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## VARIANCE SUBMITTAL REQUIREMENTS

In the City of Clyde Hill, requests for variances to the City's zoning codes are heard by a Hearing Examiner. All meetings of the Hearing Examiner shall be open to the public. All actions of the Hearing Examiner shall be filed in the City Hall and shall be kept as public record.

The applicant should make arrangements to appear in person or send a representative to the scheduled variance meeting in order to present the request and answer any questions about the project.

### **SUBMITTAL DETAILS**

Before an application is accepted, the applicant must schedule a pre-application meeting with City Staff to review the variance request.

After City Staff has determined that the application is complete, submit:

- Two hardcopy sets of all required documentation
- A digital set of all required documentation
- The \$1500 non-refundable application fee. (The City accepts only cash or checks for payment.) The applicant agrees to pay all actual costs incurred by the City for hiring outside consultants, including, but not limited to, attorneys and the hearing examiner.

### **The variance application form must:**

- State specifically the variance request (in feet and tenths of feet) and from what section of the Clyde Hill Municipal Code (CHMC) the variance is being asked.

For example: CHMC Section 17.16.040 requires a 30-foot front yard setback.

I am requesting a 5.6 foot encroachment into the west 30-foot front yard setback.

- Explain why the variance is *necessary* based on the criteria in CHMC 17.72.030.
- State fully the reasons for contending that the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the area in which the property is located.
- Be signed by the Owner(s) in front of a notary, or be signed by a representative of the owner in front of a notary: in this case you must include a Declaration of Agency form with the application.

**The variance plans must include:**

1. A survey of the property drawn to a scale of either 1" = 10' or 1" = 20' on sheets no larger than 24" x 36". The survey shall include:
  - a. Base datum on, or very close to, the subject property
  - b. Property lines
  - c. Topographic contours, drawn at two foot intervals to a scale of not less than one inch to twenty feet
  - d. Easements
  - e. Existing structures
  - f. Setback lines
  - g. Streets or private lanes
  - h. Any existing encroachments  
*Note: setbacks are measured to the "outermost projection" of a structure (this includes any items attached to structures such as gutters and light fixtures)*
  - i. Encroachments must be shaded and the exact amount of the encroachment labeled.
2. A City-issued original grade determination.
3. A site plan that includes the proposed feature requiring the variance, drawn to a scale of either 1" = 10' or 1" = 20' on sheets no larger than 24" x 36". The site plan shall include:
  - a. Property lines
  - b. Easements
  - c. Existing and proposed structures
  - d. Setback lines
  - e. Streets or private lanes
  - f. Existing and proposed encroachments or non-conformities including the structural coverage and impervious surface coverage calculations.  
*Note: setbacks are measured to the "outermost projection" of a structure (this includes any items attached to structures such as gutters and light fixtures)*
  - g. Encroachments must be shaded and the exact amount of the encroachment labeled.
4. Architectural elevations, drawn to a scale of not less than 1/4" = 1.0' on sheets no larger than 24" x 36". Include elevations that show existing and proposed encroachment(s). The elevations shall include:
  - a. Property lines
  - b. Setback lines
  - c. Non-conformities; these may include encroachments into setbacks and/or structures that are over the allowed height.  
*Note: Setbacks are measured to the "outermost projection" of a structure (this includes any items attached to structures such as gutters and light fixtures.) Heights are measure from original grade.*
  - d. Encroachments must be shaded and the exact amount of the encroachment labeled.
5. Include a title block on each plan showing the owner's name, project address and the drawing title and number. Include the name, address and contact number for the firm responsible for the drawings.

### **Criteria for Approval**

Variations or special exceptions shall be based upon their adherence to Section 17.72.030 of the City's Municipal Code, shall be in harmony with the intended spirit and purpose of the Zoning Code and shall not constitute a direct and obvious amendment of any district regulations or district boundaries. No application for a variance or special exemption shall be granted unless the Board of Adjustment finds that:

- A. The variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property, on behalf of which the application was filed, is located; and
- B. The variance is necessary because of exceptional circumstances relating to the narrowness, shallowness or shape of a specific piece of property, or because of exceptional topographic conditions or other extraordinary situation or condition of the land, building or structure or the use or development of property immediately adjoining the property in question; and
- C. The granting of the variance will not be materially detrimental to the public health, safety and welfare, substantially offensive to the rights of other persons living in or near the area involved or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.

The Board may impose conditions in order to adequately safeguard the health, safety and/or welfare of City residents.

### **Building Permits**

Prior to approving any building permits which are affected by the variance, the written *Findings, Conclusions, and Decision* must be approved and signed by the Chairperson who attended the Board of Adjustment meeting in which the variance was granted.

### **Lapse of Variance**

If construction of the project for which the variance or special exception is granted has not begun within 18 months or is not completed within three years, the special exception or variance shall lapse and be null and void. (CHMC 17.72.050)

### **Appeals**

As specified in CHMC 19.06.