

# Variance

VR 2-21

2185 & 2191 NW 2<sup>nd</sup> Street

Planning Commission – Public Hearing  
June 17, 2021

**PLANNING COMMISSION. 06.17.21**



# VARIANCE REQUEST

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- **MMC Section 17.53.100(C)(1)** limits number of parcels that can be served by private access easement to (3)

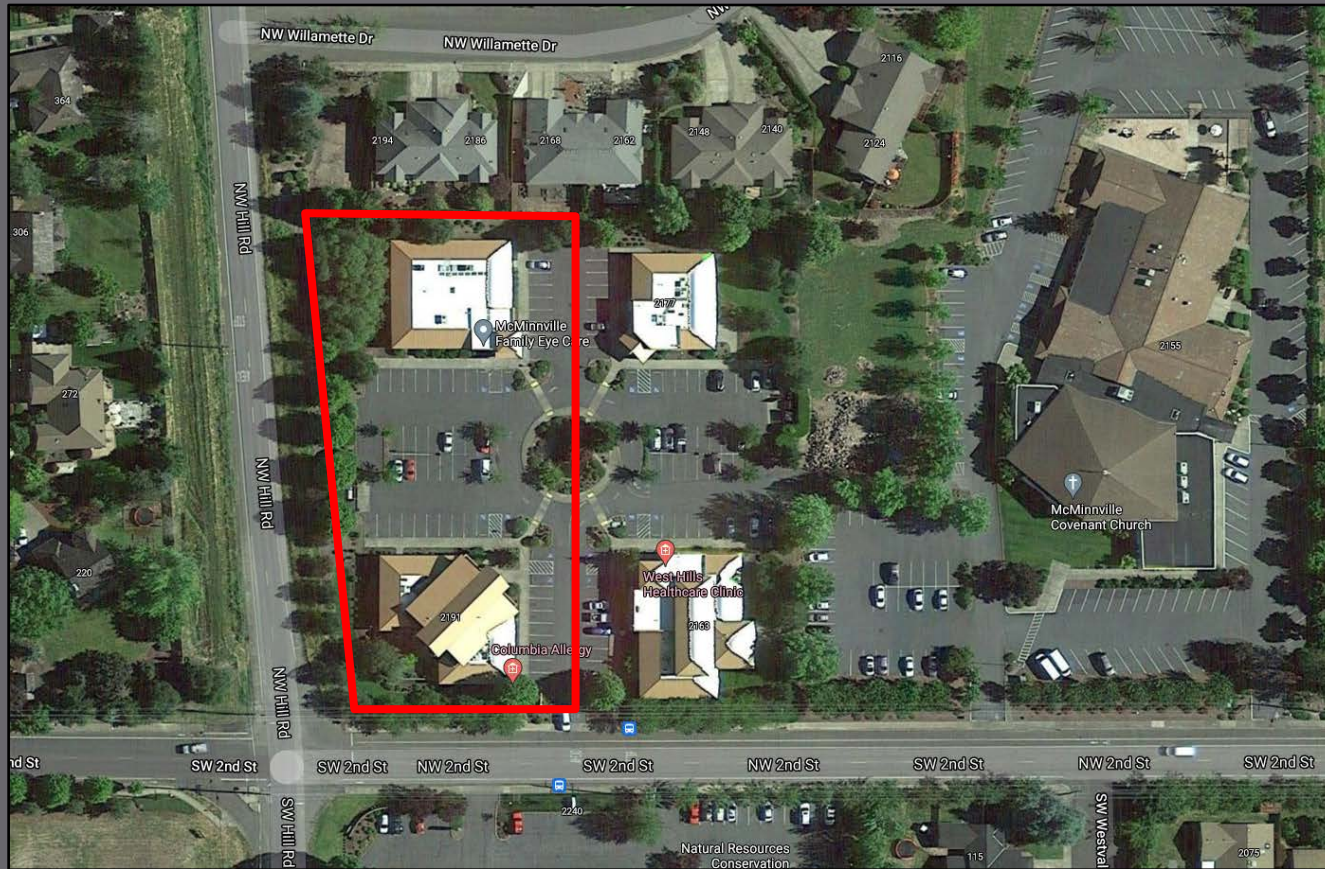
“If it is the only reasonable method by which the rear portion of a lot being unusually deep or having an unusual configuration that is large enough to warrant partitioning into two more new parcels, i.e., a total of not more than three (3) parcels including the original may then exist, that may be provided with access [...]”

