



Charleston Town
3454 W. 3400 S. – Charleston, UT 84032
Phone: 435-654-7177 Fax: 654-9005

Land Use Appeal Authority Application

Owner Name: _____
Address _____
Home Phone _____ Cell Phone: _____ Fax No. _____
Email Address _____

Subject Property Information:

Address/Location: _____
Zoning: _____ Property Size (acres) _____
Proposed Use of Property: _____

Brief Description of Variance Request: _____

The applicant is required to prove that all conditions justifying a variance have been met. After reading each section below describing the justifications for a variance, provide a brief explanation of how your request complies. Attach additional sheets if necessary. This application sheet along with other required materials will be submitted to the Hearing Officer to aid in his or her review and decision. A hearing will be scheduled in accordance with section 02.1110: LAND USE APPEAL AND VARIANCE HEARING OFFICER.

Before any variance may be authorized, it must be shown that:

- 1) 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;
 - a) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (1) above, the Board may not find an unreasonable hardship unless the alleged hardship:
 - i) Is located on or associated with the property for which the variance is sought; and
 - ii) Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
 - b) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (1) above, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.

- 2) There are special circumstances attached to the property that do not generally apply to other properties in the same zone;
- a) In determining whether or not there are special circumstances attached to the property under Subsection (2) above, 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) Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;

- 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 land use ordinance is observed and substantial justice done.

Application Checklist:

- ☐ Application form completed, signed, & notarized
- ☐ Site Plan included
- ☐ Name & addresses of property owners within 1000 ft. of said property
- ☐ Fees: All Legal Fees from the Charleston Town Appointed Hearing Officer and any Engineering fees incurred.