacent properties, easements, waterways, etc.;</li><li>• Location of Curb, gutter and sidewalk;</li><li>• Location of all existing vegetation on the site;</li><li>• Location &amp; dimensions of all existing &amp; proposed structures, accessory buildings, fencing, including signs;</li><li>• Notes of explanation must include total square footage of all structures by use;</li><li>• Decks, porches or other parts which extend past the normal outline (footprint) of the building(s).</li></ul>
<p>➤ Four (4) Building Elevations (front, side and rear views). The drawings should be drawn to a suitable scale and show all sides of the building and indicate building height, existing and proposed grades.</p>

NOTE: You are required to meet with a Staff member to review your application prior to submittal. Incomplete applications will not be accepted. Building on top of any easement is not allowed without first providing to the Planning and Development Services Planner an approval letter from the applicable utility company.

3. The Planning and Development Services Division will send a letter to you and your neighbors with information about your request along with a notice of the Board meeting date.
4. Members of the Board of Adjustment will visit the property and assess the site, surrounding area and other issues related to the request. Their decision is based on these observations, application information, zoning ordinance requirements and all written and oral testimony.
5. Attend the Board of Adjustment public meeting. (scheduled once a month) You will be notified of this public meeting date, at which you should be prepared to present your proposal in detail and answer questions. This meeting will be held at:
  - Salt Lake County Government Center
  - 2001 South State St.
  - Room #N1100 - Commission Chambers
6. Meeting agenda:
  - Planning and Development Services Staff presents the application;
  - Applicant presents his/her request and any additional information. It is important that you express the nature of the request, (i.e., a hardship, which necessitates the application for variance. Hardship is the primary reason for which a variance may be granted, and, it is particularly important that the Board understand your hardship.);
  - Public comment;
  - Board members will discuss and vote on the request;
  - Requests must receive a majority of votes in order for the request to be granted.
7. You will be formally notified of the Board's decision by letter within 5 to 10 days.

NOTE: There is no administrative appeal process for the Board's decision. Since the Board of Adjustment is a quasi-public body, court appeal would be the next step should you wish to pursue the matter further.



**Legal Conditions:**

NOTE: In order to meet the legal conditions for granting a variance, all of the following questions must be answered in the affirmative.

1. Would literal enforcement of the zoning ordinance cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance?
  - (a) Is the hardship located on or associated with the property?
  - (b) Is the hardship a result of circumstances peculiar to the property and not from conditions that are general to the neighborhood?
  - (c) Is the hardship not self-imposed and not economic?
2. Are their special circumstances attached to the property that does not generally apply to other properties in the same district?
  - (a) Do the special circumstances relate to the hardship complained of?
  - (b) Do the special circumstances deprive the property of privileges granted to other properties in the same zoning district?

3. Is granting the variance essential to the enjoyment of a substantial property right possessed by other properties in the same zoning district?
4. Will the variance not substantially affect the intent of the general plan and not be contrary to the public interest?
5. Is the spirit of the zoning ordinance observed and substantial justice done?



**Board of Adjustment Application Fees:**

Refer to the current fee schedule.



**Additional Considerations When Applying For A Variance:**

1. The applicant shall bear the burden of proving that all of the legal conditions justifying a variance have been met.
2. Variances run with the land. A notice or abstract of decision is recorded on the title deed.
3. The Board of Adjustment may not grant use variances.
4. In granting a variance, the Board of Adjustment may impose conditions or requirements 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.



This information is considered reliable as of the date indicated below. However, changes to application fees, ordinance amendments and/or division policies may have occurred. Please verify all processes and fees prior to submitting your application. Updated: May 8, 2006