



VARIANCE APPLICATION

Liberty Lake Planning & Building Services
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A PRE-APPLICATION CONFERENCE IS REQUIRED PRIOR TO SUBMITTAL OF THIS APPLICATION. TO SCHEDULE A PRE-APPLICATION CONFERENCE, PLEASE CONTACT PLANNING & BUILDING SERVICES.

INTENT

The purpose of Article 10-5B of the City Development Code is to provide flexibility to development standards, in recognition of the complexity and wide variation of site development opportunities and constraints. The variance procedures are intended to provide flexibility while ensuring that the intent of each development standard is met. An administrative (Class A Variance) or quasi-judicial (Class B Variance) decision to lessen or otherwise modify the requirements of this Code for a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the vicinity and similar zone classification and which adjustment remedies the difference in privileges; provided, however, that a variance granted shall not authorize a use otherwise prohibited in the zone classification in which the property is located.

Class A Variance

The following variances are reviewed using an Exempt Project procedure, as governed by Article 10-4B of the City Development Code, using the approval criteria listed on Page 2:

- Front yard setbacks - up to a 10 percent change to the front yard setback standard in the zoning district.
- Interior setbacks - up to a 10 percent reduction of the dimensional standards for the side and rear yard setbacks required in the zoning district.
- Lot coverage - up to 10 percent increase of the maximum lot coverage required in the zoning district.
- Landscape area - up to 10 percent reduction in landscape area (overall area or interior parking lot landscape area).
- Variance to minimum housing density standard (Development Code Chapter 2) - The Director may approve a variance after finding that the minimum housing density provided in Chapter 2 cannot be achieved due to physical constraints that limit the division of land or site development. "Physical constraint" means steep topography, critical areas (Development Code Chapter 6), unusual parcel configuration, or a similar constraint. The variances approved shall be the minimum variance necessary to address the specific physical constraint on the development.
- Variance to Vehicular Access and Circulation Standards (Development Code Article 10-3B) - Where vehicular access and circulation cannot be reasonably designed to conform to Code standards within a particular parcel, shared access with an adjoining property shall be considered. If shared access in conjunction with another parcel is not feasible, the Director may grant a variance to the access requirements after finding the following:
 1. There is not adequate physical space for shared access, or the owners of abutting properties do not agree to execute a joint access easement;
 2. There are no other alternative access points on the street in question or from another street;
 3. The access separation requirements cannot be met;
 4. The request is the minimum adjustment required to provide adequate access;
 5. The approved access or access approved with conditions will result in a safe access; and
 6. The visual clearance requirements will be met.

- Variances to Street Tree Requirements (Development Code Article 10-3C) - The Director may approve, approve with conditions, or deny a request for a variance to the street tree requirements in Article 10-3C, after finding the following:
 1. Installation of the tree would interfere with existing utility lines;
 2. The tree would cause visual clearance problems; or
 3. There is not adequate space in which to plant a street tree; and
 4. Replacement landscaping is provided elsewhere on the site (e.g., parking lot area trees).
- Variance to Parking Standards (Development Code Article 10-3D) - The Director may approve variances to the minimum or maximum standards for off-street parking in Article 10-3D upon finding the following:
 1. The individual characteristics of the use at that location require more or less parking than is generally required for a use of this type and intensity;
 2. The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses; and
 3. All other parking design and building orientation standards are met, in conformance with the standards in Chapter 2 and Chapter 3 of the City Development Code.
 4. The City may approve a reduction of required bicycle parking per Development Code Section 10-3D-4, if the applicant can demonstrate that the proposed use by its nature would be reasonably anticipated to generate a lesser need for bicycle parking.
- Variances to transportation improvement requirements (Development Code Article 10-3G). The Director may approve, approve with conditions, or deny a variance to the transportation improvement standards of Article 10-3G, based on the following:
 1. Required improvements are not feasible due to topographic constraints or constraints posed by critical areas.

Class A Variance Approval Criteria

A Class A Variance shall be granted if the applicant demonstrates compliance with the requirements of each variance listed above and all of the following criteria:

- The variance requested is required due to the lot configuration, or other conditions of the site;
- The variance does not result in the removal of significant vegetation, and/or results in preserving a tree or trees on the site or avoiding wetland impacts, if trees or wetlands are present in the development area;
- The variance will not result in violation(s) of Development Code Chapter 3, or other design standards.

