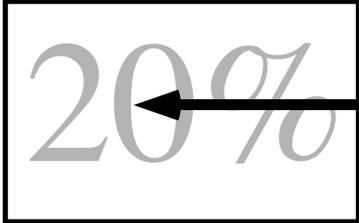


## CHAPTER 52



# Minor Deviations

### Sections

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#### **17.52.01 Purpose**

The purpose of this chapter is to provide a mechanism whereby minor deviations from district regulations can be granted by the Planning Director or the Chief Building Official. A minor deviation may be granted up to 10 percent of the district regulations and up to 20 percent for setback distances. Any minor deviation that exceeds the deviation percentage explained above shall be processed as a variance consistent with the regulations detailed in Chapter 17.48 Variances.

Minor deviations shall only be granted when practical difficulties, unnecessary hardships and conditions inconsistent with the purpose and objectives of this Ordinance may result from the strict application of certain provisions of this Ordinance. The granting of a minor deviation and its associated conditions shall not constitute a special privilege inconsistent with the limitations on other properties in vicinity and in other like districts in Woodlake.

#### **17.52.02 Applicability**

The Planning Director may grant a minor deviation from district regulations, including setbacks, lot dimensions, height of structures and fences, walls and hedges, lot coverage, parking standards and sign regulations.

**17.52.03 Application and Fee**

An application for a minor deviation shall be made to the Planning Department on a form prescribed by the Department. The application shall be accompanied by a fee set by resolution of the City Council.

**17.52.04 Report and Findings**

The City Planner shall prepare a report on the minor deviation application and shall review the following findings in regards to a minor deviation.

- A. There are special circumstances applicable to the property, including size, shape, topography, location or surroundings, unclear property lines, where the strict application of this Ordinance deprives such property right possessed by other property in the same vicinity or other properties that have the same district classification;
- B. That granting a minor deviation is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity or other properties that have the same district classification;
- C. That granting the minor deviation will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in the vicinity and district in which the property is located; and
- D. That granting the minor deviation does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the property is located.

**17.52.05 Action of the Planning Director**

Minor deviations may be processed as an administrative matter by the Planning Director. Following a review of a minor deviation application and the findings listed above, the Planning Director may take action on the minor deviation. The Planning Director can approve, approve with conditions or deny the minor deviation based on the findings listed above. Following a decision by the Planning Director, an administrative agreement, consistent with Chapter 17.63 Administrative Agreements, shall be prepared that outlines the findings and conditions of the decision.

The Director's decision shall be final unless appealed to the Planning Commission consistent with the requirements contained in Chapter 17.06 Appeals. Within 10 days of approving the minor deviation, the Director shall transmit a copy of the administrative agreement to the person that filed the minor deviation application.

**17.52.06 Conditions**

The Director can approve a minor deviation subject to conditions. Conditions will assure that the approved minor deviations shall not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and district in which such property is situated.