

Introduced by: Planning & Zoning Commission  
 Date: February 10, 2009  
 Public Hearing: February 24, 2009  
 Action: Adopted  
 Vote: 4-1 (Best)

Yes:	No:
Chmielewski	Best
Erbey	
Brown	
Combs	

CITY OF PALMER, ALASKA

ORDINANCE NO. 09-002

AN ORDINANCE AMENDING PALMER MUNICIPAL CODE CHAPTER 17.76 VARIANCES, BY REPEALING SECTION 17.76.090 TERMINATION OF VARIANCES

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. Section 17.76.090 Termination of variances is deleted in its entirety.

**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.

**17.76.020 Requirements for a variance.**

In order to grant a variance, the commission must find that each of the following requirements has 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 of the rights commonly enjoyed by other properties in the same district under the terms of this title;

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- 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 authorized agent.
- B. Application for a variance shall be by a written request addressed to the zoning administrator 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 established in the current, adopted budget, payable to the city.

**17.76.050 Public hearing.**

The commission shall hold a public hearing within 60 days after the submission of a variance request. The zoning administrator 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 may prescribe conditions and safeguards to assure conformity with the purposes of this title.

**17.76.070 Commission decision.**

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

~~**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 decision may be appealed pursuant to PMC 17.98. Right of appeal is forfeited unless a written appeal is delivered to the clerk within 20 days of the commission's decision.

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Section 4. Effective Date. Ordinance No. 09-002 shall take effect upon adoption of the Palmer City Council.

Passed and approved this twenty-fourth day of February, 2009.

  
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John C. Combs, Mayor

  
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Janette Bower, CMC City Clerk

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