



# FACT SHEET - Variance

P1.3F

**NEED FOR PERMIT:** A variance is required when a proposed development does not meet the strict interpretation of the zoning code requirements. Variance from the standards in other ordinances may be allowed through the same or similar procedures. Not all individual ordinances allow for variances (RCW 36.70, CCC 18.10.340).

## **COWLITZ COUNTY CODE / ORDINANCE REVIEW CRITERIA:**

- CCC 18.10.340 Land Use Ordinance/Variance Provisions
- CCC 19.15 Critical Areas Ordinance
- Comprehensive Plan
- Other codes/ordinances applicable to development proposed.

## **PRE-APPLICATION REVIEW:**

- Optional.
- Meetings held 4<sup>TH</sup> Tuesday of each month.
- See Pre-Application Submittal Checklist Requirements.

## **DEPARTMENT PROCESSING TIME:**

- Variance Review once application is complete  
- 60-120 days.

## **APPLICATION SUBMITTAL - PRELIMINARY PLAT APPLICATION PROCESSING:**

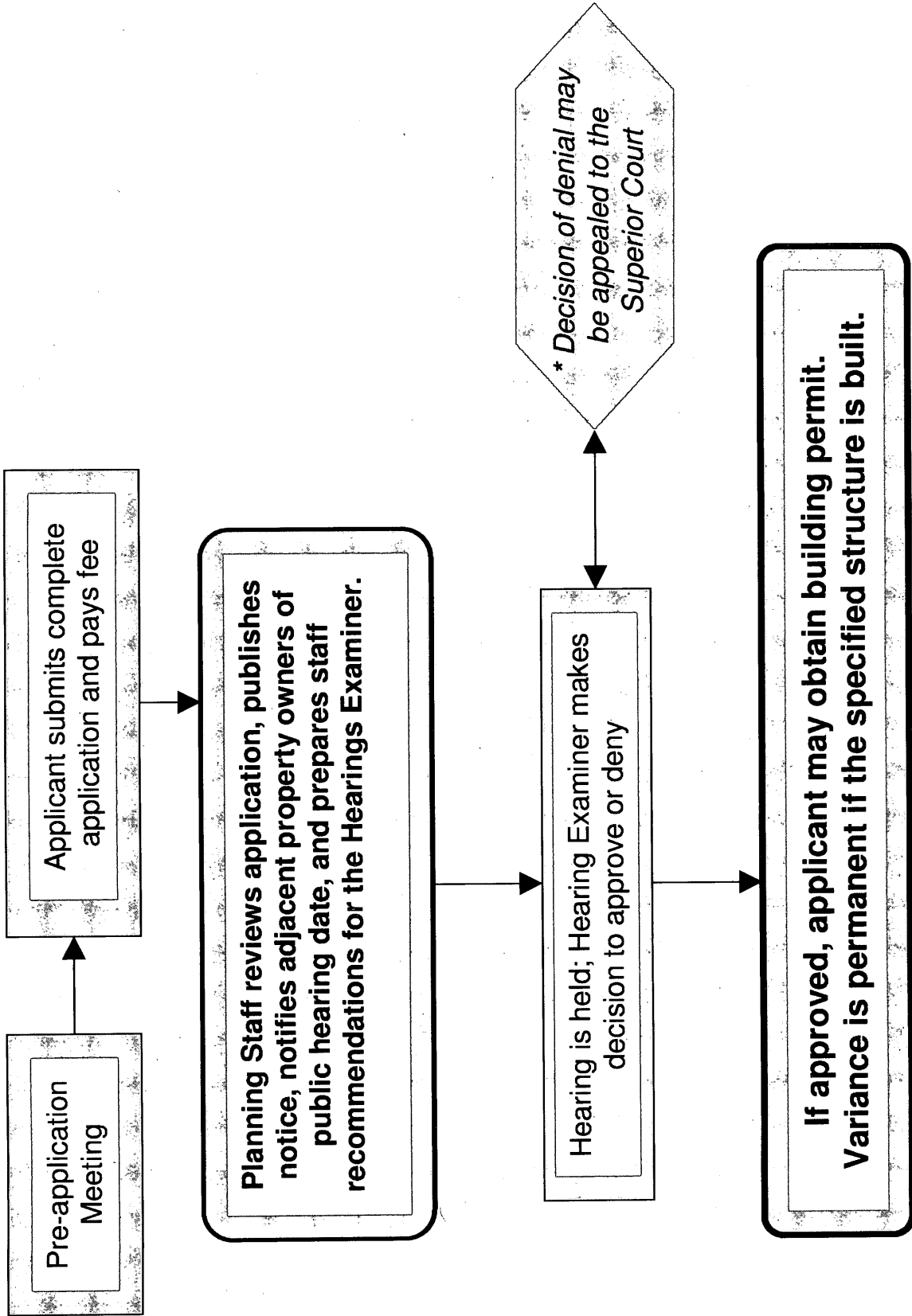
- Application determined complete.
- Staff distributes information for a 14-day review to county departments.
- Staff writes staff report and schedules a quasi-judicial, open record public hearing date in front of the Hearings Examiner and notifies the applicant, adjacent property owners, and publishes and posts legal notices.
- The Hearings Examiner holds the public hearing and hears from staff, the applicant and takes public testimony.
- The Hearings Examiner has 10 working days in which to make his decision.

