

REGULATORY REVIEW COMMITTEE

- MINUTES -

MEETING DATE: April 28, 1995

TO: Bob Derrick
Greg Kipp
Terry Brunner
Harold Vandergriff
Mike Sinsky

Gary Kohler
Lisa Pringle
Anna Nelson
Ken Dinsmore
Ikuno Masterson

FM: Jerry Balcom

1. When is K.C.C. 21A.44.030(D) meant to be applied?

K.C.C. 21.A.44.030(D) is one of thirteen variance showings which states: "The need for the variance is not the result of deliberate actions of the applicant or property owner." Self-imposed hardships, therefore, may not be used as justification for a variance. The showing addresses those situations in which past legal development actions or property fragmentation has left lots or structures in such a manner as to foreclose additional development without a variance from zoning requirements. The showing is not meant to preclude approval of variances which are otherwise justified, solely due to the existence of an of an illegal structure (regardless of whether the illegal structure is the result of past actions of the applicant).

Because of the vagaries of the language, and the opportunity for unreasonable results, the committee recommended that the showing be amended to clarify that the existence of an illegal structure should not be used either as a reason to grant or deny a variance.

JB:GT

cc: Gordon Thomson
Priscilla Kaufmann