

Chapter 18.16: Variances

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18.16.010 Purpose

The provisions of this chapter allow for adjustment from the development standards of this code only when—because of special circumstances applicable to the property, including location, shape, size, surroundings, or topography—the strict application of the code denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts. Any variance granted shall be subject to conditions that will ensure that the variance does not constitute a granting of special privilege(s) inconsistent with the limitations upon other properties in the vicinity and zoning district in which the property is situated. The power to grant variances does not extend to land use regulations; flexibility in land use regulations is provided in Chapter 18.14, Use Permits.

18.16.020 Applicability

Planning Commissions may grant a variance from all physical development requirements of this code except those establishing land uses; residential density; or office, commercial, and industrial intensity (e.g., FAR).

18.16.030 Authority of Planning Commission

The Planning Commission shall approve, conditionally approve, or disapprove applications for variances subject to the policies and intent of the General Plan, the general purpose of this ordinance, and the provisions of this chapter.

18.16.040 Application

An application for a variance, accompanied by the required fee, shall be filed with the Development Services Department in a form prescribed by the Director and shall be

accompanied by plans, elevations, or other details necessary to illustrate, and demonstrate the need for, the variance request.

18.16.050 Hearings and Public Notice

Upon a determination that the variance application is in proper form and deemed complete, the Planning Commission shall hold at least one public hearing in compliance with Chapter 18.11, Common Procedures.

18.16.060 Duties of Planning Commission

- A. **Public Hearing.** The Planning Commission shall conduct the public hearing and hear testimony for and against the application. A public hearing may be continued to a definite date and time without additional public notice.
- B. **Decision and Notice.** Within 30 days of the conclusion of a public hearing, the Planning Commission shall approve, conditionally approve, or disapprove the application; notice of the decision shall be mailed to the applicant and any other party requesting such notice within 10 calendar days of the date of the resolution ratifying the decision.

18.16.070 Required Findings

The Planning Commission may approve the application as it was applied for or in modified form if—on the basis of the application, plans, materials, and testimony submitted—the Planning Commission finds that:

- 1. There are exceptional or extraordinary circumstances or conditions applicable to the property, structure, or use referred to in the application, including location, shape, size, surroundings, or topography, which do not apply generally to property, structures, or uses in the same zoning district, so that the strict application of this code denies the property owner privileges enjoyed by other property owners in the vicinity and under an identical zoning district.
- 2. Granting the variance is necessary for the preservation and enjoyment of substantial property rights.
- 3. Granting the variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel.
- 4. Granting the variance does not result in special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which the property is located.
- 5. Granting the variance will not, under the circumstances of the particular case, be materially detrimental to the public interest, health, safety, convenience, or welfare of the city or injurious to the property or improvements in the vicinity and zoning district in which the

property is located.

18.16.080 Conditions

Whenever a variance is granted, the Planning Commission may impose reasonable conditions including, but not limited to, requirements for special yards, open spaces, buffers, fences, walls, location and orientation of roll-up doors, and screening; specific building design elements; requirements for installation and maintenance of landscape and erosion-control measures; regulation of vehicular ingress and egress and traffic circulation; construction of street improvements and dedication of right-of-way for street widening or street extensions; regulation of signs; regulation of parking; preservation of trees; regulation of lighting; regulation of hours or other characteristics of operation; establishment of development schedules or time limits for performance or completion; extension and provision of public utilities and easements; requirements for periodic review by the Director; and such other conditions as the hearing body may deem necessary to ensure compatibility with surrounding uses; to preserve public health, safety, and welfare; to avoid adverse impacts on traffic-carrying capacity of streets and highways, public services, and facilities; and to implement the General Plan.

18.16.090 Effective Date

A variance shall become effective at the end of the 10-day appeal period, unless appealed. Appeals shall be resolved in accordance with the procedures established in Chapter 18.11, Common Procedures.

18.16.100 Scope of Approval, Revocation, Renewal

The lapse of approval, revocation, and renewal of variances shall be governed by the procedures set forth in Chapter 18.11, Common Procedures.

18.16.110 Changed Plans; New Applications

Changed Plans. A request for changes in conditions of approval of a variance or a change to site plans that would affect a condition of approval shall be treated as a new application, except that changes determined to be minor, in the opinion of the Director, may be approved administratively by the Director.