

Administrative Appeal Application
 Community Development Department
 90 North Main Street, Tooele, UT 84074
 (435) 843-2132 Fax (435) 843-2139
www.tooelecity.gov



Notice: The applicant must submit copies of the plans and documents to be reviewed by the City in accordance with the terms of the Tooele City Code. All submitted Administrative Appeal applications shall be reviewed in accordance with all applicable City ordinances and requirements, are subject to compliance reviews by various City departments, and may be returned to the applicant for revision if the plans are found to be inadequate or inconsistent with the requirements of the City Code. Application submission in no way guarantees placement of the application on any particular agenda of any City reviewing body. It is **strongly** advised that all checklist items be submitted well in advance of any anticipated deadlines.

Appeal Information															
Date of Submission:		Applicant Name:		Zoning District:											
Applicant Address:															
City Code Section/Topic Requesting Appeal:															
Type of Appeal Requested: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"><input type="checkbox"/> Decision of Zoning Administrator</td> <td style="width: 50%; border: none;"><input type="checkbox"/> Non-Conforming Use Decision</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Zoning Decision</td> <td style="border: none;"><input type="checkbox"/> Nuisance Abatement</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Variance</td> <td style="border: none;"><input type="checkbox"/> POTW Pretreatment Decisions</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Conditional Use Permit Decision</td> <td style="border: none;"><input type="checkbox"/> Special Event Permit Decision</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Decision Regarding Signage</td> <td style="border: none;"><input type="checkbox"/> Business License Revocation</td> </tr> </table>						<input type="checkbox"/> Decision of Zoning Administrator	<input type="checkbox"/> Non-Conforming Use Decision	<input type="checkbox"/> Zoning Decision	<input type="checkbox"/> Nuisance Abatement	<input type="checkbox"/> Variance	<input type="checkbox"/> POTW Pretreatment Decisions	<input type="checkbox"/> Conditional Use Permit Decision	<input type="checkbox"/> Special Event Permit Decision	<input type="checkbox"/> Decision Regarding Signage	<input type="checkbox"/> Business License Revocation
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<input type="checkbox"/> Decision Regarding Signage	<input type="checkbox"/> Business License Revocation														
Property Owner(s):			Applicant(s), if different:												
Address:			Address:												
City:	State:	Zip:	City:	State:	Zip:										
Phone:			Phone:												
Email:			Email:												
Contact Person:			Address:												
Phone:			City:	State:	Zip:										
Cell:	Fax:		Email:												
Signature of Applicant:															
Date															

*The application you are submitting will become a public record pursuant to the provisions of the Utah State Government Records Access and Management Act (GRAMA). You are asked to furnish the information on this form for the purpose of identification and to expedite the processing of your request. This information will be used only so far as necessary for completing the transaction. If you decide not to supply the requested information, you should be aware that your application may take a longer time or may be impossible to complete. If you are an "at-risk government employee" as defined in *Utah Code Ann. § 63-2-302.5*, please inform the city employee accepting this information. Tooele City does not currently share your private, controlled or protected information with any other person or government entity.

** By submitting this application form to the City, the applicant acknowledges that the above list is not exclusive and under no circumstances waives any responsibility or obligation of the Applicant and or his Agents from full compliance with City Master Plans, Code, Rules and or Regulations.

For Office Use Only			
Received By:	Date Received:	Fee & Receipt No.:	Date of Hearing:

Administrative Appeal Application Checklist

*Incomplete applications will not be accepted or held.
All required items shall be submitted.*

Submission Requirements

- _____ Application Fee.
- _____ Completed Application Form.
- _____ Legal Description of Properties Involved (lot, block & track or attach metes and bounds)
- _____ Property Layout Drawings showing the shape and size of the properties, location and dimensions for all existing or proposed buildings, accessory buildings, property lines, adjacent roads, for properties involved in the appeal as well as properties adjacent.
 - Property Layout Drawings should show all dimensions and measurements as they currently exist and include a separate drawing showing how those dimensions and measurements would be affected by any proposed change.
- _____ If Requesting a Variance**, on a separate sheet of paper, responses to the following:
 1. What is the specific use, project or type of variance being requested?
 2. How does the literal enforcement of the ordinance cause an unnecessary hardship that is not necessary to carry out the general purpose of the land ordinances?
 3. What special circumstances are attached to the property that do not generally apply to other properties in the same zoning district?
 4. How is granting the variance essential to the enjoyment of a substantial property right possessed by other properties in the same zoning district?
 5. How will the variance not substantially affect the general plan and not be contrary to the public interest?
 6. How will the spirit of the land use ordinance be observed and substantial justice done by the variance requested?
- _____ For any other type of Appeal, on a separate sheet of paper, provide details and the nature of the decision being appealed with all relevant documentation regarding the decision being appealed.

**The review and decision making on variance applications is governed strictly by the applicable provisions of Utah State Code Section 10-9a-702, which states:

- (2) (a) The appeal authority may grant a variance only if:
 - (i) 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;
 - (ii) there are special circumstances attached to the property that do not generally apply to other properties in the same zone;
 - (iii) granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
 - (iv) the variance will not substantially affect the general plan and will not be contrary to the public interest; and
 - (v) the spirit of the land use ordinance is observed and substantial justice done.
 - (b) (i) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (2)(a), 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.
 - (ii) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (2)(a), the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.
 - (c) In determining whether or not there are special circumstances attached to the property under Subsection (2)(a), 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) The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
 - (5) The appeal authority may not grant a use variance.
 - (6) In granting a variance, the appeal authority may impose additional requirements on the 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.