- **Variance request:** Allow an increase in the number of lots to be accessed by private easement to (4)
  - Variance would support a future partition and sale of new parcel

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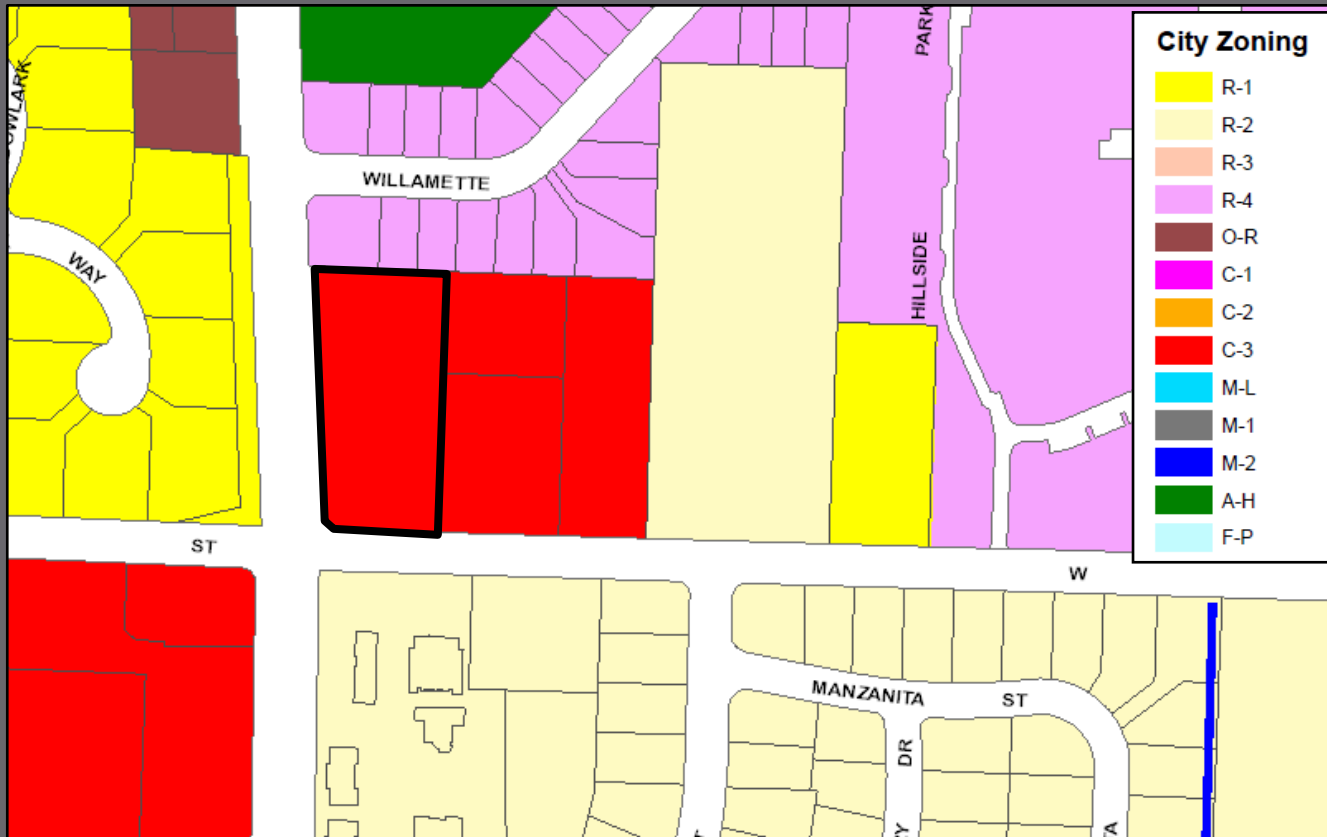
# SITE LOCATION & CONTEXT



