



PLANNING & DEVELOPMENT SERVICES
PO Box 4169, 911 North Seventh Avenue
Pocatello, Idaho 83205
Telephone: (208)234-6184 FAX: (208)234-6586
Email: planning@pocatello.us

VARIANCE APPLICATION

Submittal Date: _____ Meeting Date: _____ Application #: _____

Staff Assigned: _____ Reference #: _____ Receipt Date: _____

Dates for public hearing will not be scheduled until application is deemed complete.

Filing Fee: \$400.00 + # of addresses _____ x \$2.00 = \$ _____) for a Total Due \$ _____

Applicant Information:

Name: _____

Mailing address: _____

City, State, Zip: _____

Phone: _____

Email: _____

Representative Information:

Firm & Contact: _____

Mailing address: _____

City, State, Zip: _____

Phone: _____

Email: _____

Project Information:

Zoning District: _____

Street Address: _____ Zip: _____

Legal Description (attach documentation—see C, below): _____

Brief Description of Proposed Variance: _____

THE FOLLOWING INFORMATION MUST ACCOMPANY EACH APPLICATION TO BE COMPLETE

- A. All necessary filing fees must be paid and other required plans and information in support of the application.
- B. **One set of typed**, 8.5" x 11" mailing labels with the names and addresses of all property owners which share a common boundary line, minus public right-of-way, with the subject property. A charge of \$2.00 per property owner address is required in addition to the application fee. A signed Affidavit of Mailing List must also be submitted (attached).
- C. The complete and accurate legal description for the subject property (recorded deed, title report or other legal documentation of ownership) shall be submitted.

- D. Two (2) site plans, one (1) measuring 8-1/2" x 11" and one (1) 18" x 24" (or larger), which describes the proposal and contains the following information:
 - 1. Drawn to scale.
 - 2. Location of buildings, landscaping, setbacks, parking areas, existing and proposed fencing.
 - 3. Location of adjoining streets (including any public improvements), alleys, driveways, and property lines.
- E. Pursuant to municipal code 17.02.170 variances, all of the following criteria for review **must** be addressed in a written narrative:
 - 1. The applicant shall have taken all reasonable steps to comply with the strict terms of the ordinance from which he or she requests the variance.
 - 2. The variance sought must be the result of unusual physical characteristics of the site in question.
 - 3. The circumstances surrounding the variance request shall be due to an undue hardship as related to the characteristics of the land and the applicant shall show that, absent a variance he/she would be deprived of rights commonly enjoyed by other properties in the identical zoning district.
 - 4. The undue hardship cited as the basis of a variance request did not result from the actions of the applicant, or the current or a prior landowner or any of their agents.
 - 5. The applicant shall demonstrate that the proposed variance does not adversely affect adjacent/nearby property.
- F. Precedents. The granting of a prior variance or referencing property developed under prior regulations is not admissible evidence for the granting of a new variance. Each request for a variance shall be judged on its own facts and circumstances.
- G. If a representative will be submitting the application, an affidavit, power of attorney, or other document evidencing the right of the representative to appear and submit items on behalf of the property owner is required.
- H. Burden of Proof: The burden of proof that the proposed variance complies with all of the variance criteria as described above is the responsibility of the applicant. The applicant must support their case with substantial and competent evidence.

A variance must be established within one (1) year of the granting of the variance. Actual construction of the permitted building shall constitute such establishment. This period may be extended by the staff for an additional six (6) months upon request submitted at least thirty (30) days prior to its expiration (Municipal Code Section 17.02.170(J)).

The approval of this application does not permit the violation of any federal or state codes, any section of the Building Code, or other Pocatello Municipal Codes as adopted. Approval of this land use permit does not exempt applicant from the provisions of the Federal Fair Housing Act or ADA requirements. Further, other conditions, requirements, etc. may be imposed as part of the building permit process.

I hereby acknowledge that I have read this application and state that the above information, including all submitted materials, is correct and I agree to the above terms and conditions. I further agree to abide by any and all conditions the Hearing Examiner and/or City Council may impose on my use of this property. I also understand that non-conformance with these conditions in a timely manner will result in automatic forfeiture of my permit. I am also aware that the applicant or a representative must be present at the public hearing and that the decision on this request will be recorded in the official records of Bannock County.

By signing this application, I hereby consent to allow the City to place a sign giving public notice regarding this application on the subject property during the course of these proceedings.

Signature of Applicant: _____ Date: _____

Signature of Representative: _____ Date: _____



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AFFIDAVIT OF MAILING LIST - VARIANCE

1. The undersigned is the applicant or authorized representative of the applicant.
2. It is understood that the City of Pocatello requires the applicant to provide one set of gummed 8.5" x 11" mailing labels of all the property owners adjoining the parcel under consideration and \$2.00 fee per address. The list shall be based on the most current equalized assessment rolls at the Bannock County Assessor's Office.* This list and fee will be used to send the notices of public hearing required to process the application.
3. This is to certify that the persons named, together with their mailing addresses as shown on the project mailing list attached herewith, are all the owners adjacent to the subject property, as their said names and mailing addresses are set forth on the latest equalized assessment rolls at the Bannock County Assessor's Office.
4. The foregoing is true under penalty of perjury.

Date: _____

Signature: _____

Name (please print): _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

*** To ensure proper noticing, Bannock County Assessor records, rather than information from the online parcel map, must be used.**