

Phone 208-245-2577

Fax 245-6579

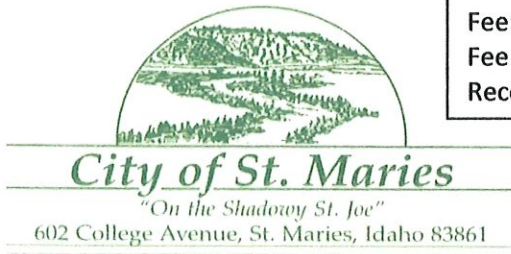
## Variance Requirements

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 the 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 this title would result in unnecessary hardship denying an owner all reasonable use of the applicant'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.

*(For additional information on process and requirements please see City Code 11.9.1)*

The applicant will be notified by the City as to the time and place of the hearing pertaining to this application. The applicant must be present at the public hearing and prepared to present the application.

- **Application Fee** – Non-refundable fee per the most recent adopted Fee Resolution (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.
- **Legal Description** – Description of the property to be vacated, evidenced by a recorded warranty deed, or stamped by a licensed surveyor or title company.
- **Conceptual Plan of Proposal** – Map and summary of the proposed development or land use, indicating the lands to be included, a brief description of the proposed project, a timeline for the proposed project, and any other information the Applicant deems necessary to provide with a general overview of the proposed project.
- **Vicinity Map (no larger than 11x17)** – Area affected by the vacation request showing relevant landmarks, subdivision boundaries, public right-of-way and other features of the landscape which might affect the request.
- **Radius Report**– Provide a report, by a Title Company licensed in the State of Idaho, of property owners adjacent of the external boundaries of the proposed vacation.
- **Note: The City has the authority to require any additional information necessary to render a fair decision on this request.**



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<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)

<b>OWNER INFORMATION:</b>			
Name: _____	Phone: _____	Fax: _____	
Street Address: _____	E-Mail: _____		
City: _____	State: _____	Zip: _____	
Signature: _____	Date: _____		
<b>APPLICANT INFORMATION: (if different than owner)</b>			
Name: _____	Phone: _____	Fax: _____	
Street Address: _____	E-Mail: _____		
City: _____	State: _____	Zip: _____	
Signature: _____	Date: _____		
<b>APPLICANT STATUS:</b> Owner: _____ Agent: _____ Tenant: _____ Contract Buyer: _____			
<b>ENGINEER: _____ SURVEYOR: _____ PLANNER: _____ OTHER: _____ (specify)</b>			
Name: _____	Phone: _____	Fax: _____	
Street Address: _____	E-Mail: _____		
City: _____	State: _____	Zip: _____	
Signature: _____	Date: _____		

<b>STATEMENT OF PROJECT INTENT FOR MAKING APPLICATION:</b>
_____
_____

<b>SITE INFORMATION:</b>	
Address: _____	
Legal Description: _____	
Description of Variance Requested: _____	
Existing Zoning: _____	Adjacent Zoning: _____
Current Land Use: _____	Proposed Land Use: _____
Adjacent Land Uses: _____	Size of Site: _____



**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 this 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:** Before the City may issue a Variance, the Council must first make findings of compliance with the following relevant criteria and standards. Please indicate in the spaces provided below what you believe to be justification showing compliance with each of the relevant criteria and standards.

**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 conceptual plan of the proposal (no larger than 11x17), as applicable
3. A vicinity map (no larger than 11x17).
4. A certificate, by a Title Company licensed in the State of Idaho, as to ownership of record and any interest of record in the subject property and a list of property owners of record adjacent to the external boundaries of the proposed development.

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

YES NO Checked by: \_\_\_\_\_ Date: \_\_\_\_\_

YES	NO	Checked by: _____	Date: _____
		Completed Application.	
		Application Fee per most recently adopted Fee Resolution.	
		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.	
		A conceptual plan of the proposal (no larger than 11x17), as applicable.	
		A vicinity map (no larger than 11x17).	
		A certificate, by a Title Company licensed in the State of Idaho, as to ownership of record and any interest of record in the subject property and a list of property owners of record adjacent to the the external boundaries of the proposed development.	

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.

**REQUIRED CERTIFICATIONS**

**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.)