

ARTICLE 30.00 VARIANCE

30.01 AUTHORIZATION TO GRANT OR DENY VARIANCES

The Planning Commission may authorize variances from the requirements of this Ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of the Ordinance would cause an undue or unnecessary physical hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interest of the surrounding property or vicinity and otherwise achieve the purposes of this Ordinance.

30.02 CIRCUMSTANCES FOR GRANTING A VARIANCE

A variance may be granted only in the event that ALL of the following circumstances exist:

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography, or other circumstances over which the applicant has no control; and
2. The interest of the public will be preserved, and such action(s) will not set a trend; and
3. That the variance will be the minimum needed to alleviate the hardship on the land, and will not result in an undesirable change in the purposes of this Ordinance and in area land values or property uses, or be otherwise injurious to other property in the area.
4. That the hardship on the land is not self-imposed, nor a result from a violation of this Ordinance.

The Planning Commission shall deny application of a variance if all the conditions above are not found to exist.

30.03 VARIANCE PROCEDURE

The following procedures shall be followed in applying for and acting on a variance:

1. A property owner or designated agent may initiate a request for a variance by filing an application with the Planning Director using forms provided. The application shall be accompanied by a site plan drawn to scale showing the condition to be varied and the dimensions and arrangement of the proposed development. The Planning

Commission may request other drawings or material essential to an understanding of the variance request.

2. Before the Planning Commission may act on a request for a variance, it shall present notice and hold a public hearing as prescribed by Sections 24.03 and 24.04.
3. Within five working days after a decision has been rendered with reference to a request for a variance, the Planning Director shall provide the applicant with notice of the Planning Commission's decision.