

Commission Information:
 Initiated by: City Clerk
 First on Agenda: August 16, 2007
 Action: Passed
 Vote: Unanimous
 Council Information:
 Introduced by: Mayor Combs
 Date: August 28, 2007
 Public Hearing: September 11, 2007
 Action: Adopted
 Vote: 6-1

Yes:	No:
Pippel	Wood
Erbey	
Vanover	
Best	
Hanson	
Combs	

CITY OF PALMER, ALASKA

ORDINANCE NO. 07-021

AN ORDINANCE OF THE PALMER CITY COUNCIL AMENDING PALMER MUNICIPAL CODE CHAPTER 17.76, VARIANCE, WHEREBY ALL VARIANCE REQUESTS ARE HEARD BEFORE THE PLANNING AND ZONING COMMISSION AND ESTABLISHING A VARIANCE APPEAL PROCESS

THE CITY OF PALMER, ALASKA ORDAINS:

Section 1. Classification. This ordinance shall be permanent in nature and shall be incorporated into the Palmer Municipal Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Chapter 17.76 is hereby amended to read as follows (new language is underlined and deleted language is stricken):

17.76.010 Intent.

It is recognized that there are special cases where:

- A. Owing to governmental action; or
- B. Unusual physical features of a particular property, strict application of the zoning regulations would render the property unusable or create unreasonable hardship. Variances are intended to allow a relaxation of the terms of this title in such cases.

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17.76.020 Requirements for a variance.

In order to grant a variance the commission hearing examiner must find that each of the following requirements has ~~have~~ been met:

- A. That there are unusual circumstances applying to the property that do not apply generally to other properties in the same vicinity and that the problem of the applicant is not the result of his own action;
- B. That strict interpretation of this title would deprive the applicant the rights commonly enjoyed by other properties in the same district under the terms of this title;
- C. That the authorization of the variance will not be injurious to nearby property nor harmful to the public welfare;
- D. That the granting of the variance will be in harmony with the objectives of this title and of the comprehensive plans; and
- E. That the application is due to unusual lot shape, topographic condition or governmental action or regulations which render the property unusable.

17.76.030 Cases where variance is illegal.

In accordance with state law, no variance shall be granted because of conditions caused by actions of the applicant or for reasons of financial hardship or inconvenience, nor shall a variance be granted which will permit a land use in a district in which that use is prohibited.

17.76.040 Initiation of a variance request.

- A. A request for a variance may be initiated by the property owner or his authorized agent.
- B. Application for a variance shall be by a written request addressed to the zoning administrator ~~commission~~ and shall include:
 1. The legal description of the property involved;
 2. The ordinance sections for which the variance is requested;
 3. The reasons for the variance;
 4. Any plans or documents pertinent to the request; and
 5. A nonrefundable fee of \$250.00, payable to the city.
- C. ~~The applicant shall bear all costs and fees of the hearing examiner relevant to the request. These costs and fees are in addition to the filing fee.~~

17.76.050 Public hearing.

The ~~hearing examiner~~ commission shall hold a public hearing within 60 days after the submission of a variance request. ~~on all variances.~~ The zoning administrator ~~clerk~~ shall give notice of the public hearing in the manner described in PMC 17.80.030.

17.76.060 Conditions.

In granting a variance, the commission ~~hearing examiner~~ may prescribe conditions and safeguards to assure conformity with the purposes of this title.

17.76.070 Commission ~~Hearing examiner's~~ decision.

The commission ~~hearing examiner~~ shall render a decision on the application for the variance within 30 calendar days from the date of the public hearing.

17.76.080 Record of variances.

The city zoning administrator shall keep a record of all variances.

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17.76.090 Termination of variances.

Any variance granted shall become null and void if:

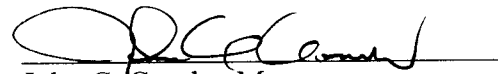

- A. The variance is not exercised within one year after being granted;
- B. Any structure or characteristic of use permitted by variance is moved, removed or discontinued.

17.76.100 Right of appeal.

The ~~commission's hearing examiner's~~ decision may be appealed pursuant to ~~as provided for PMC 17.98 by law.~~ Right of appeal is forfeited unless a written appeal is delivered to the clerk within 20 days of the commission's decision.

Section 4. Effective Date. Ordinance No. 07-021 shall take effect upon adoption by the City of Palmer City Council.

Passed and approved this eleventh day of September, 2007.


John C. Combs, Mayor
Janette M. Bower, CMC, City Clerk

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