

ARTICLE XII. VARIANCES AND WAIVERS

SECTION A. VARIANCES.

1. The Planning and Zoning Commission may authorize a variance only to the following regulations of this ordinance:
 - a. Any provision of Section B or Section H of Article X, provided such variance does not exceed 15 percent of the design requirement of such provisions. A variance in excess of 15 percent of such design requirements may be approved only by the City Council. However, no variance to Section H(1)(i), H(1)(p), or H(1)(r) of Article X shall be permitted. The pavement width of new street construction may be modified in accordance with Section H(1)(p) of Article X. (*Ord. No. 2088, 07/18/95*)
2. The Planning and Zoning Commission may authorize a waiver only to the following regulations of this ordinance:
 - a. Any provision of Section E(1)(a) through E(1)(f) of Article X. No variance to the provisions of Section E(2) shall be permitted.
 - b. A waiver of the sidewalk requirements may be granted by the Planning and Zoning Commission, provided such waiver is in accordance with the provisions of Section G of Article X of this ordinance. (*Ord. No. 4004, 03/02/2021- Effective 04/01/2021*)
3. The Planning and Zoning Commission may only authorize a variance or waiver of the provisions identified above, and only when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance or waiver, the Commission shall prescribe only conditions that it deems necessary or desirable to the public interest while making the findings herein below required. The Commission shall take into account the nature of the proposed use of land involved and existing uses of the land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the effect of such variance or waiver upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. No variance or waiver shall be granted unless the Commission finds:
 - a. That there are special circumstances or conditions affecting the land involved or other constraints such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his or her land; and
 - b. That the variance or waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant, and that the granting of the variance or waiver will not be detrimental to the public health, safety or welfare or injurious to other property in the area; and

- c. That the granting of the variance or waiver will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this ordinance.
4. Variances and waivers may be granted only when in harmony with the general purpose and intent of this ordinance so that the public health, safety and welfare may be secured and substantial justice done. Financial hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.
5. The Planning and Zoning Commission shall not authorize a variance or waiver that would constitute a violation of, or conflict with, any other valid ordinance of the city of Carrollton, or as an attempt to circumvent the intent of this or any other valid ordinance of the city of Carrollton.
6. The findings of the Commission, whether or not a variance or waiver is approved, together with the specific facts on which such findings are based, shall be incorporated under the official minutes of the Commission meeting at which such variance request is heard.
7. A variance or waiver may be applied for as part of a plat or replat request or as a separate request if the property is already platted. The applicant shall be responsible for providing all necessary information pertinent to the request, including the justification for such variance or waiver.