

Variance

Inbox



Burton, Steven <sburton@co.weber.ut.us>

3:54 PM
(2 hours ago)

to me

Heather,

Here is a link to our website where you can apply for a variance, for the fence you'd like to build. <https://frontier.co.weber.ut.us/>

Once you create an account, click on "applications", then "planning applications" (see below). Then select "Board of Adjustment"

As part of your variance application you will need to upload a narrative that explains how you meet the following criteria (A through E below):

Variances from the requirements of the Land Use Code.

1. Any person or entity desiring a waiver or modification of the requirements of the Land Use Code as applied to a parcel of property that they own, lease, or in which they hold some other beneficial interest may apply to the board of adjustment for a variance from the terms of the Land Use Code.
2. The board of adjustment may grant a variance only if the following five criteria are met:
 - a. 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 Code.
 - i. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought, and 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, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.

- b. There are special circumstances attached to the property that do not generally apply to other properties in the same zone.
 - i. In determining whether or not there are special circumstances attached to the property, the appeal authority may find that special circumstances exist only if the special circumstances relate to the hardship complained of, and deprive the property of privileges granted 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.
- e. The spirit of the land use ordinance is observed and substantial justice done.

The application also requires a pre-application meeting. You can upload this email as proof of our pre-application meeting. There is a fee of \$600. Please note that it is not a guarantee that the Board will approve a variance. They have to find that you meet all of the above criteria. Let me know if you have other questions about this.

Thanks,

Steve Burton

Principal Planner

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