



Variances

PB-05

Community Development Department

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15.250.050 Variances – Type III review process.

- A. Purpose.** A variance is a mechanism by which the city may grant relief from the zoning provisions and standards of the LDC, where practical difficulty renders compliance with the LDC an unnecessary hardship.
- B. Procedures.** Variance permits are subject to the Type III review process as set forth in ECC Chapter 15.210.
- C. Decision criteria.** The city may approve, approve with conditions, or deny variances. Granting of variances require compliance with all of the following:
 - 1. The variance is necessary because of the unique size, shape, topography, or location of the subject property;
 - 2. The strict enforcement of the provisions of this title creates an unnecessary hardship to the property owner;
 - 3. The subject property is deprived, by provisions of this title, of rights and privileges enjoyed by other properties in the vicinity and under an identical zone, however, the existence of similar nonconforming uses of neighboring lands, structures, or buildings in the same zone shall not be considered grounds for the issuance of a variance;
 - 4. The need for the variance is not the result of deliberate actions of the applicant or property owner, including any past owner of the same property;
 - 5. The variance is compatible with the comprehensive plan;
 - 6. The variance does not create a health or safety hazard;
 - 7. The granting of the variance will not be materially detrimental to the public welfare or injurious to:
 - a. The property or improvements in the vicinity, or
 - b. The zone in which the subject property is located;
 - 8. The variance does not relieve an applicant from:
 - a. Any of the procedural or administrative provisions of this title, or
 - b. Any standard or provision that specifically states that no variance from such standard or provision is permitted, or
 - c. Use or building restrictions, or
 - d. Any provisions of the critical areas development standards except as provided in ECC Article 6;
 - 9. The variance from setback or height requirements does not infringe upon or interfere with easement or covenant rights or responsibilities;
 - 10. The variance does not allow the establishment of a use that is not otherwise permitted in the zone in which the proposal is located; and
 - 11. The variance is the minimum necessary to grant relief to the applicant.