

CHAPTER XX.72 VARIANCES

xx.72.010 Purpose.

xx.72.020 Approval Criteria.

xx.72.030 Approval Standards

xx.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. Such special circumstances shall include size, shape, topography, location or surroundings of the property in question

xx.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 be 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.

xx.72.030 Approval Standards. It is the responsibility of an Applicant to provide the proof necessary for approval at the associated public hearing. The Applicant has the burden of proof that they meet the requirements in A. through E.