

Major Variance Submittal

Submittal Items

Please included the following:

- Land Use Application
- 2 sets any applicable plans
- Verified statement that property affected is in the exclusive ownership of the applicant or has consent of all owners
- Intake fee: \$270
- Deposit: \$810

The applicant shall be responsible for the actual cost incurred by the City in processing the application. The total fee shall be reduced by the amount of the deposit. The applicant shall remit to the City the amount exceed by the deposit. If the deposit fee exceeds the City's actual costs, the balance shall be refunded.

Please demonstrate the following (use separate page if necessary):

There are special circumstances applicable to the subject property or to the intended use (size, shape, topography, location, surroundings) that do not apply to other property or classes of use in the same vicinity and zoning classification.

The variance is necessary for the preservation and enjoyment of a substantial property right or use which is possessed by other property in the same vicinity and zoning classification but denied to the subject property because of special circumstances.

The granting of the variance will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity and zoning classification in which the subject property is located.

Strict enforcement of the provisions of this title would create a practical difficulty or unnecessary hardship for the property owner.

The practical difficulty or unnecessary hardship has not been created by the owner or by a predecessor in title. (Does not apply if the difficulty or hardship was created solely as a result of a zoning reclassification.)

The granting of the variance will be consistent with the purpose and intent of the zoning classification and the comprehensive plan land use designation of the subject property and will not conflict with other applicable codes, design guidelines, and comprehensive plan goals and policies.



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Chapter 22.74 MAJOR VARIANCE

The purpose of a variance is to provide a means of altering the requirements of the Fircrest Municipal Code in specific situations where the strict application of those requirements would deprive a property of privileges enjoyed by other properties with the same zoning district classification because of special features or constraints unique to the subject property. **A major variance is one that is greater than 10 percent of the standard contained in this title and which may be approved by the planning commission as a Type III-A land use decision.**

The review authority planning commission shall grant a variance from the provisions of this title when it has determined that the criteria listed in FMC 22.74.003 have been met by the proposal. When granting a variance, the review authority may attach specific conditions to the variance to ensure that the variance will conform to the criteria listed in FMC 22.74.003 and all other applicable codes, design guidelines, and comprehensive plan goals and policies. The review authority shall not grant a variance which establishes a use otherwise prohibited within a zoning district.

Before any major variance may be granted, the review authority shall adopt written findings showing that the following criteria are met by the proposal:

- There are special circumstances applicable to the subject property or to the intended use such as size, shape, topography, location, or surroundings that do not apply to other property or class of use in the same vicinity and zoning classification.
- The variance is necessary for the preservation and enjoyment of a substantial property right or use which is possessed by other property in the same vicinity and zoning classification but denied to the subject property because of special circumstances.
- The granting of the variance will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity and zoning classification in which the subject property is located.
- Strict enforcement of the provisions of this title would create a practical difficulty or unnecessary hardship for the property owner.
- The practical difficulty or unnecessary hardship has not been created by the owner or by a predecessor in title. (This finding does not apply if the zoning classification for the property has changed and the difficulty or hardship was created solely as a result of the reclassification.)
- The granting of the variance will be consistent with the purpose and intent of the zoning classification and the comprehensive plan land use designation of the subject property and will not conflict with other applicable codes, design guidelines, and comprehensive plan goals and policies.

This is a summary of the process. For complete development regulations, please see FMC Chapter 22.74.