



**TOWN OF LA CONNER  
APPLICATION FOR VARIANCE  
CLASS II**

Date of Application: \_\_\_\_\_

File # \_\_\_\_\_

Site Address: \_\_\_\_\_

Tax Parcel Number \_\_\_\_\_

**APPLICANT:**

NAME \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_

PHONE \_\_\_\_\_ EMAIL \_\_\_\_\_

**PROPERTY OWNER:**

NAME \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_

PHONE \_\_\_\_\_ EMAIL \_\_\_\_\_

What requirement are you requesting a variance from? *(please include Chapter and Section number from the Uniform Development Code)*

\_\_\_\_\_  
\_\_\_\_\_

*Please provide a brief description of the Variance desired: (if applicable, please provide a SEPA Checklist)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**The Planning Director will consider a variance only after consultation with the Applicant, and only upon finding that certain criteria are met.**

Each of the following criteria must be met to satisfy the variance requirement. **Please explain all answers in detail.**

1. Are there existing special conditions and circumstances peculiar to the land, structure or building involved which are not applicable to other lands, structures or building in the same district?

\_\_\_\_\_  
\_\_\_\_\_

2. If yes, would those circumstances cause the literal interpretation of the Uniform Development Code to deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Uniform Development Code?

\_\_\_\_\_

3. Do the special conditions and circumstances that exist result from the action of the applicant?

\_\_\_\_\_

4. Will granting the variance confer on the applicant any special privilege that is denied by this code to other lands, structures, or buildings in the same district?

\_\_\_\_\_

5. Will granting the variance be in harmony with the general purpose and intent of this code, be injurious to the neighborhood, or otherwise detrimental to public welfare?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

A Variance from the terms of the Uniform Development Code shall not be considered until a written application is submitted to the Town, together with a fee as set by the Town Council.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Date

**OFFICE USE ONLY**

*SEPA Checklist*

Fee Paid \_\_\_\_\_

Date \_\_\_\_\_

Approved \_\_\_\_\_

Planning Director

## **VARIANCE PROCEDURES**

A Variance from the terms of this code shall not be considered until a written application for variance is submitted to the Town together with a fee as set by the Town Council payable to the town clerk together with, but not limited, the following information:

1. Name, address and telephone number of applicant or certified designee
2. Name and notarized signature, address and telephone number of legal owner of subject property
3. Legal description of property, including section, township and range
4. Two sets of mailing labels containing the names and addresses of all property owners within three hundred (300') feet of the proposed site
5. Description of variance being requested
6. Vicinity map and site plan showing all existing structures, land contours, vegetation, water bodies, lot lines and elevations
7. Narrative statement demonstrating that the requested variance conforms to the standards set forth in this code for a variance

## **SCHEDULING AND PUBLIC NOTICE**

1. Upon the filing of an application for variance the Planning Director shall schedule review and public notice.
2. A notice containing sufficient explanation shall be published in the legal newspaper of the Town fifteen (15) days prior to any decision.
3. Written notice of the application shall be sent to the adjacent property owners within three hundred (300') of the property upon which the variance is requested.
4. Variances shall only be considered when the applicant demonstrates that the following conditions are met:
  - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
  - b. That literal interpretation of the provisions of this code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this code.
  - c. That the special conditions and circumstances do not result from the actions of the applicant.

- d. That granting of the requested variance will not confer on the applicant any special privilege that is denied by this code to other lands, structures, or buildings in the same district.
- e. That the granting of the variance will be in harmony with the general purpose and intent of this code, will not be injurious to the neighborhood, or otherwise detrimental to public welfare.

### **Planning Director**

#### **Procedure:**

The Planning Director shall consider granting a variance only upon finding that the application satisfies all the foregoing.

The Planning Director shall, in making an order, requirement, decision, or determination, include a brief non-verbatim written record of the case and findings-of-fact upon which the action was based.

#### **Prohibition:**

Under no circumstances shall the Planning Director grant a variance to allow a use not permissible under the terms of this code in the district involved, or any use expressly or by implication by the terms of this code in said district.