

Article 66 - Variances

ARTICLE 66 - VARIANCES

Section 66.00 - Purpose and Intent

The intent of this article is to allow flexibility for certain situations in regards to numerical site development standards as required by this Ordinance. Applications shall be judged individually on a factual determination and shall not set a precedent for other applications.

Section 66.10 - Variance Procedures

The Planning Director will process Variances pursuant to Article 72. In granting a variance, conditions may be attached to protect the interests of the surrounding property or vicinity.

Section 66.15 – Activities Exempt from a Variance

- A. Expansion of a non-conforming structure (a structure that does not meet setbacks) when the portion being expanded is located entirely outside of the setback area.
- B. In kind replacement of a non-conforming structure (a structure that does not meet setbacks).

Section 66.20 - Variance Standards (Minor & Major)

- A. No variance shall allow a use that is not provided for within the applicable zoning designation.
- B. No variance regarding minimum lot size shall be approved for lands within the National Scenic Area, or for lands zoned Exclusive Farm Use (EFU), Forest (F-1) or Primary Forest (F-2).

Minor Variance

- C. A variance may be granted only in the event that all of the following conditions have been shown to be met:
 - 1. The variance will at the most have a minimal negative impact on adjacent properties;
 - 2. The variance will result in more efficient use of the site, or result in protection of a natural feature.
 - 3. An addition or replacement structure can extend beyond the existing building footprint into the required setback, but not extend closer to the property line, road or stream unless within the percentages provided in Subsection 4 below or with a Major Variance. In the case of a replacement structure, this standard shall only apply to new structures that overlap at least a portion of the existing structure's footprint.

Article 66 - Variances

4. The variance does not exceed the following percentages:
 - a. Setbacks: No more than 25% of requirement
 - b. Lot Dimension: No more than 10% of requirement
 - c. Height: No more than 10% of requirement
 - d. Lot Area: No more than 10% of requirement
 - e. Lot Coverage: No more than 10% of requirement

Major Variance

5. Exceptions to the Subsection above may be granted if the following circumstances exist:
 - a. Exceptional or extraordinary circumstances apply to the property, which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography, or other circumstances over which the owners of property, since enactment of this Ordinance, have had no control.
 - b. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess.
 - c. Strict adherence to the requirement will result in a substantial economic impact to the property owner.