



VARIANCE PERMIT APPLICATION

City of Ferndale Community Development Department
2095 Main Street/ PO Box 936
Ferndale, WA 98248 (360) 384-4006
www.cityofferndale.org

- An Appointment is Required to Submit Your Application
- A Master Development Application is Also Required

SUPPLEMENTAL

CITY REVIEW PROCESS:

The following information provides a brief description of the process by which variances are evaluated by the City. For more detailed information concerning the variance permit review process, please refer to Sections 18.12.170 through 18.12.190 of the City of Ferndale Municipal Code.

1. Upon the submittal of a Variance Permit Application, the Community Development Director shall determine whether an application is complete within twenty-eight (28) days. If incomplete, the Community Development Director shall notify the applicant in writing stating what additional information is required. The Community Development Department will then place the Variance Permit Application on the next available meeting agenda that will allow sufficient time for public notification in accordance with Chapter 14.09 of the Ferndale Municipal Code.
2. The Zoning Administrator shall cause notice of the time, date, place, and purpose of the hearing to be published in the Ferndale Record Journal at least ten (10) days prior to the hearing date.
3. The applicant shall post notices at the site visible from the adjacent public street and also send notices of Public Hearing to all property owners within 300 feet of the exterior boundaries of the property at least ten (10) days prior to the hearing date. The applicant must submit an 'Affidavit of Mailing' form (attached) and a list of neighboring property owners and their addresses ten (10) days prior to the public hearing date.
4. The Community Development Department prepares a written staff report for the variance requested.
5. The Public Hearing for review of the variance is held by the Hearings Examiner. Hearings commence at 7:00 PM on the date scheduled.
6. The Hearings Examiner shall make its decision at said hearing based on the information presented. The Community Development Department shall provide a written notice of decision of the Hearings Examiners action to all interested parties within ten (10) days of the hearing.
7. The Hearings Examiners decision shall be final on the twenty-second (22nd) day following the hearing at which the decision was reached, unless appealed to the Whatcom County Superior Court within twenty-one (21) days.
8. Annexation Ordinance: Upon approval by the Boundary Review Board, the City Council passes an ordinance formally annexing the land and adjusting the City limits.



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Standards For Evaluation

The Hearings Examiner may grant a Variance Permit only if it finds that the Applicant has demonstrated the following facts:

- A. The variance is consistent with the spirit and intent of Section 18.12.180 of the Ferndale Zoning Regulations;
- B. The notice of the public hearing has been duly published;
- C. The variance will not have significant adverse effects on the environment or on other uses, or the variance will mitigate to the greatest extent practicable, all significant adverse effects on the environment;
- D. The variance will not constitute a granting of a special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property is located;
- E. The variance is necessary because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the property is located;
- F. The granting of the variance will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity and zone in which the property is located;
- G. Denial of the variance would result in unnecessary and undue hardship to the applicant;
- H. Such a variance would be properly granted to any applicant upon an identical sharing of special circumstances relating to the property and the property and improvements in the vicinity.

NOTE: If any of these conditions have not been met, the Hearings Examiner can either deny the application, or, impose such conditions upon the Variance as it finds will permit the granting of the variance.

Expiration

The permit will be null and void after twelve (12) months (a 12 month extension may be granted), if the authorized construction has not commenced. (FMC Section 18.12.190)



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SUBMITTALS REQUIRED BY APPLICANT:

Fee Submittal of \$888, or as otherwise required in the City's current Fee Schedule.

Completed Application

Plot Plan (2 copies of a scaled drawing) 1 reduced; 1 full size.

Shall include the following:

1. Dimensions, height and distances of buildings, property lines, and streets
2. General location, width, and height for all
 - a. roadways and surface drainage;
 - b. parking and loading areas;
 - c. fences, screens, walls, and screen plantings.
3. Topography and square footage
4. Exact location of variance request including dimensions, height, and exact variance amount requested.

TO BE COMPLETED BY APPLICANT:

The following information or material is required with all variance applications. If any or all of the required information or material is missing or incomplete, the application will not be considered complete and will not be scheduled for a public hearing until the necessary material is submitted.

Contact Person: _____ Phone #: _____

Applicant: _____ Phone #: _____

Address: _____

Owner: _____ Phone #: _____

Address: _____

Address and Location of Property: _____



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Legal Description: _____

Existing Use: _____

Existing Zoning: _____ Corner Lot? [] Yes [] No

Variance being Requested: _____

To accommodate construction of: _____

What Section of the Zoning Regulations is involved? _____

Is the Variance consistent with the spirit and intent of the Zoning Regulations?

Will there be any adverse environmental impacts if this request is granted? Please explain:

If so, what mitigations are being offered to minimize the impacts _____



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Will the variance result in the granting of special privileges not granted to other properties in the vicinity or zone? Please explain:

What special circumstances (size, shape, topography, location, etc.) apply to your property that deny you the use of your property in the same manner as other properties in the vicinity or the zone?

Will the variance be detrimental to the public welfare or injurious to property or improvements in the vicinity or zone?

Would denial of this variance result in undue or unnecessary hardship? Please explain:



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Complete the SEPA Checklist form, if required by the SEPA Official, in compliance with Chapter 197-10 WAC.

Please submit the names and addresses of all property owners within 300 feet of the exterior boundaries of the subject property. In addition, submit an 'Affidavit of Mailing', 10 days prior to the hearing date, indicating all adjacent property owners within 300 feet have been notified by mail of the hearing.

Additional information may be required by Staff during the review process.

Acknowledgement

I (we), the undersigned, hereby acknowledge that I (we) have read the above application and its attachments, understand the requirements for a variance application, and state that the information supplied is as complete and detailed as is currently possible, to the best of my (our) knowledge.

Owner _____
(please print)

Applicant _____
(please print)

Signature _____

Signature _____

Address _____

Address _____

Telephone # _____

Telephone # _____