

La Center Proposed Variance Criteria

18.260.040 Approval criteria.

The review authority shall approve or approve with conditions an application for a variance if he or she finds the applicant has sustained the burden of proving that:

- (1) Unusual circumstances or conditions, such as size, shape, topography, or location of an existing legal development apply to the property and/or the intended use that do not generally apply to other properties in the vicinity or zone. An unusual circumstance could also include another obligation under a different municipal code section or a state or federal requirement;
- (2) The unusual circumstance cannot be a result of actions taken by the applicant;
- (3) The variance request is necessary for the preservation of a substantial property right of the applicant which is possessed by the owners of other properties in the vicinity or zone;
- (4) The variance request is the least necessary to relieve the unusual circumstances or conditions identified in Subsection (1) above;
- (5) Any impacts resulting from the variance are mitigated to the extent practical; and
- (6) The granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the vicinity and zone in which the property is situated.

Variations may not be used to change the required residential density or to allow uses that would not otherwise be permitted in a zone.