



CITY OF DAYTON DEPARTMENT OF PLANNING

111 S. 1ST Street, Dayton, WA 99328
509-540-6747 kscharer@daytonwa.com

ZONING VARIANCES – APPLICATION INSTRUCTIONS

What is Zoning Variance?

VARIANCE (Type III): A variance is a change in requirements to accommodate unusual or unique conditions peculiar to a property. A variance only may be used for changes in requirements such as for height, area and size of lots, structure or size of yards, and open spaces. A variance cannot be used to establish or expand a use otherwise prohibited. Per DMC 11-10, variances cannot be requested for changes in land use, increases in density, or changes to previous conditions established by a conditional use permit, or contract rezone.

Type III refers to quasi-judicial land use decisions made by the City Hearing Examiner following a public hearing at which interested citizens can give written or verbal comments on a proposed project or issue.

MINOR VARIANCE (Type II): A minor variance is a variance that has a 10 percent or less deviation from the standard. As a result, it may be processed administratively as a Type II application. No hearing will typically be required.

What is the review process like for variance applications?

Once a variance application is deemed complete, City staff will conduct review of the application and issue a report with a recommendation to the Hearing Examiner. A time and place for the public hearing and notice will be given not less than 10 days prior to the hearing. A decision to approve, approve with conditions, or deny the variance application will be decided by the Hearing Examiner after the close of the public hearing.

For minor variances the Planning Director issues a decision that is appealable to the Hearing Examiner.

What are the criteria against which the proposed Variance or Minor Variance will be reviewed?

A variance on the dimensional or development requirements of this title is intended to provide relief where, due to geographic, topographic or other similar conditions, complete compliance with all requirements of this title prevents the use of a property which is generally available to other properties in the same zone.

In reviewing applications for variances, the Hearing Examiner (or Planning Director for minor variances) will consider whether the facts and conditions exist as stated in DMC 11-10.050 and included on pages 4 & 5 of the variance application.

What is SEPA and when is it applicable?

Variance applications may be subject to compliance with the Washington State Environmental Policy Act (SEPA) based on the presence of environmentally critical areas; projects that exceed specific thresholds (e.g. grading, number of dwelling units, size of building); projects that require licensing for air emissions or discharges to water; or other factors. WAC 197-11-800 provides the specific thresholds which determine whether SEPA is required. If subject to SEPA, an environmental checklist application must be submitted with the application. After the Notice of Application comment period expires, the Planning Director – who is the City's SEPA Responsible Official - issues a SEPA threshold determination (TD), or other SEPA decision RCW 43.21 and WAC 197-11. The SEPA decision is final unless the TD is appealed or the City revises the TD based on further comments during the appeal period.

How long before I know if the Variance has been approved (with or without conditions) or denied?

City code allows for land use decisions to be made within 120 days from the date of a complete application submittal. The timeline for a variance decision is dependent on scheduling with the City Hearing Examiner. Most variances decisions will be issued within 60 days or less.

How long before I am notified if my application is complete?

At the time you submit an application, you must submit all of the written and graphic information listed in this application. City staff has 28 days to determine if the application is complete based on the attached checklist. However, typically the process is 14 days. If your application is complete you will be notified in writing by City staff. If your application is not complete, you will receive a letter from City staff detailing required information to make your application complete.

How long are variances valid for?

Authorized variances typically expire in one year if not implemented through a permit process and/or unless specified otherwise in the variance.

PLEASE NOTE: 1) Applicants are responsible for and should review all City regulations, codes and ordinances that may be applicable to their proposed project. For assistance, please contact the Planning Department. 2) The application fee is non-refundable. 3) There are no guarantees that your application will be approved.

QUESTIONS? PHONE 509-540-6747 or E-MAIL kscharer@daytonwa.com

**CITY of DAYTON – VARIANCE / MINOR VARIANCE
INSTRUCTIONS – SUBMITTAL CHECKLIST**

APPLICATION FEES - Make checks payable to the City of Dayton

- All application fees, including, but not limited to: Variance Fee. Some fees will not be invoiced until actual costs are known. Current fee schedule can be found @ www.daytonwa.com

WRITTEN MATERIALS – Total of three (3) copies, unless otherwise noted

- A. **MASTER LAND USE & PERMIT APPLICATION FORM - Completed** with form signed by the property owner(s) and/or applicant.
- B. **OWNER AUTHORIZATION & ACCEPTANCE of RESPONSIBILITY - Completed** including required signatures.
- C. **VARIANCE APPLICATION FORMS – completed**, together with:
- A detailed description of your request for a variance on a separate sheet of paper; and
 - Why the variance should be issued, relating to approval criteria listed on pgs. 4 & 5 of the application.
- E. **.PRE-APPLICATION CONFERENCE MEETING SUMMARY NOTES.** If a meeting was held and notes were issued, provide a copy of meeting notes.
- F. **LEGAL DESCRIPTION.** Provide the legal description of the parcel(s).

