

CITY OF NEW MEADOWS VARIANCE APPLICATION



Complete the following questionnaire prior to completing the application

- YES NO Will this variance grant special conditions to the property owner not afforded to other neighboring property owners?
- YES NO Will this variance cause safety hazards or be contrary to public interests?
- YES NO Is this variance request based on the non-conforming use of a neighboring property?
- YES NO Will this variance create a convenience for the property owner larger building, less cost, less labor, etc.)?
- YES NO Will this variance provide profit for the occupier / property owner?
- YES NO Is this variance request currently prohibited in the zoning code?

If you have answered yes to any of these questions, a variance will be denied.

- YES NO I have a special condition or circumstance peculiar to my land or structure that is not applicable to other land or structures in the same district.
- YES NO Other property owners in my district currently enjoy the variance (right) that I am applying for.
- YES NO I have a unique hardship or circumstance that did NOT result from my own actions or desires.
- YES NO The denial of this variance will allow other property owners in this district the same privileges I seek.
- YES NO If granted, this variance would preserve or improve the public health, safety and welfare of neighboring properties.

If you answered YES to most of these questions, a variance may be an option for your unique situation.

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NAME: _____

PHONE: _____

EMAIL: _____

Mailing Address: _____

City: _____

State: _____ Zip: _____

Property Address: _____

Legal Address / Description: _____

Current Zoning District: (Check only one)

- | | |
|---|---|
| <input type="checkbox"/> Residential 1 (R-1) | <input type="checkbox"/> General Commercial (C) |
| <input type="checkbox"/> Residential 2 (R-2) | <input type="checkbox"/> Central Business (CBD) |
| <input type="checkbox"/> Residential 3 (R-3) | <input type="checkbox"/> Industrial (I) |
| <input type="checkbox"/> Business Residential (BRD) | <input type="checkbox"/> Agricultural (A) |

Description of Existing Use: _____

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SITE PLAN: Drawn to scale which shows the property under consideration, location of all improvements and the specific information concerning the request.

See attached

PROPERTY OWNER LIST: A list of all property owners and their mailing addresses within a 300 foot radius from each external property boundary of the subject property. This information must be provided by and certified by a licensed title company doing business in Adams County.

See attached

Ordered and will be emailed to cityclerk@newmeadowsidaho.us

Certificate of Ownership: (Attach a Certificate of Ownership from a reputable Title Insurance Company licensed under the laws of the State of Idaho as to the ownership of the property and of any interest shown therein of record.

Affidavit of Legal Interest: Attach a Notarized Affidavit of Legal Interest Form to this application.

FEES		Amount	Paid	Date
Pre-Application	No charge for Variance			
Application	\$100			
Publication	Actual Cost			
Mailings	\$1 per 1st Class			
Consultants	Cost = 10%			

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Please understand & agree to the following statements:

- Variances are difficult to attain or to be granted.
- The city; officials, staff and public have spent an extensive amount of time in public hearings, meetings, giving and receiving public testimony to develop the standards for our community to grow.
- Variances shall not be granted for convenience or profit.
- Variances shall not be granted just because there are non-conforming use(s) in the same district.
- Variances will not be granted because a similar variance was granted in the past.
- It may be beneficial to apply for a Zone Change or Zone Code Amendment.
- Review the Brochure: How to Provide Land Use Public Hearing Testimony.
- If Planning & Zoning is or has been suspended, the City Council will hold a Public Hearing on completed applications only and may institute conditions of approval.
- Granting of this variance will not grant me or the subject property special privileges that are not enjoyed by others in the same zoning district or neighborhood; AND
- I the applicant nor the property owner created circumstances to request a variance; AND
- Granting of this variance will not be in conflict with the public interest or injurious to the property or persons in the vicinity of the subject property.
- I agree to pay all costs incurred for this variance application process, including; Application Review Fee, Application Fee, Postage & Mailing, Advertising and Special Consultation Fees (if warranted) when invoiced.
- I agree to indemnify, defend and hold the City of New Meadows and its employees harmless from any claim or liability resulting from any dispute as to the statements contained herein or as to the ownership of the property which is the subject of the application.
- I have reviewed and understand the above statements.

