

# BINGEN MUNICIPAL CODE

## Chapter 16.36

### VARIANCES

#### **Sections:**

- 16.36.010 Purpose.
- 16.36.020 Applicability of Provisions.
- 16.36.030 Administration.
- 16.36.040 Submittal Requirements.
- 16.36.050 Approval Criteria.

#### **16.36.010 Purpose.**

The purpose of this chapter is to provide standards for the granting of variances from the applicable provisions of this title where it can be shown that, owing to special and unusual circumstances, the literal interpretation of these provisions would cause an undue or unnecessary hardship without a corresponding public benefit. (Ord. 507 §2, 2004).

#### **16.36.020 Applicability of Provisions.**

A variance application may be requested relating to any provision of this title. (Ord. 507 §2, 2004).

#### **16.36.030 Administration.**

Variance applications shall be administered and reviewed by the City Council as a part of the associated land division or boundary line adjustment. Boundary line adjustments that include a variance request shall be reviewed by the City Council. (Ord. 507 §2, 2004).

#### **16.36.040 Submittal Requirements.**

In addition to the application form and information required for the related land division or boundary line adjustment application, the applicant shall submit a narrative and/or site plan, with the number of copies to be determined at the pre-application conference, which explains how the variance satisfies the relevant approval criteria in Section 16.36.050. (Ord. 507 §2, 2004).

#### **16.36.050 Approval Criteria.**

A variance application shall only be approved or approved with conditions when the City Council finds that all of the following criteria have been satisfied:

- A. The proposed variance will equally or better meet the purpose of the regulation being modified and any associated policies of the comprehensive plan;

- B. There are special circumstances, such as peculiar lot size or shape, topographic constraints or limitations caused by existing development, over which the applicant has no control, and which are not applicable to other properties in the same zoning district;
- C. The use proposed is a permitted or conditional use as allowed in the applicable zoning district, and the standards of this title will be maintained to the greatest extent that is reasonably possible while permitting some economic use of the land;
- D. Existing physical and natural systems, such as but not limited to transportation facilities, utilities and sensitive lands, will not be adversely affected any more than would occur if the use or structure were developed in accordance with the provisions of this title;
- E. The requirement to be varied is not mandated by state or federal law; and
- F. The hardship is not self-imposed and the variance requested is the minimum variance, which would alleviate the hardship. (Ord. 507 §2, 2004).