

17.12.100 Variance and administrative adjustments.

A. Purpose. The variance and administrative adjustments procedures are established to allow applicants to seek deviations and modifications from certain requirements of this title to overcome unique site impediments and area conditions. Deviations or waivers to the city's development standards may be specifically necessary to accommodate infill projects, adaptive use activities, and redevelopment projects in established areas of the city where existing site and area conditions may limit an applicant's ability to fully comply with city requirements. Variances are intended to allow applicants to seek regulatory relief through a public hearing process, whereas administrative adjustments are intended to allow applicants to seek minor regulatory relief through an administrative process.

B. Applicability. The provisions of this section apply to any applicant that seeks regulatory relief for a specific development project or construction activity subject to the allowances and limitations set forth herein.

C. Allowances. Applicants may seek regulatory relief through application for a variance or an administrative adjustment and as allowed by the provisions of this section. The city may not grant deviations or waivers to land use restrictions in any zone except as allowed in Chapter 17.100 and in Section 17.12.120.

1. Variances. Variances include a formal process where applicants may seek deviations, waivers, and/or modifications from certain dimensional or site design standards of this title. Variances may be approved through a formal application, and a public hearing before the planning and zoning commission pursuant to Table 17.12.030-1.

a. Allowances. Applicants may seek variances to the following code provisions:

i. Zoning district dimensional standards including lot size, setbacks, and height.

ii. Parking requirements including dimensional standards and parking ratios.

iii. Landscaping and buffering standards.

iv. Sign standards including size and location on a lot.

v. Fence and wall standards including material, size, location, and height.

vi. Specific use standards, except applications for additional accessory dwelling units (ADUs).

vii. Expansions of a legal nonconforming use as allowed and limited pursuant to Chapter 17.100.

2. Administrative Adjustments. An administrative adjustment is a process where applicants may seek minor and limited reductions, deviations or modifications from certain dimensional or site design standards of this title. Administrative adjustments may be approved through application and approval from the community development director pursuant to Table 17.12.030-1.

a. Allowances. Applicants may seek administrative adjustments to the following code provisions:

- i. Up to twenty percent of the zoning district dimensional standards including lot size, setbacks and height.
- ii. Up to twenty percent of the required minimum parking ratio requirements for a specific use.
- iii. Up to fifty percent of the required landscaping and buffering standards.
- iv. Up to twenty percent of the required sign setback or sign size requirements.
- v. Up to twenty percent of the required wall/fence height requirements.
- vi. Up to twenty percent of the accessory structure size limitations.
- vii. Expansions of legal nonconforming uses pursuant to Section 17.100.020(G)(1).

D. Approval Criteria. The community development department and the final decision-making authority shall evaluate whether the variance or administrative adjustment application complies with the criteria established in this section in determining to approve, approve with conditions, or deny the request. The decision-making authority may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest and demonstrate consistency with the review criteria.

1. Criterion 1: There are exceptional physical characteristics or conditions pertaining to the property which may affect intended land use or development thereon which do not generally apply to other properties in the same zoning district. This criterion is only applicable to variance requests; this does not apply to administrative adjustments.
2. Criterion 2: The strict application of the provisions of this title would result in practical difficulties or an unnecessary hardship to the applicant.
3. Criterion 3: The granting of the variance or administrative adjustment will not result in material damage or prejudice to other properties in the vicinity nor be detrimental to the public health, safety or welfare.

4. Criterion 4: The granting of the variance or administrative adjustment will not be contrary to the goals, policies, and objectives of the comprehensive plan.

E. Submittal Requirements. Applicants for a variance or administrative adjustment shall provide the following items to the city to commence the review:

1. Application and Fee(s). Applicants shall provide a complete application and pay associated application fees at the time of application filing. Additional expenses incurred by the city that are associated with the review may be paid at a later date but prior to action being taken on the application.

2. Legal Description. Applicants shall provide a legal description of all the property that is subject of the variance or administrative adjustment application.

