

Kootenai County Information Brief

Variances

Q: What is a Variance?

A: A variance is a modification of the requirements of the Zoning Ordinance as to lot size, lot coverage, setbacks, and parking spaces. A variance shall not be considered a right or a special privilege, but may be granted to an Applicant upon a showing of undue hardship due to site characteristics and that the request must not be in conflict with the public interest.

Q: How do I apply for a variance?

A: The first step in this process will be to set up a pre-application conference with a Planner. A variance application will need to be submitted to the Planning Department, with a payment of \$685.00.

Q: What is the expected timeline for this type of process?

A: The amount of time it will take for a variance request to be processed will vary from case to case but generally the process will take approximately 3 months. This time frame may vary dependent upon the Applicant submitting a complete application packet. The application packet will include a site plan, project narrative, fees, applicable agency letters and other materials, as required/requested by the Building and Planning Department.

Q: What is the review process?

A: While every case is different, all variances are processed and reviewed in the same manner. A variance may not be granted if the lot conditions are not unique, or if the Applicant cannot demonstrate that all of the application requirements have been met. The following is a general summary of the variance process:

- ✓ Submittal of application materials.
- ✓ Solicitation and receipt of applicable agency letters.
- ✓ Department review and scheduling of public hearing.
- ✓ Public hearing in front of the Hearing Examiner, who will in return make a recommendation.
- ✓ The Board of County Commissioners will deliberate over the Hearing Examiner's findings and will decide to either accept or deny the Applicant's request. The Board may also request more time to consider the case or may hold another public hearing prior to rendering a decision.

Q: What if I only need an Administrative Exception?

A: There are instances where a setback may be encroached upon by 12 inches or less. Under such circumstances, an Administrative Exception may be granted. An Applicant will have to provide the same information required in a variance application. However, a public hearing is not required in this process.

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Q: How long is a variance in effect?

A: The specific terms and conditions placed on the variance shall run with the land and remain valid upon a change of ownership. The variance is not transferable from the approved site to another site. The Applicant or future assigns having an interest in the subject property shall fully comply with all conditions placed upon this approval. The approval is only for the items requested in the narrative testimony and shown on the plans that were submitted.

Q: What are some of my other options?

A: The following is a list of variance alternatives:

- ✓ Lot line adjustments.
- ✓ Amended plat or re-plat process (see subdivision ordinance).
- ✓ Re-configuration of proposed project to meet County standards.
- ✓ Re-evaluation of the scale of the project.

!! Very Important Notice !!

When considering building on smaller sized lots, or making additions to structures, it is wise to consult with the Building and Planning Department to ensure your project will not be delayed. If you are considering other alternatives as opposed to a variance, first consult the Planning Department regarding feasibility.



**This brief is intended only as an information guide.
Information provided within this brief may not be complete and is subject to change.**

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