



2901 228th St SW
Brier, WA 98036
Phone 425.775.5440
Fax 425.672.9025

VARIANCE SUBMITTAL REQUIREMENTS AND APPLICATION

A variance is a method by which citizens are granted modifications from the strict application of specific provisions of Brier Municipal Code Sections 16 and 17, and other sections where specifically stated in Brier Municipal Code due to a hardship beyond the control of the applicant. Variances do not permit property to be used in a manner other than provided in the Brier Municipal Code. This process is intended to review situations where Brier Municipal Code would unduly burden one property more than the other properties in the area.

CRITERIA

Variances may be approved by the Planning Commission and the City Council when literal and strict interpretation of the Brier Municipal Code would cause undue or unnecessary hardship. A hardship is not a problem that you create yourself. For instance, if you build your home in such a manner that you cannot expand the living room without encroaching on a required side yard, you have created that situation. Hardship speaks to whether you would be deprived of property rights common to the general vicinity.

NO VARIANCE MAY BE APPROVED UNLESS ALL OF THE FOLLOWING FINDINGS CAN BE MADE:

1. The proposed variance will not amount to a rezone and constitute a change in the district boundaries shown on the official zoning map.
2. Special conditions and circumstances exist which are peculiar to the land such as size, shape, topography or location, not generally applicable to other lands in the same district and that strict enforcement of this division would deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same district under the terms of this division;
3. The special conditions and circumstances do not result from the actions of the applicant;
4. There are unnecessary hardships and practical difficulties which render it difficult to carry out the provisions of this division;
5. The granting of the variance will not be materially detrimental to the public health, safety or welfare or injurious to the property or improvements in the vicinity and zone in which subject property is situated;
6. The reasons set forth in the application justify the granting of the variance, and that the variance is a minimum variance that will make possible the reasonable use of the land;
7. The granting of the variance will generally be in harmony and compatible with this division and in particular the applicable zoning classifications contained herein, the intent expressed in such classifications and the comprehensive plan for the city, and will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety or general welfare in terms of such factors as noise, sanitation, traffic, pollution, erosion, vibration and physical hazards; and
8. The fact that the property may be utilized more profitably shall not be an element of consideration.

APPLICATION PROCEDURE

1. **Prepare and submit and application for a variance.** Your application must include the following:
 - a. Completed application form
 - b. Self-addressed stamped envelopes, **OMITTING RETURN ADDRESS** as well as a list of those addressed for any property within 300 feet of any point of the subject property as shown on the records of the Snohomish County Assessor (see "Instructions For Obtaining Property Ownership"),
 - c. A deposit of as described in the current fee schedule. Staff time per hour as listed in the current fee schedule, and consultant's fees as charged to the City will be charged to this deposit.
 - d. Written statement describing the specific requested variance and describing how the proposed variance meets all the necessary criteria,
 - e. Depending on the nature of the variance requested, the City of Brier may require additional information such as a site plan. A site plan will be required in any case where a variance is requested for a building or a portion of a building.
2. **Public Hearing.** You will be assigned and notified of a hearing date as soon as the application is determined to be complete.

Planning Commission meetings are held at 7:00 p.m. on the third Wednesday of each month, unless otherwise noted, in the City Council Chambers, 2901 228th Street SW, Brier, and are open to the public. You or your representative must appear at the hearing so that the Commission can ask questions concerning your application. Should you or your representative be unable to attend the meeting, or if you choose to withdraw your application, please notify the Planning Department in writing no later than the third Wednesday of the month prior to the meeting.

Upon recommendation of the Planning Commission the applicant will then be notified of a meeting date with the City Council. City Council meetings are held at 7:30pm on the 2nd and 4th Tuesdays of each month, unless otherwise noted, in the City Council Chambers, 2901 228th Street SW, Brier, and are open to the public. You or your representative must appear at the meeting so that the Council can ask questions concerning your application. Should you or your representative be unable to attend the meeting, or if you choose to withdraw your application, please notify the Planning Department in writing no later than the Thursday prior to the City Council meeting you are scheduled for.

3. **Final Action.** The variance application will either be approved or denied by the City Council. This decision will be final unless a written appeal is filed within ten working days after the decision is rendered. Only those people who are parties of record may file appeals. New information must be available to present to the City Council to process the appeal.
4. **Time Limit.** The approved variance must be acted on by the owner within one year from the date of approval or the variance will expire and be null and void, unless the owner files an application for an extension of only one (1) year 30 days before the expiration date and the City of Brier approves the application.
5. **Location.** A variance applies only to the property for which it has been approved and may not be transferred to any other property.

