

# Variance

## Review Criteria

---

PFMC 18.20.090

Variations may be permitted when, due to unusual natural physical characteristics of the site, a literal enforcement of the provisions of this title would result in unnecessary hardship. A variance shall not be considered a right but may be granted to an applicant only upon a showing of unnecessary hardship because of unique physical characteristics of the site, and after demonstrating that the variance if implemented would not be in conflict with the public interest.

A. Application: A complete application using an application form supplied by the Zoning Administrator shall include a description of the variance requested, reasons why the variance is warranted, and any supporting documents. The application will be scheduled for public hearing whenever it can be accommodated by the schedule of the hearing body.

B. Public Hearing: At least one public hearing must be held before the Planning and Zoning Commission using the hearing and notice procedure required by law.

C. Decision: The Planning and Zoning Commission shall consider the following when deciding a variance request:

1. Whether a literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title.

2. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district. Such conditions or circumstances shall not be created by human error or oversight.

3. That the variance, if granted, would not harm the public interest.

Upon granting or denying an application, the commission shall specify the relevant facts considered in evaluating the application, the legal reasons for approval or denial, and the actions, if any, that the applicant could take to obtain a permit. The applicant will be notified of the decision in writing.