



LAND USE & BUILDING SERVICES VARIANCE APPLICATION

As set forth in Chapter 30, Title 9 of the County Code, of Blaine County, Idaho

Contact Information

- (1) Applicant/Agent Name: _____
 Mailing Address: _____
 Phone: _____
 Email: _____
- (2) Owner Name: _____
 Mailing Address: _____
 Phone: _____
 Email: _____

Project Information

- (3) General Size of Tract: _____
 Present Land Use: _____
 Existing Zoning: _____
 Overlay District(s): _____
- (4) Property Address: _____
- (5) Requested Action: (i.e. variance from existing lot width, lot depth, and yard setback, height
 of building or parking variance).

- (6) Required Minimum Front: _____ Side: _____ Rear: _____
Setbacks:
- (7) Requested Setbacks: Front: _____ Side: _____ Rear: _____
- (8) Undue Hardship: What undue hardship shall occur if this variance is not granted?

- (9) Offsetting Impacts: Describe any impacts which would be created by granting the variance
 AND steps the applicant proposes to offset these impacts.

- (10) Neighboring Properties: Please itemize neighboring properties that currently intrude into
 County setbacks.

Legal Information

- (11) Legal Description: (Include section, township, range) _____

- (12) Parcel Number: RP - _____
- (13) Status of Applicant: Is the applicant the owner of the property legally described above? Yes or No
If no, explain: _____

- (14) Adjacent Ownership: Does the applicant own property adjacent to the area proposed for development? Yes or No
If yes, explain: _____

Additional Information

- (15) Please provide the following:
- a) Legal description of subject property, if not included above.
 - b) Proof of ownership.
 - c) Septic Permit or a letter of approval from the South Central District Health.
 - d) Vicinity map which includes all lands within ½ mile of subject property.
 - e) Lot and parcel map. This map can be purchased in the Assessor's Office and the applicant shall include the names of surrounding landowners on it.
 - f) Names and addresses of surrounding landowners within 300' of the exterior boundary of subject property, including private road owners. Names and addresses are to be typed onto self-adhesive copier labels.
 - g) Three (3) copies of site and landscaping plan indicating the proposed location of the building envelope, any changes in present elevations due to grading, and the type and location of existing and proposed planting materials .
 - h) Three (3) copies of Building elevations and floor plan; description of building materials including roofing.
 - i) \$600 variance application fee plus current postage + .15¢ per surrounding land owner mailing fee. County Engineer fees may be assessed in addition to application fee. These fees will be billed by the Land Use office and are payable before the application is considered at public hearing.
 - j) Typed and complete responses to attached Criteria for Review.
 - k) A refundable "Notice" fee of \$50.00 for a Notice board to be posted on site of property being considered for at least 7 days prior to public hearing and returned by the applicant as soon as possible after the hearing.

ACKNOWLEDGMENT

(16) The undersigned certifies that (s)he is the owner of the subject property, or an authorized representative, that (s)he has filled in this application to the best of his/her knowledge, and that (s)he agrees to comply with all county codes and state laws, as amended, regulating properties in Blaine County, Idaho. The applicant agrees in the event of a dispute concerning the interpretation or enforcement of the variance permit, in which the County is the prevailing party, the applicant will pay reasonable attorney's fees and costs, including fees and costs of appeal for the County of Blaine.

(17) The undersigned grants permission to County Personnel to inspect any property which is the subject of this application until such time as all condition(s) of approval attached to the application(s) have been satisfied.

SIGNATURE OF OWNER/AUTHORIZED AGENT: _____

DATE: _____

ADMINISTRATIVE RECORD

Required Fee \$600.00 _____ paid on _____

Refundable Notice Board Fee \$50.00 paid on _____

Surrounding Landowner Notices
Current Postage + .15¢ ea x _____ = _____ paid on _____

TOTAL _____ receipt # _____

Date Application Certified _____

Hearing Date: _____

Commission Disposition _____

Variance Criteria for Review

As stated in 9-30-1 of Title 9, Blaine County Code: A "variance" is defined as a modification of the requirements in this Title regarding lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space and location, height of buildings or other provisions affecting the size or shape of a structure or the placement of a structure upon lots or the size of lots.

A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site and only when the variance will not conflict with the public interest. (Ord. 77-5, 3-28-77, eff. 4-7-77)

Pursuant to the directives established in the Blaine County Zoning Ordinance, an applicant for a variance shall present written responses to the variance criteria for review prior to certification of an application by the Administrator. These are the items the Commission shall consider when making a decision regarding the approval, denial or conditional approval regarding a variance application. Not all items have to be true for a variance to be granted.

Please type your explanation and respond to each criterion comprehensively:

- A. Whether the granting of the variance will conflict with the public interest as expressed in the Blaine County Comprehensive Plan.

- B. Whether there are exceptional conditions, creating an undue hardship, applicable only to the property involved or the intended use thereof, which do not apply generally to the property class of use in the zone or district.

- C. Whether the granting of such relief will be detrimental to the public health, safety, or welfare.

- D. Whether the owner can derive a reasonable use of his land without a variance.

- E. Whether the Variance will effect a change in zoning.

- F. Whether the variance will be injurious to the property or improvements of others.

**A RESOLUTION OF THE BLAINE COUNTY PLANNING AND ZONING COMMISSION
ESTABLISHING A WRITTEN POLICY GUIDELINE FOR VARIANCE APPLICATION
ADOPTED FEBRUARY 16, 1994**

WHEREAS, . . . the Blaine County Zoning Ordinance . . . , establishes provisions for Variance applications, public hearing notice requirements, criteria for review, action by the Commission, notification by the Administrator, appeals process, resubmittal and expiration;

WHEREAS, the Planning and Zoning Commission ("Commission") desires to adopt by resolution a written policy guideline for considering Variance applications to aid in uniformity and consistency of decisions;

WHEREAS, the Commission desires to provide a written policy to assist and educate potential applicants as to the guidelines the Commission will use when considering Variance applications;

NOW, THEREFORE, BE IT RESOLVED by the Blaine County Planning and Zoning Commission to adopt the following Policy Guideline for Variance Applications:

1. The variance is property specific, i.e. hardship must relate to specific characteristics of the site, not circumstances, desire or intentions of the owner.
2. The hardship must arise naturally from the unique physical character of the property and not from the owner's actions, i.e. a hardship cannot be self-created.
3. "Mere" hardship does not justify a variance since all zoning imposes some hardship. An increase or decrease in land value as a result of the granting or denial of a variance does not in itself constitute a sufficient unnecessary hardship.
4. The applicant must prove that an "undue hardship" exists which is found to be "unnecessary", not a "mere" hardship, as well as unique or peculiar to the property involved.
5. A variance is only justified when the property owner cannot yield reasonable use under the Zoning Ordinance,
6. A variance is not justified upon the mere showing that the variance would be profitable to the property owner and no harm would be done to others.
7. A variance is said to be proper only if it poses no substantial detriment to the public or to immediate neighbors.
8. Variances are not meant to authorize wholesale departures from the intent of the Zoning Ordinance.
9. Courts have found that "practical difficulty" (used interchangeable with "unnecessary hardship") exists if the ordinance unreasonably burdens the property owner who attempts to use the property as allowed. A few courts hold a practical difficulty exists only when a "taking" has occurred.
10. Courts have stated that a variance may only be granted: if it does not constitute a special privilege for the owner that is inconsistent with the limitations on other properties in the zone; if application of the zoning ordinance will deprive the property rights and privileges enjoyed by other properties in the vicinity due to special circumstances applicable to the property, including size, shape, topography, location, or surroundings.