



Burien

Washington, USA

Shoreline Variance Request Application

400 SW 152nd Street, Suite 300 Burien, WA 98166
Phone: (206) 241-4647 • FAX: (206) 248-5539
www.burienwa.gov

File Number _____

APPLICANT INFORMATION

Name:	Company:	Daytime Phone:
Mailing Address:		E-Mail:
Contact person:	E-Mail:	Daytime Phone:
Property owner (if different):		Daytime Phone:
Mailing Address:		E-Mail:

PROJECT INFORMATION (attach additional sheets if necessary)

Site Address:	Parcel Number:
Zoning Designation:	Comprehensive Plan designation:
Name of Waterbody (choose one): <input type="checkbox"/> Puget Sound <input type="checkbox"/> Lake Burien <input type="checkbox"/> Other _____	
Shoreline Designation: _____	
Description of proposal:	
Current use of the property:	
Total cost of the project for which this permit is requested:	
List any other permits for this project from state, federal or local governmental agencies for which you have applied or will apply, including whether the permit has been applied for, and if so, the date of same, and the number of the application or permit:	

SIGNATURE

I, _____, declare that I am the owner of the property involved in this application, and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my knowledge and belief. I designate _____ to act as my agent with respect to this application. I agree to reimburse the City of Burien for the costs of professional engineers and other consultants hired by the City to review and inspect this proposal when the City is unable to do so with existing in house staff.

Dated: _____

Signature: _____

Please see the attached checklist(s) for a list of plans and other information that must be submitted with this application and for other important information. The checklist(s) must be submitted with the application and the required submittals.

WHAT IS A SHORELINE VARIANCE REQUEST?

Shoreline permit regulations are required by the Shoreline Management Act of 1971, Chapter 90.58 of the Revised Code of Washington (RCW). This state law requires local governments to establish a program consistent with rules adopted by the State Department of Ecology (DOE) for the administration and enforcement of the permit system titled State of Washington Shoreline Master Program Guidelines. Accordingly, the City of Burien has adopted regulations for the shorelines of the City in the Burien Shoreline Master Program. Those regulations are contained in Title 20 of the Burien Municipal Code.

State law provides that the City of Burien may approve variances from specific Shoreline Program bulk, dimensional or performance standards, but only where extraordinary or unique circumstances relating to the property are such that the strict implementation of the regulations would impose unnecessary hardships to the applicant OR thwart the policies set forth in State law (RCW 90.58.020).

Final approval on shoreline variances is made by the State Department of Ecology (DOE). The City's approval constitutes a recommendation to DOE. If a shoreline variance is requested, a separate shoreline variance application is required to be filled out.

The City's shorelines include Burien's saltwater shorelines and Lake Burien, PLUS all "associated wetlands" of these waters. Development within the shoreline district consists of everything in or over the water, as well as everything within 200 feet landward of the "ordinary high water mark" (i.e., the shoreline).

WHAT OTHER PERMITS ARE REQUIRED?

