

Section 85-160 **Modifications, Exceptions, and Variances**

1. **Minor Subdivision:** In the case of a subdivision of small size and of minor importance, situated in a locality where conditions are well-defined, the City may exempt the sub-divider from complying with some of the requirements of this section. In the case of a request to divide a lot which is a part of a recorded plat where the division is to permit the adding of a parcel of land to an abutting lot or to create two lots and the newly created property line will not cause the other remaining portion of the lot to be in violation with this section or the zoning ordinance, the division may be approved by the City Council after submission of a survey by a registered land surveyor showing the original lot and the proposed subdivision.

Property Qualifications:

- a. If the remaining parcel is large enough to split again, then the original parcel would not be counted in the Minor Subdivision.
 - b. If the remaining parcel is the minimum lot size, then it will be counted as one of the new parcels in the minor subdivision.
 - c. A parcel must not have been part of a minor subdivision within the last 5 years.
 - d. The split cannot require new public roads, significant grading, or utility extensions of more than 50 feet and as verified by Public Works Supervisor.
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2. **Variances:** The Council may grant a variance upon receiving a report from the Planning Commission in any particular case where the sub-divider can show that, by reason of exceptional topography or other physical conditions, the strict compliance with these regulations could cause an exceptional and undue hardship on the enjoyment of a substantial property right, provided such relief may be granted without detriment to the public welfare and without impairing the intent and purpose of this section.
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3. **Application Process:** Application for a variance shall be made in writing by the sub-divider at the time when the preliminary plat is filed for consideration by the Council, stating fully all facts relied upon by the petitioner and supplemented with maps, plans or other additional data which may aid the Planning Commission and Council in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan. Any variance or modification thus granted shall be recorded in resolution form and entered in the minutes of the Council setting for the reasons which justified the action taken.
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4. **Boundary Line Realignment:** In the case of request to divide a lot which is a part of a recorded plat where the division is to permit the adding of a parcel of land to an abutting lot, and the newly created property line will not cause the other remaining portion of the lot to be in violation with section or the zoning ordinance, a Boundary Line Realignment division may be approved administratively by the Zoning Administrator.