

# Basin Planning & Zoning

## Variance Requirements

*As stated in the Basin Code Book 11-4-5*

- A. Application: Application for a variance shall be made, in writing, to the Basin Planning & Zoning Commission at least ten (10) working days before a regular planning commission meeting (usually held on the 4<sup>th</sup> Tuesday of the Month). The application shall explain precisely from which standard variance is sought and the reasons a variance is needed. The nonrefundable fee must be paid to the application being considered.
- B. Standards: No variance from the strict application of any provision of this title may be granted unless:
  1. There are special circumstances or conditions, fully described in written findings, which are peculiar to the land or building for which the adjustment is sought and do not apply generally to land or buildings in the neighborhood, and have not resulted from any act of the applicant subsequent to the adoption of the title:
  2. For reasons fully set forth in the written findings, the circumstances or conditions are such that the strict application of the provisions of the title would deprive the applicant of the reasonable use of the land or building, the granting of the adjustment is necessary for the reasonable use thereof and the adjustment as granted is the minimum adjustment that will accomplish this purpose; and
  3. A practical difficulty with compliance of the standard is established. Practical difficulties are used in connection with the criteria for granting of a variance, means:
    - a. The Property owner proposed to use the property in a reasonable manner not permitted by the zoning and subdivision ordinance.
    - b. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
    - c. The Variance, if granted, will not alter the essential character of the locality.
    - d. Economic considerations alone do not constitute practical difficulties.
    - e. Practical difficulties include, but are not limited to ; inadequate access to direct sunlight for solar energy systems.
  4. The granting of the adjustment is in harmony with the general purposed and intent of this title and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
  5. The granting of the adjustment is in harmony with the comprehensive town master plan.
- C. Action: The planning commission shall review each application for a variance and shall within sixty (60)days;
  1. Recommend to the town council that the variance be granted;
  2. Recommend to the town council that the variance be granted with conditions;
  3. Recommend to the town council that the variance be denied; or
  4. Call a public hearing on the variance.