



# City of Payette

## Variance Application

### OFFICE USE ONLY

Date Received \_\_\_\_\_ Paid Y / N

Date of Notice \_\_\_\_\_

Date of Hearing \_\_\_\_\_

P&Z Action \_\_\_\_\_

#### Non Refundable Fees:

Application..... \$200.00

Payette City Code 17.78.010

Applicants Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Alt Number \_\_\_\_\_

#### Please attach the following:

\_\_\_\_\_ Legal Description

\_\_\_\_\_ Map

\_\_\_\_\_ Proof of ownership

\_\_\_\_\_ Name & Addresses of all property owners & residents within 300 feet of the exterior boundaries of the land being considered. (This can be obtained at the Payette County Assessor's Office)

Street Address of the property \_\_\_\_\_

Size of the property \_\_\_\_\_

What is the property zoned \_\_\_\_\_

### Nature of Request

Describe the nature of the Variance requested \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Existing use of the property \_\_\_\_\_

\_\_\_\_\_

**17.78.010 Variances – Permissible When:** The City Council 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 undue hardship upon a landowner 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 the characteristics of the site. In acting upon a variance request, the City Council shall make full investigation and shall only grant 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 circumstances or conditions, applicable to the property involved, or the intended use thereof, 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 right of the owner.

3. The prevention of reasonable enjoyment of any property right of the owner.

C. 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 owners or previous owner's actions.  
(Ordinance 1204, 2002)

Narrative statement indicating why the requested variance conforms to the guidelines set forth in the Zoning Ordinance \_\_\_\_\_

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A variance requires an applicant to show two particular aspects before the variance is considered.

1. Describe the unique site characteristic (which is natural) showing reason for request \_\_\_\_\_

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2. If unique site exists show how request granted is not contrary to public interest outline in the comprehensive plan and zoning ordinance \_\_\_\_\_

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## Requests for Granting a Variance

The following conditions must be fulfilled before a variance can be considered by the Planning & Zoning Commission. Showing that a variance is profitable or desirable for the owner and no harm will be done to others is not sufficient.

Below each requirement explain why your request conforms:

1. Show how granting of variance will not affect a change in zoning \_\_\_\_\_

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2. Explain any exceptional or extraordinary circumstances or condition applicable to the property involved, or the intended use thereof, which do not apply, generally to the property of use in zoning district. So that if the request is denied it will result in undue loss in value, inability to preserve property rights \_\_\_\_\_

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3. Indicate the alleged hardship. Has the hardship been created by the action of the property owner or the applicant? (i.e. applicant did not reduce size of the lot by prior sale) \_\_\_\_\_

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4. Approval of the variance will not be in conflict with the interest of the neighborhood or public interest in general. (Health, safety or welfare) \_\_\_\_\_

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\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

## Variance Information

**Q. What is a “variance?”**

**A. A variance is an exception to City of Payette Municipal Code, usually involving property line setback or zoning requirements.**

**Q. Why is a variance required?**

**A. City of Payette Municipal Code provides “dimensional requirements,” such as setback from property lines for structures. Sometimes these dimensional requirements cannot be met due to unusual site constraints, such as steep slopes, rock outcrops, or other physical features peculiar to a particular parcel.**

**Q. How long does it take to process a variance application?**

**A. Processing time is dependent on a number of factors, including the nature of the variance, the complexity of the project, the completeness of the application and the number of applications being considered by the City at any given time. Plan on a minimum of 30 days for the processing of the permit.**

**Q. How much does it cost to apply for a variance?**

**A. The variance application filing fee is \$200.00.**

**Q. Who prepares a variance application?**

**A. Applications typically retain a licensed land surveyor or registered civil engineer to serve as the project representative. Detailed, accurate mapping is necessary which usually requires a professional to prepare. However, it is not required by City of Payette Municipal Code that variance applications be prepared by a licensed land surveyor or registered civil engineer.**

**Q. Who reviews and approves a variance application?**

**A. City staff reviews variance applications for compliance with City of Payette Municipal Code. Applications may also be reviewed by state and federal agencies for conformity with state and federal guidelines. If additional information is required by either the City of Payette or any reviewing agency, planning staff will forward this request for information to the applicant. After all reviews are complete, the project will be acted on by the Planning and Zoning Commission at a public Hearing. Planning and Zoning Commission decisions may be appealed to the Payette City Council within 30 days of the Planning and Zoning Commission’s decision.**

**THE CITY STRONGLY ENCOURAGES THE APPLICANT TO SUBMIT ANY SUPPORTING DOCUMENTATION, SUCH AS LETTER FROM ADJACENT NEIGHBORS AND PICTURES, TO HELP EXPEDITE THE PROCESS!**

**VARIANCES DO NOT INVOLVE LAND USE!** A variance is a modification of the requirements of the ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other provisions affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots (67-6516 Idaho Code).