



PLANNING & ZONING ADMINISTRATION

700 Bank Street, Wallace, ID 83873-2348 Phone: (208) 752-8891 Fax: (208) 556-5135

APPLICATION FOR VARIANCE

FILE NUMBER: _____ DATE ACCEPTED: _____ FEES: _____

APPLICANT NAME: _____ PHONE: _____

APPLICANT ADDRESS: _____

OWNER NAME: _____ PHONE: _____

OWNER ADDRESS: _____

Person to Contact Owner Applicant

REQUEST A VARIANCE OF _____ FEET FROM THE REQUIRED _____ FEET _____ YARD
SETBACK IN A _____ DISTRICT, AS DEFINED IN THE COUNTY ZONING ORDINANCE.

REQUESTING A VARIANCE FROM ARTICLE _____ SECTION _____ WHICH PROVIDES
FOR _____

DIMENSIONS OR NUMBER OF ACRES IN SITE: _____

LEGAL DESCRIPTION (Attach if Necessary): _____ SEC: _____ TWP: _____ RNG: _____

Parcel #: _____

DIRECTION TO THE SITE (Be specific): _____

ZONING: _____ COMP. PLAN DESIGNATION: _____

- APPLICANT ATTACHMENTS:
- Site plan showing lot dimensions and size of site, location of existing and proposed structures, distance of structures to property lines, demonstration of variance.
 - Narrative demonstrating that the strict application of the Zoning Chapter would deprive the applicant of rights commonly enjoyed by other property properties under the same District Classification.

- PLANNING OFFICE PROVIDES:
- The names and mailing addresses of all property owners whose land lies adjacent or contiguous to the boundaries of the property involved in the request.

I understand the application process is subject to acceptance by the Shoshone County Planning Commission upon determination that this application is complete. I understand that the hearing dates are tentative and subject to the number of applications received; therefore, staff will determine the number of applications to be placed on the next available agenda. All the information, statements, attachments, and exhibits transmitted herewith are true to the best of my knowledge.

SIGNATURE: _____ DATE: _____

12/05

A GUIDE TO VARIANCES

SHOSHONE COUNTY PLANNING COMMISSION

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Shoshone County Zoning Ordinance Article IV establishes zoning districts for the unincorporated portions of the County. The zoning system is used to regulate uses, as well as parcel size, structure setbacks, etc., in order to protect the health, safety, and welfare of the County. Sometimes, due to the physical characteristics of a site, it might be very difficult for a citizen to meet the standards of a particular zone when building a structure.

The variance process, as defined by Section 67-6516 of Idaho Code, is used to grant relief from these requirements. It is a permit by which citizens may be granted modifications of zoning regulations only upon showing of undue hardship because of natural characteristics of the site and upon further showing that the variance is not in conflict with the public interest.

The following questions should be considered before applying for a variance.

Would strict adherence to zoning laws cause unnecessary hardship on the property owner due to unique characteristics of the site?

The Applicant must be able to show, if he complies with the provisions of the Ordinance, that he cannot make reasonable use of his property. A typical example of an unnecessary hardship is where the topography of the lot makes it very difficult to comply with normal front yard or rear yard setback requirements to build a home. Cost is irrelevant to variance applications.

Is this the minimum variance necessary to make possible the reasonable use of the land or structure?

A variance will not be granted for 10 feet if a 2 foot variance would alleviate the problem.

Would the variance be injurious to the neighborhood or detrimental to the public welfare?

If more harm would come to the general public by granting the variance than would be done to the Applicant by denying it, the variance should be denied.

No non-conforming uses or structures in the same zone or in any other zone shall justify a variance.

An application for a variance is considered on its own merits. Neighboring uses or structures which were granted a variance in the past and other existing non-conforming structures are irrelevant to the application.

A variance shall not be granted to allow a use or structure which is prohibited by the terms of the Zoning Ordinance.

Uses or structures which are prohibited, either expressed or implied by the Zoning Ordinance or Idaho Code, cannot be granted a variance.

APPLICATION

Application forms may be obtained from the Shoshone County Planning Administration. The owner of the property or his agent may apply. The Applicant or his agent should speak with a Planner before submitting an application.

Complete the application as follows:

REQUEST: Specifically describe the request, e.g., "Request a variance of 10 feet from the required 25 feet front yard setback in a Natural Resource District, as defined in the Shoshone County Zoning Ordinance..."

