



ZONING & BUILDING DEPARTMENT

605 N. Capital Ave.
Idaho Falls, ID 83402

(208) 524-7920
Fax # (208) 529-1330

APPLICATION FOR VARIANCE

Please e-mail application & all attached documents to bonnevillebuilding@gmail.com

| | |
|---|-----------------|
| NAME: | Phone #: |
| | Email: |
| ADDRESS: | |
| GENERAL LOCATION: | |
| PROPERTY ADDRESS AND LEGAL DESCRIPTION OF PROPERTY <i>(attach if necessary):</i> | |
| | |
| | |
| VARIANCE REQUEST: | |
| | |
| <i>FEE: will be determined upon review of application and must be paid 7 days prior to the hearing date</i> | |

PLAN:

A plan that is drawn to scale that shows the property under consideration, location of all improvements and the specific information concerning the requested variance.

NARRATIVE:

A narrative statement demonstrating that the requested variance conforms to one or more of the criteria in section 1-511 of the Bonneville County Zoning Ordinance. *(See Attached)*

PROOF OF OWNERSHIP OR VALID OPTION HOLDER:

A copy of your property deed and/or purchase option must be attached.

Applicant Signature _____ Date _____

Owner Signatures *(If different from applicant):*

The Administrator reserves the right to not officially accept this application until total review is accomplished and all required information is submitted. The date of the public hearing will be established by the Administrator upon the acceptance of a complete application.

Section 1-511. Power and Duties of the Planning and Zoning Commission.

The Planning and Zoning Commission shall have the following powers and duties:

1. The Planning and Zoning Commission shall hear and decide appeals in cases where it is alleged that there is error in any order, requirement, decision, or determination made by the zoning administrator or other administrative officers in the enforcement of this ordinance, and shall decide questions involving interpretation of this ordinance including the determination of zone boundary lines.

2. The Planning and Zoning Commission may grant variances from the strict letter of this ordinance where a property owner can show that:

(a) Because of unusual narrowness, shallowness or shape of a specific lot or parcel of land, or

(b) By reason of peculiar topographical features or other special circumstances peculiar to the particular lot or parcel of land, the strict application of the terms of this ordinance would prohibit the use of the applicant's property in a manner reasonably similar to that of other lots in the same zone.

3. Before a variance can be granted, the Planning and Zoning Commission must find upon the evidence before it that:

(a) Special circumstances do actually attach to the particular property covered by the application, which do not apply generally to the other properties in the same zone.

(b) Because of some special circumstances the appellant's property is deprived of privileges possessed by the properties in the same zone.

(c) The granting of such variance will not substantially affect the comprehensive plan of zoning in the county.

(d) Adherence to the strict letter of the ordinance will cause difficulties and hardships, the imposition of which is unnecessary in order to carry out the purposes of the zoning plan.

(e) The hardship is not the result of any action by the property owner taken after the effective date of this ordinance.

(f) A personal hardship may be considered for the placement on a temporary basis of a manufactured home adjacent to an existing residence for the care of a family member where the medical necessity is verified and documented by a physician.

4. The Planning and Zoning Commission may grant the following special exceptions or special use permits:

(a) Where a boundary line divides a lot in single ownership at the effective date of this ordinance, the Commission may permit a use allowed on either portion of such lot to extend not more than fifty (50) feet into the other portion of the lot provided such use will not be contrary to the plan of zoning and provided values of adjoining property will be fully preserved.

(b) The Planning and Zoning Commission may permit buildings to be constructed within seventy-five (75) feet of a natural flood channel provided measures are taken which will adequately protect the building or structure from damage due to floods, and provided that the hazard of flood damage to surrounding land in accordance with a plan of flood drainage approved by the board of County Commissioners.

(c) The Planning and Zoning Commission may authorize the issuance of a permit for the use which is not specifically mentioned in the list of permitted uses within an SC-1, A-1, C-1, C-2, PB, LNC, HC-1, M-1, M-1A, I&M-1, I&M-2, I&M-3, and R-2 zones provided such use is similar to and compatible with the uses permitted in the same zone and will be in harmony with the objectives and characteristics of the zone in which it is located. No use on which the Commission is required to pass for the purpose of this paragraph shall be considered as a similar use if it is contrary to the purpose or intent of this ordinance or if it is inconsistent with the characteristics of the zone in which it is located.

(d) The Planning and Zoning Commission may grant a permit for the construction of a shooting range if it finds, on the basis of competent evidence, that the safety of the surrounding area will be fully maintained and that such use does not constitute a public nuisance.

(e) The Planning and Zoning Commission may grant other special exceptions or other special use permits if it is expressly authorized to do so by the provisions of this ordinance, but it shall not grant a use permit, whether temporary or permanent, for any use in a zone if such use is not listed therein as a permitted use or is not similar to such permitted uses as determined by Section 1-511.4(c) of this ordinance.

5. The Planning and Zoning Commission may attach reasonable conditions or requirements to the grant of a variance, exception or special use permit which the petitioner must comply with as a condition of the grant or approval and the Commission may attach a time limit on the exercise or non-exercise of any grant.

6. In performing the duties and powers as set forth herein, the Planning and Zoning Commission shall have the power to reverse or affirm in whole or in part, or to modify the order, requirement decision or determination of the enforcing officer and may make such order or requirement as may be necessary to carry out the provisions of this ordinance, provided, however, that the Planning and Zoning Commission shall not have the power to amend this ordinance or to permit or prohibit actions which have the effect of amending this ordinance.

7. The powers and duties of the Planning and Zoning Commission are limited to such administrative matters as are herein provided which shall be strictly construed. The Planning and Zoning Commission may not grant a request which would have the effect of amending the zoning ordinance or correcting what it may consider to be an unwise requirement in the zoning ordinance, or to substitute its judgment for that of the board of county commissioners on matters of zoning policy. However, the Planning and Zoning Commission will express administrative authority as set forth in this ordinance and shall have the power to perform those acts as are herein set forth and such administrative actions shall not be interpreted as unauthorized amendments to this ordinance.

Section 1-512. Appeal from Decision of Commission.

1. The determination of the Planning and Zoning Commission shall be final if determined by the board of county commissioners sitting as a Board of Adjustment; however, if the determination is made by a separate Board of Adjustment, then it shall be final unless a written appeal is made to the Board of County Commissioners of Bonneville County, Idaho, within ten (10) days from the date of the Commission's decision. A written notice of appeal shall be filed with the county Planning and Zoning Office specifying wherein the Planning and Zoning Commission erred in its decision. A hearing shall be held before the County Commissioners to consider said appeal.

2. Any person aggrieved by any decision of the Board of County Commissioners may have and maintain a plenary action for relief there from in any court of competent jurisdiction as regulated by State law.