

**Section 8.050 Minor Variances.** In certain circumstances, the strict application of the Ordinance may produce cases of minor variance which unnecessarily impact the preservation and enjoyment of property rights possessed by other properties in the same zone or vicinity but are denied the property in question. Typical examples are where topography or lot shape create an inconsequential variance with normal front, side, or back yard setback requirements. In such cases, the Planning Department or designee may independently authorize such minor variances from the requirements of the Ordinance where it can be shown that the best interests of the surrounding property or neighborhood are protected, and the purposes of the Ordinance and the Comprehensive Plan are achieved.

1. A variance is considered “minor” if the following conditions are satisfied:
  - a. The minor variance only pertains to dwelling/residential use pursuant to Article 2, Section 2.020;
  - b. There is no significant impact upon surrounding properties resulting from the proposed development; and
  - c. There are no significant issues related to access, trees, parking, drainage, traffic or noise resulting from the proposed development.
2. No minor variance shall be granted to allow the use of property for a use not authorized within the zone in which the proposed use would be located.
3. No minor variance shall be granted affecting parking, height, ocean front setbacks, signs, lot size requirements, or clear vision area requirements.
4. In granting a variance, the Planning Department or designee may attach conditions and safeguards which it finds necessary to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of the Ordinance and the Comprehensive Plan.
5. The Planning Department or designee has independent authority to approve a minor variance application without a public hearing. The Planning Department or designee may, however, refer any such application to the Planning Commission or City Council for review, comment and advisory opinion.
6. A property owner may initiate a request for minor variance by filing an application with the Planning Department or designee using a form provided by staff. The application shall be accompanied by a site plan showing the condition to be varied and the dimensions and arrangement of the proposed development. The Planning Department or designee may request other drawings or materials essential to an understanding of the minor variance request.
7. In granting an application, the Planning Department or designee shall make the following findings:
  - a. The subject property is zoned for residential use pursuant to Article 2, Section 2.020;
  - b. The variance is “minor” as herein defined above;
  - c. The variance would not be materially detrimental to the purposes of the Ordinance, the Comprehensive Plan, or to property in the same zone or vicinity in which the subject property is located, or otherwise conflict with the objectives of any City policy.
8. Within 5 days after a decision has been rendered with reference to the application, the Planning Department or designee shall provide the applicant with written notice of the decision.

9. The decision of the Planning Department or designee under this section is final and not subject to reconsideration or appeal.
10. Authorization of a minor variance shall be void after 6 months unless substantial construction has taken place. However, the City Manager or designee may extend authorization for an additional 6 months.
11. The approved minor variance is considered a non-conforming structure.
12. Article 7. Non-Conforming Uses shall apply to all minor variances.