



## CITY OF MERCER ISLAND, DEVELOPMENT SERVICES GROUP

9611 S.E. 36 ST., MERCER ISLAND, WA 98040 (206) 275-7605 FAX: (206) 275-7725

# Shoreline Variance Application

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**A SHORELINE VARIANCE** is the means for granting relief from specific bulk, dimensional or performance provisions of the Shoreline Management Master Program (Mercer Island City Code, Section 19.07.080 and WAC 173-27-170). The decision authority is the Planning Commission, with notification of an **open record hearing**, as outlined in the Mercer Island City Code, Section 19.15.020. The decision will be made following mailing of a public notice to residents within 300 feet of the property and posting of the site with a City furnished sign in a location that is visible to the public right-of-way.

**PRE-APPLICATION:** Applicants are encouraged to participate in informal meetings with city staff. Please call Development Services staff to schedule a pre-application meeting. Meetings with the staff provide an opportunity to discuss the proposal in concept terms, identify the applicable city requirements and the project review process. Meetings or correspondence with the neighborhood serve the purpose of informing the neighborhood of the project proposal prior to the formal notice provided by the City.

**APPLICATION:** All applications to the City shall be submitted on forms provided by the Development Services Group. An application shall contain all information required by the applicable development regulations, and shall include the following general information:

1. A verified statement by the applicant that the property is the subject of the application, is in the exclusive ownership of the applicant, or that the applicant has submitted the application with the consent of all owners of the property.
2. A legal description of the site and parcel number.

**DETERMINATION OF COMPLETENESS:** An application is not accepted by the City for submission unless the application has been determined to be complete. If upon review, the City determines that the application information provided is incomplete, within twenty-eight (28) days after receiving a permit application, the City shall mail or provide in person a written determination to the applicant, stating either that the application is complete or that the application is incomplete and what is necessary to make the application complete. If the applicant fails to provide the required information within 90 days of the determination of incompleteness, the application shall lapse. The applicant may request a refund of the application fee minus the city's cost of determining the completeness of the application.

**MAILING LABELS:** The City of Mercer Island will furnish the mailing labels for the notices.

## **COMPLETING THE SHORELINE VARIANCE APPLICATION**

The City requires that you submit the following materials and information for a shoreline variance permit:

### **Filing Requirements:**

- ❑ Filing Fee: **see attached Development Application for fees**
- ❑ Sign: **\$200** fee for sign posting, refundable upon return of sign.
- ❑ SEPA Environmental Checklist (if applicable) -- see Development Application for filing fees for : Residential, single family **or** Non-single family use
- ❑ Applicant's response to the Variance criteria
- ❑ Elevations (if applicable)
  - ❑ Water depth around the project.
  - ❑ Principal dimensions of exiting and proposed structures
- ❑ Engineering drawings (if applicable)
- ❑ Grading plan (if applicable)
- ❑ Site survey done by a Washington State licensed surveyor (showing property lines, adjacent right-of-ways, and location of structures on the subject property)
- ❑ Site Plan (3 copies)
  - ❑ Title block with applicant's name, number of the sheet, date the drawing was prepared, and agent's name (if applicable), on all plans
  - ❑ Graphic scale and North arrow
  - ❑ Property boundaries and dimensions
  - ❑ Existing shoreline (Ordinary High Water Line)
  - ❑ Principal dimensions of existing and proposed structure(s)
  - ❑ Distances between proposed structure(s) and exiting structures located on adjacent properties along Lake Washington
  - ❑ Names of adjacent waterfront property owners
  - ❑ Location of utility lines in Lake Washington
- ❑ Vicinity Map
- ❑ Photographs of existing conditions are required
- ❑ If the site plan (and/or elevations) submitted is larger than 11" x 17", the applicant shall submit a reduced 8½" x 11" copy

**CRITERIA FOR APPROVAL OF A SHORELINE VARIANCE  
(SHORELINE MASTER PROGRAM, SECTION 19.07.080 AND  
WAC SECTION 173-27-170)**

Your answers to the following questions will be used in the decision on your application. Please respond fully to all of the following questions (attach extra sheets, if necessary). Variances to the Shoreline Master Program requirements are only granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In addition, in all instances the applicant for a variance shall demonstrate strict compliance with all variance criteria stated below in subsection (1) through (7).

**ANSWER THE FOLLOWING FOR ALL SHORELINE VARIANCE REQUESTS:**

1. There are special circumstances applicable to the particular lot such as the size, shape, topography, or location of the lot; the trees, ground cover, or other physical conditions of the lot and its surroundings; or factors necessary for the successful installation of a solar energy system such as a particular orientation of a building for the purposes of providing solar access.

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2. 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 property is situated.

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3. The granting of the variance will not alter the character of the neighborhood, nor impair the appropriate use or development of adjacent property.

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4. The variance is consistent with the policies and provisions of the comprehensive plan and the development code.

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5. 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 in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

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6. Variance permits for development that will be located **landward** of the ordinary high water mark may be authorized; provided, the applicant can demonstrate all of the following:

(a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes or significantly interferes with reasonable use of the property not otherwise prohibited by the master program.

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(b) That the hardship in (a) above, 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.

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(c) That the design of the project is compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment.

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(d) That the requested variance does not constitute a grant of special privilege not enjoyed by the other properties in the area, and is the minimum necessary to afford relief.

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(e) That the public interest will suffer no substantial detrimental effect.

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7. Variance permits for development that will be located **waterward** of the ordinary high water mark may be authorized; provided, the applicant can demonstrate all of the following:

(a) That the strict application of the bulk, dimensional performance standards set forth in the applicable master program precludes reasonable use of the property not otherwise prohibited by the master program.

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(b) That the proposal is consistent with the criteria established under 6(b) though (e) listed above.

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(c) That the public rights of navigation and use of the shorelines will not be adversely affected.

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*Application for a variance involves substantial time, expense, and risk for a property owner. Application does not guarantee approval. Request must meet difficult criteria, and applicants are proceeding at their own risk."*

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*Signature of Property Owner* \_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Site address*