

16.72.030. Nonadministrative variance.

- A. *Purpose.* The purpose for a nonadministrative variance is to provide property owners relief from certain provisions of this title where conditions justify such relief on a case-by-case basis.
- B. *Applicant.* Any owner may submit an application for a nonadministrative variance.
- C. *Procedures.* Nonadministrative variances are processed as a Type 3 decision pursuant to the review procedures set forth in Chapter 16.80 MMC.
- D. *Applicability.* Circumstances where relief from a dimensional standard is sought subject to the limitation set forth in subsection (E) of this section.
- E. *Limitations.*
 - 1. Nonadministrative variances may be granted where the application of a dimensional standard would result in an unusual or unreasonable hardship due to physical characteristics of the site;
 - 2. Evidence of other variances granted under similar circumstances shall not be considered in the granting of a nonadministrative variance; and
 - 3. No variance shall be granted for any of the following:
 - a. To alter any definition or interpretation of this title;
 - b. To alter any provision establishing a use within a zoning district; or
 - c. To alter any procedural provisions.
- F. *Criteria for approval.* The decision authority may approve a nonadministrative variance only if the following criteria are satisfied:
 - 1. The variance does not constitute a granting of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the subject property is located; and
 - 2. The variance is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and
 - 3. The variance is necessary to relieve a material hardship that cannot be relieved by any other means such that the material hardship must relate to the land itself and not to problems personal to the applicant; and
 - 4. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated; and
 - 5. The variance is the minimum necessary to provide reasonable relief.
- G. *Conditions of approval.* The decision authority may attach reasonable conditions to safeguard the public health, general welfare and safety.
- H. *Lapse of approval.*
 - 1. An approved nonadministrative variance shall expire after one year from the later date of the decision being issued or an appeal becoming final unless a complete building permit application is submitted; and
 - 2. Expiration of the nonadministrative variance is automatic and notice is not required; and

3. The director may grant a single six-month extension if the applicant makes such a request in writing prior to the expiration date and can show good cause for granting the extension.

(Code 1988 § 20.72.030; Ord. No. 900 § 5 (Att. B), 2013)