



City of Asotin

Phone: 509-243-4411 PO Box 517 121 Cleveland Street Asotin WA 99402 Fax: 509-243-1223

**Application for Variance
Ordinance #2000-587
\$150.00 Application Fee**

Date of Request: _____

Property Owner Name: _____

Physical Address: _____ City _____ State _____ Zip Code _____

Mailing Address: _____ City _____ State _____ Zip Code _____

Current Zoning: _____ Lot #: _____ Subdivision: _____

Legal Description: _____

APPLICANT: Please supply the following:

Variations to a requirement of this title may be granted only if, on the basis of investigation and evidence is submitted, all six of the below findings are made. Please provide written responses to each of these:

- 1. **Not be Detrimental: That the granting of the variance will not be injurious to properties in the zone or vicinity in which the property is located, AND must not conflict with the objectives of the Asotin City development policies.**

You should understand that among the purposes of the Asotin Municipal Code are that all new construction should conform to the Code, and non-conforming structures and allowances be eliminated over time. To satisfy this circumstance you must first show that granting this variance will not injure any of your neighbors. Then you must show that all other five circumstances exist.

- 2. **Special Circumstances: That special conditions and circumstances exist naturally with regards to the applicant's property that is not applicable to neighboring lands or structures in the same zone.**

Your property has to pose exceptional hardships or circumstances; perhaps its shape, contour, flooding issues etc. make it more difficult for you to follow code than the neighboring lands. The fact that you already have a building in the wrong place or is discovered to be too close to property lines is no such condition. The code is clear that any new construction has to meet current requirements – the fact that your neighbors may not is not such a condition.

- 3. **Circumstances Unavoidable: That the special conditions requiring a variance to deviate from Asotin Municipal Code do not result from the actions of the applicant.**

You cannot obtain a variance if the difference or circumstances requiring a variance from municipal code were created by you or by previous owners – examples may include: if the lot is too small because you

sold off the rest or have built too much onto it already, too steep because of excavation, too close to property boundary, etc.

4. Deprivation of Rights: The Variance is necessary to preserve the applicant’s property right in a similar manner as possessed by property owners in the same vicinity or zone. Generally, you have a property right to use your property.

You must show that you can’t use your property like your neighbors can use theirs because of the difference in your property. As above, you have NO right to build in violation of the Asotin Municipal Code. The fact that your neighbor’s buildings or property alterations violate code does not give you the right to violate code also.

5. Minimum Change: That the variance requested is the minimum change necessary to alleviate the hardship or circumstance.

You must show that your request is the very smallest request that will allow you to use your property – any larger request cannot be granted.

6. Not a Special Privilege: That the granting of the variance requested will not provide any special privilege that is denied to other neighbors, properties, structures, or building in the zone in which the property is located.

The municipal code is intended to treat everyone in the area or zone with a standard code of property rights.

The applicant for a variance to the title shall notify **by first class mail, postage prepaid, 10 days prior** to the public hearing the owners of record of all property within 300 feet of the site of the application.

The Applicant does hereby certify that all of the above statements and information in any attachments transmitted herewith are true under penalty of perjury by the Laws of the State of Washington.

Signature (Applicant): _____ Date: _____

Signature (Landowner, if different): _____ Date: _____

FOR OFFICE USE ONLY

Date Rec’d: _____ Rec’d By: _____

Signature (City of Asotin Mayor): _____ Date: _____

Signature (Consulting Engineer): _____ Date: _____

Signature (City of Asotin Building Inspector): _____ Date: _____

Signature (City of Asotin Fire Chief): _____ Date: _____

Signature (City of Asotin Police Chief): _____ Date: _____

Signature (City of Asotin Public Works): _____ Date: _____

Water & Sewer

Signature (Asotin County Health Dept): _____ Date: _____

Signature (City of Asotin Planning Commission): _____ Date: _____

Planning Commission Meeting Date: _____

Findings at Public Hearing:

Conditions:

(Attach Findings and Conditions of Public Hearing)

Returned to Applicant _____, 20_____

APPEAL: All decisions for denial of a Variance may be appealed to the Asotin City Council.

TIME LIMIT: Authorization of a Variance shall be a void after six (6) months unless substantial construction pursuant thereto has taken place. However, the City Council may extend this period at the request of the applicant.

