



**AN AMENDMENT TO TITLE 8 TO ADD A NEW SECTION:
LAPSE OF VARIANCE AUTHORIZATION**
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Prepared April 29th for the Planning & Zoning Commission
Public Meeting of May 12, 2011

- APPLICANT:** Teton County Planning Department
- APPLICABLE CODE:** Title 8 Teton County Zoning Ordinance
- REQUESTS:** Add Section 8-8-1-J Lapse of Variance Authorization
- APPLICABILITY:** County wide, all zoning districts

BACKGROUND: The proposed section of code provides a standard clause found in most city and county zoning codes. The proposed text makes it clear that the granting of a variance is valid for one year and should be acted upon within that time frame. To grant a variance and not obtain the associated building permit for several years is not an effective way to administer an ordinance. Some variances may involve uses that do not require a building permit. In order to be effective, there needs to be a set time frame established from the date of issuance of a permit and the activity or structure for which the permit was granted. One reason for the timeframe requirement is that the decisions of adjacent landowners to construct building or arrange uses on their lot are oftentimes based on the land uses or structures on the adjacent lot. If a setback or height variance is granted, then the variance holder needs to act on it and thereby give certainty to adjacent landowners as to the land uses that will take place on those nearby locations.

AMENDMENT TO TITLE 8 TETON COUNTY ZONING ORDINANCE

J. LAPSE OF VARIANCE AUTHORIZATION: Unless otherwise provided by the decision-making body, the Applicant shall apply for any needed building permits within twelve (12) months of the approval of the Variance. If no building permit is required for the variance, then the activity associated with the variance shall commence within one year of the date of approval of the variance. The Variance approval shall automatically lapse and be of no further force and effect if the Applicant fails to apply for a building permit or does not commence with the permitted activity within the twelve (12)-month period.

STANDARDS FOR AMENDMENTS TO THE TEXT OF THE COUNTY ORDINANCE:

Consistent with purposes. The proposed Variance regulation is consistent with Section 8-1-3 Purposes of Zoning Ordinance and with 9-1-3 Purposes and Scope of Title 9 of the Teton County Subdivision Ordinance.

Consistent with Comprehensive Plan. The proposed regulation is consistent with the Teton County Comprehensive Plan 2004-2010 and any trends that are apparent in the on-going comp plan surveys.

Consistent with other sections of the Zoning and Subdivision Ordinance. The proposed amendment is consistent with other provisions of the Teton County Code.

Additional flexibility. The proposed amendment to the text could provide additional flexibility in meeting the objectives of Title 8 the Teton County Zoning.