



User's Guide To The Land Use Permit Process

Zoning Variance

Yakima County Planning Division ◆ 128 N. 2nd Street 4th Floor Courthouse - Yakima, Washington 98901 ◆ Phone (509) 574-2300

"Variance" means a modification of the specific regulations of this Title in accordance with the terms of this Title for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zoning district.

All variances are subject to a Type 3 review which requires a public hearing before the Hearing Examiner. The Hearing Examiner can not consider applications for a variance under the following circumstances 19.35.060(1):

- Under no circumstances shall the Hearing Examiner grant a variance to allow a use not permissible under the terms of the Title in the zoning district involved, or any use expressly or by implication prohibited in the zoning district by this Title.
- A variance application that would alter density or minimum lot size requirements shall not be accepted or granted.
- A variance application shall not be accepted if administrative adjustment or modification provisions apply and could provide the relief sought from the standards of this Title.
- The Hearing Examiner shall not have jurisdiction to grant a variance to standards or requirements under the Federal Emergency Management Agency's National Flood Insurance Program (NFIP) as implemented by YCC Title 13.

The Hearing Examiner may approve a variance as long as the proposal will not be contrary to the public interest and the comprehensive plan where literal enforcement of Title 19 would cause undue hardship, as measured by the following criteria. To assist in the review process of your variance be sure to address the following items in your application materials.

- Special circumstances applicable to the property, including size, shape, topography, location or surroundings, exist;
- Due to such special circumstances, strict application of this Title would deprive the property of rights and privileges enjoyed by other properties in the vicinity under identical zoning district classification;
- Granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zoning district classification in which the property is situated;
- Special circumstances do not result from the actions of the applicant;
- The variance is the minimum variance that will make possible the reasonable use of the land, building or structure;
- Granting a variance will be in harmony with the general purpose and intent of Title 19, the specific zoning district and the Comprehensive Plan;
- Administrative adjustment or administrative modification provisions of this Chapter were not applicable or could not provide the relief sought from the standards of Title 19;
- Granting the variance requested will not confer on the applicant any special privilege denied by Title 19 to other lands in the same area; and
- Financial gain is not the ground or grounds for the variance.

Please note that a Pre-Application Conference is required prior to the submittal of the variance application.

For specific application submittal requirements and timelines please refer to Title 19 (Unified Land Development Code) and Title 16B (Yakima County Project Permit Administration Ordinance).