

SECTION 13 VARIANCES

Subdivision 1: PLANNING COMMISSION RECOMMENDATION

The Planning Commission may recommend a variance from the provisions of this Ordinance when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Planning Commission may prescribe conditions that it deems necessary to or desirable for the public interest. In making its findings, as required below, the Planning Commission will take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed effect of the proposed subdivision upon traffic conditions in the vicinity.

Subdivision 2: STANDARDS

The recommendation for a variance shall not be granted unless the Planning Commission finds:

- A. That there are special circumstances or conditions affecting the property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of her or his land.
- B. That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
- C. That strict application of the subdivision regulations would create an undue hardship on a property owner as opposed to a mere inconvenience.
- D. That the granting of the variance is not generally in conflict with the Comprehensive Plan.

Subdivision 3: COUNCIL ACTION

After review of the Planning Commission's recommendation on a variance, the Council shall make a final decision as to whether or not the variance will be granted.

Subdivision 4: PROCEDURE

All variances and variance appeals under this Section shall follow all of the procedures and requirements set forth in Section 24 of the City's Zoning Ordinance in addition to the requirements of this Section.