

- 9.8760** **Approval Criteria for Variances.** The planning director shall approve, conditionally approve, or deny a variance, with findings and conclusions thereon following a Type II process. Approval, or conditional approval shall be based on compliance with all the following criteria:
- (1) A strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or undue physical hardship due to at least one of the following conditions:
    - (a) Size, shape, or dimensions of a site.
    - (b) Geographic, topographic, or other physical conditions on the site or in the immediate vicinity.
    - (c) Street locations or traffic conditions in the immediate vicinity.Economic considerations do not constitute grounds for granting a variance.
  - (2) There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties classified in the same zone.
  - (3) The granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
  - (4) In addition to the above criteria, the following 3 criteria apply to variances from code sections that apply to EC 9.6410 Motor Vehicle Parking Standards, and from EC 9.2000 to 9.3980 base zone regulations as applied to fences and walls.
    - (a) Neither present nor anticipated future traffic volumes generated by the use of the site or uses of the sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation.
    - (b) The granting of the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.
    - (c) The granting of the variance will not create a safety hazard or any other condition inconsistent with the objectives of this land use code.
  - (5) In addition to the criteria set forth in subsections (2), (3) and (4) of this section, the following criterion applies to variances from the provisions of EC 9.6600 to 9.6680 Sign Standards:
    - (a) Strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or undue physical hardship inconsistent with the objectives of EC 9.6600 to 9.6680 Sign Standards. A practical difficulty or undue hardship may result from the location of existing structures on the site or in the immediate vicinity. The planning director may not grant variances based on the convenience of the applicant, including any hardship of regional or national businesses which wish to use a standard sign when those standard signs do not conform to the provisions of the sign code.

*(Section 9.8760, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*