3. Narrative. Applicants shall provide a project narrative that describes the location, proposed use(s), proposed site improvements, and zoning district. The narrative shall describe the existing and proposed building sizes, proposed density, as applicable, parking and access, and environmental conditions on and adjacent to the subject site. The narrative shall describe the requested deviations, waivers, or modifications. The narrative shall list all of the variance/administrative adjustment review criteria and provide a response describing how the proposal complies with those criteria.

4. Plan Set. Applicants shall provide a plan set, at the discretion of the community development director, to illustrate the proposed site improvements. The plan set may include the following.

a. Property Survey. This shall be a scaled drawing with a surveyor's seal that graphically depicts the current lot/tract configuration with boundary dimensions, depicts current easements, and illustrates the exact location and dimensions of existing site improvements. The survey shall also include a legal description.

b. Site Plan. This shall be a scaled drawing that depicts the existing and proposed site conditions with a specific focus on the construction elements that are subject of the variance/administrative adjustment application. The site plan shall include the proposed building setbacks, as applicable to the variance/administrative adjustment application.

c. Building Elevations. This shall be scaled drawings showing the proposed building elevations for subject structure(s) of the variance/administrative adjustment application. The elevations shall include dimensions and material labels. Building elevations are only required for variances/administrative adjustments that involve an increase in building height beyond what is allowed in the zoning district.

5. Technical Studies. The applicant may be required to submit technical studies at the

discretion of the community development director to demonstrate compliance with the variance and administrative adjustment review criteria. These may include, but are not limited to, traffic studies, drainage studies, noise and vibration studies, and/or visual impact studies.

F. Review Procedure. Variance and administrative adjustment applications shall be reviewed pursuant to Table 17.12.030-1. The city shall process the application pursuant to the following procedures.

1. Initial Submittal and Completeness Review. Upon receipt of an application submittal, the community development department shall review the submittal for completeness. Where the submittal lacks the required information, the community development department shall cease its review and notify the applicant of deficient information/items. After the applicant addresses the deficient items, the community development department may restart its review. The community development department shall provide written comments to the applicant detailing elements of the application that do not comply with regulations and policies.

2. The community development department shall conduct a review of the application's consistency with the approval criteria, pursuant to subsection D of this section, other municipal code provisions, the comprehensive plan, and other applicable regulatory and policy documents. The community development department may circulate the application to other city departments for comment. The community development department shall provide written comments to the applicant detailing elements of the application that are inconsistent with approval criteria.

3. Application Revisions. As applicable, the applicant may revise its application submittal to address the community development department's comments. If the applicant provides a revised application packet, the community development department shall review the revised application for regulatory and policy compliance.

4. Staff Report. The community development director, or designee, shall write a staff report that (a) summarizes the proposed variance/administrative adjustment in terms of location, proposed land use(s), and proposed structures, (b) describes the deviations, waivers or modifications sought, (c) provides findings related to the variance and administrative adjustment approval criteria, (d) provides findings related to the specific use standards, as applicable, and (e) provides a recommendation to approve, approve with conditions, or deny the request. The staff report shall include the applicant's complete submittal and any public comments as attachments.

G. Public Notice Required for Variance. The city shall provide public notice and document public comments regarding the variance application pursuant to Section 17.12.160.

H. Decision for Administrative Adjustments. The community development director shall review

the administrative adjustment application, review the staff report, and take action on the application. The community development director may approve, approve with conditions, or deny the application. The community development director, in their sole discretion, may provide public notice of an administrative adjustment application, provide opportunity for written public comments, and hold a public meeting for purposes of taking oral public comment.

I. Hearing and Decision for Variances. The planning and zoning commission shall conduct a public hearing to review the variance application, review the staff report, hear staff, applicant, and public testimony, discuss the proposal, and take action on the application. The commission may approve, approve with conditions, or deny the application. (Ord. 24-01 § 1)