

SHORELINE VARIANCE PERMIT CHECKLIST



CITY OF BLACK DIAMOND

Community Development Dept.

24301 Roberts Drive / PO Box 599
Black Diamond, WA 98010
(360) 851-4567

ABOUT SHORELINE VARIANCES:

The purpose of a variance is strictly limited to granting relief to specific bulk dimensional, or performance standards set forth in the SMP, and where there are extraordinary or unique circumstances relating to the property such that the strict implementation of the SMP would impose unnecessary hardships on the applicant or thwart the SMA policies as stated in RCW 90.58.020. These provisions should be applied in a manner which, while protecting the environment, will assure that a person will be able to use his/her property in a fair and equitable manner.

Construction pursuant to this permit shall not begin nor can construction be authorized except as provided in RCW 90.58.020. In all instances, extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

REVIEW PROCESS:

- Variances for development that will be located landward of the ordinary high water (OHWM) mark and landward of any wetland may be authorized provided the applicant can demonstrate consistency with the following criteria as listed in WAC 173-27-170:
 1. That the strict application of the bulk, dimensional, or performance standards set forth in the Master Program precludes, or significantly interferes with, reasonable use of the property.
 2. That the hardship described 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 SMP and not, for example, from deed restrictions or the applicant's own actions.
 3. That the design of the project is compatible with other permitted activities within the area and with uses planned for the area under the Comprehensive Plan and SMP and will not cause adverse impacts to the shoreline environment.
 4. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area.
 5. That the variance requested is the minimum necessary to afford relief.
 6. That the public interest will suffer no substantial detrimental effect.
- Variances for a development and/or uses that will be located waterward of the ordinary high water mark (OHWM) or within any wetland may be authorized provided the applicant can demonstrate all of the following:
 1. That the strict application of the bulk, dimensional, or performance standards set forth in the SMP precludes all reasonable use of the property.
 2. That the proposal is consistent with the criteria established under subsection (2)(a) through (d) of this section.
 3. That the public rights of navigation and use of the shorelines will not be adversely affected.

Code References

Environment
Title 19 BDMC

Resources

King County iMap
Black Diamond Zoning Map
Shoreline Master Program

Questions?

Planning Division
Permit Status

City of Black Diamond

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www.blackdiamondwa.gov



Shoreline Variance Checklist

- In the granting of all variances, 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 development 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 and shall not cause substantial adverse effects to the shoreline environment.
- Variances from the use regulations in the Shoreline Master Program are prohibited.

Variances must also meet criteria in WAC 173-27-140 which apply to all development.

1. No authorization to undertake use or development on shorelines of the state shall be granted by the local government unless upon review the use or development is determined to be consistent with the policy and provisions of the Shoreline Management Act and the master program.
2. No permit shall be issued for any new or expanded building or structure of more than thirty-five feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where a master program does not prohibit the same and then only when overriding considerations of the public interest will be served.

SUBMITTAL REQUIREMENTS

1. ☐ Completed, signed Master Application Form - Planning Division
2. ☐ Site Plan at 1" = 20' or 1" = 30' scale
3. ☐ Vicinity map
4. ☐ Written narrative addressing the above criteria and any other information relevant to the proposal.