



Department of Planning and Community Development

GUIDE TO THE VARIANCE APPLICATION

Applications for a Variance are required for projects that do not meet certain development criteria established in the City Zoning Ordinance

The Planning Commission serves as the reviewing authority to grant or deny applications for Variances. A Variance may only be approved when unique circumstances applicable to the property, including size, shape, topography, location, or surroundings, as determined by the Planning Commission, prohibit the applicant from complying with the provisions of the Zoning Ordinance. Any Variance granted is subject to conditions, which will assure that the Variance will not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated. A Variance may be granted by the Planning Commission for a limited time period, or may be granted subject to conditions as prescribed by the Planning Commission. The Planning Commission must find in favor of all of the following findings before approving a Variance, as required in Section 9676.2.(E) of the Zoning Ordinance:

1. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other properties in the vicinity and under identical zoning classification;
2. That the granting of the Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated;
3. That the strict interpretation and enforcement of the provisions of the Zoning Ordinance would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance;
4. That the granting of the Variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements of the aesthetic value in the vicinity; and
5. That the granting of the Variance will be consistent with the character of the surrounding area.

SUBMITTAL REQUIREMENTS

- Completed Planning Application Form.
- Written description and reason for the Variance request.
- Completed Variance “Burden of Proof”.
- Applicable Fees (a formal application will not be accepted unless fees are provided).

The Variance request should also be reflected in the plans submitted for a Site Plan/Architectural Review or Conditional Use Permit Application.