

Variances

A variance from the design standards required by the local subdivision regulations may be requested with a preliminary plat application with a written statement from the subdivider describing the facts of hardship upon which the request for a variance is based. The governing body shall not approve a variance unless the subdivider has demonstrated that the request satisfies the following findings:

1. The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties;
2. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner would result if the strict letter of the regulation was enforced;
3. The variance will not result in an increase in taxpayer burden;
4. The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulations or Growth Policy; and
5. The subdivider must prove that the alternative design is equally effective and the objectives of the improvements are satisfied.

A written analysis of the above findings must accompany a preliminary plat application along with the appropriate variance request fee. All variances requested shall be indicated within the SIA. Based on the hardship and information regarding the variance provided with the plat application, Planning staff, in consultation with affected departments, will make a recommendation of approval or denial of the variance to the governing body.