CHAPTER 14

VARIANCES

SECTION:

11-14-1: Administrative Procedures
11-14-2: Applications for Variances
11-14-3: Hearing Before Planning and Zoning Commission
11-14-4: Hearing Before City Council

11-14-1: ADMINISTRATIVE PROCEDURES: Upon receipt of an application for a variance, the City Clerk shall forward the application to the chairperson of the Planning and Zoning Commission. Upon receipt thereof, such chairperson shall follow the notification and public hearing requirements specified in Title 67 of Idaho Code. All applications must be signed by all property owners in question. All applications for a variance shall include therein the names and mailing address of all property owners located within three hundred (300) feet of the property for which the variance is requested. (Ord, 119, 3-27-07 3-27-07)

11-14-2: APPLICATION FOR VARIANCES:

(A) Applications for variances to this Title may be granted when they are not contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this Title will result in an unnecessary hardship because of the physical characteristics of the site. A variance is a modification of the requirements of this Title such as minimum lot size, width, depth, setbacks affecting the size or shape of the structure or the placement of the structure upon lots, or the size of the lots. A variance shall not be considered a right or privilege and will only be granted to the applicant if hardship is proven and it is not in conflict with the public interest.

(B) The applicant shall provide proof of the following in his or her application:

1. A description of the physical characteristics of the site that causes a hardship.

2. A description of the hardship why application of the provisions of this zoning ordinance imposes undue burdens upon the property owner.

3. Evidence that the hardship was not caused by the owner, or previous owners, through their own actions. (Ord, 119, 3-27-07)

11-14-3: HEARING BEFORE PLANNING AND ZONING COMMISSION: At the hearing before the Planning and Zoning Commission, the applicant shall submit proof of his or her qualification for a variance under the conditions set forth in 11-14-2(B) of this Code. The Commission shall also forward all other interested persons to submit testimony and evidence concerning the applicants eligibility and qualification for a variance. At the conclusion of the hearing, the Planning and Zoning Commission shall issue its recommendation to the city council whether to grant or deny the variance. If the Commission recommends denial of the variance, the Commission shall specify in writing the reasons why the variance was recommended for denial. The Chairman of the Planning and Zoning Commission shall promptly forward such written recommendation to the City Clerk. (Ord, 119, 3-27-07)

11-14-4: HEARING BEFORE CITY COUNCIL: Upon receipt of the written recommendation from the Planning and Zoning Commission, the City Clerk shall notify the Mayor of such recommendation and shall schedule a public hearing before the City Council for consideration of the variance application. The City Clerk shall also cause a notification to be published in the official newspaper in accordance with the provisions set forth in Title 67 of the Idaho Code. The City Clerk shall also cause a written notice to be mailed to all property owners located within three hundred (300) feet of the boundaries of the property for which the application for a variance is requested. At the public hearing, the City Council shall afford the applicant an opportunity to present testimony and evidence of the reasons why the application should be granted and shall afford all other interested persons an opportunity to present testimony and evidence at the hearing regarding the variance. At the conclusion of the hearing, the City Council shall grant or deny the variance or take the matter under consideration for determination at a later date. At the time the Council grants or denies the variance it shall set forth its decision in writing, setting forth the facts upon which it basis its decision and the reasons why the variance is granted or denied. (Ord, 119, 3-27-07)