

Chapter 17.72 Variances

Sections:

- 17.72.010 Purpose.**
- 17.72.020 Approval criteria.**
- 17.72.030 Time Limits**

17.72.010 Purpose. The purpose of this Chapter is to establish a process and criteria to allow variances from this Title in cases where special circumstances prevent Applicants from full compliance with development standards. Such special circumstances may include size, shape, topography, location or surroundings of the property in question.

17.72.020 Approval criteria. Variances shall be processed as a Class 2 Permit and may be approved based on a finding that all five of the following criteria have been met in order to grant a variance:

- A. That such variance is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located;
- B. That the strict application and interpretation of the provisions of this Title would result in practical difficulties or unnecessary hardships;
- C. The granting of the variance will not materially detrimental or prejudicial to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated;
- D. The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of the properties in the vicinity and zone in which the property is located; and
- E. The variance requested is the minimum variance that will make possible the reasonable use of the land, building or structure.

17.72.030 Time Limits. Time shall be prescribed within which the action for which the variance was granted shall begin, be completed, or both. Unless otherwise specified, the action shall commence within six months and be completed within eighteen months of issuance of the permits. Failure to begin and/or complete such action within the time limit set shall void the variance. The **Hearing Examiner**, however, may authorized a one-time extension of either or both dates after the review of an extension request at a public meeting, provided that such extension request was filed prior to the expiration of the date for which the extension is requested. Such extension shall detail the circumstances that prohibited the commencement or completion, or both, of the variance authorized. The length of such time extension, if authorized, shall not exceed eighteen months