



To: Zoning Board of Adjustment

From: Community Development- Planning Division

Subject: Changes to the Variance Process and Review, 2025 LDC

Date: February 10, 2026

This memo is being provided to you to summarize the changes to Variance applications that are reviewed by the Board of Adjustment.

1 Process:

In the 2009 Land Development Code, Variances are limited to zoning district bulk standards ([Section 21-3222](#)), signage ([21-3222](#)), and parking requirements ([Section 21-7239](#)). In the 2025 Land Development Code this has been expanded to provide relief to any standard of the Land Development Code not specifically exempted by [Section 21-7300 \(B\)](#). In addition to these changes the 2025 code combined Height Exceptions ([Section 21-3220](#)) and Variances since a Height Exception is a specific type of Variance.

Variances in the 2009 code and 2025 code are not the only method to receive relief from the provisions of the Land Development Code. In the 2009 code, the process is called Minor Modification. The process allows up to a 20 percent deviation from the standards of code, or other specific relief listed in [Section 21-3215 \(1\)](#). The limitation of a Minor Modification are listed in [Section 21-3215 \(2\)](#). Very similar provisions were carried forward to the 2025 code into a process called Administrative Adjustment. Those standards are listed in [Section 21-7340](#) (item A,4 for permitted modifications and item A,J for prohibited modifications). Additionally, the 2025 code added Waivers ([Section 21-7590](#)) to help provide relief from subdivision standards of Article V. These process exist to expedite the development process and provide staff the ability to grant some leniency when standards are not able to be met.

2 Approval Criteria:

The 2009 code and the 2025 have some differences in their approval criteria. Some minor changes were made to accommodate the inclusion of Height Exceptions. Additionally, the 2025 code introduced the “Common Review Criteria,” so there are a number of new criteria that will apply to Variances that have not been historically used. Please see the approval criteria listed below along with the staff analysis of how each relates to the 2009 code criteria. 0

Section 21-7300, D., 1.

All Variances. All of the following criteria are met:

a. The physical character of the property, including dimensions, topography or other extraordinary situation or condition of the property or use, create a situation where the strict application of the standards in this LDC will deprive the property owner of privileges generally enjoyed by owners of properties of the same classification in the same zoning district;

Analysis: Compared to item 3, a, i of the 2009 the word use was added (“condition of the property or **use**,”) but is otherwise a direct translation (Section 21-3222).

b. The hardship is not self-imposed;

Analysis: Direct translation of 3, a, ii of Section 21-3222.

c. The Variance will not be of substantial detriment to adjacent property; and

Analysis: Direct translation of 3, a, iii of Section 21-3222.

d. One of the following criteria is met:

i. The Variance approved is the minimum needed for the reasonable use of the land, building, or structure; or

Analysis: Direct translation of 3, b, i of Section 21-3222.

ii. The character of the district will not be changed by the granting of the Variance;

Analysis: Direct translation of 3, b, ii of Section 21-3222.

iii. The requested Variance is required in order to reasonably comply with state or federal regulatory changes or needed to overcome technological limitations; or

Analysis: Direct translation of 4, a of Section 21-3220 (Height Exception).

iv. The Variance provides a demonstrated benefit to the City.

Analysis: Direct translation of 4, c, i of Section 21-3220 (Height Exception).

Section 21-7140, Common Review Criteria

The request complies with the applicable standards of the City's Code, this LDC, and any applicable county, state, or federal requirements.

Analysis: New criteria not historically applied to Variances.

The request substantially conforms to any associated prior approval for the development, including, but not limited to, a PUD Zone Document, Conditional Use Permit, or Overall Development Plan.

Analysis: New criteria not historically applied to Variances.

The request is consistent with applicable policies of the Comprehensive Plan and applicable sub-area plans and capital improvement plans; or, if it addresses a topic that is not contained or not fully developed in the Comprehensive Plan, the request does not impair the implementation of the Comprehensive Plan.

Analysis: New criteria not historically applied to Variances. Here is link to the [Comprehensive Plan](#)

The request promotes the purposes of this LDC as established in Sec. 21-1120, Purpose, and in other applicable purpose statements in this LDC.

Analysis: New criteria not historically applied to Variances. Here is a link to [Section 21-1120](#)

Adequate facilities, including public or private utilities, solid waste service, roads, drainage, and other improvements are present or are planned to be provided by either the City or the applicant.

Analysis: New criteria not historically applied to Variances.

The request demonstrates compatibility with surrounding conforming and permitted land uses and structures and with the general character of the area.

Analysis: New criteria not historically applied to Variances.

The request will not impede the normal and orderly development and improvement of surrounding property.

Analysis: New criteria not historically applied to Variances.

3 Summary

In summary the Variance process has been expanded to allow for variances to more items. This is consistent with how Variances are used in other jurisdictions and will allow developers and residents greater flexibility for their project. Additional review/approval criteria will apply to Variances. This will help Variance tie to how other applications are reviewed and create greater cohesion in the built environment. The additional criteria will also help to address the expanded allowance for variances.

Staff will continue to work with the Board of Adjustment and provide support and training as required on these changes to the Variance process and criteria.