

APPLICATION FOR VARIANCE^a

CITY USE				
FILE NUMBER	DATE	FEE ^b	CHECK NUMBER	RECEIVED BY

INFORMATION REQUIRED

1. NAME AND CONTACT INFORMATION OF PROPERTY OWNER OR REPRESENTATIVE

NAME	PHONE
ADDRESS	CELL
	FAX
	E-MAIL

2. TYPE OF VARIANCE REQUESTED

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3. NAME AND PARTICULARS OF THE PROPERTY FOR WHICH A VARIANCE IS REQUESTED

NAME	
ADDRESS	
LEGAL DESCRIPTION OF PROPERTY	
ZONING DISTRICT OF PROPERTY	TOTAL ACREAGE/SIZE OF PROPERTY

a. Modification of requirements in title 9 as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other provision affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots.

b. The variance fee must accompany the application submittal.

(APPLICATION FOR VARIANCE)

SIGNATURES REQUIRED

(SEE SUGAR CITY CODE TITLE 9 CHAPTER 7—APPENDED TO THIS APPLICATION FORM)

Please sign and date the agreements below.

AGREEMENT TO ALLOW INSPECTION^a

The applicant or representative hereby grants permission to Sugar City officials to inspect the site described in this application.

Signature

Date

Position

AGREEMENT TO PAY COSTS^b

The applicant or representative hereby agrees to pay costs of notice publication, copies, filing and postage relevant to public hearing(s) pertaining to this application.

Signature

Date

Position

AGREEMENT TO PROVIDE MAILING LABELS^c

The applicant or representative hereby agrees to provide two sets of mailing labels with the names and addresses of owners of land that abut the parcel under consideration or are located directly across a public right of way from the property for which a variance is requested. The two sets of labels must accompany the application.

Signature

Date

Position

a. See 9-7-2 A (2) of the Sugar City Code.

b. See 9-7-2 A (2) of the Sugar City Code.

c. See 9-7-2 A (2) of the Sugar City Code.

ATTACHMENT REQUIRED

(SEE SUGAR CITY CODE TITLE 9 CHAPTER 7—APPENDED TO THIS APPLICATION FORM)

Please prepare and attach the following documentation, as applicable.

	YES	N/A (if not applicable, include explanation below)	City Code Reference
1.	<input type="radio"/>	<input type="radio"/> STATEMENT OF CONFORMANCE	9-7-2
2.	EXPLANATION		

FEE REQUIRED

(SEE SUGAR CITY CODE 9-7-2 B—APPENDED TO THIS APPLICATION FORM)

Please include a check or money order for \$200 with the application submittal.

SIGNATURE OF APPLICANT OR REPRESENTATIVE

The applicant or representative has read and understood title 9 chapter 7 of the Sugar City Code and accepts their conditions. The applicant or representative certifies that information supplied in this application and its attachments is complete and accurate.

Signature

Date

Position

APPENDIX TO APPLICATION FOR VARIANCE

(EXCERPT FROM SUGAR CITY CODE)

CHAPTER 7

VARIANCE

SECTION:

- 9-7-1: Purpose And Intent
- 9-7-2: Application
- 9-7-3: Administrative Action

9-7-1: PURPOSE AND INTENT:

- A. The purpose of this chapter is to provide for variance permits, consistent with IC 67-6516, the comprehensive plan, and this code. IC 67-6516 includes these provisions:
 - 1. A variance is a modification of the bulk and placement 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 ordinance provision affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots.
 - 2. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest.
- B. The intent of this chapter is to set forth the procedures for applying for and deciding an application for a variance permit.

9-7-2: APPLICATION:

- A. Application Form: The City Council shall approve an application form, requiring the following information:
 - 1. Name and contact information of the applicant, with spaces for signature and date.
 - 2. Agreements to allow inspection, pay costs, and provide mailing labels.
 - 3. Street address and legal description of the property, zoning classification, description of existing development, description and plan of proposed development.
 - 4. Information showing undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest.
 - 5. Certification that the applicant has read and understood IC 67-6516.

6. Dates and conditions of expiration and/or revocation of the permit.
- B. Fees: Fees are established by resolution of the City Council.
1. The fee schedule shall be posted in the office of the administrator.
 2. Fees may include actual expenses, such as for advertising, postage, and administrative costs.
 3. Fees must be paid in full, or arrangement for payment agreed to by City Council, before the application is considered complete or administrative action is undertaken.
- C. Effect of Permit:
1. A variance permit shall expire one year from the date of final approval if work on the permitted variance is not begun by that time. The permit shall remain in force for so long as the permittee continues to use the property as allowed under the permit and in accordance with all standards and conditions of the permit.
 2. Work or use undertaken that does not comply with the permit, or with conditions or standards of the permit, shall constitute grounds for revocation of the permit. The permittee shall be given written notice of any violation of the permit. If the violation is not corrected within 30 days, the City Council may terminate the permit.

9-7-3: ADMINISTRATIVE ACTION:

- A. Administrator:
1. Review by Departments and Agencies: Within 10 days of receipt, the administrator shall transmit copies of an application to any concerned departments and agencies for their review. The administrator shall notify the Planning and Zoning Commission which departments and agencies are queried, and shall place replies in the applicant's file. Failure to reply in writing within 15 days implies acceptance by a given department or agency. Possible concerned departments and agencies include, but are not limited to, city departments (e.g., streets, water, sewer, engineer), District 7 Health, school district, Idaho Transportation Department and/or Madison County Roads, utility companies, Soil Conservation Service, emergency services, and irrigation districts.
 2. Agenda: After review by departments and agencies, the administrator shall place the application on the agenda of the next regularly scheduled meeting of the Planning and Zoning Commission.
 3. Notice: At least seven days before the meeting of the Planning and Zoning Commission, the administrator shall notify by mail the owners of lands that abut the parcel under consideration or are located directly across a public right of way from them, regardless of the number of landowners (in

this chapter, Affected Persons, in addition to others who may be affected), and regardless of jurisdictional boundaries.

4. Notification of Action: Within 10 days after action by the Planning and Zoning Commission, the administrator shall notify the applicant of the action, including documentation of the ordinance and standards used in weighing the application, reasons for approval or denial, and actions, if any, that the applicant could take to obtain approval.

5. Permits to Assessor: The administrator shall forward permits to the Madison County Assessor in accordance with IC 67-6522.

B. Planning and Zoning Commission:

1. The Planning and Zoning Commission shall allow affected persons to be heard. The procedure for hearing shall be as provided in title 1 chapter 8 of this code, with these modifications:

a. The requirement for notice shall not be greater than in Paragraph 9-7-5-A-3 of this section. Upon opening the hearing, the presiding officer shall determine whether proper notice has been provided. If proper notice has not been provided, the hearing shall be rescheduled to the next regularly scheduled meeting;

b. The presiding officer may state that testimony should relate to principles and standards in state statute, the comprehensive plan, and city code, or to other legal or practical concerns;

c. Persons who are not affected persons may be heard at the discretion of the presiding officer. The record should reflect whether each person who testifies is an affected person.

2. No later than at the next regular meeting after the hearing, the Planning and Zoning Commission shall approve, approve conditionally, or deny the permit, unless this time limit is extended by mutual agreement with the applicant(s).

3. Within 14 days after action, the Planning and Zoning Commission shall report its decision to City Council, including documentation of the ordinance and standards used in weighing the application, reasons for approval or denial, and actions, if any, that the applicant could take to obtain approval (IC 67-6519).

C. A decision by the Planning and Zoning Commission may be appealed to City Council within 21 days after the decision.