

Chapter 17.54 – Variances

Sections:

- 17.54.010 Granted when.
- 17.54.020 Application–Filing–Requirements.
- 17.54.030 Filing fee.
- 17.54.040 Public hearing required–Notification.
- 17.54.050 Commission action.
- 17.54.060 Council action–Applicant notification.

17.54.010 Granted when.

The Planning Commission shall consider variances to the terms of this title which will not be contrary to the public interest where owing to special conditions, a literal enforcement of the provisions of this title will result in unnecessary hardship and under such conditions that the spirit of this title shall be observed and substantial justice done. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest. In acting upon such variance the Planning Commission shall make full investigation and shall only recommend granting a variance upon finding that the following are true:

- A. That the granting of the variance will not be in conflict with the spirit and intent of the comprehensive general plan for the County, and will not effect a change in zoning;
- B. That there are exceptional or extraordinary physical circumstances or conditions, applicable to the property involved, or the intended use thereof causing undue hardship, which do not apply generally to the property or class of use in the district, so that a denial of the relief sought will result in:
 - 1. Undue loss in value of the property,
 - 2. Inability to preserve the property rights of the owner,
 - 3. The prevention of reasonable enjoyment of any property right of the owner;
 - 4. Such hardship shall be proven by the owner.
- C. That the granting of such 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.
- D. That the reason for a variance was not caused by the owner’s, or previous owner’s, actions.

17.54.020 Application–Filing–Requirements.

An application for a variance may be initiated by one or more property owners. Such application shall be filed with the Planning Commission on forms prescribed by the Planning Commission accompanied by such data and information necessary to assure the fullest presentation of facts and shall include:

- A. Name, address, and phone number of applicant(s);

TITLE 17 – ZONING
CHAPTER 17.54 - VARIANCES

- B. Legal description of property (and street address, where possible);
- C. Description of nature of variance requested;
- D. A narrative statement demonstrating that the requested variance conforms to the standards set forth in Section 17.54.010 above;
- E. Name and address of all property owners and residents within three hundred feet of the exterior boundaries of the land being considered.

17.54.030 Filing fee.

A filing fee shall be paid at the time of the filing by the owner or owner's representative.

17.54.040 Public hearing required–Notification.

The Planning Commission shall hold at least one public hearing on each variance request following the same hearing and notice procedures as set forth in Section 17.46.040, except notification to property owners shall be by ordinary mail and need not extend beyond adjoining property owners to the external boundaries of the land being considered.

17.54.050 Commission action.

Within forty-five (45) days after the public hearing for a variance request, the Planning Commission shall transmit its recommendations for approval or disapproval to the board.

17.54.060 Council action–Applicant notification.

Within forty-five (45) days after receiving the recommendations of the commission, the city council shall approve, disapprove, or approve with conditions, the application for variance and shall give notice to the applicant within ten days after the decision has been rendered.