

ARTICLE VIII

VARIANCE PROCEDURES AND CRITERIA

SECTION 8.010: PURPOSE

The purpose of a VARIANCE is to provide relief when a strict application of the dimensional requirements for lots or structures would cause an undue or unnecessary hardship by rendering the parcel incapable of reasonable economic use. No VARIANCE shall be granted to allow a use of property not authorized by this Ordinance.

SECTION 8.020: PROCEDURE

The following procedure shall be observed in applying for and acting on a VARIANCE request:

- (1) A request may be initiated for a VARIANCE, or the modification of an approved VARIANCE, by filing an application with the Department. The Department may require any information necessary for a complete understanding of the proposed VARIANCE and its relationship to surrounding properties.
- (2) The Director shall act administratively according to the procedure set forth in Article 10, or shall refer the application to the Commission for a public hearing and decision. The application shall be referred to the Commission if the Director determines that the proposed use would have significant impacts that extend beyond the abutting properties, and that those impacts are not likely to be adequately addressed by response to public notice required by Section 10.070. If the Director elects to refer the application to the Commission, it shall be heard at the next available Commission hearing, unless the applicant requests otherwise.
- (3) No approved VARIANCE request shall be invalidated because of failure to receive the notice provided for in Section 10.070.

SECTION 8.030: REVIEW CRITERIA

A VARIANCE shall be granted, according to the procedures set forth in Section 8.020, if the applicant adequately demonstrates that the proposed VARIANCE satisfies all of the following criteria:

- (1) Circumstances attributable either to the dimensional, topographic, or hazardous characteristics of a legally existing lot, or to the placement of structures thereupon, would effectively preclude the enjoyment of a substantial property right enjoyed by the majority of landowners in the vicinity, if all applicable standards were to be met. Such circumstances may not be self-created.
- (2) A VARIANCE is necessary to accommodate a use or accessory use on the parcel which can be reasonably expected to occur within the zone or vicinity.
- (3) The proposed VARIANCE will comply with the purposes of relevant development standards as enumerated in Section 4.005 and will preserve the right of adjoining property owners to use and enjoy their land for legal purposes.
- (4) There are no reasonable alternatives requiring either a lesser or no VARIANCE.

SECTION 8.040: ENERGY CONSIDERATIONS

It is the policy of the County that its development standards encourage the construction of facilities intended to conserve ENERGY or to develop renewable sources of ENERGY. Consequently, development standards may be adjusted to accommodate design features that are intended to result in either ENERGY conservation or the use of renewable ENERGY. Variances granted for this purpose shall be the minimum required to achieve this policy.

SECTION 8.050: CONDITIONS OF APPROVAL

Conditions deemed appropriate to carry out the intent of this Article may be attached to approved Variances. Such conditions shall be reasonably related to the Variance criteria.

SECTION 8.060: COMPLIANCE WITH CONDITIONS

Any departure from the conditions of approval or the approved plot plan constitutes a violation of this Ordinance. The Director may revoke approval of any Variance for failure to comply with any conditions of approval or for any other violation of this Ordinance.

SECTION 8.070: TIME LIMIT

All approved Variances shall be void if construction of the structure which required the Variance has not begun within 24 months of the date upon which the applicant was notified of the Commission's or the Director's decision. If construction/division has not begun, or if the division of land has not been filed with the County Clerk, such approval may be extended beyond 24 months only upon the Director's approval. Requests for extension of time shall be in writing and shall be submitted prior to the date of expiration.