

CHAPTER 20.24. EXCEPTIONS**20.24.010. Exceptions to regulations—Procedure—Commission authority.**

A. The commission may authorize exceptions to any of the requirements set forth in these regulations. Application for any such exception shall present the commission with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. The commission shall find the following facts before granting any exceptions:

1. That special circumstances or conditions affecting the property have been shown by application;
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.

B. Where a design requirement of this title is addressed by a zoning regulation adopted by the borough assembly, the variance procedures of the applicable zoning code, if any, shall be utilized in lieu of the exception procedures.

C. An appeal of a decision of the planning commission made under this section shall be filed to the board of adjustment, in accordance with the requirements of KPB Chapter 21.20. (Ord. No. 2005-30, § 1, 8-2-05; Ord. No. 93-51, § 5, 1993; Ord. No. 78-37, § 2(part), 1979)