

CHAPTER VII - VARIANCES

Section 1. Purposes and Limitations. In order to prevent or lessen practical difficulties of unnecessary hardships resulting from the strict or literal interpretation of certain provisions of this resolution, the Board of County Commissioners is authorized to grant variances. The authority to grant variances is intended to resolve non-self-inflicted **created** practical difficulties or physical hardships resulting from the size, shape or dimensions of a site, or from topographic or physical conditions on a site or in the immediate vicinity of a site.

1. Refer to Chapter IV – Administration, Section 1. Application Process of Land Use Permits

~~A pre-application conference with Planning Department staff shall be held prior to the submission of a variance application. The pre-application conference may be held in person or via telephone. The purpose of the pre-application conference shall be to discuss the proposed variance based upon the information provided by the applicant and the provisions of the County Zoning and Development Regulations.~~

~~a. A pre-application conference with Planning Department staff shall be held prior to the submission of a variance application. The pre-application conference may be held in person or via telephone. The purpose of the pre-application conference shall be to discuss the proposed variance based upon the information provided by the applicant and the provisions of the County Zoning and Development Regulations.~~

~~b. A statement of the precise nature of the variance request, the development standard or standards involved, and the non-self-created practical difficulty or unnecessary physical hardship that would result from the strict or literal enforcement of the development standard or standards.~~

~~Section 2. Filing Requirements. An application for variance shall be filed with the zoning administrator, and shall be accompanied by the required filing fee, and shall include materials setting forth the following information:~~

~~a. The name and address of the owner or applicant;~~

~~b. A legal description or other information necessary to identify the site;~~

~~c. A site plan showing all existing and proposed structures or improvements on the site, and showing all natural conditions relevant to the application;~~

~~d. A statement of the precise nature of the variance request, the development standard or standards involved, and the non-self-created practical difficulty or unnecessary physical hardship that would result from the strict or literal enforcement of the development standard or standards.~~

Section 2. Procedure

Action by the Applicant.

1. A pre-application conference with Planning and Zoning Department staff shall be held prior to the submission of a conditional use application.
2. A completed application shall be submitted to the Planning and Zoning Office for formal review and after the completed pre-application meeting.

Action by the Planning and Zoning Office

1. The Planning and Zoning Office Staff shall review the application and the material submitted therewith, and, if found to be complete, shall accept the application.
2. The Planning and Zoning Office staff shall prepare a report covering compliance with all requirements applicable to the proposed development.
3. The Planning and Zoning Office Staff shall submit this report to the Planning and Zoning Commission and, the applicant not less than seven (7) days prior to the public hearing.
4. The application shall be notified of the Board of County Commissioner's final action by the Planning and Zoning Office.

Action by the Planning and Zoning Commission

1. The Planning and Zoning Commission shall review the application, the accompanying materials, and the report of the Planning and Zoning Office staff at a public hearing. In making its recommendations the Planning and Zoning Commission shall consider the factors set forth in this chapter.
2. The following ~~standards~~ factors shall apply and be considered in the review, recommendation and decision:
 - i. The granting of the variance will not be detrimental to the public health, safety, or welfare, or materially injurious to other properties in the vicinity;
 - ii. ~~a grant of~~ A special privilege inconsistent with the limitations on use of other properties in the district; **other than to permit the applicant to use their property in a manner as closely equivalent to uses generally permitted in the district with the appropriate protection of general public interest, and considering the peculiar and unusual conditions, circumstances involved, and the hardship created by such conditions and circumstances.**
 - ii. **The hardship which is the basis for the variance application was not self-inflicted created by the applicant; specifically, the special conditions and circumstances noted**

in the application were not the result of actions taken by the applicant or actions of previous owner in chain of title.

3. The granting of the variance is justified **if all** the following ~~reasons~~ **findings are met**:
 - i. Strict interpretation or enforcement and extraordinary circumstances or conditions existing at the site of the variance, cause unnecessary physical hardship inconsistent with the purposes of this resolution and do not generally apply or exist to other properties in the same district.
 - ii. The hardship is not self-created.
 - iii. The variance is the minimum adjustment necessary to afford relief from the regulations.
4. After the review the Planning and Zoning Commission shall submit its recommendations, and any prescribed conditions it deems necessary to accomplish the purposes of this Resolution, to the Board of County Commissioners at the next scheduled meeting.

Action by the Board of County Commissioners.

1. The Board of County Commissioners shall consider the application at a regularly scheduled meeting of the Board. The Board of County Commissioners may grant the variance, grant the variance subject to conditions or modifications, or deny the variance. The Board of County Commissioners shall consider the variance standards set forth in this chapter in making its decision.

~~Section 4. Planning and Zoning Commission Action. The Planning and Zoning Commission shall review the application at a regular meeting within 45 days from its receipt of the completed application. Within 45 days after its review, the Planning and Zoning Commission shall make recommendations to the Board of County Commissioners that the Board grant the variance, grant the variance subject to conditions or modifications, or deny the variance. In making its recommendations the Planning and Zoning Commission shall consider the various standards set forth in this chapter.~~

~~Section 5. Board of County Commissioners' Action. The Board of County Commissioners shall consider the application at a regularly scheduled meeting of the Board within 45 days after the recommendations of the Planning and Zoning Commission have been received. The Board of County Commissioners may grant the variance, grant the variance subject to conditions or modifications, or deny the variance. The Board of County Commissioners shall consider the variance standards set forth in this chapter in making its decision.~~

Section 3. Effect of Approval. The development for which the variance was granted shall not be constructed or established until the development has secured all other approvals required by these regulations. The grant of a variance does not ensure that the development approved as a variance will receive other necessary approvals unless all the relevant requirements of these regulations are also met.

Section 4. Revocation. A variance granted on condition may be revoked by the Board **of County Commissioners** for failure to comply with the condition (**Reference Ch. XI- Enforcement**)

~~Section 8. Lapse. A variance shall lapse and become void one year following the date on which the variance was granted unless construction or development is commenced prior to the expiration date and diligently pursued to completion. The Board may extend its authorization for an additional period of six months for good cause.~~

Section 5. Lapse. A variance shall lapse expire one (1) year following the date on which the variance was granted if either the permitted use, construction or development has not commenced prior to the expiration date. The Board of County Commissioners may extend a conditional use authorization if the applicant provides good cause.