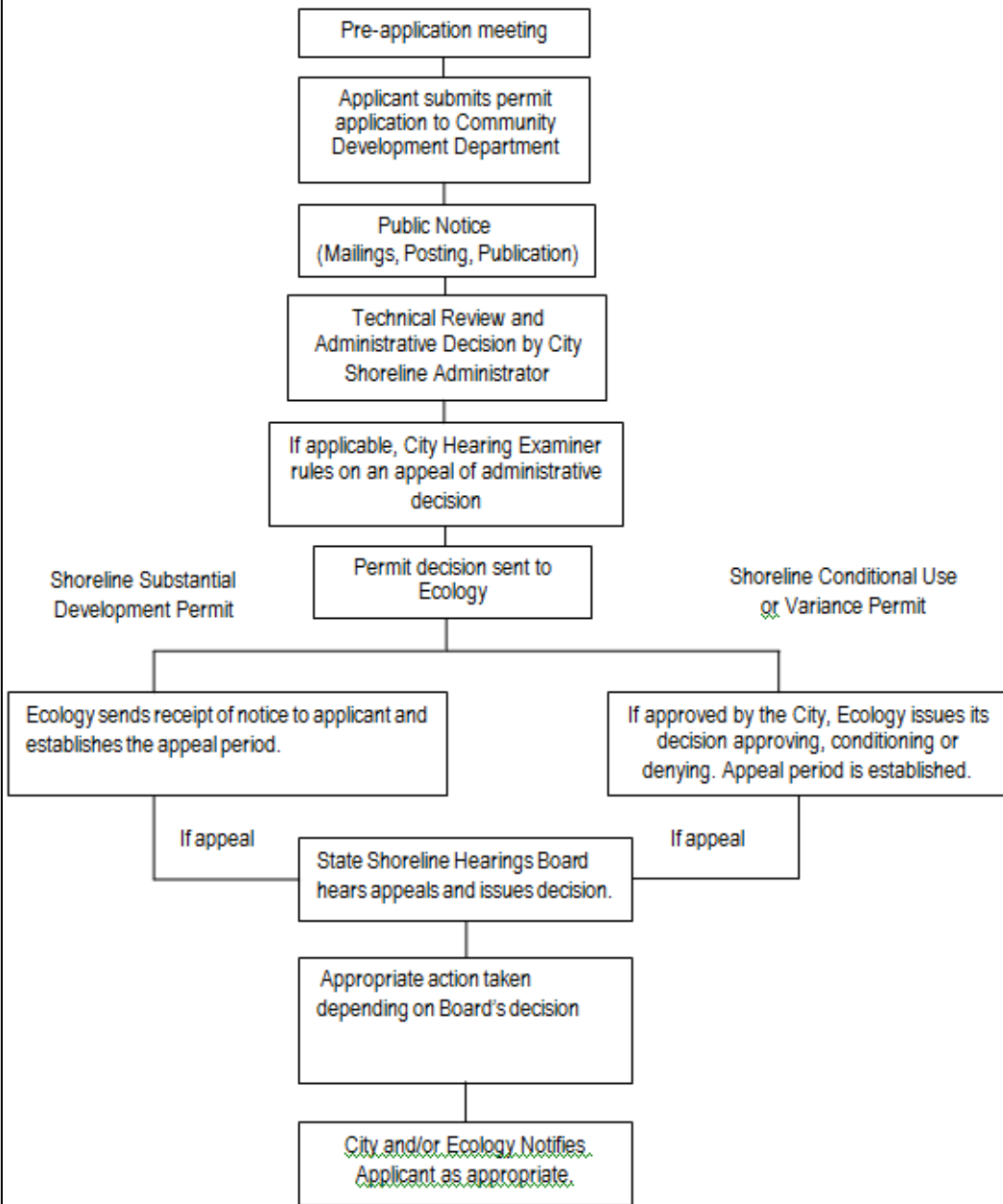
A decision on a shoreline variance request **does not** take the place of any other required permit. A project or development may also require, among others, a building or grading permit. If the proposal involves construction within navigable water (i.e., up to the mean high water mark from tidal waters or to the ordinary high water mark for fresh water) or if the proposal includes dredging or placement of fill, a U.S. Army Corps of Engineers Section 10/404 permit is required. If the project involves construction or other activity below the ordinary high water mark or if the project includes an activity that will use, divert, obstruct, or change the natural flow or bed of any state waters, a Hydraulic Project Approval from the Department of Fish and Wildlife is required.

WHAT STEPS ARE REQUIRED FOR A SHORELINE VARIANCE REQUEST AND HOW LONG WILL IT TAKE?

A pre-application meeting is required for a Shoreline Variance Request. To set up a pre-application meeting, submit a *Pre-Application Meeting Request* with the Department of Community Development, along with the required information, at least a week before the meeting. The Project Review Team consists of staff from the city departments of Community Development (Planning and Building), and Public Works, along with staff from the appropriate fire district. The purpose of the pre-application meeting is to provide the applicant with a preliminary list of issues, code requirements and application requirements.

Applicants should review and thoughtfully respond to the decision criteria listed below on the forms provided. Appropriate supporting materials, such as site plans, building plans, planting plans and ecological impact reports, also should accompany the application. If you have questions about codes you may call City Hall and ask to speak to a planner. Shoreline Conditional Use Permits are reviewed using the Type 1 permitting process. Currently the City has a 120-day goal to issue a land use decision for all Type 1 permit applications. The chart shown below illustrates the steps in the Type 1 shoreline permitting review process.

Figure 7 Shoreline Permit Review for Type 1 Process



Please note that the Department of Ecology reviews Shoreline Variance Requests and may add conditions to a project. Other state or federal agency approvals may also be required.

VARIANCE REQUEST DECISION CRITERIA

There are two different types of variance requests that apply to two distinct areas within the shoreline, landward and waterward. Landward variance requests apply to developments requesting relief from standards for activities or projects that occur upland of the water's edge (ordinary high water mark) and waterward variance requests apply to activities and projects that occur to the water side of the ordinary high water mark. The ordinary high water mark is defined as "*on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation....*" The complete definition can be found in BMC section 20.40.100.

Applications for variance requests shall include detailed responses to the following criteria.

Landward Variance Criteria. Variance permits for development and/or uses that will be located landward of the ordinary high water mark and/or landward of a wetland may be authorized provided the applicant can demonstrate all of the following:

- a. The strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes reasonable use of the property.
- b. The hardship described in (a) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions.
- c. The design of the project is compatible with other authorized developments within the area and with uses planned for the area under the City's comprehensive plan and Shoreline Master Program and will not cause adverse impacts to the shoreline environment.
- d. The variance will not constitute a grant of special privilege not enjoyed by the other properties in the area.
- e. The variance requested is the minimum necessary to afford relief.
- f. The public interest will suffer no substantial detrimental effect.

