



690 South Woodland Hills Drive  
Woodland Hills, UT 84653  
Phone 801-423-3900

## APPEAL AUTHORITY APPLICATION

### STAFF USE ONLY

Application Date: \_\_\_ / \_\_\_ / \_\_\_ Application Number: \_\_\_\_\_ Fee Owed: \$ \_\_\_\_\_

Received by: \_\_\_\_\_ Receipt #: \_\_\_\_\_ Check #: \_\_\_\_\_

Appeal Authority Meeting Date: \_\_\_\_\_

### PROJECT INFORMATION

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Acreage/Property Size: \_\_\_\_\_

### APPLICANT INFORMATION

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_

Email Address: \_\_\_\_\_

### Owner Information

Owner Name: \_\_\_\_\_

Owner Address: \_\_\_\_\_

Owner Phone #: \_\_\_\_\_ Owner Email Address: \_\_\_\_\_

Owner's Signature: \_\_\_\_\_



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\*The following information and items are required for processing. An application will not be accepted without the following.\*

TO BE COMPLETED BY STAFF		DELIVERABLES
YES	NO	
		1. Detailed Site Plan.
		a. Include detailed plans for variance request.
		2. Questionnaire filled out completely (see pages 4 and 5).
		3. \$500 deposit. Applicant will be charged actual fees incurred by city to hear appeal
		4. A detailed narrative of the specific action requested under this appeal including those reasons you feel qualified for granting your appeal.
		a. Please identify the specific section(s) of the City Code applicable to the issue. (City Code can be found at: <a href="https://codelibrary.amlegal.com/codes/woodlandhillsut/latest/overview">https://codelibrary.amlegal.com/codes/woodlandhillsut/latest/overview</a> )
		b. Include a list of affected properties <b>and</b> addressed and stamped envelopes for properties.

\*The applicant should be aware that there may be requests to provide additional materials for staff review.

Signature: \_\_\_\_\_ Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_ Phone Number: \_\_\_\_\_

If you have any questions regarding items on this checklist or the process, please contact the City Recorder at 801-423-3900.

## APPLICATION TO CITY OF WOODLAND HILLS APPEAL AUTHORITY COMMENTS ABOUT THE APPEAL AUTHORITY AND APPLICATION FORM

In accordance with state law, the City of Woodland Hills has established an Appeal Authority to consider requests for variances and appeals from City decisions applying to its land use ordinances. The Appeal Authority cannot overturn or re-write City ordinances.

To initiate an appeal, you must complete the form describing your reasons for the appeal and provide any supporting information you consider appropriate, and submit it to the City. The City will arrange a hearing date based on the Appeal Authority's availability, and notify you in advance of the hearing date.

At the hearing, the Appeal Authority will hear your presentation regarding the basis for the appeal and why you feel the appeal should be granted. The Appeal Authority will also hear from City staff and any affected parties, both those favoring and those opposing the appeal. The Appeal Authority will have access to the City's records on the matter, and may view the property involved and request additional information at the hearing.

After the hearing, the Appeal Authority will issue a written decision regarding the appeal. This decision will consider the information presented at the hearing, the City's record of the matter, and any other information requested by the Appeal Authority. The decision of the Appeal Authority constitutes the final City action on the appeal.

Any party dissatisfied with the decision of the Appeal Authority may appeal that decision within 30 days to the Fourth District Court. Completing the City's appeal process is necessary before the Fourth District Court will review the matter.

# QUESTIONNAIRE

Please give detailed and complete answers on separate paper. Explanations for each question are listed below.

## 1. *Unreasonable Hardship*

The Applicants must prove “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.” Utah Code Ann. § 10-9a-702(2)(a)(i). In proving unreasonable hardship, the hardship complained of cannot be self-imposed or economic in nature. Utah Code Ann. § 10-9a-702(2)(b)(ii). Rather, the applicant must show that hardship relates to the property itself in that the hardship is located on or associated with the property for which the variance is sought. *Id.* § 10-9a-702(2)(b)(i)(A).

The hardship must come from circumstances peculiar to the property, not from conditions that are general to the neighborhood. *Id.* § 10-9a-702(2)(b)(i)(B). It is insufficient to show that the property for which the variance is requested is different in some way from the property surrounding it. *Xanthos v. Bd. of Adjustment of Salt Lake City*, 685 P.2d 1032, 1036 (Utah 1984). Rather, a hardship has been found when literal enforcement of an ordinance would deny access to a parcel and prohibit all development potential of that parcel. *Save Our Canyons v. Bd. of Adjustment of Salt Lake County*, 2005 UT App 285 ¶ 14, 116 P.3d 978, 983-984.

Please describe your proposed construction and specifically how it would not meet the requirements of the zoning ordinance. Does the literal enforcement of the ordinance cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances? Please Explain.

## 2. *Special Circumstances of the Property*

The Applicants must prove that “there are special circumstances attached to the property that do not generally apply to other properties in the same zone.” Utah Code Ann. § 10-9a-702(2)(a)(ii). An appeal authority may only make a finding of special circumstances if the circumstances relate to the hardship complained of and deprive the property of privileges granted to other properties in the same zone. *Id.* § 10-9a-702(2)(c).

Please explain what special circumstances exist on the property, which do not apply to other properties in the same zoning district. (The law requires that the Board of Adjustment identify a property-related hardship before granting a variance, i.e., size, topography, etc. Such special circumstances may not be self-imposed or economic.)

3. *Essential to Enjoyment of Substantial Property Right*

The Applicants must demonstrate that “granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.” Utah Code Ann. § 10-9a-702(2)(a)(iii); *Save Our Canyons* 2005 UT App 285 at ¶ 14, 116 P.3d 978, 983.

Please explain how the variance will be essential to the enjoyment of a substantial property right possessed by other properties in the same zoning district.

4. *Effect on the General Plan and the Public Interest*

The Applicants must demonstrate that “the variance will not substantially affect the general plan and will not be contrary to the public interest.” Utah Code Ann. § 10-9a-702(2)(a)(iv). Would the variance uphold the general plan and not negatively affect the public interest?

\_\_\_ Yes \_\_\_ No

Please Explain.

5. *Spirit of the Land Use Ordinance and Substantial Justice*

The Applicants must demonstrate that “the spirit of the land use ordinance is observed and substantial justice done.” Utah Code Ann. § 10-9a-702(2)(a)(v).

Please explain how this variance will observe the spirit of the zoning ordinance and the general plan.