



VARIANCE APPLICATION

Liberty Lake Community Development Department

22710 E Country Vista Drive, Liberty Lake, WA 99019

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A Pre-Application Conference is required prior to the submittal of this application. To Schedule a Pre-Application Conference, please contact the Community Development Department.

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:
 - There is not adequate physical space for shared access, or the owners of abutting properties do not agree to execute a joint access easement;
 - There are no other alternative access points on the street in question or from another street;
 - The access separation requirements cannot be met;
 - The request is the minimum adjustment required to provide adequate access;
 - The approved access or access approved with conditions will result in a safe access; and
 - 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:
 - Installation of the tree would interfere with existing utility lines;
 - The tree would cause visual clearance problems; or
 - There is not adequate space in which to plant a street tree; and
 - 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:
 - 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;
 - The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses; and
 - 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.
 - 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:
 - Required improvements are not feasible due to topographic constraints or constraints posed by critical areas.

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.
 - The variance standards are intended to apply to individual platted and recorded lots only.
 - 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.
 - A variance shall not be approved which would vary the “permitted uses” of a zoning district (Development Code Chapter 2).

APPLICATION - PART 1

The items below must be electronically submitted, 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 Community Development Department for a copy of the current fee schedule). *Acceptance of the application and fees does not guarantee approval of the variance.*

- **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 an electronic 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.
- **Title Report**
Submit an electronic copy of a title report, including a legal description of the subject property, and live links to all recorded easements and encumbrances against the subject property.
- **SEPA Checklist**
- **Required Public Notice** – Community Development staff will provide you with the preparation instructions at the Pre-Application Conference (Required for Class B Variances only).
- **Site Plan**
Submit an electronic copy of the proposal, stamped by a licensed land surveyor. 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. Dimensions from proposed structures to the ordinary high-water mark of all water bodies
 - n. Location and size of all wetlands
 - o. Easement which provides access to the public street
 - p. Access, if different from easement

APPLICATION - PART 2

Please check one:

Class A Variance

Class B Variance

Answer The Following, As Applicable (Answer N/A If Not Applicable)

Applicant Name:	
Email:	Phone:
Address:	City, State, Zip:
Owner #1 Name:	
Email:	Phone:
Address:	City, State, Zip:
WA State Contractor License:	Contractor UBI Number:

Owner #2 Name (if more than two owners attach additional info/signature sheets):	
Email:	Phone:
Address:	City, State, Zip:
Agent/Consultant/Attorney Name (mandatory if primary contact is different from applicant or property owner):	
Email:	Phone:
Address:	City, State, Zip:

Project Information	
Site Address/Location:	Parcel Number(s) of Subject Property:
Parcel Size(s)	Estimated Sq Ft:
Legal Description of Subject Property:	
Section____ Township____ Range____ Source of Legal Description:	
Adjacent Area Owned or Controlled by Property Owner (acres or sq. ft.):	
Parcel Number(s) of Adjacent Area:	
Existing Use of Subject Property:	
Describe Proposed Use of the Property:	
State the Code standard and describe the variance sought in comparable terms (i.e., 50 feet from centerline verses required 65 feet):	
Sewer Purveyor:	Water Purveyor:
List Previous Planning Actions Involving Subject Property:	
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):	

Signing this application is acknowledgement of agreement to pay fees based upon the City's latest approved Fee Schedule. Invoices will be sent 30 days, 60 days, and 90 days after the permit is ready for issuance, unless otherwise stated. Any balance on the account of this project that is not paid within 90 days of the invoice date may result in legal action or the initiation of other collection procedures. Land use permits, infrastructure permits, and other Zoning, Land Use & Subdivision applications will require the associated fees to be paid up front.

Required Signatures

By signing below (with either electronic or physical signature), I acknowledge that as the applicant I am the property owner or have full permission and authority to represent the property owner in this project and carry out the work specified on the permit. Additionally, I certify that my signature included on the application, if done electronically, provides the same understanding and authority as if I had signed the application permit in person or in writing. I give permission for use of my electronic signature on the permit, and I acknowledge, understand, and agree to the requirements and terms described on this application.

Applicant's Signature

Printed Name

Date

The below 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.

Property Owner's Signature

Printed Name

Date

