

# City of Gold Bar

EST. 1910



107 – 5<sup>th</sup> Street, Gold Bar, WA 98251

## ZONING VARIANCES

Variations are identified as a Type III (3) Action (GBMC 19.01-030)

Zoning Variations may be granted in cases where strict application of the zoning code would deprive a property of privileges enjoyed by other properties in the same zone because of special features or constraints unique to the property involved. They are intended only to relieve hardship in special cases and not to avoid compliance with the intent of the zoning ordinance. A variance may relax the zoning code's requirements with the respect to size, location, height, coverage or other performance standards which regulate structures or signs. Variations address the physical aspects of structures or site improvements and are not intended to circumvent restrictions on use. Zoning variations are described in Chapter 17.72 of the Gold Bar Municipal Code (GBMC).

Criteria for approval – The city's Hearing Examiner may grant a variance when the criteria identified below are met. Specific conditions may be attached to the variance which will serve to accomplish the standards, criteria, and policies established by the Zoning code. The criteria which must be met are:

1. There are special circumstances applicable to the subject property or the intended use such as shape, topography, location, or surroundings that do not apply generally to the other property or class of use in the same vicinity and zone;
2. The variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other properties in the same vicinity and zone but which because of special circumstances is denied to the property in question;
3. The granting of the variance will not be materially detrimental to the public welfare or be injurious to the property or improvement in such vicinity an zone in which the subject property is located;
4. The granting of the variance will not adversely affect the intent of the Comprehensive Plan.

The applicant has the burden of proving that denial of the Variance will create an undue hardship because of the existence of the conditions described above. Typical situations in which variances are granted include oddly shaped lots and unusual geologic, topographic, or soil conditions.

Thorough documentation will greatly assist in the variance consideration process and improve the likelihood of approval. *Applicants are advised to request a pre-application meeting with City staff prior to submitting an application.*

### **Zoning Variance Approvals**

The formal variance consideration procedure is:

1. Five (5) copies of the application packet is submitted, each including:
  - a. A completed application cover sheet;
  - b. The site plan of the property including all information relevant to the request such as location of existing/proposed structures, roads, property lines, parking lots, landscaped areas and/or buffers and showing the site vicinity within 800 feet;
  - c. Names and mailing addresses of all property owners within 300 feet of the project site;
  - d. A statement letter which addresses each of the required conditions detailed above.
  - e. A SEPA Checklist - \$400 per Resolution 17-14
  - f. Photographs of the site are highly recommended.
  - g. Filing fees are as follows:
    - Single-family residential variance \$1,200.00 + Deposit per Resolution 17-14
    - Commercial variance \$1,200 + Deposit per Resolution 17-14

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2. A staff report describing the proposal and an evaluation of the conditions is prepared. The city may request clarification from the applicant during this evaluation.
3. The city Hearing Examiner holds a public hearing on the application. The applicant or a representative must attend this hearing and be prepared to respond to the question concerning the proposal. The Hearing Examiner considers the application and makes a recommendation on approval, conditional approval, or denial.
4. The Hearing Examiner findings and recommendations are the final decision with no administrative appeal. (GBMC 19.01.030)