

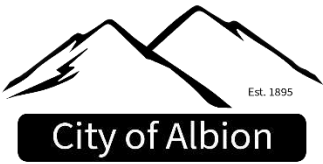


Variance Request Checklist

(Updated 7-2024)

- Applicants will need to complete Notice of Hearing on Application for Variance.
- Applicants will need to provide a copy of the completed Notice of Hearing on Application for Variance to the City Office. A Fee of one hundred dollars (\$100) is required at the time of submitting the Notice of Hearing on Application for Variance. The Clerk will submit the Notice of Hearing on Application for Variance for publication, 30 days prior to the Variance Hearing date.
- Applicants will need to make copies of the Notice of Hearing on Application for Variance, to be mailed to real property owners within 300 feet of the external boundaries of the subject property. The Notice of Hearing on Application for Variance must be sent to property owners 30 days prior to the Variance Hearing date.
- Applicants will need to obtain property owner list and addresses from Cassia County Assessor's Office.
- Applicants will need to post Notice of Hearing on Application for Variance on the premises, at least one week prior to the Variance Hearing date.
- Applicant will need to provide affidavits of mailing and posting to the Clerk's Office at least two days prior to the Variance Hearing date.

If you have questions, please feel free to call the Clerk's Office during normal business hours [Mon. – Thurs. 7:30am to 5:30pm], by phone at 208-647-4644 Option 1, or by email info@albionidaho.gov .



For Office Use
Date Received _____
Date Fee Paid _____
Employee Initials _____

Request for Variance Application

APP No. _____ - _____

1. Applicant(s) **Please Print or Type*

Name(s) _____

Address _____

City _____ State _____ Zip _____

Contact Information- Phone _____ Email _____

2. Owner (if different from applicants)

Name(s) _____

Address _____

City _____ State _____ Zip _____

3. Subject Property Information

Street Address _____

Legal Description (or attach a legal description)

4. Nature of Variance:

Describe the nature of the Variance being requested and the provisions of the Zoning Ordinance affected:

Provide a written narrative statement regarding the following provisions of Albion City Code Section 5-1-12-2:

- A. That the granting of the variance will not be in conflict with the intent of the City's Comprehensive Plan and will not affect a change in zoning.

- B. That because of exceptional or extraordinary circumstances or conditions applicable to the subject property, or the intended use thereof, which do not apply generally to the property or class of use in the district, a denial of the relief sought will result in:
 - a. Undue loss in value of the property;
 - b. Inability to preserve property rights of the property owner; and
 - c. The prevention of reasonable enjoyment of any property right of owner.

- C. The granting of the 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.

5. Provide a Site Plan of the property with all existing structures, easements, and roadways being shown.

6. Submit \$100.00 fee.

The foregoing and attached information in this Application for a Variance in the City of Albion, Idaho, is true and accurate to the best of my knowledge and belief.

Dated this _____ day of _____, 20 ____.

Applicant(s) Signature(s)

**NOTICE OF HEARING
ON APPLICATION FOR VARIANCE**

APP # _____

NOTICE IS HEREBY GIVEN that a hearing will be held on _____, ____ day of _____, 20____, at ____ PM, at the Albion Civic Center, 124 South Main Street, Albion, Idaho before the Albion City Council sitting as the Albion Planning & Zoning Commission on the application of *(name and addresses of all applicants)*:

Regarding an Request of Variance Application, which application was received by the City on the ____ day of _____, 20____, for the purpose of (Summary of Proposal)

The property is located on lands at the address of _____, City of Albion, Idaho.

The applicant(s) will appear at this hearing to provide the the Albion City Council all the information required for issuance of a Variance.

A copy of the Request for Variance Application, including relevant maps and drawings, and information concerning the hearing process is available for review by the public at the office of the City Clerk, 225 South Main Street, Albion, Idaho, during normal business hours, prior to the hearing.

All other interested persons are invited to attend the hearing on the question of issuance of the requested variance. Such other interested persons are advised that in order to participate in the hearing, the following regulations apply:

- A. Written Statements of Support or Objection.** All person to whom notice is mailed shall be advised in that notice that they and others who can establish that their substantial rights would be affected by the approval or denial of the Variance may file written objections

or supporting statements with the Albion City Clerk, 225 S Main Street, Albion, Idaho 83311, no later than ten (10) days prior to the hearing setting forth in that writing that person's support or objection to the issuance of the Variance.

1. Written objections shall set forth each requirement of the law (local, state or federal) which the objecting party believes the Vaiance would violate.
2. Written statements shall also set forth either that the party making the statement owns property within three hundered feet (300') of the external boundaries of the subject property for which the Variance is being sought and as described in the aplication and/or otherwise setting for the substantial rights that wold be affected by the approval or denial of the Variance.
3. Additionally, any party desiring to file any document(s) exceeding on (1) one-sided 8 ½" X 11" sized page, shall file such document(s) at least ten (10) days prior to the hearing, with the Albion City Clerk. The Albion City Council reserves the right to reject any proffered documentation that violates the intent of this regulation.

B. Providing Testimony at the Public Hearing. Any person who files a statement in support or objection to the issuance of the proposed Variance shall indicate in such statement whether or not such person desires to testify at the hearing.

1. Prior to the hearing the Albion City Council shall determine which of those persons who desire to testify will be permitted to testify at the hearing.
2. All statements of support or objections shall be made a part of the record at the hearing, but no person except the applicant(s) shall be permitted to testify at the hearing unless they have previously filed a written statement of support for or objection to the issuance of the Variance.

Dated this ____ day of _____, 20 ____.

Signature(s)

Printed Name(s)

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing document (Notice of Hearing – Please Attach signed copy) was on this date _____ served upon persons listed, at the addresses set out below their names, (list of mailing addresses attached) by mailing them a true and correct copy of said document in a properly addressed envelope in the United States mail, postage prepaid.

Dated _____ day of _____, 20____.

{Signature}

State of _____)

)

County of _____)

Subscribed and sworn to be before me this _____ day of _____, 20____,

personally appeared before me and proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) are subscribed to this instrument and acknowledged that they executed the same.

Notary Signature

Residing at _____

Commission expires _____

Notary Seal

AFFIDAVIT OF POSTING

I _____, hereby state that I personally posted on the property(ies) located at

_____ Albion, Cassia County, Idaho, a Notice of Hearing as required by Albion City Zoning Ordinance for Hearing on Variance Request.

Notice was posted up the property(ies) listed above, and the date of posting being not less than one (1) week prior to the date of hearing.

Dated _____ day of _____, 20_____.

Applicant

State of _____)

)

County of _____)

Subscribed and sworn to be before me this _____ day of _____, 20_____,

personally appeared before me and proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) are subscribed to this instrument and acknowledged that they executed the same.

Notary Signature

Residing at _____

Commission expires _____

Notary Seal