SIZE OF THE PROPERTY: State the dimensions of your property, and/or size in acres or square feet.

LEGAL DESCRIPTION: Write or attach the legal description of your property, and the size in acres or square feet.

DIRECTIONS TO THE SITE: It is very important that you give detailed directions to the site from an urbanized city. Use landmarks, distances, road map, and street address. This assists in finding the property for site review and posting the public notice. Detailed directions will also help to prevent the postponement of the public hearing due to the investigating Planner not being able to find the site.

ATTACHMENTS:

Site Plan: A plan drawn to scale showing all pertinent information: existing and proposed structures, dimensions, fences, road, topographic relief, water bodies, drain fields, sewer, etc. this is a legally binding document and should be as clear and concise as possible.

Photographs: Pictures of the site and drawings of the proposal are helpful in reviewing your application.

Letters of Comment: Letters from other relevant agencies (e.g., Panhandle Health, Highway District, Public Works, Building Dept., etc.) are important to the case and should be solicited by the Applicant. It is also helpful to discuss the proposal with adjacent neighbors and address concerns they may have prior to the hearing process. Attach their comments (dated and with signatures).

Assessors Map and Adjacent Property Owners Information: This should be accompanied by the required materials to submit for public hearing (see outline for required materials to submit for public notice).

Narrative: Document explaining the reasons requiring this variance and further addressing the questions previously mentioned in this document.

Fee Plus Costs: The fee plus costs pays for publishing the notice of public hearing, copies, mailing to property owners, application processing, and Staff time. Costs, such as for public hearing

notices and mailing to property owners, will be required prior to each meeting scheduled.

Signature: Please sign and date the application.

File the complete application with the Planning Administration. The public hearing will be scheduled as soon as possible. The number of complete application that can be heard at any one hearing is limited to 5 and is on a first come, first serve basis. Incomplete applications will be returned to the Applicant and will not be scheduled for public hearing.

Upon receipt of an application, a public hearing notice is then mailed to those people listed on the property owner's list and is published in the Shoshone County News Press. Staff views the property and posts notices on the site.

After the public hearing is opened by the Planning Commission Chair Person, the application is announced according to the agenda, and the Applicant presents the proposal. The proponents are allowed to present testimony. Next, opponents and other interested persons may present testimony. Letters received are noted and read into the record. The Applicant is allowed to rebut or add testimony.

the public hearing on the application is then closed. Once closed, new testimony and evidence may not be taken, by the Planning Commission (See "EX-PARTE CONTACTS" BELOW.)

A decision will not be made at the hearing. The Planning Commission recommends approval, approval with conditions, denial, or tables the request for further information in a report later submitted to the Planning Commission.

EX-PARTE CONTACTS

Applicants and hearing participants must not contact the Planning Commission until after a final decision is made. Comments, testimony, or exhibits should be submitted at the public hearing, or to Planning Staff prior to the hearing, for entry in the official file on the request.

SITE PLAN GUIDELINES

To be used with building or development permit applications

THE BUILDING & PLANNING DEPARTMENT REQUIRES THAT THE FOLLOWING INFORMATION BE SHOWN ON YOUR SITE PLAN. If you have questions regarding any of the requirements, please discuss them with a Planner. An incomplete or revised site plan may result in additional fees.

Your site plan must:

1. show north direction.
2. use scale - one square = an even number of feet (e.g. 2 feet, 10 feet, 60 feet), depending upon the size of your property.
3. be drawn on 8½" X 11 size paper or on the reverse side of this page.
4. show the dimensions and boundaries of your entire parcel.
5. include the location, dimensions, and use of rights-of-ways and easements, as well as any other structures on your parcel
6. show the distances between existing and proposed structures and all property lines, rights-of-ways, easements, and other structures.
7. include the location of all utilities, labeled existing or proposed, including septic tank and drainfield, water, power, gas, and telephone/cable.
8. include the locations and dimensions of all proposed and existing roads, driveways, parking areas, patios, decks, walkways, and other impervious areas.
9. show streams, culverts, and drainage ways and any other distinguishing land features such as slope.
10. show the extent of the area which will be disturbed by the construction activity.

Please Note:

For first structures on a parcel, it is very important that you show the exact driveway location using measurements to each property corner.

