



PLANNING & DEVELOPMENT SERVICES  
PO Box 4169, 911 North Seventh Avenue  
Pocatello, Idaho 83205  
(208)234-6184 FAX (208)234-6586

### VARIANCE APPLICATION

Submittal Date: \_\_\_\_\_ Meeting Date: \_\_\_\_\_ Application #: \_\_\_\_\_

Staff Assigned: \_\_\_\_\_ Receipt Date: \_\_\_\_\_

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

Filing Fee: \$400.00 + ( \_\_\_\_\_ ) address labels x \$3.00 = \$ \_\_\_\_\_ for a Total Due \$ \_\_\_\_\_

**Applicant Information:**

**Representative Information:**

\_\_\_\_\_  
Name/Firm

\_\_\_\_\_  
Name/Firm

\_\_\_\_\_  
Mailing address

\_\_\_\_\_  
Mailing address

\_\_\_\_\_  
Phone (work/cell/home)

\_\_\_\_\_  
Phone (work/cell/home)

**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. **Two sets of typed**, gummed 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 \$3.00 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 two sets of mailing labels of all the property owners adjoining the parcel under consideration and \$3.00 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.**

## GUIDELINES TO PRESENT YOUR INFORMATION TO THE P & Z COMMISSION

### A FEW POINTERS TO HELP YOU MAKE YOUR CASE...

The Planning and Zoning Commission, or P & Z Commission, is a citizen advisory board to the City Council. The P & Z Commission is charged with making reviews and recommendations in matters of community planning and the use of public and private land, including requests on many different land use issues such as subdivisions, rezoning of property, annexation of land into the City, and planned unit developments. In analyzing these requests, the P & Z Commission considers a variety of issues ranging from the physical layout of a proposed development, to landscaping, drainage retention, parking, etc. The P & Z Commission also considers the impact of the proposed use on surrounding lands and land uses.

You were required to submit plans and drawings as part of your application which detailed the various aspects of your proposal, its layout, and its impacts, if any, on adjoining lands. While the P & Z Commission receives copies of this information, the following items may help you present your application in the most favorable light, as well as assisting the P & Z Commission in making the best possible recommendation to the City Council.

1. Color renderings of any and all of your site drawings/plans. Where architectural compatibility is an issue, the color and construction samples may be required (e.g., for planned unit developments). Large plans (18" X 24" at least) for display, as well as smaller (8 ½" X 11") for each Commission member would be helpful.
2. Map(s) of your project site that include the surrounding area. Large maps (18" X 24" at least) for display, as well as smaller 8 ½" X 11") for each Commission member would be helpful.
3. Overhead projections of selected items or ideas.
4. Photographs of the site and surrounding area.

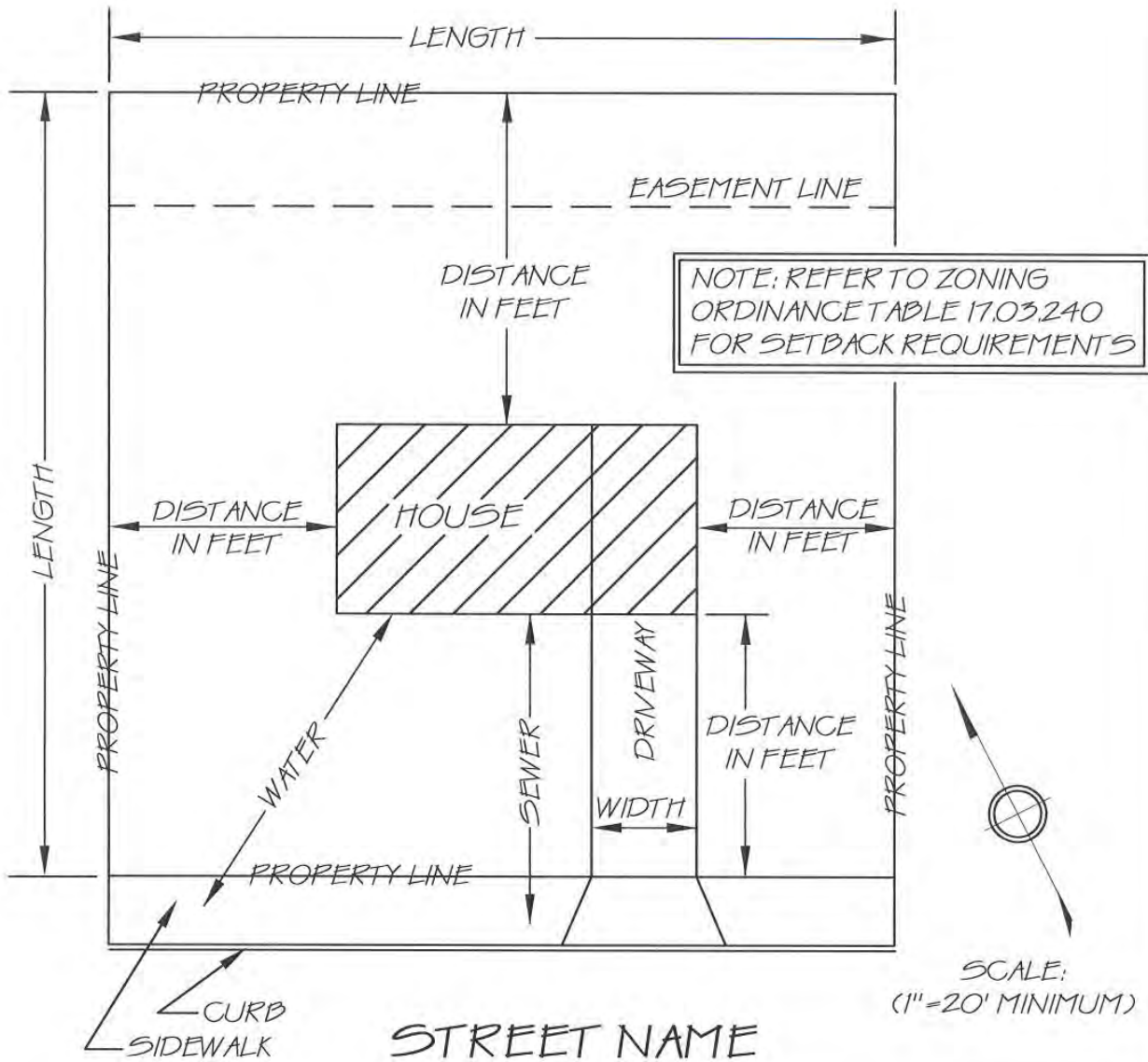
Some audio/visual equipment is available to assist you in your presentation to the Commission. Contact the Planning and Zoning Department at least 24 hours prior to the hearing/meeting for assistance with this or other items.

**Please note that for presentations in a public hearing, all material displayed or used during the presentation become part of the public record and are retained by the City. Also, applicants planning to utilize an attorney during their presentation before the Planning and Zoning Commission are requested to notify the City of that fact in advance of the meeting.**

Regular meetings of the P & Z Commission are open to the public and are taped live on the City's public access channel. Because of this, when you are addressing the Commission, you should:

1. Speak directly into the microphone.
2. Do not engage in conversation with the public. Address the Commission only.
3. Adhere to all protocols which have been or may be established by the P & Z Commission in their efforts to manage the meeting.

# SAMPLE PLOT PLAN



OWNER: JOHN DOE

ADDRESS: 123 IDAHO STREET

LEGAL DESCRIPTION: LOT#; BLOCK#; SUBDIVISION NAME OR ATTACH LONG LEGAL DESCRIPTION

CONTRACTOR: ABC CONTRACTORS

