

SHORELINE VARIANCE PERMITS

The Shorelines Management Act authorizes deviation from specific bulk, dimensional, or performance standards (and strictly limits it to these items) in the master program through the granting of shoreline variance permits. Variance permits are only granted where there are "extraordinary or unique circumstances relating to the property such that the strict implementation of the master program will impose unnecessary hardships on the applicant or thwart the policies of the Act; PROVIDED that, in all instances extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect".

For all variance applications, consideration shall be given under the variance permit review process to the cumulative impact over time of granting additional permits for like action in the area. The total of the developments must also be consistent with the Shoreline Management Act and must not produce substantial adverse effects to a shoreline environment.

Variations may be granted if the applicant demonstrates all of the following:

1. Strict application of the standards precludes or significantly interferes with a reasonable allowable use of the property.
2. That an unnecessary hardship would result from "strict application of the standards" is a result of unique conditions specifically related to the physical characteristics of the property (size, shape, topography) and not a result of such things as deed restrictions or the applicants own action.
3. The project design is compatible with neighboring uses.
4. The project will not cause adverse effects to a shoreline environment.
5. The variance does not constitute a special privilege not enjoyed by other properties in the vicinity.
6. The action is the minimum necessary to afford relief from the identified hardship.

7. No substantial detrimental effect occurs to the public interest.
8. The request is not to vary a use of a shoreline, only from a specific standard.