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TOWN OF RUSTON
ORDINANCE RECORD

ORDINANCE NO. 938

AN ORDINANCE PROVIDING FOR
THE GRANTING OF VARIANCES

BE IT ORDAINED by the Council of the Town of Ruston:

Section 1. Authorization for Variance - Findings Required A variance from any area, set back, yard, or other dimensional requirements contained in Chapter 25.01 of the Ruston Municipal Code shall be granted by the Council after receiving the recommendation and written findings of fact from the Planning Commission if the Council finds that the standards in Section 2 of this Ordinance are established by the applicant.

Section 2. Variance Standards Before any variance can be granted, the applicant must establish the following:

- (a) (1) there is a unique condition relating to the size, shape, topography, location, or character of surrounding uses that would make the application of the regulation too restrictive; or
- (a) (2) the purpose of the regulation from which the variance is sought would not be harmed by allowing the variance, thus making application of the regulation to the applicant's property unreasonable. Such uses may include fire safety, adequate traffic sight distance, and open space for light, air, and recreational uses; and
- (b) (1) granting of the variance will not grant a special privilege not enjoyed by other properties in the vicinity; or
- (b) (2) the proposed design is more environmentally sensitive than would be the case if the design met the regulation from which a variance is sought; and
- (c) the proposed variance will not conflict with the Town's Comprehensive Plan, will not adversely affect the neighborhood's character and will not adversely affect the use or value of neighboring properties.

Section 3. Projections into Yard Setbacks

(a) The following intrusions may project into any required yard setback and shall not require a variance:

1. roof overhangs (eaves), belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, sun shades, gutters, and other similar features provided that such features do not extend more than twenty-four (24) inches into any required yard setback;
2. chimneys, flues, and similar fireplace structures so long as they do not extend more than two (2) feet into a side yard setback or three (3) feet into a front or rear yard setback;
3. uncovered porches, steps, balconies and platforms that do not extend above the floor level of the second floor may extend up to six (6) feet into a front or rear yard setback or two (2) feet into a side yard setback;
4. planting boxes or masonry planters not exceeding forty-eight (48) inches in height above the finished grade level may extend into any required front or rear yard setback.

(b) The provisions of this Section shall prevail when they conflict with the provisions of Ruston Municipal Code 25.01.070.

Section 4. Variance Subject to Conditions. The Planning Commission or Council may grant a variance subject to conditions or safeguards to ensure that the purpose and intent of the Town's Zoning Regulations and Comprehensive Plan will not be violated.

Section 5. Report from Building Inspector. Prior to taking action on a variance application, the Planning Commission must receive a written report and recommendation on the proposed variance from the Town Building Inspector.

Section 6. Codification. This ordinance shall be codified as Ruston Municipal Code Section 25.01.105.

Section 7. Effective Date. This ordinance shall be effective from its passage and posting.

PASSED THE COUNCIL AND APPROVED by me this 7th day of November, 1994.

MAYOR

ATTEST:

Clerk

STATE OF WASHINGTON)
I, Barbara Matheson, Clerk of the Town of Ruston, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 938 of the Town entitled:

TOWN OF RUSTON
ORDINANCE RECORD

AN ORDINANCE OF THE RUSTON TOWN COUNCIL
PROVIDING FOR THE GRANTING OF VARIANCES

passed by the Council of said Town on the 7th day of November, 1994, and that on said 22nd day of November, 1994, said Ordinance was by me duly posted according to law, there being no newspaper in said Town.

DATED this 22nd day of November, 1994.

BARBARA MATHESON

STATE OF WASHINGTON)
County of Pierce) ss.
TOWN OF RUSTON)

Barbara Matheson, being first duly sworn, on oath, deposes and states:
That at all times hereinafter she was and she now is the duly appointed, qualified and acting Clerk of the Town of Ruston, a municipal corporation of the fourth class in Pierce County, State of Washington; that on the 22nd day of November, 1994, as such Clerk of the Town of Ruston, she duly posted printed copies of the foregoing Ordinance No. 938 of the Town of Ruston, entitled:

AN ORDINANCE OF THE RUSTON TOWN COUNCIL
PROVIDING FOR THE GRANTING OF VARIANCES

in three of the most public places in the Town, and that at said time no newspaper was published in said Town.

BARBARA MATHESON

SUBSCRIBED AND SWORN TO before me this 22nd day of November, 1994.

MAYOR

STATE OF WASHINGTON)
County of Pierce) ss.
TOWN OF RUSTON)

I, Barbara Matheson, Clerk of the Town of Ruston, do hereby certify, that the foregoing is a true and correct copy of Ordinance No. 938 of the Town entitled:

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PROVIDING FOR THE GRANTING OF VARIANCES

passed by the Council of said Town on the 7th day of November, 1994, and that on said 22nd day of November, 1994, said Ordinance was by me duly posted according to law, there being no newspaper in said Town.

DATED this 22nd day of November, 1994.

BARBARA MATHESON

STATE OF WASHINGTON)
County of Pierce) ss.
TOWN OF RUSTON)

Barbara Matheson, being first duly sworn, on oath, deposes and states: