



SOLDOTNA

## INFORMATION ABOUT THE 8 VARIANCE STANDARDS

For more information please consult Soldotna Municipal Code 17.10.410  
or contact the Economic Development + Planning Department

The following is a list of examples we believe will help you in responding to the 8 variance standards. The Planning and Zoning Commission must determine all standards are met before it may grant you a variance. It is important to present factual information and evidence to support your belief that the property does not have parity with other properties - and that to gain that parity, your property must have relief from a specific provision of the zoning code. The suggestions below are by no means the only or valid justifications for a variance on your property. These examples are provided to allow you to consider the uniqueness of your property in response to the 8 standards. The Planning and Zoning Commission considers each variance on its unique merits.

### 1. ***Granting the variance shall be in harmony with the general provisions of this zoning code and with the Comprehensive Plan.***

Even though granting a variance allows you to deviate from the Code, the variance must not change the intent of the Code or change the character of neighbors who are in the same zoning district.

### 2. ***Special conditions or circumstances exist which are peculiar to the land or structures involved which do not apply to other lands or structures in the same zoning district;***

The special conditions or circumstances of the land must directly affect, create or contribute to the need for the zoning variance. You must explain to the Commission what those special circumstances are. Examples are listed below and one or more or something similar may apply to your property:

- Physical features peculiar to this lot or tract not applicable to the adjacent lots:
  - Steep slopes;
  - Water bodies, wetlands, or flood plains;
  - Avalanche hazard zones, unstable soil conditions;
  - Other physical defects.
- Platting features peculiar to this lot or tract not applicable to the adjacent lots:
  - The lot is not platted;

- The lot is oddly shaped;
- The lot has more than two street frontages or no street frontage;
- The lot is impacted by many or wide easements for utilities, driveways, drainage.
- Zoning features peculiar to this lot or tract not applicable to the adjacent lots:
  - The lot is impacted by extraordinary zoning setbacks;
  - The lot is non-conforming in area, width or depth;
  - The structure/building was constructed under different zoning rules.

### 3. ***The special conditions or circumstances have not been caused by the actions of the applicant and such conditions or circumstances do not merely constitute financial hardship or inconvenience;***

You must explain why the need for the variance is due to circumstances that are beyond your control; and that your request for a variance is not solely to make it more convenient for you to use the property, or to avoid financial hardship. Below are some examples of things that may apply to your property:

- The special conditions and circumstances are:
  - The structure was built under different zoning rules;
  - The structure has non-conforming rights;

- The lot is non-conforming in area, width or depth;
- The design of the structure in relationship to the land limits the options.
- The special conditions and circumstances are more than an inconvenience or financial burden because:
  - Removing the encroachment would severely damage the structure;
  - Removing the encroachment would render the structure unusable;
  - The septic system/leach field and or well cannot be moved;
  - The physical features of the lot limit construction locations and options;
  - The access to the lot cannot be physically relocated.
- I (we) considered all the possible conforming alternatives and I (we) are not able to:
  - Redesign the structure because\_\_\_\_\_.
  - Move the structure because\_\_\_\_\_.
  - Move lot lines or replat the property because\_\_\_\_\_.
  - Rezone the property because\_\_\_\_\_.
  - Acquire the abutting property because\_\_\_\_\_.

**4. Granting of the variance shall not result in material damage to other properties in the neighborhood nor otherwise be detrimental to the public health, safety, or welfare;**

Your use of the property and the variance, if granted, will not make your property, or your neighbors, incompatible with what the Comprehensive Plan and Zoning Code describe as appropriate uses for the area; and does not devalue or prevent full use of your neighbor's property. Examples are listed below and one or more or something similar may apply to your property:

- The variance will not:
  - Give special privileges to me above my neighbor;
  - Increase traffic in the neighborhood;
  - Change the character of the neighborhood;
  - Negatively impact the abutting property owners;
  - Violate the spirit of the zoning regulations;
  - Place the public health, safety or welfare at risk.
- The encroachment is not visually evident.

- There have been no registered complaints.
- No code enforcement actions have occurred.
- The nonconforming use or structure can be made more conforming if variance is granted.

**5. Granting of the variance shall represent the minimum action necessary to allow the reasonable use of the land or structure;**

You must explain why this variance will give this property parity with its neighbors and nothing more, and that you are asking for the least relief from the zoning law that is possible to allow a reasonable use of your property. This standard is to ensure that you are not advocating for rights superior to your neighbors or others in the same zoning district, and that you have no other conforming alternatives, such as replatting, rezoning, vacate easements or rights-of-way, moving the structure, or remodeling the structure. In other words, a variance is the last resort to allow a reasonable use of the property.

**6. Granting of the variance shall not permit a principal use that is not otherwise permitted in the zoning district;**

A variance may not be used to request a use on your property which is not allowed in the underlying zoning district.

**7. Granting of the variance shall not be based upon other non-conforming land uses or structures within the same zoning district; and**

Other lots or uses may exist in the same zoning district which are non-conforming in regards to some aspect of the Zoning Code. This reason alone is not sufficient to request a variance.

**8. The applicant is current in the payment of any sales tax to the City or Borough as certified by the Borough Finance Department in a Tax Compliance Certificate.**

At the time you submit your application for a variance, you must also fill out your personal information on a Borough Tax Compliance Certificate. We will fax this form to the Borough for verification that the property owner is current with all taxes, prior to granting a variance.