
Variance

JEFFERSON COUNTY PLANNING AND ZONING, 210 Courthouse Way Suite 170, Rigby Idaho 83442

(208) 745-9220

SUBMITTALS:

- Detailed Letter** showing how you meet all the circumstances for granting a variance. A variance shall not be considered a right or special privilege, but may be granted only upon the showing of unnecessary hardship (see "hardship" definition) due to characteristics of the site and a showing the variance is not in conflict with the public interest. Please address **Sec. 112-108** Circumstances for granting a variance.
- Site Plan** drawn to scale, showing the condition to be varied, and the dimensions and arrangement of the proposed development.
- Warranty Deed** or evidence of proprietary interest.
- County Surveyor Review Fee** from Fee Schedule

GENERAL INFORMATION:

Why do you need a Variance? _____

Is there some characteristics of your property that is unusual which makes it necessary to have the variance? _____

What hardship would you have if your variance is denied? _____

Were you aware of this hardship prior to purchasing or developing your property? _____

SITE INFORMATION:

Quarter: _____ Section: _____ Township: _____ Range: _____ Total Acres: _____

Subdivision Name: _____ Lot: _____ Block: _____

Site Address: _____ City: _____

Tax Parcel Number(s): _____ Zoning: _____ Area of City Impact: _____

OWNER:

Primary Point of Contact

Name: _____

Address: _____

City: _____ State: _____

Telephone: _____ Zip: _____

Email: _____

I consent to this application and allow Planning and Zoning staff to enter the property for site inspections related to this application.

Signature: (Owner) _____ Date

APPLICANT:

Primary Point of Contact

Name: _____

Address: _____

City: _____ State: _____

Telephone: _____ Zip: _____

Email: _____

I consent to this application and allow Planning and Zoning staff to enter the property for site inspections related to this application.

Signature: (Applicant) _____ Date

DIVISION 4. VARIANCES

Sec. 112-107. Authorization to grant or deny a variance.

The Commission may authorize variances where it can be shown that the literal interpretation of this code would cause unnecessary hardship. A variance shall not be considered a right or special privilege, but may be granted only upon the showing of unnecessary hardship (see "hardship" definition) due to characteristics of the site and a showing the variance is not in conflict with the public interest. Once granted, a variance is permanent and runs with the land. In granting a variance, the Commission may attach conditions which it finds necessary to protect the interests of the surrounding property or neighborhood, and otherwise to achieve the purpose of this division. No variance shall be granted to allow the use of property for purposes not authorized within the zone in which the proposed use would be located. Expense shall not be considered when considering a variance.

Sec. 112-108. Circumstances for granting a variance.

No variance shall be granted unless it can be shown that all of the following circumstances exist:

- (1) Conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, shape, topography, or other circumstances over which the applicant has no control over and is a condition or circumstance he or she has not created.
- (2) The applicant has proved by competent financial evidence that the lack of reasonable return is substantial.
- (3) The variance is necessary for the preservation of a property right of the applicant, substantially the same as is possessed by owners of other property in the same zone or vicinity.
- (4) The authorization of the variance will not be materially detrimental to the purposes of this division, be injurious to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any county development plans or policies.
- (5) The variance requested is the minimum variance, which will alleviate hardship.

Sec. 112-109. Application for a variance.

A property owner may initiate a request for a variance by filing an application with the zoning official, using forms prescribed by the planning and zoning department. The application shall be submitted at least twenty-eight (28) days prior to the meeting at which it will be considered. The application shall be accompanied by a site plan, drawn to scale, showing the condition to be varied, and the dimensions and arrangement of the proposed development. The Commission may request other drawings or information necessary to assist with the understanding of the request. The zoning official shall utilize the services and facilities of other county officials in the preparation of reports to the Commission.

Sec. 112-110. Public hearing on a variance.

Before the Commission may act on a request for a variance, it shall hold a public hearing pursuant to section 112-28. The Commission may also refer the application to the technical review committee prior to hearing the application.

Hardship – A deprivation of an owner's right to all economic use and benefit from property caused when a zoning ordinance makes it insurmountable to receive a reasonable return from the property.