



**CITY OF OAK HARBOR**  
***Development Services Department***

**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 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 meeting.

### **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**

*There are generally three steps to the variance application process:*

1. Meet with City staff—The purpose of this meeting is to allow the applicant an opportunity to discuss the proposal with staff. The meeting is scheduled after contacting the Development Services Department to set up a time to meet with a planner or the permit coordinator.
2. Variance application submittal – After meeting with a planner or the permit coordinator, the applicant should submit **9 copies** of the variance application and plan (11” x 17” in size) (as well as all other submittal requirements) as discussed with staff for the public hearing before the Hearing Examiner.
3. Hearing Examiner meeting – The last step in the variance process involves a public hearing before the Hearing Examiner. ***The variance application and plan must be submitted at least four weeks in advance of the open public hearing.***

### **Fees**

- Pre-Application - **\$392.00** (subtracted from the formal application fee)
- 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.**



## Variance Review Process III

### *Submittal Requirement List for a 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 checklist identifies required information for a variance submittal. **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”.

### *Application Submittal Requirements*

- 1.\_\_\_\_ **COVERSHEET** – A coversheet listing the contents of the 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 a variance must accompany the application submittal packet;

**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. PROPOSED VARIANCE PLAN (11” by 17” 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 and/or divisions;**
- Existing and proposed streets, sidewalks/curbs, etc.**

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

**6. LEGAL DESCRIPTION** – A legal description of the property requiring a variance must be submitted;

**7. 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;

**8. SUBMITTAL REQUIREMENTS – 9 copies each** of the coversheet, the application form, the narrative and a complete and accurate variance plan must be submitted along with the appropriate fee. The variance map must be 11” by 17” in size.