



Madison County Planning & Zoning
 134 E. Main Street, P.O. Box 389
 Rexburg, ID 83440
 (208)359-6260 Phone
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MADISON COUNTY VARIANCE APPLICATION

Variations are intended to provide relief for landowners, who, due to some unique physical characteristic of the property that is beyond their control, would have no beneficial use of their property if this ordinance is strictly enforced. The variance shall not grant a right or special privilege that is not otherwise allowed in the base district; it shall relieve an undue hardship due to characteristics of the site and; shall not be detrimental to the public health, safety or welfare.

OWNER:

Name: _____
 Address: _____
 City/State/Zip: _____
 Phone(s): _____ Fax number: _____

APPLICANT:

Name: _____
 Address: _____
 City/State/Zip: _____
 Phone(s): _____ Fax number: _____

SITE INFORMATION:

Location: Quarter: _____ Section: _____ Township: _____ Range: _____ Total Acres _____
 Subdivision Name: _____ Lot _____ Block _____
 Site Address: _____ City: _____
 Tax Parcel Number(s): _____
 What zone is the property currently located in? _____
 What is the existing use of the property? _____
 What is the area of city impact?: _____

The Planning and Zoning Commission shall approve a variance only upon finding that:

- a. A need for a variance results from a physical limitation unique to the lot or parcel on which the variance is requested;
Why do you need the variance? _____

- b. Failure to approve the variance will result in undue hardship because no reasonable conforming use of the lot or parcel is possible without a variance;
What would the hardship be? _____

- c. What would be the hardship if your application was denied? _____

- d. Were you aware of this hardship prior to purchasing or developing your property? _____

- e. How will this impact the schools? _____

- f. What do you intend to do with the property if a variance is approved? _____

- g. Explain how variance will not be contrary to the public interest, ie health, safety and welfare: _____

- h. A variance requires an applicant to show two particular aspect before the variance is considered. describe the unique site characteristic (natural) showing reason for request:
1) _____

2) _____

- i. Do you have a building permit? _____

Complete location: (attach)

Warranty Deed or evidence of ownership

Parcel Map

Address of variance site:

Size of the property:

Site Plan

Proper Fee

Names and addresses of all adjoining property owners within three hundred (300) feet
(this information may be gathered from the Madison County Assessor's office)

Section 15.1 from the Madison County Zoning Ordinance

15.1 Consideration. *The planning commission shall consider variances to the terms of this*

ordinance only if such variance will not be contrary to the public interest, and where, owing to special conditions, a literal enforcement of the provisions of this title will result in unnecessary hardship. 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 characteristics of the site and that the variance is not in conflict with the public interest. In acting upon such variance the planning commission shall make full investigation and shall only recommend granting 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 county, and will not effect 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 rights 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.*

Appeals: Any decision of the administrator or commission may be appealed using the procedure described by Ordinance 292. A notice of appeal must be filed with the Planning and Zoning Department or with the County Clerk within 28 days after the administrator's notice of the decision. Notice of the decision is complete upon mailing to the recipient's address on file with the Planning and Zoning department. Appeals from the decisions of the administrator are heard by the Planning and Zoning Commission. Appeals from decisions of the Planning and Zoning Commission are heard by the Board of County Commissioners.

No application for a variance shall be reviewed if the developer or representative is not present at the public hearing.

Signature of Applicant(s) _____

(For office use only)

Date received: _____ Received by: _____

Fee: _____ Date: _____