

Chapter 21.72 Variances

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21.72.010 General. A variance may be granted by the Planning Commission to provide relief when a literal enforcement of the Homer Zoning Code would deprive a property owner of the reasonable use of a lot. (Ord. 08-29, 2008).

21.72.020 Conditions precedent to granting variance. a. All of the following conditions shall exist before a variance may be granted:

1. A literal interpretation of the provisions of the Homer Zoning Code would deprive the applicant of rights commonly enjoyed by other properties in the same district.

2. Special conditions and circumstances exist that are peculiar to the land or structures involved and are not applicable to other lands and structures in the same district.

3. The special conditions and circumstances that require the variance have not been caused by the applicant.

b. Financial hardship or inconvenience shall not be the sole reason for granting a variance.

c. Other nonconforming land use or structures within the district shall not be considered grounds for granting a variance.

d. If approved, a variance shall be the minimum variance necessary to permit the reasonable use of the land or structure.

e. A variance shall not be granted that will permit a land use in a district in which that use is otherwise prohibited. (Ord. 08-29, 2008).

21.72.030 Application for a variance. Application for a variance shall be filed with the City Planner. The application shall include, but is not limited to all of, the following:

a. All of the information required for a conditional use permit application, but referring to the requested variance instead of a conditional use.

b. A precise description of the variance requested, including each section, paragraph and sentence of the zoning code from which the applicant wishes to deviate.

c. A written narrative describing how the application satisfies each of the requirements specified in HCC § 21.72.020. (Ord. 08-29, 2008).

21.72.040 Procedures. a. An application for a variance shall be reviewed by the Planning Commission following, to the extent practicable, the procedures for reviewing a conditional use permit application, except as provided in HCC § 21.72.040(b).

b. If the Commission fails to act on a variance application within 45 days after the close of the public hearing, the application is deemed denied for failure to prove entitlement to the variance. The time to appeal such a denial begins to run on the 46th day following the close of the public hearing. (Ord. 08-29, 2008).

Source URL (retrieved on 2013-12-05 01:33): <http://www.cityofhomer-ak.gov/cityclerk/chapter-2172-variances>