



**City of Cashmere
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Variations

WHAT IS A VARIANCE?

A variance grants special relief from zoning standards for physical requirements, such as setbacks and height restrictions. This process is intended for situations where the zoning requirements overly burden one property more than other properties in the area. Variances do not authorize uses not allowed in a zoning district or allow the reduction of minimum lot sizes.

VARIANCE EXAMPLES

Variances address unique circumstances of property development that are beyond the control of the property owner.

For example, a variance may be necessary to allow construction on substandard lots that are grossly irregular in shape or on lots that have physical constraints, such as a rock outcropping, or an identified critical area, such as a wetland, steep slope, or riparian corridor.

THE PROCESS

The first step in the variance process is to re-examine your construction needs and plans. Trying to make a lot fit a building plan is more difficult than designing a building that fits a lot. Consideration should be given to alternative building design and placement to establish a range of options that do not require a

variance. If it appears that no alternatives exist, an application for a variance may be necessary.

Variance applications are classified as quasi-judicial by the Cashmere Municipal Code. Quasi-judicial review involves a pre-application meeting and submitting a formal application that is processed for action by the Hearing Examiner. This includes a public hearing. Refer to the Permit Process brochure for more information on the quasi-judicial review process.

CRITERIA FOR APPROVAL

Variances are evaluated on criteria outlined by state law and the Cashmere Municipal Code. If the proposal fails to meet even one of the criteria, the variance application will be denied. Applications for a variance must include a narrative response to each of the criteria and graphic materials supporting the proposal.

The criteria that must be met are:

1. The difficulty would apply to the particular land or building regardless of the owner;
2. The request for variance is not the result of an illegal act on the part of the applicant;
3. The plight of the owner is due to unique circumstances such as lot size or shape, topography and size of buildings, which are not the general condition of the surrounding area;
4. The hardship asserted as a ground for a variance must arise out of the zoning ordinance;
5. The practical difficulty or unnecessary hardship asserted as a ground for a variance must relate to the premises for benefit of which the variance is sought and not to other premises or personal conditions of the applicant;
6. The granting of a variance must not create significant adverse environmental impacts to adjacent properties;
7. The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and district in which the property on behalf of which the application was

filed is located;

8. That such variance is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the district in which the subject property is located; and
9. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and district in which the subject property is situated.

Need More Information?

This publication is intended to provide general information only. It is not a substitute for the requirements of City policies, resolutions and/or codes. Additional information on variances from zoning regulations, fees or scheduling a pre-application meeting can be obtained from Cashmere City Hall.