

City of Potlatch, Idaho

Variance Information and Application Packet

Do I Need A Variance?

A variance may be granted when, due to natural site characteristics or other abnormal obstructions, compliance with the requirements of the Zoning Ordinance would result in undue hardship. Variances are not granted on the grounds of convenience or profit, but only where strict application of Ordinance provisions would result in unnecessary hardship or inequity. Variances are not granted to allow a use where such use is prohibited by the Zoning Ordinance.

What Do I Need To Do To Get a Variance?

Read About Variances and Administrative Procedures.

Please read Chapter 4 of the Potlatch Zoning Ordinance, describing Variances. Review Table 2B if you require a variance for a setback, area coverage, fence-height or related standard. If your variance involves a new development or a home occupation, then you should also read the appropriate section under Chapter 5 of the Potlatch Zoning Ordinance. Then read Chapter 10 of the Potlatch Zoning Ordinance, describing application and appeal procedures. All applicable Tables and Chapters are attached to this application packet.

Schedule a Pre-Application Conference.

While this step is not required, we do encourage you to consult with the City Administrator to be sure you are eligible for a Variance, and that you are using the proper forms and procedures during the application process.

Fill Out and Submit the Attached Application.

Fill out the attached application and submit it to the City Administrator, along with the appropriate fees. Be sure to include all the items listed on the last page of this packet, as incomplete application packets may be delayed in processing.

What Happens Next?

Public Hearing Date Scheduled

A date will be chosen for a public hearing. The time frame can be anywhere from 3 to 5 weeks after submittal of application material and fee. A public notice will be posted at the post office and published in the newspaper. Residents within 300 feet of the proposed project will be informed by way of a more thorough notice prepared by you, the applicant, and mailed by the city (there will be separate charge for these mailings).

Public Hearing

Public hearings will be held in the city council chambers unless a larger audience is expected whereby an alternate location will be chosen. The purpose of the hearing is to allow you, the applicant, an opportunity to inform the community and your neighbors of your proposed project and why you require a variance from the designated standards. It is also an opportunity for citizens of Potlatch both for and against the proposed project to express their views. The procedure for the public hearing is as follows:

1. Presentation by a member of the P&Z commission.
2. Open Public Hearing
 - a. Statement of applicant
 - b. Statements of other persons in favor
 - c. Statements by those opposed
 - d. Applicant's rebuttal
3. Close Public Hearing

A chairman will run the hearing. Time limits may be prescribed at the beginning of the hearing to allow for equal representation and for expediting the process. Each person will be allowed to speak without being interrupted or cross-examined. Written statements over one page in length will be accepted for the record but will not be read at the public hearing.

Decisions

A decision will likely be given soon after the close of the public hearing, perhaps the same evening, but the commission may take up to 120 days to deliberate on particularly complicated cases. The commission's responsibility is to weigh all views and consider the evidence provided to them in making a decision. Approved variances may have a list of conditions that must be met. This is an agreement between the applicant and the city and is subject to periodic inspections to verify conformity. If the variance is denied there is the option of appeal. If the variance is approved, any opponent who testified during the public hearing may also file an appeal.

Appeal Process

Appeals must be submitted not later than 10 days after a decision has been granted by the P&Z Commission. Appeals must be submitted in writing and state clearly why the appeal is being made. The City Administrator can help in guiding anyone wanting to prepare an appeal. After the appeal is received the city council will set a date for a hearing.

Criteria and Considerations

(Please type or print clearly; if necessary use additional pages)

Criteria and Considerations

In order for the Planning and Zoning Commission to issue a Zoning Variance, the Commission must make findings of compliance with the following relevant criteria and considerations. Please indicate, in the space provided below (and/or on additional pages), all necessary information to satisfy the request of each criteria.

Definition of Zoning Variance Request:

The proposed activity described in the brief proposal on page one would be in violation of Section 5-____ (state section number) of Chapter 5 OR Table 2-B-____ (1, 2, or 3) of the Potlatch Zoning Ordinance which requires that:

Criteria #1. Please describe the special conditions and/or circumstances which are peculiar to the property (such as size, shape, topography or location) which are not applicable to other property similarly situated in the same zoning district.

Criteria #2. Please describe why, due to the special conditions described in Criteria #1, application of the provisions of the zoning ordinance would impose undue hardship and would deprive the property owner of rights commonly enjoyed by owners of other property similarly situated in the same zoning district.