Class B Variance

Class B variances shall be reviewed using a Type II Project Procedure, in accordance with Development Code Article 10-4B.

- Class B variances may be granted if the applicant shows that, owing to special and unusual circumstances related to a specific property, the literal application of the standards of the applicable zoning district would create a hardship to development which is peculiar to the lot size or shape, topography, critical areas (Development Code Chapter 6), or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same zoning district); except that no variances to “permitted uses” shall be granted.
- Applicability.
 1. The variance standards are intended to apply to individual platted and recorded lots only.
 2. An applicant who proposes to vary a specification standard for lots yet to be created through a subdivision process may not utilize the Class B variance procedure.
 3. A variance shall not be approved which would vary the “permitted uses” of a zoning district (Development Code Chapter 2).

Class B Variance Approvals Process and Criteria

- Class B variances shall be processed using a Type II Project procedure, in accordance with Development Code Article 10-4B, using the approval criteria listed below. In addition to the requirements contained in Development Code Article 10-4B, the applicant shall provide a written narrative or letter describing his/her reasoning for the variance, why it is required, alternatives considered, and compliance with the criteria below.

The City shall approve, approve with conditions, or deny an application for a variance based on finding that all of the following criteria are satisfied:

1. The proposed variance will not be materially detrimental to the purposes of the City Development Code, to any other applicable policies and standards, and to other properties in the same zoning district or vicinity;
2. A hardship to development exists which is peculiar to the lot size or shape, topography, critical areas (Development Code Chapter 6), or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same zoning district);
3. The use proposed will be the same as permitted under the City Development Code and other City standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;
4. Existing physical and natural systems, such as but not limited to traffic, drainage, natural resources, and parks will not be adversely affected any more than would occur if the development occurred as specified by the subject Development Code standard;
5. The hardship is not self-imposed; and
6. The variance requested is the minimum variance which would alleviate the hardship.

VARIANCE APPLICATION AND APPEALS (CLASS A OR CLASS B)

- The variance application shall conform to the requirements for Exempt or Type II applications (Development Code Article 10-4B), as applicable, (also see the City brochure on Application Review Procedures for Projects Permits).
- In addition, the applicant shall provide a narrative or letter (Burden of Proof Form) explaining the reason for his/her request, alternatives considered, and why the subject standard cannot be met without the variance. Appeals to variance decisions shall be processed in accordance with the provisions of Development Code Article 10-4B.
- An application for a Class A or Class B variance may be filed by the owner(s) of property to which said variance would directly apply. The City shall collect from the property owner an application fee, as established in the Planning & Building Services Fee Schedule, which may cover normal processing costs.
- Prior to filing an application for a variance, an applicant shall complete a Pre-Application Conference Request Form and a Pre-Application Conference shall be held to review the proposal and the application process.

APPLICATION - PART 1

ANSWER THE FOLLOWING, AS APPLICABLE (ANSWER N/A IF NOT APPLICABLE)

REQUESTED ACTIONS(S) - Indicate appropriate request:

- Class A Variance Class B Variance

APPLICANT 1:

Name: _____ Contact Person: _____
Mailing Address: _____ Phone: _____
City/State/Zip: _____ Fax Number: _____
Signature: _____ E-mail: _____

APPLICANT 2:

Name: _____ Contact Person: _____
Mailing Address: _____ Phone: _____
City/State/Zip: _____ Fax Number: _____
Signature: _____ E-mail: _____

AGENT/ CONSULTANT/ ATTORNEY: (mandatory if primary contact is different from applicant or property owner)

Name: _____ Contact Person: _____
Mailing Address: _____ Phone: _____
City/State/Zip: _____ Fax Number: _____
Signature: _____ E-mail: _____

PROPERTY OWNER:

Name: _____ Contact Person: _____
Mailing Address: _____ Phone: _____
City/State/Zip: _____ Fax Number: _____
Signature: _____ E-mail: _____

PROPERTY OWNER 2 : (if more than two property owners attach additional info/signature sheets)

Name: _____ Contact Person: _____
Mailing Address: _____ Phone: _____
City/State/Zip: _____ Fax Number: _____
Signature: _____ E-mail: _____

The above signed property owners certify that the above information is true and correct to the best of our knowledge and under penalty of perjury, each state that we are all of the legal owners of the property described above and designate the above listed agent/consultant/attorney to act as our agent with respect to this application.

