



# Board of Zoning Adjustment

Application for Variance, Appeal, or Special Exception

Ogden City Planning Division  
2549 Washington Blvd. Suite 240  
Ogden, UT 84401  
(801) 629-8930

Please print legibly and complete all areas.

<b>Property Address:</b>		
<b>Applicant/Appellant:</b>		
<b>Applicant/Appellant Address:</b>		
City:	State:	Zip:
E-mail:	Phone:	
In what capacity are you applying (owner, owner's representative, affected neighbor, etc.)?		
<b>Please read carefully before proceeding:</b>		
The Board of Zoning Adjustment is limited to six separate powers, listed below. Please check the one that applies to your situation. <i>(For further information about the powers and procedures of the Board of Zoning Adjustment, ask for Ordinance 15-5)</i>		
<input type="checkbox"/> 1. To grant a variance in the application of the zoning ordinance. <input type="checkbox"/> 2. To determine whether an administrative error has been made in any order, requirement, decision or interpretation of the zoning ordinance. <input type="checkbox"/> 3. To permit additions or expansions greater than 100% of the building length of a single-family dwelling with nonconforming side yard requirements but with a minimum side yard of three feet. <input type="checkbox"/> 4. To permit a use authorized on either side of a zone boundary line which divides a lot held in single ownership. The permission to extend the use may not extend more than 35 feet beyond the zone boundary line. <input type="checkbox"/> 5. To permit the splitting of a lot, which does not have the required width for the zone, provided the newly-created nonconforming lot meets the area requirements of the zone, and the structure placed on the lot meets all required site standards of the zone. <input type="checkbox"/> 6. To hear and decide appeals from the Floodplain Overlay Zone when it is alleged there is an error in any requirement, decision, or determination made by an administrative official.		
<b>Determination by Zoning Administrator</b>		
The Board of Zoning Adjustment has authorized the Zoning Administrator to decide the following types of requests. A decision will be made within one week from date of application. Please indicate if your request involves one of the following:		
<input type="checkbox"/> A satellite dish in the side yard or on the roof, <b>PROVIDED</b> there is evidence showing it is impossible to receive a reasonable signal if located in the rear yard. <input type="checkbox"/> An addition to the main building which makes an existing garage nonconforming with the side yard setback, <b>PROVIDED:</b> A. No other variance would be required to the addition as a result; B. At least six feet of clearance is maintained between the garage and the main building. <input type="checkbox"/> To permit construction of a home on a lot which does not have frontage on a public street but does have frontage on a dedicated right-of-way.		
<b>I HEREBY CERTIFY THAT THE ABOVE INFORMATION IN THIS APPLICATION IS CORRECT TO THE BEST OF MY KNOWLEDGE:</b>		
_____		
(Signature of Applicant/Appellant)		
_____		
(Date)		

**Required attachments:** *Please provide the following:*

- Filing Fee: \$691** Must accompany application and required attachments. Staff will generate an invoice when you submit the application.

**For variances and special exceptions:**

- A copy of the Weber County ownership plat** showing your property highlighted. This can be obtained from the Weber County Recorder's office at 2380 Washington Boulevard, or at their website <http://www.co.weber.ut.us/psearch/index.php>
- A site plan.** Please draw the site plan showing the entire property with layout and dimensions of building(s), streets, property lines, easements, and rights-of-way. Show lot dimensions and distance between existing buildings. For assistance with this task, ask staff for the handout "*How to Draw a Simple Site Plan,*" available at the Customer Service counter.
- For a variance: Statement of Grounds for a Variance (see following page)**
- For an appeal: Statement of Grounds for an Appeal (see following page)** The Board of Zoning Adjustment only considers those allegations of error raised in writing by the appellant. If you do not raise an allegation in writing in your statement, you cannot raise it later or at the hearing. If the appellant is appealing a decision of the planning commission and the minutes of the planning commission meeting in question have yet to be approved, the appellant may amend the statement for up to seven days after the approval of the minutes.

**Deadlines:**

An application for a variance or special exception must be received by the first Wednesday of the month that the hearing is to take place, unless the request is to be referred to the Zoning Administrator. **To avoid delays, this application must be completed fully.**

For appeals, refer to the applicable ordinances for submittal deadlines.

- Conditional use permits: Any person aggrieved by decision of the planning commission may appeal to the board of zoning adjustment by filing such appeal with the department within fifteen (15) days after the final decision of the planning commission. (OMC 15-7-6B)
- An appeal to the board of zoning adjustment, as provided in Utah Code Annotated section 10-9a-704, as amended, shall be filed within thirty (30) days after issuance of any final written decision involving the administering or interpreting of a zoning ordinance. (OMC 15-5-4)

**Time Limitation:** Variances and special exception approvals shall expire eighteen (18) months from the date of the application unless the applicant obtains building permits to complete the approved work.

## Statement of Grounds for a Variance

Provide the information below. You may respond on the form below or on separate sheets.

<b>Describe your variance request.</b> Cite what code standard are you requesting a variance from.
<b>Grounds for variance:</b> Describe why you feel each of the following criteria for a variance is met. Include evidence, drawings, or other information to substantiate your case. Visit <a href="https://propertyrights.utah.gov/find-the-law/legal-topics/variances/">https://propertyrights.utah.gov/find-the-law/legal-topics/variances/</a> for assistance.
<i>Literal enforcement of the land use ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the ordinance.</i>
<i>There are special circumstances attached to the property that do not generally apply to other properties in the same district.</i>
<i>Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.</i>
<i>The variance will not substantially affect the general plan and will not be contrary to the public interest.</i>
<i>The spirit of the zoning ordinance is observed and substantial justice is done.</i>

## Statement of Grounds for an Appeal to the Board of Zoning Adjustment

Provide the information below. **You may respond on the form below or on separate sheets.** **IMPORTANT:** The Board of Zoning Adjustment only considers those allegations of error raised in writing by the appellant. If you do not raise an allegation in writing in your statement, you cannot raise it later or at the hearing. If the appellant is appealing a decision of the planning commission and the minutes of the planning commission meeting in question have yet to be approved, the appellant may amend the statement for up to seven days after the approval of the minutes.

What decision are you appealing? Attach a copy of the written decision.
What is your interest in the decision (applicant, neighbor, etc.)?
What relief or action are you requesting?
State your grounds for the appeal. How specifically did the administrative authority (1) incorrectly interpret the factual situation; (2) err in interpreting and applying the plain meaning of the land use regulations; or (3) violate due process or any rule of procedure? Identify specific sections of law that you assert were not followed and the evidence that supports your appeal. Attach additional sheets as needed.