



Burden of proof:

The burden is upon the applicant to present sufficient evidence relevant to the appropriate criteria in support of the application. The decision maker must make affirmative findings of fact relative to each criterion or the application must be denied.

Variance decision criteria:

The following decision criteria shall be used for all variance permit applications:

- 1.** A variance or modification of the requirement or standard is not prohibited by the land use codes
- 2.** No other procedure is provided in this chapter to vary or modify the standard or requirement, or compliance with such other procedure would be unduly burdensome
- 3.** Strict application of the standard or requirement would create an unnecessary hardship due to one or more of the reasons listed below. Mere economic hardship or self-created hardship are not considered for the purposes of this section:
 - A.** The property cannot be developed to the extent similarly zoned property in the area can be developed because the physical characteristics of the land, the improvements or uses located on the land do not allow such development; or
 - B.** Compliance with the requirement or standard would eliminate or substantially impair a natural, historic, or cultural feature of area-wide significance.
- 4.** In addition, the following objectives shall be reasonably satisfied:
 - A.** Surrounding properties will not suffer significant adverse effects.
 - B.** The appearance of the property or use will not be inconsistent with the development patterns of the surrounding property; and
 - C.** The ability to develop the property in compliance with other standards will not be adversely affected.
- 5.** No variance may be granted to allow or establish a use that is not allowed in the underlying districts as a permitted use; or to modify or vary a standard or requirement of an overlay zone, unless specific provisions allow a variance.

Additional criteria for a shoreline variance:

A shoreline variance is subject to the following additional criteria:

- 1.** The cumulative impact of several variances on the shoreline in the area will not preclude achieving the goals of the shoreline master program.

Additional criteria for a floodplain variance:

Floodplain variance is subject to the additional criteria of SMC 17E.030.090 and 17E.030.100.

For more information contact:

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