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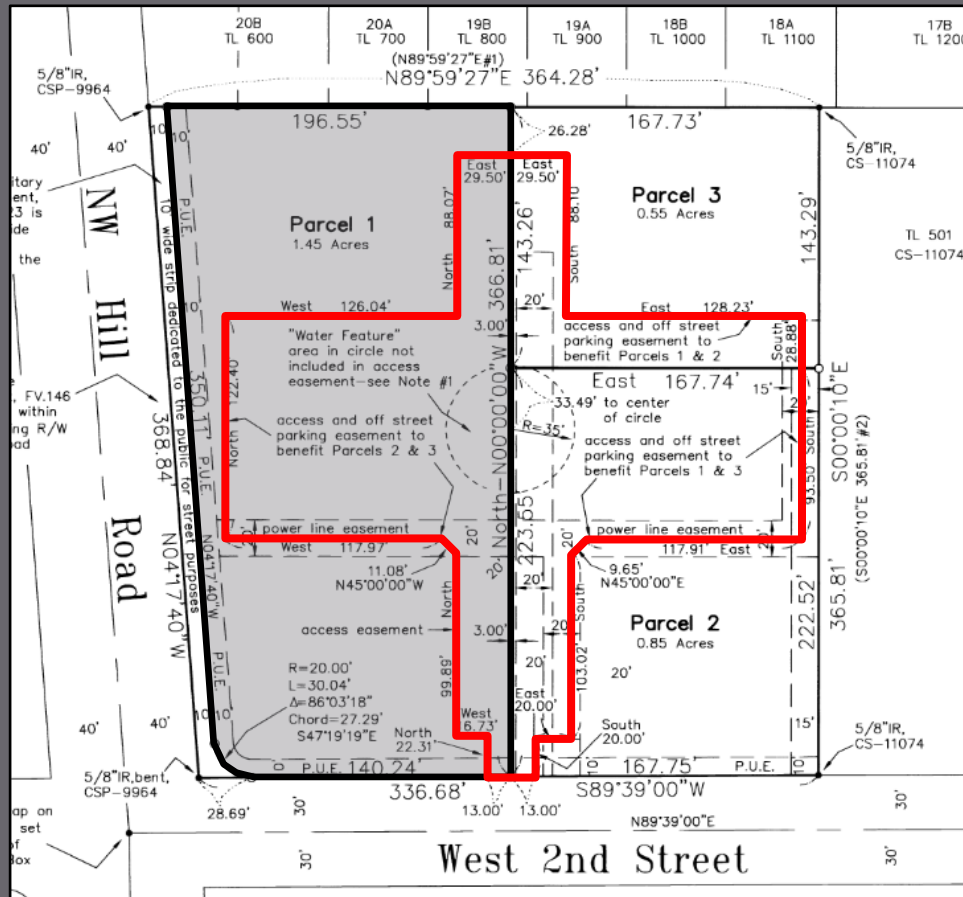
# ZONING



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# EXISTING ACCESS EASEMENT



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# VARIANCE REVIEW CRITERIA

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## Zoning Ordinance (MMC)

- 17.74.100. Variance – Planning Commission Authority
- 17.74.110. Conditions for granting variance
- 17.53.100(C)(1). Creation of Streets.

