



Planning Division

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Community Development
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What is a Variance?

A Variance is permission to depart from the literal requirements of the Zoning Ordinance. Variances provide the discretion and flexibility necessary to resolve practical difficulties or unnecessary hardships resulting from a zoning requirement. Variances may be approved with conditions to ensure compatibility.

When the strict interpretation of a zoning regulation, such as maintaining the required yard area, cannot be met because of an unusual situation, a Variance may be needed. For example, a property owner of a hillside lot finds that the required front yard building setback prohibits him from building a garage on the only flat part of his yard. All of the neighboring houses are built on flat lots and have garages. A Variance may be able to provide the relief needed from the strict adherence to the zoning standard so that the garage can be built.

How can I get a Variance?

Applications for a Variance are submitted to the Planning Department. Applications are reviewed and decided by the Zoning Administrator (ZA). A Public Hearing is held to provide an opportunity for neighbors to comment on the merits of the application. The Community Development Director may also refer the matter to the Planning Commission. In order to approve an application for a Variance, findings must be made, as follows:

- ü Unique Circumstance. That because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the requirements of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. [A Variance can't be granted for a self-imposed hardship.]
- ü No special privilege. That the Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which such property is situated. [The Variance is necessary to enjoy a basic property right available to other similarly-zoned properties in the vicinity.]
- ü No unauthorized use. That the Variance does not authorize a use or activity which is not otherwise expressly authorized by the zoning regulations for the zoning district in which the subject property is located. [A Variance cannot be granted to the Zoning Ordinance land use regulations.]
- ü No adverse impacts. That the Variance will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

In addition, a Variance for parking requires the following two addition findings:

- ü Development incentive. The Variance will be an incentive to and a benefit for the nonresidential development.
- ü Benefits commuters. The Variance will facilitate access to the nonresidential development by patrons of public transit facilities.

Appeal of Decision

A decision on a Variance can be appealed within 5 work days as set forth in SRMC Chapter 14.28. If appealed, the project will be scheduled for review and action by the next highest hearing body (i.e., Zoning Administrator decisions may be appealed to the Planning Commission, which in turn may be appealed to the City Council)