



PLANNING DEPARTMENT

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Variance Application

Date: _____
Applicant Name: _____
Parcel Number: _____
Legal Description: _____

Cite the exact code you are seeking a variance from:

Description of Proposed Variance:

Legal Standards for a Variance

Washington State Code RCW 35A.63.110(2) and Centralia Municipal Code 20.90 outline the standards, or conditions for approving a variance. Under State Statute and Centralia Municipal Code, the Hearing Examiner may grant a variance only if **all conditions are met**. If all conditions are not met, the Hearing Examiner is compelled **BY LAW** to **DENY** the request for a variance.

The Washington State Superior Court decision of *St. Clair v. Skagit County* (1986) contains the standards of case law for granting variances. Superior Court found that variances can only be granted based on the condition and nature of the property itself rather than the personal circumstances of the property owner. **This means that if the variance request is for a self-created hardship, the Hearing Examiner needs to deny the request.**

Variances shall not be granted unless **all four (4)** of the conditions listed in Chapter 20.90 of the Centralia Municipal Code are met. The applicant bears the burden of proving all the conditions are justified. Applicants shall provide a written response for all of the conditions listed below in support of their request. If there is insufficient space for your answer, please use a continuation sheet(s).

For Official Use Only

ZV# _____

1. That there are exceptional or extraordinary circumstances or conditions applying to the subject property that do not apply generally to other properties in the same vicinity or zoning district, and that the plight of the applicant is unique and not the result of his own action.

2. That the land or structure in question cannot be reasonably used and cannot yield a reasonable return if used only in accordance with the density requirements of this title for the district in which it is located, and that such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other property in the same vicinity or district.

3. That the authorization of such variance will not be materially detrimental to the public welfare, not injurious to nearby property, nor essentially different from the provisions of the district in which it is located.

4. That the granting of such variance will not adversely affect the comprehensive plan or studies thereof.

I (We) hereby certify that I (We) have provided all of the plans and written data required by the Centralia Community Development Department and, to the best of my (our) knowledge, such information is an accurate representation of this proposal.

Signature of Applicant

Date

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Date

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