

ARTICLE 10

VARIANCE PROCEDURE

SECTION 10.010, PURPOSE: The purpose of a variance is to permit justifiable departures from the requirements of this ordinance where their strict application would impose a serious and unfair hardship upon the property owner. A use variance will allow property to be used for a purpose not generally permitted within the zone and will be authorized only upon a showing of the extraordinary hardship according to the criteria provided below. An area variance will allow an exception to certain dimensional or density requirements for a use that is generally permitted within the zone, upon a showing of special circumstances and practical difficulty according to the criteria set forth below.

SECTION 10.015, REVIEW PROCEDURE: A variance shall be subject to administrative review. If in the opinion of the administrative review authority, the proposed use may be in conflict with the purposes of this ordinance or if objection has been filed by a party entitled to notice, the application will be referred to the public hearing review process.

SECTION 10.020, REVIEW CRITERIA-USE VARIANCE: A use variance may be granted subject to any reasonable conditions based upon the following findings:

01. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and which result from lot size or shape, topography, or other circumstances over which the property owner has had no control.
02. Without granting the variance the owner would be substantially deprived of any viable economic use of his property.
03. The variance would not be materially detrimental to property in the same zone or vicinity in which the property is located or otherwise conflict with the policies of the land use plan.
04. The variance requested is the minimum variance which would alleviate the difficulty.
05. The variance is not the result of a self-created hardship.
06. The application satisfies the pertinent criteria of Article 36, Salmon Habitat Restoration.

SECTION 10.025, REVIEW CRITERIA-AREA VARIANCE: An area variance may be granted subject to any reasonable conditions based upon the following findings:

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01. That there are special circumstances or conditions affecting the property that do not normally apply to other property and that such circumstances or conditions make it impossible or impractical to comply with the ordinance.
02. That the exception conforms to the purpose of this ordinance and is necessary for the proper design and/or function of the subdivision or partition.
03. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated.
04. That the exception is necessary for the preservation and enjoyment of a substantial property right because of an extraordinary hardship which would result from strict compliance with the regulations of this ordinance.
05. The variance requested is the minimum variance which would alleviate the difficulty.
06. The application satisfies the pertinent criteria of Article 36, Salmon Habitat Restoration.

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