

Variance



A variance is governed primarily by Hunts Point Municipal Code (HPMC) Chapter 18.55. A variance request is reviewed by town staff, and their recommendation is provided as a part of the public record to the hearing examiner. A public hearing is then held by the hearing examiner, and a decision rendered which rules on the request for departure from the development regulations contained in HPMC Title 18. By nature, a variance request can only contain requests for relief from the town's zoning regulations.

Process

Pre-application Conference

A pre-application conference is not required, but may be beneficial, prior to submittal of a variance application.

Submittal

Submittal of all application elements is necessary to begin the processing of the variance application.

Hearing Procedure

Notice of the public hearing shall be posted within the vicinity of the land and /or structures in question 15 days prior to the public hearing.

Criteria for Approval

The hearing examiner shall not vary any of the rules, regulations, or provisions of the town's zoning regulations unless it is found that all of the following conditions exist:

- 1) The variance will not constitute a grant of special privilege inconsistent with the limitations 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
- 2) That such 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 subject property is located; and
- 3) That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.

Applicable Code Titles

Hunts Point Municipal Code (HPMC) Title 2, Administration & Personnel
HPMC Title 3, Revenue & Finances
HPMC Title 11, Planning and Development (Comprehensive Plan & Permit Process)
HPMC Title 18, Zoning

Fees

See fee schedule



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The intake checklist identifies minimum application elements necessary for the town to accept the application. Should any of the following minimum items not be provided, the application may not be accepted at the counter.

Applicant: Check each box on the checklist to confirm items that are included in your submittal.

The required number of plan sets is 2 (two). If applying for multiple permits concurrently, submit the highest number of required plan sets.

General Requirements (1 original copy of each item is required):

- Completed variance application form
- Title report
- Proof of agency and hold harmless agreement form
- The applicable fee(s)
- Record Sales Tax Under #1713 Town of Hunts Point, WA 98004-1121, for purposes of reporting to the Department of Revenue
- Copy(s) of the recorded legal descriptions of the existing property(s) boundary(s) and dimensions of property and/or legal description of the site for all applications, as required by the applicable development regulations.

Application Requirements:

- Site plan depicting proposed and existing improvements on the property, including the following:
 - Dimensions and shape of the lot and street names
 - Location and dimensions of existing and proposed buildings including setbacks and requested variance(s)
 - Existing watercourses, sensitive areas (such as wetlands), utility lines, easements, deed restrictions, structures, rockeries, and other manmade or natural features restricting use of the subject property



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- Existing watercourses, sensitive areas (such as wetlands), utility lines, easements, deed restrictions, structures, rockeries, and other manmade or natural features restricting use of the subject property
- Preliminary grading plan depicting proposed and existing grades at five-foot contours, if grading is proposed in conjunction with proposed use
- Building elevations depicting requested variances

Criteria for Approval per HMC 18.55.040:

The review staff request that the applicant submit a letter of request and respond to the following statements by completing and attaching answers (on 8 1/2 X 11 sheets) to this checklist.

- Letter of request stating:
 - 1) The variance will not constitute a grant of special privilege inconsistent with the limitations upon uses of other properties in the vicinity and zone in which the property, on behalf of which the application was filed, is located;
 - 2) That such 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 subject property is located;
 - 3) That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.

Variance Application

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ACCEPTED _____ DATE _____

DETERMINATION _____ DATE _____

FOR STAFF USE ONLY

Variance #: _____

Receipt #: _____

Property Address _____ Lot Number _____

Property Legal _____

Owner Information:

Name _____ Phone _____ Email _____

Mailing Address _____ City _____ Zip Code _____

Agent Information:

Name _____ Phone _____ Email _____

Mailing Address _____ City _____ Zip Code _____

TO BE COMPLETED BY OWNERS OF NEAREST PROPERTIES (Adjacent and across the street):

I CERTIFY THAT I HAVE REVIEWED THE APPLICANT'S PLANS FOR A VARIANCE. I AM AWARE THAT I MAY REGISTER MY OBJECTIONS EITHER IN A LETTER TO THE TOWN CLERK OR IN PERSON AT THE HEARING EXAMINER'S MEETING.

Owner's Signature _____ Phone: _____

Address _____

Owner's Signature _____ Phone: _____

Address _____

Owner's Signature _____ Phone: _____

Address _____

TO BE COMPLETED BY OWNER OR AGENT:

I CERTIFY UNDER PENALTY OF PERJURY THAT I AM THE OWNER OF THE ABOVE PROPERTY OR THE DULY AUTHORIZED AGENT OF THE OWNER(S) ACTING ON BEHALF OF THE OWNER(S) AND THAT ALL INFORMATION FURNISHED IN SUPPORT OF THIS APPLICATION IS TRUE AND CORRECT. I FURTHER CERTIFY THAT ALL APPLICABLE FEDERAL, STATE, COUNTY, AND TOWN OF HUNTS POINT LAWS AND REGULATIONS WILL BE MET.

SIGNATURE _____ DATE _____ OWNER AGENT

NOTE: All costs from actual staff/consultant time will be billed to applicant.



