

ARTICLE VII

VARIATIONS AND EXCEPTIONS

Sec 62-178. Hardships

- a. *Purpose.* The Hearing Officer shall determine and may vary the regulations of this Chapter in harmony with their general purpose and intent. The Hearing Officer shall make a finding of fact based upon the standards hereinafter prescribed, that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of the Ordinance.
- b. *Application for Variations.* An application for a variation shall be filed with the Planning Director on a prescribed form. A hearing shall be held on the application, no more than ninety (90) days after the filing of such application. Notice of such hearing shall be published at least once, not more than thirty (30) days or less than fifteen (15) days before the hearing, in a newspaper of general circulation in the County. The County shall also cause notice of such hearing by erection of a sign on the subject property. The sign required hereby shall be posted in a conspicuous place allowing unobstructed public viewing.
- c. *Standards of Variations.* The Hearing Officer shall not vary the regulations of this Chapter, as authorized herein, unless he shall make findings based upon the evidence presented to him in each specific case that all of the following are true:
 - i. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.
 - ii. The plight of the owner is due to unique circumstances.
 - iii. The variation, if granted, will not alter the essential character of the locality.
 - iv. For the purpose of implementing the above rules, the Hearing Officer shall also, in making his determination whether there are practical difficulties or particular hardships, find that the following facts have been established by the evidence:
 - (1) The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
 - (2) The conditions upon which the petition for a variation is based would not be applicable, generally, to other property within the same zoning classification.
 - (3) The purpose of the variation is not based exclusively upon a desire to make more money out of the property.

- (4) The alleged difficulty or hardship has not been created by the owner of the property.
 - (5) The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
 - (6) The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood or adversely affect the health, morals, or general welfare of the public.
- d. The Hearing Officer may impose such conditions and restrictions upon the premises benefitted by a variation as may be necessary to comply with the standards set forth in this section to reduce or minimize the injurious effect of such variation upon other property in the neighborhood, and better to carry out the general intent of this Chapter.

Sec 62-179. Planned Developments

The standards and requirements of these Regulations may be modified in the case of a Planned Development when the Planning and Regulations Committee determines that a Planned Development provides adequate public open spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed, and which also provides such covenants or other legal provisions as will assure conformity and achievement of the Planned Development plan. However, public streets within a Planned Development shall at least meet the requirements established herein for rural roads (see cross section in Appendix A).