

Chapter 14.70 VARIANCES

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14.70.010 Purpose

The purpose of variances is, under circumstances as set forth in the variance criteria in SMC 14.70.040, to provide flexibility in the administration of certain provisions of this Development Code as set forth in SMC 14.70.020 and 14.70.030.

14.70.020 Minor Variances

Minor variances are departures of no more than 10% from the dimensional requirements of this Development Code and shall be Type 1 permits (see Ch. 14.25 SMC).

14.70.030 Major Variances

A. Major variances are all variances other than minor variances, are generally referred to simply as variances, and can potentially be granted from any provision of this Development Code except:

1. Administrative provisions, including procedures, SEPA regulations, and fees;
2. Provisions pertaining to permitted, conditional, and prohibited uses;
3. Maximum residential densities; and

4. Regulations pertaining to shoreline development, drainage basin protection, geologic hazard areas, and wildlife habitat, provided that those regulations may have their own processes for granting exceptions.

B. Major variances shall be Type 5 permits (see Ch. 14.45 SMC)

14.70.040 Criteria For Minor And Major Variances

No variance shall be granted unless it is found that:

- A. There are special circumstances relating to the size, shape, topography, location, or surroundings of the subject property that do not similarly exist with regard to other properties in the vicinity and in the same land use designation in which the subject property is located; and
- B. The variance is necessary to preserve and/or enjoy a substantial property right, which others in the vicinity and in the same land use designation have but because of special circumstance is denied to the subject property; and
- C. The variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and designation in which the subject property is situated; and
- D. The granted variance will not be in conflict with the Comprehensive Plan. (Ord. 2082, 2005)