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Proof of Agency / Hold Harmless Agreement

9a

PROPERTY ADDRESS: _____

PERMIT TYPE: _____ PERMIT NUMBER: _____

Proof of Agency

A proof of agency is required for the acceptance of any permit where the permit applicant (“agent”) is not the recorded owner of the property (“owner”). If the owner is a corporation, LLC, LLP, or partnership, this form must be completed and signed by the chief executive of the entity that holds ownership of the property in question.

Owners which apply for permits on their own behalf do not need to complete this form. **All other applicants must fully complete this form, including the owner’s signature, before the Town of Hunts Point will process any application documents.** Each separate application must include an original, fully executed Form 9a, Proof of Agency/Hold Harmless Agreement.

To BE COMPLETED BY OWNER:

I, _____, as the owner of
(print name of property owner or, in case of corporation, LLC, LLP or partnership, company Chief Executive)
the above-referenced property, hereby authorize the person or entity outlined below (the “agent”) to act as my sole agent regarding the above-referenced property, and further stipulate that the agent may act on my behalf for purposes of filing applications for decisions, determinations, permits, or review under any applicable Hunts Point Codes, and further stipulate that the Agent has full power and authority to perform, on my behalf, all acts necessary to enable the Town to process or review applications, issue permits, authorize revisions, and perform inspections required under all codes in force. **I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.**

[Signature of Property Owner/Chief Executive] [Date]

[Contact Address] [City] [State] [Zip]

[Phone] [Fax]

To BE COMPLETED BY AGENT:

[Print Name of Agent] [Title]

[Contact Address] [City] [State] [Zip]

[Phone] [Fax]



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Hold Harmless Agreement

A hold harmless agreement is required for the acceptance of any permit, and must be signed by the property owner. If the owner is a corporation, LLC, LLP, or partnership, this form must be completed and signed by the chief executive of the entity that holds ownership of the property in question. There are no permits or circumstances under which the town will accept application without an executed hold harmless agreement.

To BE COMPLETED BY OWNER:

I, _____, as the owner of
(print name of property owner or, in case of corporation, LLC, LLP or partnership, company Chief Executive)
the above-referenced property, hereby agree as a condition of permit application and/or issuance, to protect, defend, and hold harmless the Town of Hunts Point, its officers, agents and employees, and to indemnify them from all liability, loss and expense, including reasonable attorneys fees, that the Town of Hunts Point, its officers, agents and employees may incur by reason of accepting this application and/or issuing this permit, and all other acts taken by the Town of Hunts Point relating to the work described under the permit documents including but not limited to plans examination, issuance of permit(s), inspection and approval of construction and issuance of certificates of occupancy, to the extent that any such liability, loss and expense results from any errors or the misrepresentation of any material fact in the permit application documents, whether negligent or intentional. I further certify that I am the owner of the property referenced at the top of this document. **I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.**

[Signature of Property Owner/Chief Executive]

[Date]

[Contact Address]

[City]

[State]

[Zip]

[Phone]

[Fax]

Permit Fee Schedule

Boundary Line Adjustment and Lot Consolidation	\$500.00 plus actual staff/consultant time
Building	As set forth in HPMC § 3.05.120(4), based on total project square footage
➤ Plan Review	65% of Permit Fee
➤ Inspection	Base Deposit \$1,800.00; May be adjusted by Building Official
➤ Fire Sprinkler	UBC Table 1A fee valuation plus staff/consultant time
➤ State Building Code Fee	\$4.50
Building Permit Exemption Request	\$50.00 plus actual staff/consultant time
Conditional Use	\$500.00 plus actual staff/consultant time
Demolition	\$250.00
Heavy Truck Street Repair Fund Fee	1% of the total valuation of the project
Mechanical	
➤ In-Kind Replacements	See Mechanical Fee Schedule Form 10a
➤ All Other Mechanical Installations	UBC Table 1A fee valuation
➤ Plan Review	65% of Permit Fee
➤ Inspection	As determined by Building Official
Plumbing	
➤ In-Kind Replacements	See Plumbing Fee Schedule Form 35
➤ All Other Mechanical Installations	UBC Table 1A fee valuation
➤ Plan Review	65% of Permit Fee
➤ Inspection	As determined by Building Official
Pre-Application Meeting (for new construction or remodel valued at \$25,000.00 or greater)	\$500.00
Reconsiderations/Appeals	\$500.00 plus actual staff/consultant time
Right of Way Use	\$250.00 plus actual staff/consultant time
SEPA Review	\$500.00 plus actual staff/consultant time
➤ EIS review/assessment	\$500.00 plus actual staff/consultant time
Shoreline Substantial Development	\$500.00 plus actual staff/consultant time
Shoreline Substantial Development Exemption	\$250.00 plus actual staff/consultant time
Site Development	\$500.00 plus actual staff/consultant time
Street Cleaning	\$3,000 deposit
Street Opening	\$250.00 plus actual staff/consultant time
Subdivision	
➤ Short Plat (4 or less lots)	\$2,500.00 plus actual staff/consultant time
➤ Preliminary Plat	\$2,500.00 plus actual staff/consultant time
➤ Final Plat	\$2,500.00 plus actual staff/consultant time
Special Use	\$500.00 plus actual staff/consultant time
Telecommunications Franchise	Fee negotiated
Telecommunications Right of Way Use	\$250.00 plus actual staff/consultant time
Tree Removal	\$50.00 plus actual staff/consultant time
Variance	\$500.00 plus actual staff/consultant time

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