



PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT
Zoning Variance

Planning & Community
Development Department
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www.lake-stevens.wa.us

Office Hours

Monday - Friday
8:00am - 5:00pm

Plan Submittal
Accepted till 4:30pm

Planning & Community
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Municipal Code

Available online:
www.codepublishing.com/WA/LakeStevens/

What is a Zoning Variance Permit?

A Zoning Variance is a mechanism by which the City may reduce or alter zoning requirements for a particular piece of property where characteristics of that property make complying with the land use code unnecessarily difficult. This permit is required in addition to any other permits (building, grading, ect) that are required for the project.

Who Can I Talk to at City Hall?

The **Associate Planner** ((425) 377-3219) acts as the permit review coordinator and would be your main point of contact. They are responsible for reviewing the proposal for compliance with the land use standards. They are also responsible for coordinating the concerns of city departments and when appropriate, other governmental and utility organizations.

What Are The Rules Governing Variance Applications?

The decision criteria are contained in 14.16C.115(c) and read as follows:

A variance may be approved if findings are made that the strict enforcement of this title would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of this title will be observed, public safety and welfare secured, and substantial justice done. The Hearing Examiner may reach these conclusions if he or she finds that:

- (1) The requested use is permitted in the zone in which the property is located;*
- (2) If the applicant complies strictly with the provisions of this title, the applicant can make no reasonable use of his property;*
- (3) There are special circumstances applicable to the subject property or to the intended use, such as the size, shape, topography, location or surroundings, that do not apply generally to other properties or classes of use in the same vicinity and zone;*
- (4) The hardship relates to the applicant's land, rather than personal circumstances;*
- (5) The spirit of the standard from which a variance is requested is reasonably maintained, and the granting of a variance will not constitute a grant of special privilege or pose significant hazards or otherwise be detrimental to the surrounding properties; and*
- (6) The hardship is not the result of the applicant's or recent prior owner's own actions.*

City staff will review the application and make their recommendation in a staff report. However the final decision on approval of the variance will be made by the Hearing Examiner after a public hearing. If the Hearing Examiner finds that the request meets **all** of the criteria listed above the application may be approved.

What is the Process for a Shoreline Use Permit?

Pre-Application Meeting: You are strongly encouraged to request a pre-application meeting with City staff prior to submitting your application. This meeting gives the City a chance to identify the strengths and weaknesses of your proposal. Requesting this meeting early can save you time and money by allowing the City to identify potential issues with a preliminary proposal before you have invested in a complete application. Because staff time is limited, a reservation well in advance of the meeting is required. Contact the planner to schedule a meeting or to find out more about the pre-application meeting.

Application: Application forms are available at the Permit Center or on the City's website. While we will accept applications via mail or courier, we prefer that applications and supporting materials be submitted in person so that we can conduct a cursory review to determine if there are any glaring omissions. Please remember to have the property owner sign the application form.

This brochure is for informational purposes only and is not intended to replace adopted rules and policies of the City of Lake Stevens. Please consult Title 14 of the Lake Stevens Municipal Code or the Department of Planning and Community Development for actual regulations and requirements.

Notice of Application: Once your application is determined to be complete, we will notify the public of the pending application by mailing notices to neighboring property owners, publishing in the Lake Stevens Journal, posting on the bulletin board at City Hall and having you post a sign on the property.

Substantive Review: City staff will review the proposal for compliance with the Lake Stevens Land Use Code (Title 14 of the Municipal Code), and provide comments to the planner, who consolidates and coordinates them into a staff report containing recommended decision, findings, conclusions and conditions to be presented to the Hearing Examiner.

Notice of Public Hearing: When the project has been reviewed and is ready for a public hearing, public notice will be provided in the same manner as the notice of application.

Public Hearing: The public hearing is open to anyone wishing to comment on the matter. The hearing allows the applicant and City Staff to present information and express what decision they think the Hearing Examiner should make. Once the hearing is closed, the Examiner has 10 days in which to issue a decision. The Hearing Examiner can approve, approve with conditions, or deny the variance application. The decision will be sent to the applicant and anyone that had provided comments in the record (i.e. letter or testified at the hearing) or that requested to be a party of record.

Construction: Following approval, you may then apply for appropriate permits for construction of the project. The Public Works Department is responsible for issuing permits for public improvements, the Building Division is responsible for issuing building permits.

What Do I Need to Submit for an Application

Each variance application is different and as a result the required materials can vary widely. All applications will require a completed Type III Land Use Application, the applicable permit fees and written response to all of the variance criteria. Most projects will also require a scale site plan showing the current property, existing improvements and proposed improvements. To discuss what additional materials may be required please contact the planner.