

Chapter 16.185 Variance

16.185.000 Purpose and Scope

The purpose of a variance is to provide relief when a strict application of the zoning requirements of lot width, lot depth, building height, setback, access, or other dimensional or site requirements-would impose practical difficulties. These difficulties may result from geographic, topographic or other physical conditions on the site or in the immediate vicinity. No variance shall be granted which allows the establishment or expansion of use otherwise prohibited or subject to conditional use procedures.

16.185.005 Application and Fee

A pre-application conference pursuant to the Application Review section of this chapter is required. The City Manager may waive this requirement. An application for a variance shall be filed with the City and accompanied by the appropriate fee. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangements of the proposed development. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this section. Except for Administrative Variances per 16.185.015, Variance requests shall be subject to the quasi-judicial public notice and public hearing requirements of a Type III process under the Application Review procedures under 16.170.

16.185.010 Type III Variance Review Criteria

A variance may be authorized upon adequate demonstration by the applicant that the proposed variance satisfies the following criteria:

- A. That special conditions and circumstances exist which are peculiar to the land, building or structure involved;
- B. That granting the proposed variance would be in the public interest and would be in harmony with the purpose of the underlying zoning district and the intent and purpose of this Ordinance;
- C. That the variance would result in minimal detriment to the immediate vicinity;
- D. That the variance requested is the minimum variance which would make possible the reasonable use of the applicant's land, building or structure; and
- E. That the special conditions and circumstances on which the application is based do not result from the negligent or knowing violation of this Ordinance by the applicant.

16.185.15 Type II Minor Variances

Minor variances that may be authorized administratively under a Type II process include the following:

- A. Minor variances, not to exceed 10%, from lot size, depth, width, area, coverage, landscaping and setback standards
- B. Minor variances of other design standards of the Code. The City Planner or designee has the discretion to require a variance of design standards under a Type III process with final approval by the Planning Commission at any time.

Minor variances may be authorized administratively upon adequate demonstration by the applicant that the proposed variance satisfies the following criteria:

- A. That special conditions and circumstances, such as lot shape and configuration, exist which are peculiar to the land, building or structure involved;
- B. That the variance would result in minimal detriment to the immediate vicinity.
- C. An application for an Administrative Variance is limited to one lot per application.
- D. No more than three Administrative Variances may be approved for one lot or parcel in 12 months.

16.185.020 Conditions of Approval

In approving an application for a Type III variance, the Planning Commission may impose such conditions as it deems appropriate to ensure that the intent of this Section is carried out. Such conditions shall be reasonably related to the variance criteria set forth in this chapter.

16.185.025 Compliance with Conditions

Compliance with conditions imposed in approval of a variance and adherence to an approved plot plan shall be required. Any departure from these conditions of approval and approved plans constitutes a violation of this Ordinance. The Planning Commission may revoke approval of any variance for failure to comply with any condition imposed in approval of the variance or for any other violation of this Ordinance.