

Major Variance Submittal

Submittal Items

Please included the following:

- Land Use Application
- 2 sets any applicable plans
- Verified statement that property affected is in the exclusive ownership of the applicant or has consent of all owners
- Intake fee: \$270
- Deposit: \$810

The applicant shall be responsible for the actual cost incurred by the City in processing the application. The total fee shall be reduced by the amount of the deposit. The applicant shall remit to the City the amount exceed by the deposit. If the deposit fee exceeds the City's actual costs, the balance shall be refunded.



Planning and Building
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253-564-8901
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Please demonstrate the following (use separate page if necessary):

There are special circumstances applicable to the subject property or to the intended use (size, shape, topography, location, surroundings) that do not apply to other property or classes of use in the same vicinity and zoning classification.

Special circumstances required additional parking based on other Chick-fil-A restaurants located nearby. The intended use creates a demand for parking that do not apply to other property or classes in the same vicinity.

The variance is necessary for the preservation and enjoyment of a substantial property right or use which is possessed by other property in the same vicinity and zoning classification but denied to the subject property because of special circumstances.

Based on the special circumstances noted above, the code restricts the use of the site to appropriately accommodate customer capacity in the parking lot. This has been justified by the Traffic Impact Analysis.

The granting of the variance will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity and zoning classification in which the subject property is located.

Granting of the variance will not be materially detrimental to the public because the site will adequately provide parking to customers. Increased parking will limit traffic congestion on 19th St and create a safer environment.

Strict enforcement of the provisions of this title would create a practical difficulty or unnecessary hardship for the property owner.

Strict enforcement of the provision of this title would limit the property owner's ability to design and/or develop the safest and most efficient parking layout and would negatively impact the adjacent property owners.

The practical difficulty or unnecessary hardship has not been created by the owner or by a predecessor in title. (Does not apply if the difficulty or hardship was created solely as a result of a zoning reclassification.)

The difficulty and unnecessary hardship is caused by the text in the code as it limits necessary parking required for this use.

The granting of the variance will be consistent with the purpose and intent of the zoning classification and the comprehensive plan land use designation of the subject property and will not conflict with other applicable codes, design guidelines, and comprehensive plan goals and policies.

Parking code establishes adequate parking criteria for the proposed businesses. The parking variance for this location conforms to the intent of the code as the number of stalls requested aligns with the proposed use. The Traffic Impact Analysis supports this variance request. Inadequate parking would be detrimental to the community and City of Fircrest.

Chapter 22.74

MAJOR VARIANCE

The purpose of a variance is to provide a means of altering the requirements of the Fircrest Municipal Code in specific situations where the strict application of those requirements would deprive a property of privileges enjoyed by other properties with the same zoning district classification because of special features or constraints unique to the subject property. **A major variance is one that is greater than 10 percent of the standard contained in this title and which may be approved by the planning commission as a Type III-A land use decision.**

The review authority planning commission shall grant a variance from the provisions of this title when it has determined that the criteria listed in FMC 22.74.003 have been met by the proposal. When granting a variance, the review authority may attach specific conditions to the variance to ensure that the variance will conform to the criteria listed in FMC 22.74.003 and all other applicable codes, design guidelines, and comprehensive plan goals and policies. The review authority shall not grant a variance which establishes a use otherwise prohibited within a zoning district.

Before any variance may be granted, the review authority shall adopt written findings showing that the following criteria are met by the proposal:

- There are special circumstances applicable to the subject property or to the intended use such as size, shape, topography, location, or surroundings that do not apply to other property or class of use in the same vicinity and zoning classification.
- The variance is necessary for the preservation and enjoyment of a substantial property right or use which is possessed by other property in the same vicinity and zoning classification but denied to the subject property because of special circumstances.
- The granting of the variance will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity and zoning classification in which the subject property is located.
- Strict enforcement of the provisions of this title would create a practical difficulty or unnecessary hardship for the property owner.
- The practical difficulty or unnecessary hardship has not been created by the owner or by a predecessor in title. (This finding does not apply if the zoning classification for the property has changed and the difficulty or hardship was created solely as a result of the reclassification.)
- The granting of the variance will be consistent with the purpose and intent of the zoning classification and the comprehensive plan land use designation of the subject property and will not conflict with other applicable codes, design guidelines, and comprehensive plan goals and policies.

This is a summary of the process. For complete development regulations, please see FMC Chapter 22.74.