PLANS & GRAPHICS - Total of four (4) complete sets of copies.

- A. **SCALE & LEGIBILITY All plans, except architectural elevations, should be to scale** (engineering scale) on paper no larger than 24x36", at 1"=50' or larger (1"=10' preferred, use as may be appropriate). An index sheet of the same size is required for multi-sheet submittals. All plans should be folded to fit a legal size file jack.
- B. **SITE PLAN DRAWING – GRAPHIC REPRESENTATION The following graphic features must be shown on the drawing:**
- North arrow, numeric/graphic scale, and date plan was prepared;
 - Boundaries and dimensions of the property;
 - Adjacent streets, alleys and easements, existing and proposed;
 - Location of buildings and structures on-site and nearby on adjacent properties, including setbacks;
 - Height of buildings and structures;
 - Walkways, off-street parking and driveways, existing and proposed;
 - Location and height of fences, or other small structures/objects, if applicable
 - Location and size of all existing and proposed utilities, if applicable;
 - Location of existing vegetation, if applicable;
 - Flood hazards, geological hazards (seismic, steep slope, landslide, erosion), groundwater protection areas, streams, significant trees, wetlands, and wildlife habitat, if applicable;
- C. VICINITY MAP A vicinity map sufficient to define the property location.**



CITY OF DAYTON

Department of Planning
111 S. 1ST Street
Dayton, WA 99328
509-540-6747
kscharer@daytonwa.com

OFFICIAL USE ONLY

FILE #: _____

FILE NAME: _____

RECEIVED BY _____

FEE AMT. PAID: _____ CHECK CASH

SUBMITTAL DATE: _____

Zoning Variance /Minor Variance Application

Type I Applications

administrative decisions

- Boundary Line Adjustment
- Lot Merger
- Final Short Plat
- Sign Permits
- Zoning Certifications
- Letter of Code Compliance
- Minor site plan modifications
- Building Permit
- Mechanical Permit
- Plumbing Permit

OTHER - as may apply:

- _____
- _____

Type II Applications

administrative decisions - Notice of Application req'd when SEPA req'd

- Administrative Interpretations
- Site Development Plan
- Preliminary Short Plat
- Shoreline Exemption
- Shoreline Substantial Development Permit (SSDP)
- Minor Revision to SSDP
- Surface Water Management Project Variances
- Alternative Design for Project Road
- Minor Modifications to a Preliminary Plat
- Minor Modification to a CUP
- Minor Zoning Variance -10%**
- Minor CAO variance - 10%
- Historic Structure CAO Flood Variance

OTHER: Including SEPA checklist, critical area and special studies for review, as may apply:

- _____
- _____
- _____
- _____

Type III Applications

quasi-judicial decisions – Notice, public hearing & final decision by hearing examiner

- Conditional Use Permit
- Plat Vacation
- Plat Alteration
- Shoreline CUP
- Shoreline Variance
- Essential Public Facilities Not Already Permitted
- Mobile/Manufactured Home Park
- Mobile/Manufactured Subdivision
- Reasonable Use
- Public Agency & Utility Exception
- Zoning Variance**
- Critical Area Variance

OTHER - as may apply:

- _____
- _____

Type IV Applications

quasi-judicial decisions – Notice, Hearing, Hearing examiner recommendation & City Council decision

- Rezone (site-specific)
- Preliminary Plat
- Major Preliminary Plat Revision
- Shorelines Re- designation

OTHER - as may apply:

- _____

CONCURRENT APPLICATIONS
Please indicate whether you are submitting two or more applications concurrently by checking two or more boxes. Concurrent applications will be reviewed at the same time.



Zoning Variance /Minor Variance Application Cont.

PROJECT LOCATION	
SITE ADDRESS	
PROJECT NAME	
TAX PARCEL #(s)	

PROPERTY OWNER (Add sheet if more than one owner)	
Name:	Day Phone
Mailing Address:	
E-mail:	Cell Phone

APPLICANT	<input type="checkbox"/> OWNER <input type="checkbox"/> ENGINEER <input type="checkbox"/> DESIGN PROFESSIONAL <input type="checkbox"/> AGENT <input type="checkbox"/> OTHER: _____	
Name:		Day Phone
Mailing Address:		
E-mail:		Cell Phone