Criteria #3. Please describe why the special conditions and/or circumstances listed in Criteria #1 above are not the result of actions of the applicant or the property owner.

Criteria #4. Please explain why the granting of the variance will not confer a special privilege to the subject property that is denied other similarly situated property in the same zoning district.

Criteria #5. Please describe why the granting of the variance will not be in conflict with the public interest or injurious to property or persons in the vicinity of the subject property.

Additional Considerations

Please list any other considerations you feel the commission should take into account when considering your application:

Site Plan Requirements

1. Plans must be a minimum of 8.5 x 11 and created to one of the following scales: 1:20 or 1:50 (to be determined by the city administrator)
2. Plans should be created digitally or if done by hand using black or blue ink. Inaccurate and/or illegible plans will not be accepted.
3. Your site plan must contain the following information:

Required:

- Name of addition or subdivision
- Complete legal description of considered property and Lot Number(s)
- Lot(s) dimensions and square footages
- Location, name, and width of boundary streets, alleys, and easements
- North point
- Distance of all structures from property lines
- Front, side, and rear yard setbacks

If Applicable:

- Parking spaces (# of spaces), total parking area, and typical stall size including any required handicapped stalls
- Driveways and curb cuts in detail, including widths and setbacks
- Locations, dimensions, and square footages of all structures and use on property
- Building heights
- Location and dimension of signs in relation to all property lines
- Storm drainage plan, including existing and proposed storm sewers
- Location of existing and proposed sewer and water lines
- Location of other utilities (gas, phone, power, etc.)
- Lighting
- Dumpster location
- Building access
- Architectural elevation
- Traffic impact study (if applicable)
- Building code compliance, including required occupancy and/or building permits
- Minimum lot size per zoning
- Minimum lot width
- Locations of sidewalks, curbs, and gutters (if deteriorated, repair or replacement may be required)
- Fire protection

Compliance Information & List of Required Application Materials

Compliance Information

1. Conditions of Approval: In granting any Zoning Variance, the Planning and Zoning Commission will prescribe appropriate conditions and safeguards that ensure the Zoning Variance is consistent with the purposes and intents of the Zoning Ordinance.
2. In the event of failure to comply with the plans approved by the Planning and Zoning Commission, or with any conditions of a Zoning Variance, the Variance shall be immediately revoked and become null and void.
3. Where plans are submitted and approved as part of the application for a Zoning Variance, modifications of the original plans may be required by the Commission as a condition of approval.
4. Where plans approved by the Planning and Zoning Commission are modified following such approval, such plan modifications must be submitted to and determined by the City Council to be in substantial conformance with the plans approved by the Commission. If plan modifications are not in substantial conformance, the plan modifications must be resubmitted to the Commission for an additional public hearing as an amendment to the Zoning Variance application.
5. Revocations: If a building permit or occupancy permit pertaining to the Zoning Variance is not obtained for the subject property within one (1) year from the date of the Planning and Zoning's final decision, such Zoning Variance shall be immediately revoked and be considered null and void.

List of Required Application Materials

Application Submittal: This application must be completed and submitted with the items described below to the city administrator at least fifteen (15) days prior to the regularly scheduled Planning and Zoning monthly meeting (1st Thursday of each month) for review by the Planning and Zoning Commission. Applicant will be notified by the city administrator as to the time and place of the public hearing pertaining to this application.

The following items must be submitted with this application:
(make sure all materials are complete, accurate, and legible)

1. Completed and signed application.
2. \$225.00 application fee
3. List of adjoining property owners (including those across streets and alleys), along with their mailing addresses, as provided by the Latah County Assessor's Office.
4. Site Plan
5. Vicinity Map indicating the location of considered property in relation to the surrounding area (360°) at a minimum distance of 300'. Map must be to scale (1:50); indicate all properties, streets, and applicable natural features, and must be created digitally or clearly drawn by hand in blue or black ink. Inaccurate and/or illegible maps will not be accepted.
6. Elevation Drawing(s) drawn to scale; if applicable
7. Any additional materials that will aid in the explanation of proposed variance and for the process of consideration by the Planning and Zoning Commission.
8. Written permission from the owner for proposed zoning variance (if applicant is not the owner).

Please note that for line items 1 and 3-8 seven (7) copies are required.