

Chapter 17.36

variance.

VARIANCES

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17.36.010 Authorization to grant or deny variances.

The city council may grant variances from the provisions of this title where it has been shown that owing to unusual topographic conditions, unusual conditions as to the shape of property or the location of a building on property, or other conditions over which the applicant has had no control, the literal interpretation of this title would cause an undue or unnecessary hardship, except that no variance shall be granted to allow the use of property for purposes not authorized within the zone in which the proposed use would be located. In granting the variance the city council may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this title. (Ord. 278 § 7.010, 1977)

17.36.020 Application for a variance.

A request for a variance may be initiated by a property owner or his authorized agent by filing an application with the planning commission or its designated agent. (Ord. 278 § 7.020, 1977)

17.36.030 Circumstances for granting a

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

A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity.

B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess.

C. The variance would not be materially detrimental to the purposes of this title, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy,

D. The variance requested is the minimum variance which would alleviate the hardship.(Ord. 278 § 7.030, 1977)

17.36.040 Notice of public hearing on variance.

Before authorization for a variance is granted it shall be considered by the planning commission at a public hearing. Notice of the hearing on a variance shall be given by the planning commission or its designated agent to property owners abutting the property where the variance is requested and other adjacent property owners deemed to be affected by the request. Names for the purpose of notification shall be obtained from the records of the county assessor. Failure of a person specified in this section to receive the notice shall not invalidate any proceedings in connection with the application for a variance. The planning commission may continue a public hearing in order to obtain more information or to serve further notice to persons it decides are affected by the proposed variance. (Ord. 278 § 7.040, 1977)

17.36.050 Notice to applicant.

The city council or its designated agent shall notify the applicant for a variance of the action of the city council within five days after a decision has been rendered.(Ord. 278 § 7.050, 1977)