**DURATION OF VARIANCE:** Variance is permanent if the specified development occurs. Variances are not transferable.

**APPEAL:** If the Hearings Examiner denies the variance application, the applicant may appeal the decision to Superior Court.

If you have further questions, please call (360) 577-3052.

# VARIANCE REVIEW PROCESS





# APPLICATION

# A-1

**Applicant:** Please print in ink or type. A Permit Technician will review this application at intake for completeness.

### Property Information

Project Address \_\_\_\_\_ City \_\_\_\_\_ Parcel # \_\_\_\_\_  
Section(s) \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ Tax Lot \_\_\_\_\_ Acres \_\_\_\_\_

### Owner/Applicant Information

Applicant/Authorized Agent \_\_\_\_\_

Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Daytime Telephone \_\_\_\_\_ Email Address \_\_\_\_\_

Property Owner \_\_\_\_\_

Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Daytime Telephone \_\_\_\_\_ Email Address \_\_\_\_\_

Contractor Name \_\_\_\_\_ License # \_\_\_\_\_ Exp. Date \_\_\_\_\_ Telephone \_\_\_\_\_

Lending/Bonding Co. \_\_\_\_\_ Address \_\_\_\_\_ Telephone \_\_\_\_\_

### Project Description

**Please provide a brief description of your project:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*I hereby certify that I am the owner or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect, the permit or approval may be revoked.*

**Applicant's Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Print Name** \_\_\_\_\_

### OFFICE USE ONLY

Application Type \_\_\_\_\_ Date \_\_\_\_\_

Permit Number \_\_\_\_\_ Accepted By \_\_\_\_\_



# Land Use - Submittal Requirements

P1.1

This checklist identifies the minimum materials necessary for Cowlitz County to accept a Land Use application. If any of the following items are not provided, the application cannot be accepted. Acceptance of an application over the counter does not constitute approval, only that the application has enough information to be accepted as counter complete. *All applications will require the appropriate fees upon submittal.*

Land Use Application	Letter of Authorization	Master Application	Applicant Checklist	Property Packet	Site Plan	Vicinity Map <sup>1</sup>	Written Narrative	SEPA Environmental Checklist	Special Studies <sup>2</sup>	Supplementals <sup>3</sup>	Pre-Submittal Review Conducted (Staff)	Received (Staff)
<b>Special Use</b>	1	1	1	1-20*	1-20*	1-20*	1-20*	1-20*	2-4	-		
<b>Variance</b>	1	1	1	1-20*	1-20*	1-20*	1-2*0	1	2-4	-		
<b>Zone Map / Text Amendment</b>	1	1	1	1-20*	1-20*	1-20*	1-20*	1-20*	20	20		
<b>Comprehensive Plan Map/Text Amendment</b>	1	1	1	1-20*	1-20*	1-20*	1-20*	1-20*	20	20		
<b>Innocent Purchaser</b>	1	1	1	10	10	10	10	-	-	1		

Permit Number \_\_\_\_\_

Date Stamp

<sup>1</sup> May be included on Site Plan.

<sup>2</sup> If special studies are required, one (1) unbound and one (1) bound copy is required at submittal. Additional copies may be required depending on the project and reviewing agencies.

<sup>3</sup> If applicable, the supplemental is part of the application packet.

**\*One copy at the time of submittal, once application is determined complete, staff will inform applicant of number of copies required.**

## Land Use Submittal Standard Instructions

**Letter of Authorization.** If not the applicant, the property owner must provide a signed letter of authorization for the applicant who is acting as the agent.

**Master Application or Application.** This must be typed or neatly printed in ink and signed by either the agent or the property owner.

