

CHAPTER 14 Variances

SECTION:

- 11-14-1: Administrative Procedures
- 11-14-2: Applications for Variances
- 11-14-3: Consideration by the 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 Planning and Zoning Commission and the City Council; cause the consideration of such application to be placed on the agenda of the Planning and Zoning Commission's next meeting that is at least twenty-five days after the date of submission, unless otherwise requested by the applicant; cause the consideration of and public hearing regarding such application to be placed on the agenda of the City Council's next meeting after the meeting at which the Planning and Zoning Commission will consider such application; cause arrangements to be made to provide notice, in the manner required by law, of the meeting relating to the consideration of such application before the Planning and Zoning Commission; and cause arrangements to be made to provide notice, in the manner required by law, of the public hearing relating to the consideration of such application before the City Council. 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 300 feet of the property for which the variance is requested.

(Ord. 119, 3/27/2007); (Ord. 248-12-20; 12/15/2020).

11-14-2: **APPLICATIONS 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, 3/27/2007).

11-14-3: CONSIDERATION BY THE PLANNING AND ZONING COMMISSION.

At the meeting at which the Planning and Zoning Commission considers the application for a variance, the Planning and Zoning Commission shall review the application to determine its compliance with the Zoning Map; the Comprehensive Plan of the City; this Chapter 11 of the Iona City Code; and all applicable federal, state, or local laws. The person submitting the application may (but is not required to) address the Planning and Zoning Commission to present additional evidence, answer questions from the Planning and Zoning Commission members, or make any other statement relevant to the application under consideration. The Planning and Zoning Commission may (but is not required to) allow interested persons to address the Planning and Zoning Commission in relation to the application under consideration. The Commission shall prepare a written recommendation on such application and cause its written recommendation to be forwarded to the City Council before the meeting at which the City Council considers the application. If the Commission recommends denial of the variance, the Commission shall specify in writing the reasons why the variance was recommended for denial.

(Ord. 119, 3/27/2007); (Ord. 248-12-20; 12/15/2020).

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 bases its decision and the reasons why the variance is granted or denied.

(Ord. 119, 3/27/2007).