

TOWN OF LYMAN

VARIANCE PROCEDURE

A variance is required when a property owner seeks relief from a dimensional requirement of the Zoning Code, such as constructing an addition in a required setback area. The Board of Adjustment is the town council with the authority to grant a variance if, after considering the proposed project at a public hearing, the council finds that all of the criteria for granting a variance are met.

The procedure is as follows:

Meet with the Planning Department to determine what information is needed to adequately review the proposed project. This typically consists of a site plan showing what exists on the lot and what is proposed that requires variance relief.

Complete the application form and provide a list of the names and addresses of all property owners within 600 feet of the site to the Planning Department. That information is available at the County Assessor's office. A filing fee is required (see current Fee Schedule).

A preliminary review of the site plan is required to ensure that the dimensions are accurate and any discrepancies between the site plan and city records must be reconciled before public notice is given.

The Planning Department schedules a public hearing before the Board of Adjustment. The hearing will be scheduled at a time that is convenient for all parties.

Public Notice of application and public hearing is provided by the Planning Department as follows:

- Notice is published in the newspaper;
- Individual notice is mailed to all property owners within 600 feet;
- Notice is published in the monthly land use bulletin, starting a fourteen-day comment period.

Following the public hearing and Board review of the Planning Director's report and recommendation, the Board of Adjustment makes a decision based on specified findings of fact.

In authorizing a variance, the Board of Adjustment may attach such conditions regarding the location, character and other features of the proposed structure or use as may be deemed necessary to carry out the spirit and purpose of the Zoning Code and in the public interest.

Floodplain Variance and Appeals pursuant to Chapter 15.15 shall be heard by the Board of Adjustment, based on the criteria established in Chapter 15.15. Noise Ordinance Variance requests pursuant to Municipal Code Section 17.58.120 shall be heard by the Board of Adjustment, based on the criteria established in Section 17.58.120.

This summary is intended to supply applicants with the level of information usually needed to submit and process an application. For further detail, see the Zoning Ordinance.

TOWN OF LYMAN

VARIANCE APPLICATION

Shaded area for official use only

VARIANCE # _____

DATE FILED _____

RECEIPT NUMBER _____

NAME _____ PHONE _____

ADDRESS _____

ADDRESS OF PROPERTY IF DIFFERENT _____

LEGAL DESCRIPTION OF PROPERTY _____

ZONING CLASSIFICATION _____

WHAT REQUIREMENT ARE YOU REQUESTING A VARIANCE FROM, AND WHAT DO YOU WISH TO BUILD? _____

PLEASE INDICATE BELOW HOW YOUR PROPOSAL WILL SATISFY THE CRITERIA FOR GRANTING A VARIANCE.

1. THAT THERE ARE UNIQUE PHYSICAL CONDITIONS INCLUDING NARROWNESS OR SHALLOWNESS OF LOT SIZE OR SHAPE, OR EXCEPTIONAL TOPOGRAPHICAL OR OTHER PHYSICAL CONDITIONS PECULIAR TO AND INHERENT IN THE PARTICULAR LOT; AND THAT, AS A RESULT OF SUCH UNIQUE PHYSICAL CONDITIONS, PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIPS ARISE IN COMPLYING WITH THE PROVISIONS OF THE ZONING ORDINANCE.

2. THAT, BECAUSE OF SUCH PHYSICAL CONDITIONS, THE DEVELOPMENT OF THE LOT IN STRICT CONFORMITY WITH THE PROVISIONS OF THE ZONING ORDINANCE WILL NOT ALLOW A REASONABLE AND HARMONIOUS USE OF SUCH LOT.

3. THAT THE VARIANCE, IF GRANTED, WILL NOT ALTER THE CHARACTER OF THE NEIGHBORHOOD, OR BE DETRIMENTAL TO SURROUNDING PROPERTIES IN WHICH THE PROPERTY IS LOCATED.

4. THAT THE SPECIAL CIRCUMSTANCES AND CONDITIONS ASSOCIATED WITH THE VARIANCE ARE NOT A RESULT OF THE ACTIONS OF THE APPLICANT OR PREVIOUS OWNERS.

5. LITERAL INTERPRETATION OF THE PROVISIONS OF THE ZONING ORDINANCE WOULD DEPRIVE THE APPLICANT OF RIGHT COMMONLY ENJOYED BY OTHER PROPERTIES IN THE SAME ZONING DISTRICT.

6. THE APPROVAL OF THE VARIANCE WILL BE CONSISTENT WITH THE PURPOSE OF THE ZONING ORDINANCE AND THE ZONING DISTRICT IN WHICH THE PROPERTY IS LOCATED.

7. THE VARIANCE WILL NOT ALLOW AN INCREASE IN THE NUMBER OF DWELLING UNITS PERMITTED BY THE ZONING DISTRICT.

8. THE AUTHORIZATION OF SUCH VARIANCE WILL NOT ADVERSELY AFFECT THE COMPREHENSIVE PLAN.

9. THE VARIANCE SHALL NOT ALLOW A LAND USE WHICH IS NOT PERMITTED UNDER THE ZONING DISTRICT IN WHICH THE PROPERTY IS LOCATED.

10. THE VARIANCE SHALL NOT CHANGE ANY REGULATIONS OR CONDITIONS ESTABLISHED BY CONDITIONAL USE PERMITS OR CONTRACT REZONES.

A SITE PLAN SHALL BE REQUIRED WITH EACH APPLICATION FOR A VARIANCE. THE SITE PLAN SHALL BE ACCURATELY DRAWN USING AN APPROPRIATE SCALE AND SHALL ILLUSTRATE THE FOLLOWING:

- _____ 1. ADJACENT STREET AND ALLEYS;
- _____ 2. BOUNDARIES AND DIMENSIONS OF SITE AND SETBACKS;
- _____ 3. LOCATION AND DIMENSIONS OF BUILDINGS;
- _____ 4. LOCATION AND DIMENSIONS OF PARKING AREAS;
- _____ 5. LOCATION AND DIMENSIONS OF FEATURE NEEDING VARIANCE.

DATED THIS _____ DAY OF _____, 20 _____

SIGNATURE
(MUST BE OWNER OR CONTRACT PURCHASE)

**NAMES AND ADDRESSES OF PROPERTY OWNERS WITHIN 600 FEET OF ANY PORTION
OF THE LAND WHICH IS BEING ADVERTISED FOR PUBLIC HEARING.**

(INFORMATION TO BE OBTAINED AT THE SKAGIT COUNTY ASSESSOR'S OFFICE IN MOUNT VERNON)

ATTACH LIST TO APPLICATION

