

## Chapter 17.40

### VARIANCES

#### Sections:

- 17.40.020 Approval requirements.
- 17.40.030 Written conditions.
- 17.40.040 Appeals.

#### **17.40.020 Approval requirements.**

- A. When necessary, the council, upon recommendation of the appropriate agencies, may authorize variances to all requirements of this title. Application for a variance shall be made as a part of the application for preliminary plat approval and shall state fully the grounds of the application and the fact relied upon by the petitioner. The appropriate agency and the council, before granting a variance, shall find that all of the following facts with respect thereto are met:
1. That there are special circumstances or conditions affecting the property that are not common to all other property in the area.
  2. That the variance is necessary for the preservation and enjoyment of substantial property rights enjoyed by other properties in the same vicinity and that extraordinary hardship would result from strict compliance with these regulations because of the special circumstances or conditions affecting the property.
  3. That the granting of a variance will not be detrimental to the public health, safety, or welfare or injurious to other property in the vicinity of the property involved.
- B. The appropriate agency may recommend approval or denial of a variance only after a public hearing on the variance application has been held by that agency.

Notifications of the hearing shall be in the same manner as outlined in Section 17.40.030 and the scope and continuance of the hearing shall be in accordance with Section 17.40.030. Action by the council on a variance shall be in accordance with Section 17.40.030. (Ord. 398 S1 (part), 1981.)

- 17.40.030 Written conditions.** In granting necessary variances, the appropriate agency and the council shall secure substantially the objectives of the regulations to which the variances are granted in order to preserve public health, safety, convenience, and the general welfare. Conditions

necessary for this purpose shall be specified in writing in granting and the appropriate agency and the council shall make a written record of its findings and the facts in connection therewith and shall specifically and fully set forth the variance granted and the conditions designated. The administrator shall keep the findings on file as a matter of public record. (Ord. 398 S1 (part), 1981.)

**17.40.040** **Appeals**. Any decision approving or disapproving any plat shall be reviewable for unlawful, arbitrary, capricious or corrupt action or non-action by writ of review before the superior court of Benton County. The action may be brought by any property owner in the city who deems himself aggrieved. (Ord. 398 S1 (part), 1981.)