Applicant Signature _____ Date: _____

Owner of Record Signature (or Affidavit) _____ Date: _____

Administrator Signature _____ Date: _____

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Variance Procedures

- **Application**
 - A DRAFT written application for a variance indicating the section(s) of the New Meadows Zoning Ordinance for which a variance is sought and stating the grounds on which it is requested shall be submitted to the Planning Administrator or appointee.
 - The application will be reviewed by the Planning Administrator in its DRAFT format with the applicant within 10 days of receipt of the draft. This is to perfect the application.
 - A COMPLETED written application is received, and a Public Hearing is scheduled.
- **Public Notification**
 - PUBLIC NOTICES are sent at least 15 days prior to the Public Hearing to affected property owners and agencies doing business within the City of New Meadows, indicating the place, date, time and subject of the hearing.
 - ADVERTISING for the Public Hearing is placed in the official newspaper of the City of New Meadows once at least 15 days prior to the Public Hearing, indicating the place, date, time and subject of the hearing. This notice will also be placed on the city website and social media channels.
 - PUBLIC POSTING for the Public Hearing shall be placed on the property at least seven days prior to the Public Hearing, indicating the place, date, time and subject of the hearing.
- **Public Comment**
 - WRITTEN PUBLIC COMMENT can be submitted at any time once the completed application is received, up to and including the hour of the Public Hearing.
 - Comments may be sent via email, legibly hand written or typed. All comments must come through City Hall, stamped date and time received and filed in the subject matter file.
 - Written comments received after the packets have been created and delivered will be read aloud during the public hearing by staff members.
 - Written comments received at the meeting by members of the public may read their comments during the appropriate time but must also submit them to the City Clerk at the meeting after they have been read aloud, date and time stamped and placed in the subject matter file.

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● **Public Hearing Procedures**

- Attendees are asked to sign-in to speak and indicate their desire for the application to be: Approved – Denied - Neutral
- Public Hearing is opened by the Chair or the Mayor
- Bias Disclosures are declared by the sitting officials
- Applicant is given time to present his/her application
- Written testimony is read aloud
- Opposition Oral Testimony is sought. The Chair or Mayor will call only on those that have signed up and indicated their desire to speak. Time limits may be imposed.
- Neutral Oral Testimony is sought. The Chair or Mayor will call only on those that have signed up and indicated their desire to speak. Time limits may be imposed.
- Supporter Oral Testimony is sought. The Chair or Mayor will call only on those that have signed up and indicated their desire to speak. Time limits may be imposed.
- Applicant Rebuttal is a time when the applicant may rebut any testimony or evidence brought forward at the hearing. PLEASE NOTE THE APPLICANT MAY NOT INTRODUCE NEW EVIDENCE.
- The public hearing is closed. No further testimony or evidence may be entered.

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- **Deliberation and Decision**

- **PLANNING & ZONING COMMISSION**

- The Planning & Zoning Commission shall consider the facts and circumstances of each variance application and shall make a recommendation based upon the following:
 - That special conditions and circumstances exist that are peculiar to the land, structure or building involved and that are not applicable to other lands, structures or buildings in the same district.
 - That a literal interpretation of the provisions of this title would deprive the applicant to rights commonly enjoyed by other properties in the same district under the terms of this title.
 - That a hardship and/or unique circumstances do not result from actions or desires of the applicant.
 - That granting the variance will not confer on the applicant any special privilege that is denied by this title to other lands, structures or building in the same district.
 - The relief granted by the variance will not be 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 or improvement.
- In recommending approval of any variance request, the commission may identify appropriate conditions to mitigate possible impacts such variance may have on surrounding property or utilities.
- Within 15 days following the public hearing, the commission shall forward its recommendation for approval, conditional approval, or denial to the City Council or table the item for further review. The recommendations shall be in writing and shall specify:
 - The standards used in evaluating the application
 - The reason(s) for the recommendation.

- **CITY COUNCIL**

- At the next regularly scheduled City Council Meeting, the Council shall grant or deny the variance or delay a decision for up to the 30 days for further study or hearing.
 - A hearing held by the Council is subject to the same notice requirements and hearing procedures for the Commission's Public Hearing.
 - **ALL ASSOCIATED FEES WILL BE ASSESSED TO THE APPLICANT!**
 - Denial for a variance permit or approval of a variance permit with conditions unacceptable to the landowner may be subject to the regulatory taking analysis provided by Section 67-8003, Idaho Code consistent with the requirements established thereby.