Name of Public Road(s) Providing Access: _____

Width of Property Fronting on Public Road: _____

Does the Proposal Have Access to an Arterial or Planned Arterial: YES NO

Name of Arterial Road(s): _____

APPLICATION - PART 2

THE ITEMS BELOW MUST BE SUBMITTED WITH YOUR APPLICATION, AS APPLICABLE:

- APPLICATION FORM**
Submit completed application on the attached form with all signature blocks completed and non-refundable application fees and associated environmental fees (contact Planning & Building Services for a copy of the current fee schedule). *Acceptance of the application and fees does not guarantee approval of the variance.*

- AGREEMENT TO PAY FEES**

- BURDEN OF PROOF FORM**
Provide a narrative or letter explaining the reason for the request, alternatives considered, and why the subject standard cannot be met without the variance.

- ASSESSOR'S SECTION MAPS**
Submit **1** copy of current County Assessor maps showing the subject property outlined in red and adjacent property owned or under option to the owner or sponsor (indicate adjacent property with a red dashed line). Adjacent includes property located across roads and rivers, etc.

Assessor maps are available at the County Assessor's Office and must be current (less than 30 days old) at the time of submittal and stamped by a licensed land surveyor. Platted (1"=200') and range (1"=400') parcel maps must be obtained, as you may need both sets, depending on your property location. The maps are used for legal notification of property owners adjacent to the property (shown in red).

Note: The property does not have to be surveyed at this time. The map stamped by a licensed land surveyor verifies the written legal description for the subject property is an approximate representation on the map.

- ZONING SECTION MAP**
Submit **1** copy of the official zoning map with the zoning labeled on the property. The zoning boundary shall be stamped by a licensed land surveyor. Copies of official zoning maps are obtainable from the City of Liberty Lake. (The written legal description(s) on the application form and the zoning boundary(s) shown on the map shall coincide).

Note: The property does not have to be surveyed at this time. The map stamped by a licensed land surveyor verifies the written legal description for the subject property is an approximate representation on the map.

- LEGAL DESCRIPTION**
The source of the legal description shall be clearly indicated and the legal description shall be stamped by a licensed land surveyor.

- ENVIRONMENTAL CHECKLIST**

- CERTIFICATE OF WATER & SEWER AVAILABILITY**
Submit **1** copy of a signed certificate of water availability from the water purveyor and 1 copy of a letter from the sewer purveyor discussing how sewer will be provided to the site (size of lines and improvements required to connect) and whether the required improvements are in conformance with the approved sewer comprehensive plan or an amendment to the sewer comprehensive plan is required.

- REQUIRED PUBLIC NOTICE** - Planning & Building Services staff will provide you with the preparation instructions at the Pre-Application Conference (Required for Class B Variances only).

SITE PLAN

Submit 1 hard copy of the proposal (11" x 17" minimum), stamped by a licensed land surveyor, with written legal description and 1 .pdf (on CD). At a minimum the Site Plan shall contain the following, as applicable:

- a. Scale of drawing & North arrow
- b. Vicinity map
- c. Site area showing property boundaries & dimensions
- d. Width and names of streets adjacent to the site
- e. Existing buildings
- f. Proposed buildings (including exterior decks/balconies) showing dimensions and distance to property boundaries
- g. Height of all structures
- h. Parking areas/ spaces/ driveways
- i. Landscaping
- j. Fencing
- k. Topography of the site
- l. Easement(s) affecting the use of the property
- m. Septic tank, drainfield, and well
- n. Dimensions from proposed structures to the ordinary high-water mark of all water bodies
- o. Location and size of all wetlands
- p. Easement which provides access to the public street
- q. Access, if different from easement

OTHER EXHIBITS OR APPLICATIONS

CONCERNS OR NOTES

(PLANNING & BUILDING SERVICES OFFICE USE ONLY)

DATE RECEIVED: _____

RECEIVED BY: _____

DATE COMPLETE: _____

FILE NUMBER: _____

TOTAL FEES: _____

RECEIPT NUMBER: _____

ADDITIONAL INFORMATION: _____
