

Applicant Statement

As part of an application submission, the Applicant must attach a written statement that clearly states how practical difficulties, unnecessary hardships or results inconsistent with the general purpose of the Zoning Ordinance, will result through the strict and literal interpretation and enforcement of the Zoning Code.

When writing Applicant statement, all of the following sections of 1109(b)(2) need to be considered when drafting a response:

- A. BZA authorization of a variance shall be sparingly exercised and only under peculiar and exceptional circumstances;
- B. Any variance granted shall be the minimum needed to alleviate the difficulty or hardship involved;
- C. Limitation upon the financial gain from the land in use shall not in and of itself constitute a hardship;
- D. Any difficulty or hardship constituting the basis for a variance shall not be self-created.

Required Submittal Materials

All of the materials listed below must be submitted as part of the application. Incomplete applications will not be processed for review by the Board until all required materials are provided.

- 1) One (1) completed application form;
- 2) Eight (8) copies of complete written "Applicant Statement" as specified above;
- 3) Eight (8) accurately scaled site plans that clearly identify:
 - a.) All existing site conditions, including but not limited to, location of all structures, landscape features, and driveways; front, back and side setbacks; property boundary lines; correct street name(s), north arrow, etc.
 - b.) Any proposed additions, alterations, expansions, new setbacks, etc.
 - c.) Clearly mark location of the conditions requiring a variance(s).

I am requesting a variance from the requirements of the City of Kent Zoning Code and understand the importance of knowing exactly where my property lines are relative to consideration of this request. As the applicant, I state that all information provided here in and attached is accurate to the best of my knowledge. I further authorize the City of Kent staff and members of the Board of Zoning Appeals to enter upon the property for which a variance(s) is being sought.

Signature:	Date:
Owner's Signature: (required if applicant not owner)	Date:

Additional Information

- A \$50 application is required at the time of application submittal.
- Applications deemed incomplete, after staff review, will not be processed for consideration by the Board until all required items have been provided.
- Standard sized certified/return receipt letters will be mailed to all property owners located within 200 feet of the property requesting the variance. The cost of such mailing will be charged at the current USPS per letter rate and is the responsibility of the applicant. Mailing costs will be calculated by the City and the applicant will be informed as to when this postage fee must be paid. The mailing cost is a non-refundable fee.
- The Board meets the 3rd Monday of each month, except when that day falls on City recognized legal holiday.
- The applicant(s) and/or the applicant's representative must attend the Board meeting in person in order to present the request and answer questions from the public and the Board regarding the project.

Variance requests are considered by the Board of Zoning Appeals and are subject to the requirements of Chapter 1109 of the City of Kent Zoning Code. Determinations on variance requests are subject to the following:

Section 1109.09 (b) Variances:

- (1) When practical difficulties, unnecessary hardship or results inconsistent with the general purpose of the Zoning Ordinance result through the strict and literal interpretation and enforcement of the provisions thereof, the Board shall have the authority, subject to the provisions of this chapter, to grant upon such conditions as it may determine, such variances from the provisions of the Zoning Ordinance as may be in harmony with its general purpose and intent, so that the spirit of the Zoning Ordinance shall be observed, public safety, health and welfare secured and substantial justice done. The Board may grant a variance as applied for or a variance constituting a modification thereof. In granting a variance, the Board may attach thereto such conditions relating to the location of the proposed structure or use, or the duration of the variance as it may deem necessary in order to further the purposes of the Zoning Ordinance. The Board may require such evidence and guarantee or bond as it may deem necessary to insure that all such conditions so attached are being and shall be complied with. The Board shall not have the authority to authorize, through the granting of a variance, a change in the use of any parcel of land. The Board is not empowered to change the zoning classification for any zone district, but may in such instances as desired initiate an amendment to the Zoning Ordinance in accordance with Chapter 1111.
- (2) In carrying into effect its powers to grant or to recommend variances, the Board shall be guided by the following criteria:
 - A. In general, the power to authorize a variance from the terms of this Zoning Ordinance shall be sparingly exercised and only under peculiar and exceptional circumstances.
 - B. Any variance granted shall be the minimum needed to alleviate the difficulty or hardship involved.
 - C. A limitation upon the financial gain from the land in use shall not in and of itself constitute a hardship.
 - D. Any difficulty or hardship constituting the basis for a variance shall not be self-created.
 - E. Mere evidence that a variance was previously granted under similar circumstances shall not be considered sufficient grounds for granting a variance.
- (3) In every instance where the Board grants or recommends a variance, there must be a finding by the Board that:
 - A. The strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the Zoning Ordinance.
 - B. There are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use or development of the property that do not apply generally to other properties or uses in the same zoning district.
 - C. The granting of such variance shall not be of substantial detriment to the public interest or to adjacent property or improvements in such district in which the variance is sought, and shall not materially impair the purpose of the Zoning Ordinance.