



CASSIA COUNTY ZONING & BUILDING

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REQUEST FOR VARIANCE APPLICATION

Applicant/Owner Information:

<p><u>Property Owner of Record</u> (Attach additional pages if Necessary)</p> <p>Name: _____</p> <p>Address: _____</p> <p>City: _____</p> <p>State: _____ Zip: _____</p> <p>Contact Phone # _____</p> <p>Email: _____</p>	<p><u>Applicant/Authorized Agent</u> (Attach additional pages if Necessary)</p> <p>Name: _____</p> <p>Address: _____</p> <p>City: _____</p> <p>State: _____ Zip: _____</p> <p>Contact Phone # _____</p> <p>Email: _____</p>
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Property Information:

Physical Address/ Location of Property: _____

Parcel Number(s) _____

Legal Description of Property: (Attach if necessary) _____

Current Zoning District of the premises: _____

Existing Use of Property: _____

Nature of Variance: *(Provide a description of the nature of the variance requested and the specific Article or Section of the County Zoning Ordinance for which the variance request relates to)*

Required Submittals:

- 1. Variance Application and fee.
- 2. Site Plan of the premises indicating the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the commission may require to determine if the proposed use meets the intent and requirements of this title.
- 3. Statement of Conformity: Attach a narrative statement demonstrating that requested variance conforms to the following standards, as listed in 9-5-5-E.5 of County Code:
 - A. Special Circumstances: That special conditions and circumstances exist which are not applicable to other lands, structures, or buildings in the same district.
 - B. Deprivation of Rights: That a literal interpretation of the provisions of the title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the title.

- C. Circumstances Unavoidable: That such special conditions and circumstances do not result from the actions of the applicant.
- D. Not a Special Privilege: That granting of the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures or buildings in the same district.
- E. Minimum Change: That the variance requested is the minimum change necessary to alleviate the hardship. A Variance shall not be granted unless the planning and zoning commission makes specific findings of fact based directly on the particular evidence presented to it which support conclusions that the above mentioned standards and conditions have been met by the applicant.

4. List of Property Owners within a one-mile radius of the exterior boundaries of the premises.

5. Certificate of Mailing, Notice of Hearing, Affidavit of Publication & Affidavit of Posting (to be submitted after hearing date has been scheduled, and in accordance with 9-13-3 of County Code).

6. Supplementary Conditions and Safeguards: Under no circumstances shall the planning and zoning commission grant an appeal or variance to allow a use not permissible under the terms of this title in the zone involved, or any use expressly or by implication prohibited by the terms of this title in said zone. In granting any appeal or variance, the planning and zoning commission may prescribe appropriate conditions and safeguards in conformity with the title. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this title. (Ord. 99-1-1,1-4-1999) (9-5-5 of County Code.)

- Upon departmental review for completeness of the application and accompanying documentation, the application will be scheduled for hearing and placed on the next available Planning and Zoning agenda.
- Applicant is obligated to provide Notice as set forth in Cassia County Code, Title 9.
- Applicant will be notified of the scheduled hearing information, or if additional information is needed to process the application. Attached to this application is a copy of County Code 9-5-5 containing the Variance Request requirements and sample notice of hearing protocol for the applicant's review and reference.

Applicant/Owner Certification:

I hereby certify that all information submitted for this application is true and accurate, is prepared to the best of my ability and knowledge, and request that this application be processed for consideration as a Request for Variance. Additionally, I hereby authorize agents of the county to enter upon this subject property for purposes of review concerning the pending application and for determining compliance with applicable county regulations.

Signature of Applicant/Authorized Agent

Date

Signature of Property Owner

Date

For Office Use Only:

Date Application Received: _____		By: _____	
Fee Received:	\$ _____	Check# _____	Credit Card _____ Cash _____
<input type="checkbox"/> (Fee: \$500)	Application # _____		

9-5-5: **VARIANCES:**

- A. Variance: The Planning and Zoning Commission may authorize in specific cases such variance from the terms of the zoning and subdivision ordinances as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of such ordinances would result in unnecessary hardship. No nonconforming use of neighboring lands, structures or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this title would result in unnecessary hardship. (amd. Ord. 2017-11-2)

- B. Application and Standards For Variances: A variance from the terms of this title shall not be granted by the Planning and Zoning Commission unless and until a written application for a variance is submitted to the Zoning Administrator and the Planning and Zoning Commission containing: (amd. Ord. 2017-11-2)
 - 1. Fee: A fee per application as set by the county;
 - 2. Personal Information: Name, address and phone number of applicant(s);
 - 3. Legal Description: Legal description of property;
 - 4. Nature Of Variance: Description of nature of variance requested and the specific section of this title that relates to the requested variance; and
 - 5. Statement Of Conformity: A narrative statement demonstrating that the requested variance conforms to the following standards:
 - a. Special Circumstances: That special conditions and circumstances exist which are not applicable to other lands, structures or buildings in the same district;
 - b. Deprivation Of Rights: That a literal interpretation of the provisions of the title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the title;
 - c. Circumstances Unavoidable: That such special conditions and circumstances do not result from the actions of the applicant;
 - d. Not A Special Privilege: That granting of the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures or buildings in the same district; and
 - e. Minimum Change: That the variance requested is the minimum change necessary to alleviate the hardship. A variance shall not be granted unless the Planning and Zoning Commission makes specific findings of fact based directly on the particular evidence presented to it which support conclusions that the above mentioned standards and conditions have been met by the applicant. (amd. Ord. 2017-11-2)

- C. **Supplementary Conditions and Safeguards:** Under no circumstances shall the Planning and Zoning Commission grant a variance to allow a use not permissible under the terms of this Title in the zone involved, or any use expressly or by implication prohibited by the terms of this title in said zone. In granting any variance, the Planning and Zoning Commission may prescribe appropriate conditions and safeguards in conformity with the title. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this title. (amd. Ord. 2017-11-2)
- D. **Public Hearing:** Upon receipt of the application for a variance, the Planning and Zoning Commission shall schedule a public hearing. The applicant shall publish a notice thereof in a newspaper and give written notice to all parties as required for conditional use permits, and file proof of giving such notice with the Zoning Administrator. (amd. Ord. 2017-11-2)
- E. **Action By Planning and Zoning Commission:** Within sixty (60) days after the public hearing, the Planning and Zoning Commission shall either approve, conditionally approve, or disapprove the request for a variance. Upon granting or denying an application the Planning and Zoning Commission shall specify: (amd. Ord. 2017-11-2)
1. **Evaluation Standards:** The ordinance and standards used in evaluating the application;
 2. **Reasons:** The reasons for approval or denial; and
 3. **Actions to Grant a Variance:** The actions, if any, that the applicant could take to obtain a variance or be granted an administrative appeal.
- F. **Notification Of Applicant:** Within twenty (20) days after a decision has been rendered, the Zoning Administrator shall provide the applicant with written notice of the action on the request to: (amd. Ord. 2017-11-2)
1. Grant or deny a variance; or
 2. Delay such a decision for a definite period of time.
- G. **Variances Included with CAFO Permits.** If a request for a variance is included as part of a CAFO permit, then it shall be reviewed with such CAFO permit consistent with the requirements and procedures set forth in Title 9, Chapter 11 and Title 9, Chapter 13. The Planning and Zoning Commission shall make a recommendation to the Board of County Commissioners regarding such a variance included as part of a CAFO permit. (amd. Ord. 2017-11-2)