



**City of St. Maries**

*"On the Shadowy St. Joe"*

602 College Avenue, St. Maries, Idaho 83861

Phone 208-245-2577

Fax 245-6579

<b>For City Use Only</b>	
Date Received:	_____
Fee: \$	_____
Fee Received by:	_____
Receipt No.	_____

**APPLICATION FOR VARIANCE**  
(Please type or print plainly with blue ink)

**OWNER INFORMATION:**

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

Mailing Address: \_\_\_\_\_ E-Mail: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**APPLICANT INFORMATION: (if different than owner)**

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

Mailing Address: \_\_\_\_\_ E-Mail: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**APPLICANT STATUS:** Owner: \_\_\_\_\_ Authorized Agent: \_\_\_\_\_ Contract Buyer: \_\_\_\_\_

**CONSULTANT: ENGINEER:** \_\_\_\_\_ **SURVEYOR:** \_\_\_\_\_ **PLANNER:** \_\_\_\_\_ **OTHER:** \_\_\_\_\_ (specify)

Consultant Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ E-Mail: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**REQUEST / DESCRIPTION OF VARIANCE REQUESTED (be specific):**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**SITE INFORMATION:**

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

Benewah County Parcel #: \_\_\_\_\_ Zoning: \_\_\_\_\_

Parcel Size: \_\_\_\_\_ Current Land Use: \_\_\_\_\_

Legal Description: (attach additional pages if necessary) \_\_\_\_\_

**VARIANCE DEFINED:** A variance is a discretionary exception to the requirements of the zoning ordinance concerning bulk and placement standards such as lot area, lot coverage, width, depth, setbacks, parking location requirements, height or any other ordinance provision affecting the size of a structure or the placement of a structure upon the property. Variances may be permitted when, **due to unusual natural physical characteristics of the site**, a literal enforcement of the provisions of the city zoning code would result in unnecessary hardship denying the owner all reasonable use of the owner's property. **An applicant for a variance bears the responsibility for demonstrating an undue hardship because of unique physical characteristics of the site, and after meeting that obligation, must demonstrate that the implemented variance would not harm the public interest.**

**VARIANCE CRITERIA:** To approve a Variance, the City must determine that the application complies with the following criteria. Please indicate in the spaces provided below what you believe to be justification showing compliance with each of the relevant criteria.

**Criteria #1:** Whether strict application of the provisions of the zoning code would deprive the applicant of all reasonable use of his property owing to natural conditions or circumstances that are unique to his property not generally applicable to other properties in the community.

**Justification and compliance with criteria #1:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Criteria #2:** Whether the variance, if granted, would harm the public interest by adversely affecting public safety, the environment, or the legitimate interests of the neighboring owners.

**Justification and compliance with criteria #2:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Criteria #3:** Whether the variance, if granted, would bestow a special privilege on the applicant not enjoyed by the owners of similarly situated properties in the same zoning district, or, whether the variance, if granted, would allow the applicant to enjoy all rights and privileges afforded to owners of similarly situated properties within the same zoning district.

**Justification and compliance with criteria #3:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**ATTACH TO THIS APPLICATION:**

1. A legal description of the property for the proposed variance, evidenced by a recorded warranty deed or stamped by a licensed surveyor or title company.
2. A site plan, drawn to scale, showing property lines, existing and proposed structures, setbacks to property lines, location of uses, parking and landscaping areas, and any additional information necessary to explain the proposal (no larger than 11x17).
3. Site photos (at least 4) of the property, taken from various angles depicting the character of the property, including a photo key or description indicating the location and orientation of the photo.
4. A vicinity map showing surrounding parcels and streets within ¼ mile of the subject property (no larger than 11x17).
5. A certificate, by a Title Company licensed in the State of Idaho, showing ownership of record and any easements, encumbrances, or interest of record in the subject property.
6. A list of property owners of record within 300 feet of the external boundaries of the subject property, prepared by a Title Company licensed in the State of Idaho.
7. If the applicant is not the owner, a notarized letter authorizing the applicant to sign the application and act on the owner’s behalf.

**APPLICATION CHECKLIST:** (to be completed by Staff)

YES	NO	Checked by: _____ Date: _____
		Completed Application.
		Application Fee per most recently adopted Fee Resolution.
		A legal description of the property (meeting above criteria).
		A site plan (meeting above criteria).
		A vicinity map (meeting above criteria).
		A certificate from a Title Company, showing ownership of record and encumbrances.
		A list of property owners of record within 300 feet of the external boundaries of the subject property, prepared by a Title Company
		Notarized authorization letter from owner (if applicant is not the owner)

**NOTICE TO APPLICANT:**

The City has the authority to require any additional information necessary to render a fair decision on this request.

The application must be accompanied by a non-refundable filing fee per the most recently adopted Fee Resolution. The applicant shall also pay for all direct costs associated with processing the application including, but not limited to, plan review, postage, and the preparation of any necessary reports and findings. If the applicant fails to pay the direct costs in a timely basis, the City may suspend or terminate the processing of the application. The applicant may be required to sign a reimbursement agreement at the request of the City.

The applicant will be notified by the City as to the time and place of the hearing pertaining to this application. The applicant or his/her duly appointed representative must be present at the public hearing and prepared to present the application. All exhibits presented will need to be identified at the hearing, will be entered into the record, and retained on file.

**CERTIFICATION OF OWNER:**

I, \_\_\_\_\_, being duly sworn, attest that I have read and consent to the filing of this application as the owner of record of the area being considered in this application and I request and know the contents thereof to be true to the best of my knowledge.

Signed: \_\_\_\_\_  
(Owner)

*Notary to complete this section:*

Subscribed and sworn to me before this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public for Idaho  
Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

**CERTIFICATION OF APPLICANT:** (if different than Owner)

I, \_\_\_\_\_, being duly sworn, attest that I am the applicant of this request and know the contents thereof to be true to the best of my knowledge.

Signed: \_\_\_\_\_  
(Applicant)

*Notary to complete this section:*

Subscribed and sworn to me before this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public for Idaho  
Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

(For multiple applicants or multiple owners, please submit multiple copies of this page.)