

CHAPTER 115 VARIANCES

- 115.010. Intent and Purpose
- 115.020. Criteria and Authority to Grant Variance
- 115.030. Limiting Variances
- 115.040. Transfer of Variance

115.010. Intent and Purpose.

(a) Each area of land is, to some degree, unique as to its suitability for and constraints on development. Development standards imposed under this zoning code cannot foresee all conceivable situations peculiar to the development of every property at every moment, but are designed as general standards applicable to most situations. It is the intent of this chapter to provide flexibility, adaptability, and reasonableness in the application and administration of this zoning code where special conditions exist. Although a process for deviation from those general standards is necessary, where the extent of deviation is more than minimal it is necessary that the deviation be carefully reviewed in a public hearing process to insure that certain minimum criteria justifying the deviation are met, and that the extent and impact of deviation will be that degree which is reasonably necessary to meet the special conditions. Certain minimal deviations are allowed by way of administrative adjustment as provided in SRC Chapter 116. Any other deviation below the minimum development standards provided under this zoning code may only be authorized by a variance pursuant to this chapter. No variance purporting to authorize a use not otherwise permitted for the subject property shall ever be granted.

(b) As used in this chapter, "development standards" include development conditions imposed on a particular property in any prior land use action.

115.020. Criteria and Authority to Grant Variance. The hearings officer may grant the degree of variance from any of the development standards imposed on a particular subject property under the provisions of this zoning code which is reasonably necessary to permit development for an otherwise lawful use upon finding that each of the following criteria is met:

(a) There are special conditions applying to the land, buildings, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings, or uses in the same district, and which create unreasonable hardships or practical difficulties which can be most effectively relieved by a variance. Nonconforming land, uses, or structures in the vicinity shall not in themselves constitute such special conditions, nor shall the purely economic interests of the applicant. The potential for economic development of the subject property itself may, however, be considered among the factors specified in this subsection.

(b) Granting a variance will not be unreasonably detrimental to the public welfare or to property or improvements in the neighborhood of the subject property;

(c) Granting a variance will not, under the circumstances of the particular case, unreasonably affect the health or safety of persons working or residing in the neighborhood of the subject property; and

(d) Granting a variance will be consistent with the comprehensive plan and with the intent and purpose of this zoning code. (Ord No. 107-86; Ord No. 122-86)

115.030. Limiting Variances. The hearings officer may impose such limitations, conditions, and safeguards as are deemed appropriate so that the criteria specified in SRC 115.020 will be most effectively met, and may consider such limitations, conditions and safeguards in making findings as to those criteria. The effective date or duration of a variance may be limited or conditioned. (Ord No. 107-86; Ord No. 122-86)

115.040. Transfer of Variance. Unless otherwise provided in the final decision granting the variance, any variance granted pursuant to this chapter shall run with the land, and shall automatically transfer to any new owner or occupant subject to all conditions and restrictions thereon.