

Milwaukie Municipal Code

TITLE 19 ZONING

CHAPTER 19.700 VARIANCES, EXCEPTIONS, AND HOME IMPROVEMENT EXCEPTIONS

19.701 VARIANCES

The Planning Commission, Design and Landmarks Commission as provided in Subsection 19.312.7.H, or Planning Director may authorize variances from the standards and requirements of this title within the limitations prescribed in Section 19.702. In granting a variance, the Planning Commission, Design and Landmarks Commission, or Planning Director may, in addition to the time limitations of Section 19.1013, attach conditions which it finds necessary to lessen the impact of the variance on nearby property, protect the general welfare of the City, and achieve the purposes of this title. (Ord. 1977 § 3, 2008; Ord. 1917 § 2 (Exh. A) (part), 2003; Ord. 1916 § 2 (Exh. A) (part), 2003; Ord. 1849 (part), 1999)

19.702 CIRCUMSTANCES FOR GRANTING VARIANCES

A variance may be granted only when the Planning Commission or Planning Director finds all of the following criteria are satisfied.

19.702.1 Criteria for Granting Variances

- A. That the property in question has unusual conditions over which the applicant has no control. Such conditions may only relate to physical characteristics of the property, lot or boundary configurations, or prior legally existing structures.
- B. That there are no feasible alternatives to the variance and that the variance is the minimum variance necessary to allow the applicant the use of his or her property in a manner substantially the same as others in the surrounding area.
- C. That adverse effects upon other properties that may be the result of this variance shall be mitigated to the extent feasible. (Ord. 1849 (part), 1999)