



Midway City
75 North 100 West
Midway, UT 84049

Community Development
435-654-3223 ext. 105
mhenke@midwaycityut.gov

Application to Appear Before the Board of Adjustment
Application Fee: \$750 + \$1/letter + costs
(Costs include any engineering review expenses and legal notices)

Owner(s) of Record:

Name: _____ Phone: _____
Mailing Address: _____ City: _____ State: _____ Zip: _____
Email: _____

Applicant or Authorized representative:

Name: _____ Phone: _____
Mailing Address: _____ City: _____ State: _____ Zip: _____
Email: _____

Explanation of Request: _____

Property Location:

Tax Identification #: _____
Street Address: _____

Prior Board of Adjustment action(s) on said property:

FOR OFFICE USE ONLY

STAFF:

Date Received: _____
Received By: _____
Fee Paid: _____

PLANNER:

Complete / Incomplete
Date: _____ Reviewed by: _____

Please read and sign before application submittal:

I declare under penalty of perjury that I am the owner or authorized agent of the property subject to this request and the foregoing statements, answers and attached documents are true and correct. As the applicant for this proposal, I understand that my application is not deemed complete until the Planning Office has reviewed the application. I further understand I will be notified when my application has been deemed complete. At that time I expect that my application will be processed within a reasonable time, considering the workload of the Planning Office.

I fully understand that I am responsible for the payment of any back taxes and declare that I am responsible for all fees incurred.

Signature of Owner or Agent: _____ **Date:** _____

IMPORTANT: Your application cannot be processed until determined complete by the Planning Staff. An application shall be considered complete when all applicable fees (such as Midway Water Board, Midway Sanitation District, out-of-pocket expenses, etc.) are paid and all items listed herewith are provided or considered not applicable by the Planning Office. All application fees are non-refundable.

Section 16.26.6 Appeal Authority

A. The Board of Adjustment shall be the appeal authority to hear and decide requests for variances from the terms of the Land Use Title. An adverse decision by the Board of Adjustment in variance matters may be appealed to district court pursuant to Utah law.

The following checklist must be included with your submittal.

CHECKLIST:

- ☐ Submit a written statement outlining the intent and request to the Board of Adjustment Members.
- ☐ Two copies of any documentation to support your request including:
 - ✓ Plat map
 - ✓ Current use of structure (i.e. home, shed, office, etc.)
 - ✓ Proposed use of structure
 - ✓ Existing distances between structures and property lines
 - ✓ Elevation drawings of existing and proposed construction
 - ✓ 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 topographic features (i.e. streams, canals, hillsides, etc.) which are located on your property
 - ✓ Location of existing and/or any proposed parking spaces
 - ✓ Location and width of existing and/or proposed driveways
 - ✓ Location of main current landscaping which may be altered/moved over by your proposal
 - ✓ Location of sewer and water lines and name of company which provides the services
 - ✓ Any other features which may be helpful for the Board of Adjustment to understand your request

Other: _____

☐ Copy of letter of intent to each of the neighbors within 600 feet of the parcel in question. Submit the letters with unsealed, stamped and addressed peel-and-stick envelopes. The Planning Office will mail the letters for you.

☐ Copy of letter explaining how each of the following items has been satisfied:

- ✓ Literal enforcement of the Land Use ordinance would cause unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Land Use ordinance.
- ✓ There are special circumstances attached to the property that do not generally apply to other properties in the same district.
- ✓ Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.
- ✓ The variance will not substantially affect the General Plan and will not be contrary to the public interest.
- ✓ The spirit of the Land Use ordinance is observed and substantial justice is done.

☐ Application fee of \$750.00 + any costs have been paid.

You may wish to consult with a Planner. State the facts fully. Use additional sheets if necessary and attach to your application.