



375 1st Ave East, Wendell, ID 83355
208-536-5161 Fax 208-536-5527, cityclerk@wendell.id.gov

VARIANCE APPLICATION

Applicant(s) names(s): _____

Mailing Address _____

Location for Variance request _____

Phone / Cell numbers _____

Email address _____

1. Reason for Variance request

2. Real Property listed above is legally described as _____

3. Zoning Classification _____

4. Provide site plan showing property lines, existing buildings, location for building needing Special Use Permit. _____

5. A plan of the proposed site for the special use showing the location of all buildings, parking and loading area, traffic access and circulation, open spaces, landscaping, refuse and service areas, utilities, signs, and such other information as the City may

require to determine if the proposed variance request meets the intent and requirements of this application and the Comprehensive Plan.

A Filing Fee of \$300.00 must accompany this completed application.

Applicant is responsible for postage to each property owner within 300' of proposed subject property as well as cost of legal publication.

Requirements outlined in Variance Application and payment in full for Postage and publications are required prior to application approval.

Hearing will be scheduled on approval of application.

I hereby certify that I am the applicant named herein, and that I have familiarized myself with the rules and regulations with respect to preparing and filing this application, and that the foregoing statements and answers herein contained are in all respects true and accurate to the best of my belief.

Signature of Applicant: _____ Date: _____

VARIANCES AND APPEALS SECTIONS: 5-16-1: Council Powers 5-16-2: Procedure, Application for Variance/Appeals 5-16-3: Variances Granted When 5-16-1: PLANNING AND ZONING COMMISSION POWERS The City Council shall have the following authority to vary the application and terms of this Ordinance subject to the laws of the State of Idaho and subject to appropriate conditions and safeguards in harmony with the purpose and intent of this Ordinance with the public interest and the most appropriate development of the neighborhood: A. To hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with enforcement of the regulations established by this Title: and B. To authorize, upon appeal in specific cases, variances from the terms of this ordinance, where by reason of exceptional narrowness, shallowness, or steepness of slope or other physical condition applying to a lot or building, the strict application of any regulation enacted herein would result in an exceptional difficulty or unnecessary hardship which would deprive the owner of the reasonable use of the land or building involved. Such relief may be granted provided it does not substantially impair the intent and purposes of this Ordinance, and provided no variance shall authorize any use in a zoning district other than a use specifically permitted in such zoning district. 5-16-2 PROCEDURE A. The City Council shall hold a public hearing on all application for appeals, review and variances with the following special conditions required: 1. For application for variances to this title the City Council shall mail a written notice of said hearing at least 15 days prior to the hearing date to the applicant and to owners of property adjacent to the property in question. Failure to mail such notice to every property owner due to clerical omissions shall not affect the validity of any hearing or determination of

the City Council. 2. At least 15 days prior to the public hearing date, notice of the time and place of such hearing shall be given by at least one publication in a newspaper of general circulation within the City of Wendell. B. For applications for variances to this ordinance, the applicant shall be charged a fee to cover the cost of advertising and processing. C. Unless otherwise stated in the City Council's minutes, all variance permits shall be issued and work shall commence within six (6) months from the date that such variance is granted; otherwise, the variance permit shall no longer be considered valid. 49 5-16-3 Variances Granted when. The planning commission shall consider variances to the terms of this title which will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this title will result in unnecessary hardship and under such conditions that the spirit of this title shall be observed and substantial justice done. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest. In acting upon such variance, the planning commission shall make full investigation and shall only recommend granting a variance upon finding that the following are true: A. That the granting of the variance will not be in conflict with the spirit and intent of the comprehensive plan for the city, and will not affect a change in zoning; B. That there are exceptional or extraordinary physical circumstances or conditions, applicable to the property involved, or the intended use thereof causing undue hardship, which do not apply generally to the property or class of use in the district, so that a denial of the relief sought will result in: 1. Undue loss in value of the property, 2. Inability to preserve the property rights of the owner, 3. The prevention of reasonable enjoyment of any property right of the owner; 4. Such hardship shall be proven by the owner C. That the granting of such relief will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements of other property owners, or the quiet enjoyment of such property improvements. D. That the reason for a variance was not caused by the owner's, or previous owners, actions.

FOR OFFICE USE ONLY

____ Property Owner written authorization attached

____ Addresses of property owners within 300' of site
(can be obtained from Gooding Co. Assessor)

____ Site Plan

____ \$300.00 Fee Receipt # _____ Date Paid _____

____ Postage and Legal Notice Fees Receipt # _____ Date Paid _____

____ Hearing Date: _____

Notice of Decision

Approved_____

Not Approved_____

Mayor_____

City Council_____

City Council_____

City Council_____

City Council_____

Additional comments and/or conditions