The Building & Planning Department will not accept site plans that are submitted on paper larger than 11 x 17.

We do have a sample site plan to use as a reference, if needed.

Your site plan must be 8 ½ X 11 in size.

Example Site Plan

Lot #16

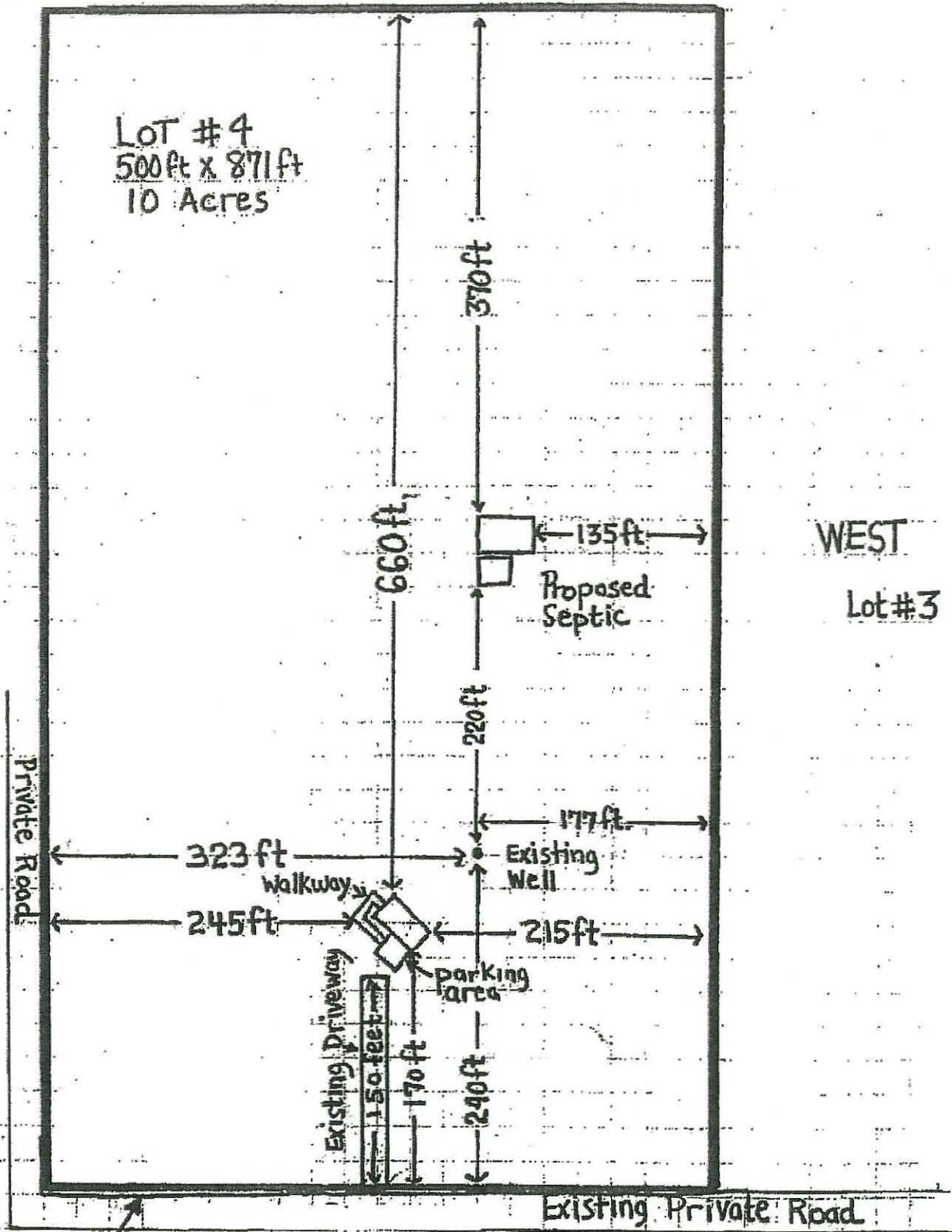
Lot #4
500ft x 871ft
10 Acres

EAST

WEST

Lot #3

Lot #17



Underground Phone & Power

1 Square = 25 feet

NORTH

Site Plan

Your site plan must be 8 ½ X 11 in size.

