

## Chapter 17.73

### ADJUSTMENTS

#### Sections:

- 17.73.010 Authorization to grant or deny .**
- 17.73.020 Circumstances for granting.**
- 17.73.030 Adjustment Limitations.**
- 17.73.040 Time Limit..**

#### **17.73.010 Authorization to grant or deny.**

(1) Scope. Adjustments from this title may be approved where it can be shown that strict application of the provisions in this title would cause an undue or unnecessary hardship and the circumstances for granting an adjustment are met. Approval of an adjustment may be granted subject to conditions that are found necessary to protect the best interests of the surrounding area and otherwise achieve the purposes of this title and the regulations proposed for adjustment.

**Statutory Reference:**

**History:** Ord. 1374 §1 (part), 2006.

#### **17.73.020 Circumstances for granting.**

Unless otherwise limited, an adjustment may be approved, if the request involves only the expansion or reduction by not more than 20% of one or more quantifiable provisions of this code and if the applicant demonstrates the following:

(1) A hardship is created by an unusual situation that is the result of lot size, lot shape, topography, development circumstances or an inability to use the land or public infrastructure more efficiently.

(2) The adjustment will not be materially injurious to property abutting the subject property.

(3) The adjustment is the minimum remedy necessary to alleviate the hardship.

(4) Architectural features of the proposed development will be compatible with the design character of existing structures on adjoining properties and on the proposed development site.

(5) The request for an adjustment is not the result of an illegal act.

**Statutory Reference:**

**History:** Ord. 1374 §1 (part), 2006.

#### **17.73.030 Adjustment Limitations.**

Adjustments may not be utilized to:

(1) Reduce width of accessways required for flag lots created through the partition or subdivision process.

(2) Reduce the area reserved for private outdoor space and/or usable open space.

(3) Reduce project site amenities such as screening and/or landscaping provisions.

(4) Increase fence height inside clear-vision areas.

(5) Reduce minimum or increase maximum densities per net acre in residential zones.

(6) Authorize a use that is not allowed in the zoning district in which the property is located.

(7) Change a definition or a use classification. For instance a "recreation vehicle" under 17.06.435 may not be adjusted to include a vehicle with floor space in excess of two hundred square feet.

**Statutory Reference:**

**History:** Ord. 1374 §1 (part), 2006.

#### **17.73.040 Time Limit.**

(1) Approval of an adjustment shall expire if substantial construction has not occurred within one (1) year of the date of the final decision.

(2) Upon request, prior to its expiration, the one (1) year period may be renewed once by the City Administrator or his designee for not more than (1) year.

**Statutory Reference:**

**History:** Ord. 1374 §1 (part), 2006.