**Applicant's Checklist.** This is found in the application packet and will list the requirements for submittal. This checklist allows the applicant to ensure the application is complete for submittal. The applicant is required to initial or check the column identified as Applicant Check. If information is missing the application may not be complete for submittal.

**Property Packet.** This is basic property information needed to evaluate the project. The Applicant's Checklist identifies what is required for each type of project application.

**Site Plan.** The site plan is required. Applicants may submit a legible 8 ½ "x 11" or 11" x 17" (maximum) site plan map. A cross section may be required dependant on topographical relief and/or proposed filling and grading work. The site plan must be drawn to scale and show all improvements, existing and proposed, including: parking areas, landscaping, building footprints, porches, walks, decks, overhangs, location of easements, setback measurements, legal access, road approach locations, utilities, location of fire hydrants, drainage courses (if present), stormwater facilities, site contours, maximum intervals, septic tank and drainfield locations including reserve areas, retaining walls, and other information as applicable.

**Vicinity Map.** The vicinity map can be included on the site plan or as a stand-alone document. The vicinity map must clearly demonstrate where the property is located.

**Written Narrative - Findings.** The applicant must address the review criteria specific to the application. The review criteria are part of the application packet and can be found in the Applicant's Checklist.

**SEPA Environmental Checklist.** This document must be filled out completely and to the best knowledge of the applicant. The document must be signed and dated.

**Special Studies.** Special studies such as traffic reports, preliminary drainage reports, erosion control, etc. may be required depending on the individual project. At a minimum one bound and one unbound copy is required. Additional copies may be required dependent upon the project and additional reviewing agencies.

**Supplemental(s).** If required, the applicant must submit the supplemental document with the application materials. The supplemental is found in the application packet.

**Pre-Submittal Review Conducted (Staff).** The applicant may wish to have a pre-submittal review appointment with assigned staff to ensure that all application materials are suitable for submittal prior to making multiple copies. The meetings are free, and the applicant can call and schedule an appointment when ready for submittal. The appointment is encouraged but not required.



Permit #: \_\_\_\_\_

<h1>Letter of Authorization</h1>	<h1>P 5.6</h1>
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I \_\_\_\_\_ (*property owner*) hereby certify that I am the owner of the property at \_\_\_\_\_ (*address or parcel number*). I certify that this application for a \_\_\_\_\_ (*type of permit*) is true and correct.

I have authorized \_\_\_\_\_ (*name of person being authorized*) to represent me as the applicant/agent.

Communications regarding additional permit information, or other permit issues, for this application should be made to either:

- Property Owner
- Applicant/Agent
- Both

Further, I agree to allow free access to the land this application is being submitted for to all public agencies with jurisdiction. If any of the information provided in this application is incorrect, the approval may be revoked.

Property Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant/Agent Signature: \_\_\_\_\_ Date: \_\_\_\_\_



# Applicant's Checklist - Variance

P1.3

The following checklist is the minimum that is required for a Variance application. All Variances must comply with all requirements within the Land Use Ordinance CCC.18.10.340 and RCW 36.70. The burden of proof for a Variance application lies with the applicant. **All applications will require the appropriate fees upon submittal.**

Applicant Check	Preliminary Application Materials	Staff Check
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- |                       |   |                       |
|-----------------------|---|-----------------------|
| <input type="radio"/> | Complete Master Application, including developer and property owner if different.   | <input type="radio"/> |
| <input type="radio"/> | Name and address of surveyor and/or engineer.   | <input type="radio"/> |
| <input type="radio"/> | Letter of Authorization – written permission from the property owner if property owner is not the applicant.  | <input type="radio"/> |
| <input type="radio"/> | Property Packet: <ul style="list-style-type: none"> <li>• Copy of current deed, legal description of the property including section, township, range, subdivision, parcel and tax lot numbers, and number of acres.</li> <li>• All the adjacent property in which the property owner has an interest.</li> <li>• Copies of restrictions, easements, covenants and/or agreements, which are existing or proposed for the proposed property.</li> <li>• Planning Clearance Standard Parcel Report.</li> <li>• Assessor's Tax Map, Air photo, existing Zoning and/or Comprehensive Plan maps.</li> </ul> | <input type="radio"/> |
| <input type="radio"/> | List of property addresses and owners within 300 feet of the proposed site. If the owner of the proposed property owns other real property contiguous to the project site, the list shall include the names and addresses of real property owners located within 300 feet of the contiguous ownership of the applicant.   | <input type="radio"/> |