Waterward Variance Criteria. Variance permits for development and/or uses that will be located waterward of the ordinary high water mark or within a wetland may be authorized provided the applicant can demonstrate all of the following:

- a. The strict application of the bulk, dimensional or performance standards set forth in the Burien Shoreline Master Program precludes all reasonable use of the property.
- b. The proposal is consistent with the criteria established (b) through (f) of section 2 [*see landward variance criteria immediately above*].
- c. The public rights of navigation and use of the shorelines will not be adversely affected.

Consideration of Cumulative Impacts. In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted to other developments and/or uses in the area where similar circumstances exist, the total of the variances shall also remain consistent with the policies of RCW 90.58.020 (Use Preference) and shall not cause substantial adverse effects to the shoreline environment.

Applicants requesting approval of a shoreline variance must provide responses to these criteria. Responses may include supporting plans and analysis.

HOW CAN I SPEED UP REVIEW OF MY APPLICATION?

Review times are generally dependent on the complexity of the project, the amount and content of public comment, and staff workload. We pledge to review your application as quickly as possible, given all of these constraints. There are a few things that you can do that will speed up review of your application:

1. Provide Good Quality, Accurate Information: The single largest reason for delay is lack of quality, accurate information. The cheapest survey, engineering plan or soils report isn't always the best. We have samples of reports and plans that are good examples to follow for format, level of detail and content.
2. Read and Understand the Regulations and Policies: We've found that an informed applicant usually does a better job of answering the review criteria, submitting good information and addressing neighbors' concerns. It helps if you can specifically address the relevant code sections applicable to your project. This makes our review easier and faster.
3. Meet With Your Neighbors Before Finalizing Your Plans: Many times, neighbors oppose a project simply because they didn't know about it until they saw the public notice board. They feel that the applicant is trying to sneak something by them. An informal neighborhood meeting, or individual meetings, can be very helpful in diffusing opposition to your project. If done before you apply, these meetings also can allow you to make design changes so that the neighbors will be supportive of your project.

These are just a few suggestions to help you prepare and file an application that will be easy for us to review, and speed up the decision on your application.

PLEASE RETURN THIS CHECKLIST WITH YOUR APPLICATION

The following is a list of materials and plans that must be submitted in order to have a complete application. For some applications, it will not be necessary to submit all of the listed materials. Consult with the Department of Community Development if you have questions. Please do not turn in your application until all materials that apply to your proposal have been checked off.

Pre-Application Meeting	REQUIRED	PROVIDED
A pre-application meeting with a planner is required within the three months immediately prior to submittal (see separate pre-application meeting handout).	X	

Application	REQUIRED	PROVIDED
Set up an application submittal appointment.	X	
A completed and signed Shoreline Variance Request Form.	X	
Responses to the Shoreline Variance Request criteria.	X	

Fees	REQUIRED	PROVIDED
A check payable to the City of Burien for applicable filing fees.	X	

SEPA Environmental Checklist (5 copies)	REQUIRED	PROVIDED
Five (5) copies of a completed and signed SEPA Environmental Checklist (see separate SEPA Checklist handout).		

Survey, Site Plans and Building Elevations	REQUIRED	PROVIDED
Four (4) copies of plans on 8½" x 11" paper, showing:	X	
1. Property survey with property dimensions, any existing structures that are proposed to remain on the property and names of adjacent rights-of-way.		
2. Existing streams, lakes, and shorelines showing location of ordinary high water lines.		
3. Fire hydrants, utility lines, structures, rockeries, roadways and other relevant manmade or natural features.		
4. All existing evergreen trees greater than 8" in diameter and deciduous trees greater than 12" in diameter identified by species and an indication of which will be saved. The dripline and trunk locations should be accurately depicted.		
5. Proposed landscaping: size, species, location and distance apart.		

6.	Location and dimensions of proposed structure(s), parking areas, driveways and roadways.		
7.	The location and type of any critical areas and their required buffers, on and within 100 feet of your property.		
8.	Calculations for proposed setbacks, building coverage, impervious surface coverage, building height and parking.		
9.	Location and length of adjacent piers within 200 yards of the proposed pier and/or float.		
10.	Dimensioned building elevations drawn at 1/8" = 1' or a comparable scale showing at least two facades.		
11.	A completed ecological impact report prepared by a qualified professional.		

Critical Area Study		REQUIRED	PROVIDED
A critical area study complying with City of Burien Zoning Code Section 19.40.060 (see separate handout).			

Other Required Information		REQUIRED	PROVIDED