Please Remit Application Fee of \$150.00 to:

City of Asotin

PO Box 517

Asotin WA 99402

Please call 243-4411 with any questions

cityclerk@cityofasotin.org



- 18.76.010 Purpose.**
- 18.76.020 Conditions imposed.**
- 18.76.030 Granting criteria.**
- 18.76.040 Application procedure.**
- 18.76.050 Review.**
- 18.76.060 Appeal.**
- 18.76.070 Permit time limit.**
- 18.76.080 Height limit variances.**

18.76.010 Purpose.

The purpose of a variance is to provide relief when a strict application of the zoning requirements would impose unusual practical difficulties or unnecessary physical hardships on the applicant, because special conditions or circumstances exist which are peculiar to the site or location of existing structures thereon due to size, shape, topography or other physical conditions peculiar to and inherent in the particular site. No variance shall be granted to allow a change in use, the use of property for a use not authorized by this title nor for economic reasons. (Ord. 84-335 § 15.01, 1984)

18.76.020 Conditions imposed.

Reasonable conditions may be imposed in connection with a variance as deemed necessary to protect the best interests of the surrounding property or neighborhood, and otherwise secure the purpose and requirements of this section. Guarantees and evidence may be required that such conditions will be and are being complied with. (Ord. 84-335 § 15.02, 1984)

18.76.30 Granting criteria.

Variances to a requirement of this title may be granted only if, on the basis of investigation and evidence submitted, all six expressly written findings are made:

- A. That a strict or literal interpretation and enforcement of the specified requirement would result in practical difficulty or unnecessary hardship;
- B. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties in the same area;
- C. That the exceptional or extraordinary circumstances or conditions did not result from the applicant's actions;
- D. That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the near vicinity;
- E. That the granting of the variance would support goals and policies contained within the comprehensive plan; and
- F. That granting the variance requested will not confer on the applicant any special privilege that is denied by the ordinance to other lands, structures or buildings in the zone in which the property is located. (Ord. 84-335 § 15.03, 1984)

18.76.040 Application procedure.

The applicant for a variance shall present a completed application form and required information to the clerk-treasurer. Every application must include the location of a known survey point for the property. The clerk-treasurer shall review the application for completeness and transmit the application to the building official. The building official shall review the application with reference to the criteria contained in AMC 18.76.030 and any

other applicable codes or ordinances. The building official shall transmit the application to the planning commission. (Ord. 03-627 § 5, 2003; Ord. 03-617 § 1, 2003; Ord. 84-335 § 15.04, 1984)

18.76.050 Review.

A. Upon receipt of an application for variance from the building official, the planning commission shall set a date, time and place for a public hearing on the application:

1. Notice of the date, time, place and purpose of the public hearing shall be given by at least one publication in the local newspaper 10 days prior to the hearing.
2. The applicant for a variance to the title shall notify, by mail, the owners of record of all property adjacent to the site of the application by mail at least 10 days prior to the public hearing, postage prepaid.

B. At this public hearing the planning commission shall review the application, take public testimony on the application and issue a decision for denial or acceptance of the application. The decision of the planning commission shall be guided by the criteria described in AMC 18.76.030 and issued as written findings of fact to accompany the decision. If the planning commission finds for the applicant, the building official will be directed to issue a variance. If the planning commission finds against the applicant, the building official returns the application to the applicant. The planning commission in directing the issuance of a permit may append any conditions to the permit which it deems necessary to mitigate any possible impacts created by the proposed variance. (Ord. 00-587 § 1, 2001; Ord. 92-459 § 2, 1992; Ord. 84-335 § 15.05, 1984)

18.76.060 Appeal.

All decisions for approval, denial or appendance of conditions of a variance may be appealed to the city council. A written appeal must be filed with the clerk-treasurer within 15 days of the planning commission decision. If no appeal is filed within the specified time period, the planning commission decision shall be final. A decision by the city council is subject to review by the superior court. (Ord. 02-603 § 1, 2002; Ord. 84-335 § 15.06, 1984)

18.76.070 Permit time limit.

Authorization of a variance shall be void after six months unless substantial construction pursuant thereto has taken place. However, the city council may extend this period at the request of applicant. (Ord. 84-335 § 15.07, 1984)

18.76.080 Height limit variances.

Notwithstanding any of the provisions of this chapter, the planning commission in reviewing a request for a variance for deviation from the 16-foot height limitation for a detached structure from the main or primary use contained in AMC 18.28.080, 18.30.070, 18.32.080, 18.36.080, 18.40.080 and 18.44.050 may, upon the showing of written consent of all adjoining properties within 300 feet, grant a height variance up to an additional one foot, nine inches, without compliance with AMC 18.76.030, Granting criteria. (Ord. 06-696 § 1, 2006)