



CITY OF OAK HARBOR
Development Services Department

Consolidated Review
Variance Review Process III

What is a Variance, and when is it necessary?

A variance is a form of special exception. A variance is the means by which an adjustment is made in the application of specific regulations to a particular piece of property, which, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same zone or vicinity and where the adjustment remedies the disparity in privileges. A variance is subject to review process III, which requires an open public hearing decision by the Hearing Examiner.

What is a Consolidated Review Variance application?

A consolidated review variance application is one that focuses on variances that are required for the approval of other project permits. If a variance is needed in order for other project permits to be approved, the variance application should be submitted at the same time as the other permit applications. Pre-application meetings, review meetings and public hearings would then be combined so that only one pre-application meeting, one review meeting and one public hearing, etc. would be needed for all of the project permits being applied for at the same time.

What are the conditions for qualifying for a Variance?

There are five criteria that must be met in order for a piece of property to qualify for a variance. A variance may be approved by the Hearing Examiner only when it is established that:

1. Special conditions or circumstances exist which are peculiar to the land such as size, shape, topography or location, not applicable to other lands in the zoning district and that literal interpretation of the provisions of the Oak Harbor Municipal Code (OHMC) would deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same district under the terms of OHMC 19.66;
2. The special conditions do not result from actions of the applicant;
3. The granting of the variance does not amount to a rezone;
4. The variance will not grant a special privilege to the subject property which is denied other lands in the same district;
5. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements within the vicinity.

Is a pre-application meeting required for a Variance application?

No, pre-application meeting is not required for this review process; however the pre-application is strongly recommended for all applicants as a low cost way of identifying key issues prior to full site plan development.

To initiate a pre-application review, an applicant must submit a completed pre-application request on a form provided by the Development Services Department for

that purpose, any required fee, preliminary site plan and all other information required by the City.

Is public notice required for a Variance application?

Yes. Public notice for variance applications that are subject to review process III consists of posting the property with twenty-four-inch by thirty-six-inch signs (provided by the Development Services Department), mailing notice to adjacent property owners located within 300 feet of the project site, and publishing a legal notice in the official City newspaper. A notice of application must be posted within fourteen calendar days after the issuance of a determination of completeness has been made for the submitted application, and at least fifteen days prior to the Hearing Examiner public hearing.

Is a public hearing required for Variance approval?

Yes, an open public hearing before the Hearing Examiner is required, with a decision made by the Hearing Examiner.

The Variance Process

If a variance is needed in order for other project permits to be approved, the variance request should be submitted at the same time as the other permit applications. Pre-application meetings, review meetings and public hearings would then be combined so that only one pre-application meeting, one review meeting and one public hearing, etc. would be needed for all of the project permits being applied for at the same time.

1. Pre-application meeting –The purpose of this meeting is to allow the applicant an opportunity to discuss the proposal with staff. The meeting is scheduled after the submittal of the pre-application form, **9 copies** of plans (24” by 36” in size) and the appropriate fee.
2. Variance application submittal – After the pre-application meeting, the applicant must submit **9 copies** of the variance plan (24” x 36” in size), which incorporates comments from the pre-application meeting. At the time of submittal, staff will set a date for the review meeting, during which a staff person from each department will be present to provide comments on, and requirements for, the proposed variance. After the review meeting, any and all comments and changes will need to be incorporated into the variance plan and resubmitted for review. If a meeting with the applicant is not deemed necessary, staff will notify the applicant.
3. Revised variance plan submittal – The last step in the variance process involves submitting the revised variance plan for the Hearing Examiner meeting. After the review meeting, any and all comments and changes will need to be incorporated into the variance plan, and **15 copies** of the revised plan will need to be submitted for the public hearing before the Hearing Examiner. ***The revised variance plan must be submitted at least four weeks in advance of the open public hearing before the Hearing Examiner (or before the highest decision maker applicable if***

the variance application is being submitted with other applications that also require a public hearing).

Fees

- Pre-application fee: **\$392.00** (*subtracted from fee taken at time of variance application*)
- Residential Variance: **\$392.00**
- Non-residential Variance: **\$780.00**

If you have any questions regarding the variance application process, please contact the Permit Coordinator at (360) 279-4510.



Consolidated Review Variance Review Process III

Submittal Requirement Lists for Pre-Application and Variance

How do I start the application process?

The first step is to submit a complete application packet to the Permit Center located in the Development Services Department along with the applicable fees and the required number of copies for all submittal items. A complete application packet includes all the information and items listed in the Submittal Requirement List shown below.

The Development Services Department conducts two application checks to ensure that application packets are complete before staff begins the development review process. Prior to accepting an application, staff will conduct a “**Counter Complete**” review of the submittal package. This initial counter complete review ensures that all required submittal items are contained within the package. If each item on the submittal requirement list has been submitted, the application will be accepted for further review.

Prior to processing the application, the Development Services Department will determine that the application is “**Technically Complete**”. A technically complete application must contain all information required by the applicable development regulations as they apply to the proposed land use action. Within twenty-eight calendar days after receiving a project permit application, the City will provide the applicant with a determination stating either that the application is complete, or that the application is not complete and more information must be submitted before staff review can occur.

