



## City of Morro Bay

### Community Development

955 Shasta Avenue  
Morro Bay, CA 93442  
(805) 772-6261

[www.morrobayca.gov](http://www.morrobayca.gov)

## Variance Information

### Introduction

This handout summarizes Morro Bay's requirements and processing for a Variance. Section 17.44 "Variances" of the City's Municipal Code contains the Variance requirements.

### What is a Variance?

Land use rules say what kinds of uses can go where in a community. They also regulate what happens on an individual piece of property. Things like building height limits and parking space requirements are examples of these kinds of rules. Typically, these rules are found in a city or county's zoning code.

A landowner may feel that one or more rules impose a unique hardship. If so, one option is for the owner to request to be excused from complying with that rule. This is called a variance because the owner is allowed to "vary" from the rules that usually apply.

Landowners tend to ask for a variance when the physical aspects of property pose unique challenges. Examples include lot size, shape, terrain, location, or surroundings. For example, lots with large heritage trees may need an exception to meet a setback requirement. The goal of granting a Variance

is to enable property to be used in a practical manner.

Variances are, in essence, permission to break rules that others must follow. As a result, variances are not granted easily. When deciding whether to grant a variance, decision-makers must make written findings explaining why a variance is or is not justified. These explanations must be backed up with facts that also become part of the written record of the decision. Generally, financial hardship, community benefit, or the worthiness of the project is not a consideration in determining whether to approve a variance.

What if the problem is that a landowner wants to use property in a way that is not allowed in a zone? An example is someone who wants to locate a business in a residential zone. The solution to that problem would be to seek a zone change, not a variance.

### What are the criteria for granting a Variance?

A variance may be granted when ALL four of the following circumstances are found to apply:

*1. Not a Special Privilege*

There are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to property in the vicinity and identical zoning district, and that the granting of a variance will not constitute a granting of special privilege inconsistent with the limitations on the property in the vicinity and identical zone district; and

*2. Hardship Beyond Applicant's Control*

The granting of the variance is necessary to prevent a physical hardship which is not of the applicant's own actions or the actions of a predecessor in interest; and

*3. Not Detrimental to Community or Vicinity*

The granting of the variance will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience; and

*4. Alignment with General Plan and Code*

The granting of the variance will be consistent with the general purposes and objectives of title 17.44 of the Morro Bay Municipal Code, any applicable specific plans, and the General Plan.

**For More Information**

Phone: Planning Division - (805) 772-6261

Walk In: Community Development  
Department

955 Shasta Avenue

Planning Counter Hours:

M, T, W, TH from 8AM – 5PM

Website: [www.morrobayca.gov/planning](http://www.morrobayca.gov/planning)

The City's zoning ordinance is available for review on our website at

[www.morrobayca.gov/municipalcode](http://www.morrobayca.gov/municipalcode)