## Comprehensive Plan

- Volume II: Goals and Policies

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# VARIANCE REVIEW CRITERIA

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## MMC 17.74.100 (summarized)

- Special and unusual circumstances related to specific property / strict application of code would cause undue or unnecessary hardship
- No variance to permit use not authorized within zone
- May attach conditions necessary to protect the best interests of the surrounding property or neighborhood and otherwise achieve purposes of the title

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# VARIANCE REVIEW CRITERIA

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## MMC 17.74.110 (summarized)

- **Exceptional or extraordinary circumstances** apply to property which do not apply generally to other properties in the same zone or vicinity and result from lots size or shape (legally existing prior to code), topography, or other circumstances over which the applicant has no control.
- Variance is necessary for **preservation of a property right substantially the same** as owners of other property in the same zone or **vicinity**
- Variance would **not be materially detrimental** to purposes of title, or to property in the zone or vicinity in which property is located, or otherwise conflict of objectives of city plan/policy
- **Minimum variance** which would alleviate the hardship

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# VARIANCE REVIEW CRITERIA

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## MMC 17.53.100(C)(1) (summarized)

- The applicant must demonstrate that:
  - The proposed access easement is the **only reasonable method** for accessing the rear of the subject lot;
  - The subject lot is **unusually deep** or has an **unusual configuration** that is large enough to warrant partitioning

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# SUMMARY OF CRITERIA & ISSUES

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- **Exceptional or extraordinary circumstances have not been demonstrated** by applicant
  - A change in the Zoning Ordinance does not create a unique situation
- Variance is necessary for a partition application to move forward **preserving a property right substantially the same** as owners of other property in the same zone or **vicinity**
- Variance would **not be materially detrimental** – use or intensity of use would not change, no change to existing conditions of site
- **Minimum variance** requested to alleviate the hardship
- Applicant has **not demonstrated the subject site would qualify for an access easement** under MMC 17.53.100(C)(1)
  - Previous Zoning Ord. language does not allow more than 3 lots per easement
  - Only reasonable method or unusually deep/configured?

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# PUBLIC TESTIMONY

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- No written testimony has been submitted to the Planning Department for this application.

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# CONTINUANCE REQUEST

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- Applicant has submitted a request to continue the public hearing to Thursday, July 15, 2021 at 6:30pm to submit additional materials/findings

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# STAFF RECOMMENDATION

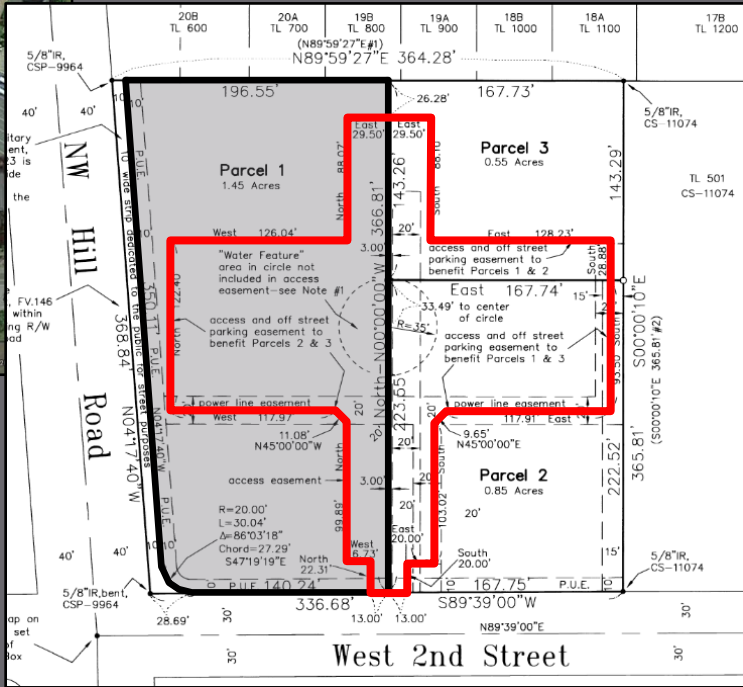
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- At this time, based on the application materials and the findings in the Decision Document, Staff would recommend *Denial* of variance application VR 2-21
- Continue public hearing to July 15, 2021 at 6:30pm as requested

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# QUESTIONS?



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