

**VARIANCE DECISION CRITERIA***Land Use Code 20.30G.140*

10/2/16

Submit a letter detailing how you have addressed the variance criteria.

The decision maker may approve or approve with modifications an application for a variance from the provisions of the *Land Use Code* if:

- A. The variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and land use district of the subject property; and
- B. The variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property to provide it with use rights and privileges permitted to other properties in the vicinity and in the land use district of the subject property; and
- C. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and land use district in which the subject property is located; and
- D. The variance is not inconsistent with the *Comprehensive Plan*. (Ordinance No. 4816)

***See Shoreline Variance Decision Criteria on the back of this sheet.***

**SHORELINE VARIANCE DECISION CRITERIA**  
***Land Use Code 20.30H.155***

10/2/16

Submit a letter detailing how you have addressed the variance criteria.

The City may approve or approve with modifications an application for a variance to the *Shoreline Master Program* if:

- A. Denial of the variance would result in thwarting the policy of *RCW 90.58.020*, and
- B. The applicant has demonstrated extraordinary circumstances, and the public interest will suffer no substantial detrimental effect, and
- C. The strict application of the bulk, dimensional or performance standards of the Master Program preclude or significantly interfere with a reasonable permitted use of the property, and
- D. The hardship described in Paragraph .155.C of the Land Use Code is specifically related to the property and is the result of unique conditions such as irregular lot shape or natural features and the application of the Master Program and not, for example, deed restrictions or the applicant's own actions, and
- E. The design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment designation, and
- F. The variance authorized does not constitute a grant of special privilege not enjoyed by the other properties in the area and will be the minimum necessary to afford relief, and
- G. If the development will be located either waterward of the ordinary high water mark or in a marsh, bog, or swamp designated pursuant to *WAC 173-22 C*
  - 1. In place of Paragraph .155.C, the strict application of the bulk, dimensional or performance standards of the Master Program preclude a reasonable permitted use of the property, and
  - 2. The public rights of navigation and use of the shorelines will not be adversely affected by the granting of the variance.