



VARIANCE SUBMITTAL REQUIREMENTS

A Variance is a mechanism whereby the city may allow variations to the provisions of the zoning code applicable to a specific property where unique conditions exist and make compliance with zoning standards impractical or an unnecessary hardship. A variance is not appropriate, and shall not be granted, to change a use or to allow establishment of a use that is not otherwise permitted in the zone in which the proposal is located. A Variance may be granted by the Hearing Examiner, after public hearing and review. An Administrative Variance may be granted by the Director.

Submittal Requirements:

- City of Black Diamond Master Planning Permit Application form
- Certification and Transfer of Applicant Status form
- Four copies** of a Narrative which states the specific variance that is being requested and the purpose for which the variance is requested and addresses each of the criteria listed below. The city will consider the following criteria in reviewing applications for variances, and may only approve an application if the applicant demonstrates that all of the criteria are met:

A Variance may be granted by the Hearing Examiner if the application complies with the following criteria.

1. Granting of the proposed variance would not allow a use which is not classified as a permitted, accessory, or conditionally permitted use in the applicable zoning district;
2. The variance is necessary because of special circumstances relating to the unique size, shape, topography, location or surroundings of the subject property;
3. The need for the variance and the special circumstances applicable to the subject property are not the result of deliberate actions of the applicant or property owner;
4. Strict enforcement of the requirements of this title creates an unnecessary hardship to the property owner or would deprive the property owner of the rights commonly enjoyed by others in the same area;
5. The variance does not create health or safety problems, will not be injurious to the public welfare, and does not grant a special privilege to the property owners;
6. The variance from height or setback requirements does not infringe upon or interfere with the requirements of any easement or covenant; and
7. The variance is the minimum necessary to grant relief to the applicant.

An Administrative Variance may be granted by the Director if the application complies with the following criteria:

1. The variance would not decrease by more than twenty percent any required front, side or rear yard between buildings;
2. The variance would not increase by more than ten percent any permitted projection of cornices, sills, eave projections, fences or structures, maximum permitted lot coverage, and unenclosed and uncovered decks into a front, side or rear yard; or

3. The variance would not increase by more than ten percent the permitted height of a structure.
4. Strict enforcement of the requirements of this title creates an unnecessary hardship to the property owner or would deprive the property owner of the rights commonly enjoyed by others in the same area;
5. The variance would not create health or safety problems, will not be injurious to the public welfare, and does not grant a special privilege to the property owner;
6. The variance is the minimum necessary to grant relief to the applicant.

- Four Copies** of a small-scale vicinity map.
- Four Copies** of a site plan of subject property in a scale of 1"=20'
- Permit Fees (will vary depending on Administrative or Hearing Examiner review).

Granting of a variance shall not relieve an applicant from complying with any other standard or requirement unless and only to the extent that such standard or requirement is specifically addressed as part of the decision on the requested variance.

Consideration of variance requests shall follow the procedures in Chapter 18.08