

ZONE VARIANCE (ZV)

AUTHORIZING CODE SECTION: Section 12.27 of the Los Angeles Municipal Code (LAMC) authorizes a Zoning Administrator to grant variances from the property development standards established by the Code.

PUBLIC HEARING AND NOTICE: An initial request for a Zone Variance is subject to a public hearing; notification of the hearing is to all property owners and occupants (i.e. tenants) within 500 feet of the subject site as well as on-site posting of the notice.

FINDINGS FOR APPROVAL: In order to approve an application, the decision maker must decide if the facts presented in the record are such to establish the findings (i.e. criteria for approval) stated below. On separate pages copy each finding and provide a detailed justification/explanation of how the proposed project conforms with the required finding. If you are requesting more than one variance, your response to each finding should clearly address each requested action.

1. Explain why the strict application of the zone code would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations.
2. Describe the special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.
3. Explain why the variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of the special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.
4. Explain why the granting of the variance would not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the subject property is located.
5. Explain why the granting the variance would not adversely affect any element of the General Plan.

ADDITIONAL INFORMATION: The applicant should be aware of the following:

1. A variance may not be used to grant a special privilege or to permit a use or activity substantially inconsistent with the limitations upon other properties in the same zone and vicinity.
2. Zone Variances are discretionary acts, meaning the Zoning Administrator is not compelled to approve them; they must deny the request if all of the findings cannot be made.

3. The Zoning Administrator may deny the request if the conditions creating the need for the variance were self-imposed.
4. Among other sections of the Zone Code, a Zone Variance cannot be used to permit deviations from Section 12.03 "Definitions" or Section 12.22 "Exceptions".
5. A Zone Variance should not be requested if another established procedure is designed to grant the use or privilege. For example:
 - a. Height and density adjustments under 20% should be filed as a Zoning Administrator's Adjustment (Section 12.28).
 - b. Pawn shops in the C2 zone should be filed as a Conditional Use Permit (Section 12.24 W.33).
 - c. Fences over 3 ½ feet high but not taller than 6 feet in the front yards of A and R zoned properties should be filed as a Zoning Administrator's Determination (Section 12.24 X.7).