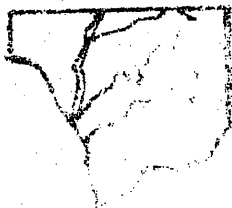
Applicant Check	Site Plan	Staff Check
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- |                       |   |                       |
|-----------------------|---|-----------------------|
| <input type="radio"/> | 20 copies of a reproducible size 8"x11" to 11"x17" max.   | <input type="radio"/> |
| <input type="radio"/> | Name and address of surveyor and/or engineer and property owner.  | <input type="radio"/> |
| <input type="radio"/> | Date, scale and north arrow.  | <input type="radio"/> |
| <input type="radio"/> | A vicinity map clearly identifying the location of the proposed site.   | <input type="radio"/> |
| <input type="radio"/> | Proposed project: <ul style="list-style-type: none"> <li>• Dimensions and location of the proposed site;</li> <li>• Location and dimensions of proposed building;</li> <li>• Location and dimensions of proposed parking;</li> <li>• Identify the points of ingress and egress to the public roadway;</li> <li>• Location and dimensions of landscaped areas;</li> <li>• Location of proposed lighting;</li> <li>• Setbacks of proposed structure to property lines, other structures, and centerline of all abutting roadways;</li> <li>• Location, width and names of all public and pedestrian ways within or abutting the proposed site, open spaces, structures, uses of each structure, parking areas, fencing, and walkways;</li> <li>• Location and setbacks of wells, drainfields or public utilities, if applicable.</li> </ul> | <input type="radio"/> |

- If requesting a setback variance from centerline of road and/or property lines, include the dimensions illustrating the reduction of proposed setback of structure to property lines and/or roadway easement and/or centerline of roadway. ○
- Show physical features of site: ○
  1. The location of permanent and topographic features, which will have an impact upon the variance.
  2. Topographic contours maybe required depending on use and site features.
  3. Hydrology, surface drainage, streams or water bodies, and wetlands.
  4. Critical areas as known.
  5. Existing deciduous and evergreen trees.

Applicant Check	<b>Written Narrative, Supporting Documents &amp; Studies</b>	Staff Check
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- A written statement explaining the need for the variance, including: ○
  1. Special circumstances applicable to the subject property including size, shape, topography, surroundings or location, that the strict application of this chapter would be to deprive subject property of rights and privileges enjoyed by other property in the vicinity and under the initial land use district.
  2. The granting of the variance will not be materially detrimental to the public health or injurious to property or improvements thereon.
  3. The granting of the variance will not materially compromise the goals and policies of the Comprehensive Plan or the Land Use Development Code.
  4. Reasons why you believe the variance should be approved (inconvenience and economic reasons are not allowed to be considered).
- Additional Studies as required – i.e. traffic reports, geotechnical, critical areas assessments, etc. ○
- Copies of related permit applications or approvals – i.e. NPDES or HPA. ○



# DEPARTMENT OF BUILDING AND PLANNING

Please type or print in ink, **DO NOT USE PENCIL**;  
Complete application in its entirety. Note that your  
project application will not be processed until the  
application has been reviewed and determined

## VARIANCE APPLICATION SUPPLEMENT

DATE: \_\_\_\_\_

APPLICANT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

LOCATION OF PROPERTY: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

EXISTING LAND USE: \_\_\_\_\_

ZONING DISTRICT: \_\_\_\_\_

PROPOSED VARIANCE: \_\_\_\_\_

PROPERTY OWNER'S SIGNATURE: \_\_\_\_\_  
(if different from applicant)

REASON FOR REQUEST:

**You must justify why a variance should be approved by completing answers to the questions below. Each of the following three criteria must apply (not just one) for a variance to be justified. Submit additional information or pages if necessary (more detailed answers are typically needed than space permits).**

1. What special circumstances exist, applicable to the subject property, such as size, shape, topography, surroundings, or location, suggest that the strict application of the regulations would deprive you of rights and privileges enjoyed by other property owners in the vicinity in the same land use district?

\_\_\_\_\_  
\_\_\_\_\_

2. Explain how the granting of a variance will not be materially detrimental to the public health or injurious to property or improvements thereon.

\_\_\_\_\_  
\_\_\_\_\_

3. Describe how the granting of the variance will not materially compromise the goals and policies of the comprehensive plan or the spirit of the land use regulations (CCC 18.10).

\_\_\_\_\_  
\_\_\_\_\_

**DO NOT WRITE BELOW THIS LINE**

Determined Complete By: \_\_\_\_\_ Date Complete: \_\_\_\_\_

Application File No. \_\_\_\_\_