

Sec. 35-173. Variances.

Sec. 35-173.1. Purpose and Intent.

The purpose and intent of this section is to allow variances from the strict application of the provisions 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. 35-173.2. Applicability.

1. The provisions of this section shall apply to all zone districts.
2. Where, because of unusual circumstances applicable to the lot such as size, shape, topography, location or surroundings, the strict application of the zoning regulations to land, buildings and structures would deprive such property of privileges enjoyed by other property in the vicinity with identical zoning, Variances may be granted except that:
 - a. 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 situated.
 - b. In no case shall a Variance from the procedural regulations of this Article be granted.
 - c. In no case shall a Variance from the required number of parking spaces be granted as provided in Section 35-76, Medium Density Student Residential, 35-77, High Density Student Residential, and 35-102A, Single Family Restricted Overlay District.

Sec. 35-173.3. 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. 3976, 2/21/92*)

Sec. 35-173.4. 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. 35-173.5. Processing.

1. 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. 35-181. (Noticing).
2. 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.
3. The Zoning Administrator's action is final, subject to appeal to the Board of Supervisors as provided in Sec. 35-182.3. (Appeals) *(Amended by Ord. 3976, 2/21/92)*

Sec. 35-173.6. 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 properties 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 Coastal Land Use Plan.
4. The applicant agrees in writing to comply with all conditions imposed by the County.