

Interlaken Variance Application

From “Section 10-9a-702 Variances” of Utah State Code:

(1) Any person or entity desiring a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the applicable appeal authority for a variance from the terms of the ordinance.

Interlaken Town has appointed an Appeal Authority to review all variance requests. Interlaken charges a fee of \$250 for each application, as established by Town Resolution No. 2017-05-08C. Prior to submitting a variance application, it is recommended that the applicant review the Interlaken Land Use Ordinances contained in Titles 9 and 11 of the Interlaken Municipal Ordinances. The variance application process is described in Chapter 2.05 of Title 2 “Municipal Government.” Copies of these documents are available online at <http://www.town-of-interlaken.com/documents-02>. Paper copies are available from the Interlaken Town Clerk.

It is also recommended that the applicant review Section 10-9a-702 of Utah State Code and verify that their application meets all five of the criteria presented in that code. This section of state code is attached to the end of this document.

To file for a variance request:

1. Fill out the **Variance Request Form** in writing and submit it to the Town Clerk with a check made out to “Interlaken Town” for \$250. Attach any supporting documents, maps, or diagrams to this form. It is not necessary to submit a building application or have a plan review prior to making a variance request. However, it is recommended to have your intended use reviewed by the town’s planning commission.
2. Upon receipt of the application, the Appeal Authority shall review the application at a public hearing and shall return its decision pertaining thereto within 60 days. Failure to return said application within 60 days shall constitute approval.

Interlaken Town Variance Request Form

Fill out the following form and submit it with your fee payment to the Interlaken Town Clerk.

The applicant is (check one of the following):

- Property owner
- Lessee
- Other entity with a beneficial interest

Applicant Information

Name: _____

Signature: _____

Mailing Address:

Phone Contact: _____

Email Address: _____

Lot # _____ Interlaken Address: _____

Date: _____

Description of Variance Request

Attach any additional material or supporting documents to this form.

Receipt for Payment

Applicant Name: _____

Interlaken Town Clerk

Name: _____

Signature _____

Received check # _____ for the amount of \$ _____ on _____ (date).

Bart Smith, Interlaken Town Clerk
(435) 565-3812
interlakenclerk@gmail.com
P.O. Box 1256
Midway, UT 84049

10-9a-702 Variances.

- (1) Any person or entity desiring a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the applicable appeal authority for a variance from the terms of the ordinance.
- (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.
- (4) Variances run with the land.
- (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.

Renumbered and Amended by Chapter 254, 2005 General Session