NOTE: THE PURPOSE OF THIS HANDOUT IS TO ASSIST THE PUBLIC IN COMPLYING WITH DETAILED SUBMITTAL REQUIREMENTS. IT IS NOT A COMPLETE LIST OF CODE REQUIREMENTS AND SHOULD NOT BE USED AS A SUBSTITUTE FOR APPLICABLE LAWS AND REGULATIONS. IT IS THE RESPONSIBILITY OF THE OWNER/DESIGNER PROFESSIONAL TO REVIEW THE SUBMITTAL FOR COMPLETENESS AND APPLICABILITY TO OTHER CODES. ONLY COMPLETE APPLICATIONS WILL BE ACCEPTED BY THE CITY FOR REVIEW.



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FILE NAME _____

FILE NUMBER _____

VARIANCE APPLICATION

LOCATION ADDRESS _____

LEGAL DESCRIPTION _____

APPLICANT NAME: _____

PHONE NUMBER _____ CELL NUMBER _____

EMAIL ADDRESS _____ FAX NUMBER _____

MAILING ADDRESS _____

CITY, STATE & ZIP _____

AGENT NAME: _____

PHONE NUMBER _____ CELL NUMBER _____

EMAIL ADDRESS _____ FAX NUMBER _____

MAILING ADDRESS _____

CITY, STATE & ZIP _____

The above applicant hereby applies for a Variance for the following reasons:

Ordinance or section of Brier Municipal Code from which Variance is requested:

REQUIRED ATTACHMENTS:

- ◆ Site Plan
- ◆ Adjacent Property Owner List
- ◆ Written responses to each of the eight variance criteria in BMC 17.36.050.

2901 - 228th STREET SW BRIER, WASHINGTON 98036 PHONE (425) 775-5440 FAX (425) 672-9025

SUGGESTED ATTACHMENTS:

- ◆ Photographs of property

AN **ENVIRONMENTAL CHECKLIST / SEPA** may be required and, if the City requires such, no Public Hearings will be held until completion of the SEPA process.

VARIANCE CRITERIA BMC 17.36.050

In order for the Planning Commission and the City Council to approve a variance request, ALL of the variance criteria must be met. It is the applicant's responsibility to show that ALL of the criteria are satisfied. On a separate sheet of paper, please explain how your proposal meets each of the following criteria. It is important to make your answers clear and direct. Yes / No type responses are discouraged. Please attach the responses to your application.

1. The proposed variance will not amount to a rezone and constitute a change in the district boundaries shown on the official zoning map.
2. Special conditions and circumstances exist which are peculiar to the land such as size, shape, topography or location, not generally applicable to other lands in the same district and that strict enforcement of this division would deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same district under the terms of this division;
3. The special conditions and circumstances do not result from the actions of the applicant;
4. There are unnecessary hardships and practical difficulties which render it difficult to carry out the provisions of this division;
5. The granting of the variance will not be materially detrimental to the public health, safety or welfare or injurious to the property or improvements in the vicinity and zone in which subject property is situated;
6. The reasons set forth in the application justify the granting of the variance, and that the variance is a minimum variance that will make possible the reasonable use of the land;
7. The granting of the variance will generally be in harmony and compatible with this division and in particular the applicable zoning classifications contained herein, the intent expressed in such classifications and the comprehensive plan for the city, and will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety or general welfare in terms of such factors as noise, sanitation, traffic, pollution, erosion, vibration and physical hazards; and
8. The fact that the property may be utilized more profitably shall not be an element of consideration.

I have read, reviewed and understand Title 17 of the Brier Municipal Code regarding Variance requirements.

APPLICANT'S SIGNATURE _____ **DATE** _____

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INSTRUCTIONS FOR OBTAINING PROPERTY OWNERSHIP FROM SNOHOMISH COUNTY

To obtain names and addresses of property owners within 300 foot of the boundary of the subject property, the applicant must take the following steps:

1. Go to the Snohomish County Administration Building
3000 Rockefeller, 1st Floor, Everett, WA. Phone: 425-388-3433
Business hours are from 9:00 to 5:00 Monday thru Friday
2. Locate your parcel on a copy of the Assessor section map.
3. Using the Assessor section map, make a list of account numbers for each property within a 300 foot radius
4. Present list to counter staff. The staff will assist you by providing the Assessor's tax rolls to copy. The tax rolls are listed by numerical order of tax account numbers.