

APPLICANT'S AFFIDAVIT

STATE OF UTAH)
CITY OF HERRIMAN)

I (we), _____, being duly sworn, depose and say that I (we) am (are) the owner(s)¹ or authorized agent(s) of the owner of property involved in the attached application and that the statements and answers contained herein in the attached plans and other exhibits thoroughly, to the best of my (our) ability, present the argument in behalf of the application requested herewith and that the preceding statements and information above referred to are in all respects true and correct to the best of my (our) knowledge and belief.

Signed _____

STATE OF UTAH)
§ COUNTY OF SALT LAKE)

On this ____ of _____, in the year 20 ____, before me _____, personally appeared _____, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding document in my presence.

Notary Signature

AGENT AUTHORIZATION

I (we), _____, the owner(s) of real property at _____, Herriman, Utah, do hereby appoint _____ as my (our) agent to represent me (us) with regard to this application affecting the above-described real property and authorize _____ to appear on my (our) behalf before any City Boards considering this application.

Signed: _____

STATE OF UTAH)
§ COUNTY OF SALT LAKE)

On this ____ of _____, in the year 20 ____, before me _____, personally appeared _____, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding document in my presence.

Notary Signature

¹ May be the owner of record, contract owner, party to valid earnest money agreement, option holder, or have other legal control of the property.

10-5-21 Variances

- A. *Purpose.* This section sets forth procedures for considering and approving a variance to the provisions of this title. Variance procedures are intended to provide a narrowly circumscribed means by which relief may be granted from particular unforeseen applications of the provisions of this title that create unreasonable hardships.
- B. *Authority.* The appeal authority is authorized to hear and decide variances to the provisions of this title as provided in this section.
- C. *Initiation.* Any person desiring a waiver or modification of the requirements of this title as applied to a lot that the person owns, leases, or in which the person holds some other beneficial interest may request a variance to the provisions of this title as provided in this section. An agent of a property owner or lessee shall provide an affidavit of authorization.
- D. *Procedure.* A variance application shall be considered and processed as provided in this section and as required by applicable provisions of HCC 10-5-4 and 10-5-5.
1. An application for a variance shall be submitted to the community development director along with any applicable fee established by the city's schedule of fees.
 2. The application shall include at least the following information:
 - a. The name, address, and telephone number of the applicant and the applicant's agent, if any;
 - b. The address and lot identification number of the subject property;
 - c. The specific feature of the proposed use or development that requires a variance;
 - d. The specific provision of this title from which a variance is sought;
 - e. A statement of the characteristics of the subject property that prevent compliance with the provisions of this title and that result in unnecessary hardship;
 - f. A statement of the amount of variation needed to allow the proposed use or development;
 - g. An explanation of how the application satisfies the variance standards set forth in subsection (E) of this section;
 - h. A plot plan showing the following:
 - (1) Applicant's name;
 - (2) Property address;
 - (3) Property boundaries and dimensions;
 - (4) Layout of existing and proposed buildings, parking, landscaping, and utilities; and
 - (5) Adjoining property lines and uses within 100 feet of the subject property;
 - i. When the variance involves building height, a streetscape plan showing the height of all buildings within 150 feet of the subject property;
 - j. When a variance involves grade changes, a topographical drawing, prepared by a licensed surveyor or civil engineer, showing existing topography in dashed lines at two-foot intervals and showing the proposed grade in solid lines at two-foot intervals; and

- k. When a variance involves retaining walls, a plan showing all retaining walls, including their height relative to proposed grades.
3. After the application is determined to be complete, the community development director shall schedule a public meeting before the appeal authority.
4. A staff report evaluating the application shall be prepared by the community development director.
5. The appeal authority shall hold a public meeting and, after due consideration of the application, shall approve, approve with conditions, or deny the application pursuant to the standards set forth in subsection (E) of this section. Any conditions of approval shall be limited to conditions needed to conform the variance to approval standards.

E. *Approval standards.* The following standards shall apply to a variance:

1. The appeal authority may grant a variance only if:
 - a. Literal enforcement of this title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this title;
 - b. There are special circumstances attached to the property that do not generally apply to other properties in the same zone;
 - c. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
 - d. The variance will not substantially affect the general plan and will not be contrary to the public interest; and
 - e. The spirit of this title is observed and substantial justice done.
2. In determining whether or not enforcement of this title would cause unreasonable hardship under subsection (E)(1) of this section, the appeal authority 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.
3. In determining whether or not enforcement of this title would cause unreasonable hardship under subsection (E)(1) of this section, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.
4. In determining whether or not there are special circumstances attached to the property under subsection (E)(1) of this section, the appeal authority may find that special circumstances exist only if the special circumstances:
 - a. Relate to the hardship complained of; and
 - b. Deprive the property of privileges granted to other properties in the same zone.
5. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
6. The appeal authority may not grant a use variance.
7. In granting a variance, the appeal authority may impose additional requirements on an applicant 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.

8. A variance more restrictive than requested by an applicant may be authorized when the record supports the applicant's right to some relief but not to the extent requested.

F. *Effect of approval.* A variance shall not authorize the establishment of any land use, development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any approvals or permits that may be required by this title and other applicable provisions of this Code.

G. *Amendment.* The procedure for amending any variance decision shall be the same as the original procedure set forth in this section.

H. *Expiration.* Variances shall not expire and shall run with the land.

(Code 2023, § 10-5-21; Ord. No. 2017-54, 12-13-2017)

HISTORY

Adopted by Ord. [2025-13](#) on 5/14/2025