



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

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)*

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The Hearing Examiner will consider a variance 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?

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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?

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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?

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***By signing this application I agree to pay a Town of La Conner permit fee and all charges assessed by the Hearing Examiner.***

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Applicant Signature

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Date

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Property Owner Signature

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Date

**OFFICE USE ONLY**

*SEPA Checklist*

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

Date \_\_\_\_\_

## **VARIANCE PROCEDURES**

A Variance from the provisions of the La Conner Municipal Code shall not be considered until a complete application for a variance is submitted and accepted by the Planning Director, and the required permit fee is paid. A complete application shall include all of 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 NOTICE OF PUBLIC HEARING**

1. Upon the filing of an application for a variance, the Planning Director shall issue a Letter of Complete Application.
2. A Notice of Application describing the project/request, and setting a hearing date before the Hearing Examiner, shall be published in the legal newspaper of the Town at least fifteen (15) days prior to the intended public hearing. (If SEPA is involved, additional time will be necessary).
3. Written notice of the public hearing shall be sent to the adjacent property owners within three hundred (300') of the property upon which the variance is requested.
4. A staff report and recommendation will be issued by the Planning Director.
5. The applicant shall appear before the Hearing Examiner at the public hearing in person, by agent, or by attorney.
6. 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 the 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.

### **HEARING EXAMINER**

#### **Procedure:**

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

The Hearing Examiner 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 Hearing Examiner grant a variance to allow a use not otherwise permitted by the La Conner Municipal Code under the terms of this code in the district involved.