

Sec. 35-316. Variances.

Sec. 35-316.1. Purpose and Intent.

The purpose and intent of this section is to allow variances from the strict application of the regulations on land, buildings, and structures of this Article where, because of exceptional conditions such as the size, shape, unusual topography, or other extraordinary situation or condition of such piece of property, the literal enforcement of this Article would impose practical difficulties or would cause undue hardship unnecessary to carry out the intent and purpose of this zoning ordinance.

Sec. 35-316.2. Applicability.

1. The provisions of this section shall apply to all zone districts.
2. In no case shall a variance be granted to permit a use or activity which is not otherwise permitted in the district in which the property is located.
3. Variances may only be granted from the regulations on land, buildings, and structures, and no variances may be granted from the procedural regulations of this Article.

Sec. 35-316.3. Jurisdiction.

Upon making the findings required under this section, the Zoning Administrator may approve or conditionally approve Variances to the regulations applicable to physical standards for land, buildings, and structures contained in this Article. *(Amended by Ord. 4003, 2/21/92).*

Sec. 35-316.4. Contents of Application.

As many copies of a Variance application as may be required shall be submitted to the Planning and Development Department. Said application shall contain full and complete information as required pertaining to the request.

Sec. 35-316.5. Processing.

1. An application filed pursuant to this section that is inconsistent with the use and/or density requirements of this Article or the adopted Comprehensive Plan must be accompanied by an application to make the project consistent. The Planning and Development Department may refuse to accept for processing any application the Director finds to be inconsistent with the Comprehensive Plan.
2. The Zoning Administrator shall hold at least one noticed public hearing on the requested Variance and either approve, conditionally approve, or deny the request. Notice of the time and place of said hearing shall be given in the manner prescribed in Sec. 35-326 (Noticing).

(Amended by Ord. 4003, 2/21/92)

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3. The Zoning Administrator, in granting said Variance may require such conditions as deemed necessary to assure that the intent and purpose of this Article and the public health, safety, and welfare will be promoted. *(Amended by Ord. 4003, 2/21/92)*
4. The Zoning Administrator's action is final, subject to appeal to the Board of Supervisors as provided in Sec. 35-327. (Appeals). *(Amended by Ord. 4003, 2/21/92)*

Sec. 35-316.6. Findings Required for Approval.

A Variance shall only be approved if all of the following findings are made:

1. Because of special circumstances applicable to the property, including but not limited to size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
2. The granting of the variance shall not constitute a grant of special privileges inconsistent with the limitations upon other property in the vicinity and zone in which such property is situated.
3. That the granting of the variance will not be in conflict with the intent and purpose of this Article or the adopted Santa Barbara County Comprehensive Plan.
4. The applicant agrees in writing to comply with all conditions imposed by the County in the granting of the variance.