

### **17.35.020 Variances.**

(1) A variance from the strict application of the terms of these regulations, other than regulations directly pertaining to the use of land and buildings which are not existing nonconforming uses, may be granted upon a finding that:

(a) The location, shape, size, surroundings, topography, or other condition, applicable to the subject property, represent special circumstances, and that strict application of this title would deny the property owner privileges enjoyed by other property owners in the vicinity and within the same zoning district;

(b) The variance is necessary for the enjoyment and preservation of substantial property rights enjoyed by other property owners in the same vicinity and zoning district; and

(c) The variance is consistent with the general plan.

(2) Application for a variance shall be filed in the office of the City Clerk upon a form provided, and shall be accompanied by a filing fee adopted by resolution of the City Council and by such other information as may be required to describe fully the proposed variance.

(3) Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.

(4) Notice of the time and place of the hearing shall be given at least 10 calendar days before the hearing by prepaid U.S. mail notices to owners of property adjoining that of the petitioner, using addresses from the last assessment roll, or by publication once in a newspaper of general circulation printed and published in the City and by posting said notice in conspicuous places close to the property affected.

(5) At the public hearing, the Planning Commission shall hear any person affected by the proposed variance. The hearing may be continued from time to time, but shall be concluded within 60 days of the commencement thereof.

(6) Within 30 days of the conclusion of the hearings, the Planning Commission shall grant or deny the variance. The grant of a variance may be made subject to terms and conditions attached thereto and made a part thereof. The action of the Planning Commission shall be expressed in writing and shall contain findings of fact as to the satisfaction of the conditions set out in subsection (1) of this section. Failure of the Planning Commission to act within 30 days of the conclusion of the hearing shall be deemed to be a denial of the application on that date. The decision of the Planning Commission shall become final 10 days from the date thereof, unless an appeal has been taken within that time. [Ord. 252 §§ 7.20 – 7.25, 2004.]