

Village of Lone Rock
Land Development Application

Applicant: _____ Telephone: _____

Address: _____
(Street) (City) (State) (Zip)

REQUEST FOR:

_____ Preliminary Plat	_____ Final Plat
_____ Zoning	_____ Conditional Use Permit
_____ Site Plan Review	_____ PUD Review
_____ Board of Zoning Appeal	_____ Annexation
_____ Administrative Appeal	_____ Other _____
_____ Certified Survey Map	

Status of Applicant:

_____ Owner _____ Agent _____ Buyer _____ Other

Project Name: _____

Uses Proposed: _____ Acreage (s): _____

Location: _____

Legal Description: _____

The undersigned certifies that he/she has familiarized himself/herself with the state and local codes and procedures pertaining to this application. The undersigned further hereby certifies that the information contained in this application is true and correct.

Signed by: _____ Date: _____

Fee:	\$	Zoning Charge
	\$	Site Plan Review
	\$	Zoning Board of Appeals Filing Fee
	\$	Administrative Appeal
	\$	Certified Survey Map
	\$	Conditional Use
	\$	PUD Review
	\$	Annexation
	\$	Preliminary Plat
	\$	Final Plat
	\$	Other _____
	\$	Total Fees _____

Office Use Only	
Received by:	_____
Date:	_____
Check Number:	_____
Receipt Number:	_____

Applicant Instructions:

Complete Land Development Application.

Submit Site Plan and Site Plan Notes for proposed site development.

Submit Drawing(s) and or map(s) that reflects the site plan.

Submit \$250.00 application fee at time of application submission.

Procedure by Village:

Zoning Committee meeting date will be set.

Notice of Development will be posted for two weeks as required and sent to adjoining neighbors.

Zoning Committee will approve or deny or make recommendation to Village Board if required.

The Village Zoning Ordinance is available for review at the village office upon request.

VARIANCE PROCESS - FREQUENTLY ASKED QUESTIONS

• *What is a variance?*

A variance is a formal request by a property owner for relief from one or more of the Town's land-use regulations. If approved, it grants an administrative exception to those regulations, typically the Town's Zoning Code, which can be found in Chapter 18.10 Zoning of the Beaux Arts Village Municipal Code (BAV MC). A link to the Town's municipal code can be found at www.beauxarts-wa.gov.

When a property owner applies for a building permit, the Town reviews the application for compliance with its construction-related codes: primarily the Building Code and the Zoning Code, though the Town's Right of Way Code, Tree Code and other codes may also apply.

The Building Code regulates how the structure is designed and built with special emphasis on issues of safety. The Town has adopted the State Building Code (and by reference the International Residential Building Code) and may not grant any variance or deviation from it.

The Zoning Code regulates land use within the Town of Beaux Arts Village with emphasis on the size, location, and placement of structures on a property. Sometimes there are unique circumstances on a property that make compliance with the Zoning Code unreasonable. In such cases, a property owner may request a variance seeking permission to build something that does not comply with the code. The Hearing Examiner is empowered by the Town Council to hear such requests and decide whether to grant the variance based on whether the proposal meets specified criteria. Rules regarding variances, including the criteria to be met, the land-use regulations for which a variance may be granted, and other information about the process can be found in BAV MC 18.10.170 Variances.

• *What is a variance application packet?*

The variance-application packet contains the materials needed to complete and file an application for variance with the Town, including the application form, checklist, instructions for submittal, and the Town Zoning Code.

• *How do I apply for a variance?*

You should review the materials in the variance application packet to become familiar with the contents and the rules governing variances. Next, you should fill out the variance application, providing all the information requested on the form, prepare any additional written documentation describing how your proposal meets the criteria for a variance, and collect any drawings or pictures that help illustrate your proposal. Once this information is ready, you should contact the Town Clerk to make arrangements for submitting your application and paying the appropriate applications fees.

• *When will the Hearing Examiner hear my request?*

The Town Clerk works with the Hearing Examiner to determine a date for a public hearing based on the date the application is filed with the Town, the availability of meeting space, and

- ***How does an applicant demonstrate that the request is the minimum necessary?***

In your application, you must demonstrate that special circumstances exist and that, because of these circumstances, you are unable to site or design your project in full compliance with the Town Zoning Code. The Hearing Examiner expects to be convinced that your proposal is the minimum degree of non-conformity needed to accommodate your project.

- ***Should the applicant try to explain and discuss the variance with Hearing Examiner members prior to the meeting?***

No. You should not have any communications with the Hearing Examiner outside of the public hearing. Such *ex parte* communication is prohibited and may form the basis of an appeal by any party of record. Because these hearings are quasi-judicial proceedings, the Hearing Examiner must disclose fully all communications regarding your variance request that may have taken place prior to the hearing. If you have questions or need to explain your circumstances more completely, you should contact the Town Planner during the application-review period.

- ***What do the variance criteria mean?***

To answer that question, let's review each of the variance criteria.

Criterion 1. The variance will not constitute a grant of special privilege inconsistent with the limitations upon uses of other properties in the Town.

Special privilege is defined as an exceptional privilege beyond the uses available to other Villagers.

Limitations upon uses of other properties is defined as uses that include, but are not limited, to setbacks, height, gross floor area, lot coverage and impervious surface.

Criterion 2. The granting of the variance will not be materially detrimental to the public welfare or injurious to other properties or improvements in the Town. It will be consistent with the Town's Comprehensive Plan.

Materially detrimental to the public welfare is defined as adversely affecting a neighbor's property; adversely affecting the rights of Villagers to enjoy Town property and property owned by the Western Academy of Beaux Arts; and causing safety concerns for pedestrians and traffic.

The Comprehensive Plan is a guide for all development in the Town. You may obtain a copy from the Town Clerk or visit the Town website.

Criterion 3. The variance is necessary because of special circumstances relating to size, shape, topography, location, surroundings and features of the subject property.

Special circumstances are listed above and defined as unique features of the property on which the structures are located. **Features** may include, but are not limited to, trees, or other unique natural or built aspects of a property that have community value.

When the Hearing Examiner has completed his/her review and reached a decision on the variance, he/she will prepare a document called "Findings of Fact, Conclusions and Decision" for the variance request. This document will be sent to the Town Clerk for distribution to the applicant and any parties of record who have requested a copy. The date the findings are distributed is the date of the action on the variance, i.e. the date after which the variance is in force. From that date, a 14-day **appeal period** begins.

- ***What is an appeal period?***

An appeal period is required to allow any Party of Record (i.e. any person who gave testimony entered into the record) or the Applicant to appeal the Hearing Examiner's decision. When a variance is granted or granted with conditions, no permit may be issued until the appeal period is concluded. When a variance is denied, the applicant must notify the Town Clerk in writing of their intention to appeal within 14 days of the action on the variance. Such appeals are heard at a Closed Record Hearing before the Town Council. Because the record for such a hearing is closed, no new evidence or testimony will be accepted or heard. The Town Council will review the appeal to determine (1) whether the Hearing Examiner conducted its Open Record Hearing according to the legal procedures set by state and local statutes and (2) whether there was substantial evidence to support the findings of the Hearing Examiner.