Submittal Requirement List

The following checklists identify required information for pre-application and variance submittals. **All** items with a number followed by an underlined space (i.e., 1.____) must be submitted before the application will be considered “Counter Compete”. **All** items with a check box (i.e.) must be complete for the application to be determined “Technically Complete”.

Pre-Application Submittal Requirements

- 1.____ COVERSHEET** – A coversheet listing the contents of the pre-application package;
- 2.____ APPLICATION FORM (separate)** – The application form must be complete and the applicant must sign at least one original copy in ink;
- 3.____ APPLICATION FEE** – The fee for pre-application for a variance must accompany the pre-application submittal packet;

4. __ CRITICAL AREAS IDENTIFICATION FORM.

5. __ PROPOSED VARIANCE Plan (24" by 36" in size) –

- Vicinity map;**
- Address of property** – street address;
- Parcel number** – as provided by the Island County Assessor's office;
- Existing zoning** – current zoning;
- Location of existing property lines**– indicate exterior property lines with a bold solid line and interior property lines with long dashed lines;
- Location, size, bulk, height, and number of stories of any existing structures;**
- Tabulation of total and proposed lot sizes;**
- Existing and proposed lot divisions;**
- Existing and proposed streets, sidewalks/curbs, etc.**

In addition to the above items, please indicate on the map the proposed variance.

5. __ SUBMITTAL REQUIREMENTS – 9 copies of the coversheet, the pre-application form and a complete and accurate variance plan must be submitted along with the appropriate fee. The variance map must be 24" by 36" in size.

Variance Submittal Requirements

1. **COVER SHEET** – A coversheet listing the contents of the application package;
2. **APPLICATION FORM (separate)** – The application form must be completed and the applicant must sign at least one original copy in ink;
3. **APPLICATION FEE** – The fee for a variance must accompany the application;
4. **NARRATIVE** – A written narrative shall be submitted that describes the existing conditions and proposed variance in detail. ***Please describe how the project meets and/or exceeds the variance criteria (see the list of five variance criteria on page 1);***
5. **VARIANCE PLAN** –
The variance plan must be 24” by 36” in size. Everything in the following list must be included on the plan:

VARIANCE PLAN REQUIREMENTS

- Vicinity map;**
- Address of property** – street address;
- Parcel number** – as provided by the Island County Assessor’s office;
- Existing zoning** – current zoning;
- Location of existing property lines**– indicate exterior property lines with a bold solid line and interior property lines with long dashed lines;
- Location, size, bulk, height, and number of stories of any existing and/or proposed structures;**
- Tabulation of total and proposed lot sizes;**
- Existing and proposed lot divisions;**
- Existing and proposed streets, sidewalks/curbs, etc.**
- The map must be to a scale not less than 100 feet to the inch, and a north arrow must be included on the map;**
- The length and bearing of the boundary lines and lot lines must be shown. The map should be referenced to the State Plane coordinate system;**
- Topographic lines for the entire project site must be shown at no more than five-foot intervals;**
- The location and dimensions of all existing and proposed lots/parcels, streets, easements, utilities, landscaping, etc.**

In addition to the above items, please indicate on the map the proposed variance.

6. LEGAL DESCRIPTION –

A legal description of the property requiring a variance must be submitted;

7. CRITICAL AREAS IDENTIFICATION FORM – Critical areas reports identified during pre-application review.

8. ASSOCIATED APPLICATIONS – Applications associated with the project, to the extent applicable (e.g. Shoreline, variances, conditional use, etc.) must be submitted with this application package;

9. ENVIRONMENTAL REVIEW (SEPA) – Many applications are subject to review under the State Environmental Policy Act. If your proposal exceeds the following thresholds you will need to submit an environmental check list.

-Four dwelling units.

-For office, schools, commercial, recreational, service or storage buildings up to 4,000 square feet and more than 20 parking spaces.

-For landfills and excavations up to 100 cubic yards throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II or III forest practice.

10. MAILING LIST AND MAP–

A complete and accurate mailing list of all adjacent property owners within 300 feet of the project site, along with a map showing the locations of the adjacent property owners, must be submitted as part of the application package;

11. SUBMITTAL REQUIREMENTS – 9 copies of a complete and accurate variance plan (24" by 36" in size), along with **9 copies** each of the application form, the project narrative and any other associated application forms*.

****Please refer to the pre-application meeting comments regarding any specific associated applications that may be needed along with the variance application.***

4 copies of each report and/or study required must be submitted**. Applicable reports/studies include (but are not limited to): stormwater design reports, wetland reports, shoreline studies, traffic impact studies, etc.

*****Please refer to the pre-application meeting comments regarding any specific reports/studies that must be submitted along with the variance application packet.***

NOTE: If a Public Hearing is required for this project, staff will request additional copies to present at meeting(s).

Conditions for qualifying for a Variance

There are five criteria that must be met in order for a piece of property to qualify for a variance.

1. Are there any special conditions or circumstances that exist which are peculiar to the land such as size, shape, topography or location that are not applicable to other lands in the same zoning district? Will the literal interpretation of the provisions of the Oak Harbor Municipal Code (OHMC) deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same district?

2. Do the special conditions mentioned above result from actions of the applicant?

3. Will the granting of the variance amount to a rezone?

4. Will the variance grant a special privilege to the subject property which is denied other lands in the same district?

5. Will the granting of the variance be materially detrimental to the public welfare or injurious to the adjacent properties or improvements within the vicinity?