CONTACT PERSON	<input type="checkbox"/> OWNER <input type="checkbox"/> APPLICANT <input type="checkbox"/> TENANT <input type="checkbox"/> AGENT <input type="checkbox"/> OTHER: _____	
Name:		Day Phone
Mailing Address:		
E-mail:		Cell Phone

DESIGN PROFESSIONAL	<input type="checkbox"/> ARCHITECT <input type="checkbox"/> ENGINEER <input type="checkbox"/> SURVEYOR <input type="checkbox"/> OTHER: _____ <input type="checkbox"/> N/A	
Name:		Day phone
Mailing Address:		
E-mail:		Cell Phone

CONTRACTOR	<input type="checkbox"/> YES <input type="checkbox"/> N/A	
Name:		Day phone
Mailing Address:		
E-mail:		Cell Phone
Contractor License #		Expiration Date



CITY OF DAYTON – Zoning Variance /Minor Variance Application Cont.

PROPERTY OWNER APPLICATION AUTHORIZATION

I, _____(print name) declare under penalty of perjury under the laws of the State of Washington as follows;

1. I am the **owner of the property** that is the subject of the application(s), or officer of _____, owner of the property with authority to sign on their behalf.
If I am not the sole owner of the property, I certify that I am authorized by any and all other owners of the property to make this certification and act on their behalf.
2. I/we have **not** appointed anyone, and I am responsible for all fees for application(s), hourly review charges for applications, reviews and permits (if required), hearing examiner charges (if required), and other associated costs, **OR**
 I/we have appointed and/or transfer any and all rights I/we have to apply for application(s) to _____(print name), as the applicant regarding the application(s) and who will be responsible for all fees and costs associated with project application(s) .
3. All statements, answers, and information submitted with this application are true and correct to the best of my knowledge and belief.
4. I agree to hold the City of Dayton harmless as to any claim (including costs, expenses and attorney’s fees incurred in the investigation of such claim) which may be made by any person, including the undersigned, and filed against the City of Dayton, but only where such claim arises out of the reliance of the City, including its officers and employees, upon the accuracy of the information provided to the City as part of this application(s).
5. I hereby grant permission for representatives of the City of Dayton and any other Federal, State, or local unit of government with regulatory authority over the project to enter onto my property to inspect the property, take photographs, and post public notices as required in connection with review of this application and for compliance with the terms and conditions of permits and approvals issued for the project.

Signature

Date

APPLICANT - ACCEPTANCE OF RESPONSIBILITY

I, _____, (print name) declare under penalty of perjury under the laws of the State of Washington as follows;

1. I am the "applicant" for the application(s) and permit(s). I shall remain the "applicant" for the duration of this approval processes or unless "applicant" status is transferred in writing on a form provided by the City of Dayton.
2. I accept financial responsibility for all fees associated with application(s), hourly review charges for applications, reviews and permits (if required), hearing examiner charges (if required), and other associated costs.
3. All statements, answers, and information submitted with this application are true and correct to the best of my knowledge and belief.
4. I agree to hold the City of Dayton harmless as to any claim (including costs, expenses and attorney’s fees incurred in the investigation of such claim) which may be made by any person, including the undersigned, and filed against the City of Dayton, but only where such claim arises out of the reliance of the City, including its officers and employees, upon the accuracy of the information provided to the City as part of this application.

Signature

Date

CITY OF DAYTON

Zoning Variance /Minor Variance Application Cont.

Per DMC 11-10.050, in reviewing applications for variances, the Hearing Examiner (or Planning Director for minor variances) will consider whether the following facts and conditions exist. State how your application meets each criteria. Use additional sheets of paper for your explanations, as needed.

DMC 11-10.050

A Due to geography, topography, or other similar conditions, a strict application of the requirements of this title would deprive the subject property of rights and privileges

B. Due to physical conditions, the development of the lot in strict conformity with the provisions of this title will not allow for reasonable use;

C. That the variance, if granted, will not alter the character of the neighborhood, or be detrimental to surrounding properties in which the lot is located;

CITY OF DAYTON

Zoning Variance /Minor Variance Application Cont.

D. The variance requested will not permit a condition which is materially detrimental to the public welfare, nor injurious to other properties and improvements in the vicinity of the subject property;

E. The variance is not required due to conditions created by the actions of the applicant, property owner or their agents;

F. The granting of the requested variance will not provide a special privilege to the property or the applicant that is denied by this title to other lands, structures or buildings within the same zone.

G. The variance will not allow an increase in the number of dwelling units permitted by the zoning district.

H. The variance shall not allow a land use which is not permitted under the zoning district in which the property is located.

I. Justification for the issuance of a variance shall not be based on the illegal use of neighboring lands, structures or buildings in the same zone, and the illegal or permitted uses of lands, structures or buildings in other zones.
