



Sign Variance Application

Public Notice Board and
Sign Variance Fees...See Fee Schedule

Please print in black ink only.

Application #: _____ KIVA #: _____

OFFICE USE ONLY

OFFICE USE ONLY

Application Name: _____

Proposed Variance _____ Zone: _____

Address/Location: _____

King County Parcel Number (s): _____ Acres: _____

1/4 Section _____ Section _____ Township _____ N Range _____ E

Applicant: (mandatory)

Name: _____ Daytime Phone: _____

Mailing Address: _____ Fax Number: _____

City/State/Zip: _____ Signature: _____

Professional License No: _____ Contact Person: _____

Property Owner 1: (mandatory if different from applicant)

Name: _____ Daytime Phone: _____

Mailing Address: _____ Fax Number: _____

City/State/Zip: _____ Signature: _____

Property Owner 2: (if more than two property owners attach additional signature sheets)

Name: _____ Daytime Phone: _____

Mailing Address: _____ Fax Number: _____

City/State/Zip: _____ License No.: _____

The above signed property owners, certify that the above information is true and correct to the best of our knowledge and under penalty of perjury, each state that we are all of the legal owners of the property described above and designate the following party to act as our agent with respect to this application:

Agent/ Consultant/ Attorney: (mandatory if primary contact is different from applicant)

Name: _____ Daytime Phone: _____

Mailing Address: _____ Fax Number: _____

City/State/Zip: _____ License No.: _____

OFFICE USE ONLY:

Date Application Received: _____ Received by: _____

Date Application Complete: _____ Completeness Review by: _____



Sign Variance Application Instructions

A sign variance is a grant of relief from the requirements of the Zoning Code sign regulations to allow signage to be developed in a manner otherwise prohibited by the Code. A variance may be appropriate where, by reason of unique configuration or other extraordinary conditions existing on a property, the strict application of the regulations of the Zoning Code sign regulations would result in an exceptional and undue hardship for the property owner and a loss of use rights allowed to other property in the same vicinity and zone. A variance may be granted to a development standard, however, a variance may not be granted to allow a use that is not in conformity with the uses permitted by the code for the zone in which the land is located.

The Hearing Examiner is authorized under City Ordinance creating the Office of the Hearing Examiner and Section 15.06.080(E) of the Kent Zoning Code to hold a public hearing after proper application has been made; and to grant a variance to the sign provisions of the Code. The Hearing Examiner shall have the authority to grant a variance where unnecessary hardships and development outcomes inconsistent with the general purposes of this title might result from the strict application of certain provisions.

I. Pre-Application Conference

If an applicant elects to submit for a pre-application meeting, the meeting shall precede the submittal of any project permit application and the environmental checklist, if required. A pre-application meeting is designed to bring together the applicant and designated City

development application review staff (including, but not limited to, Public Works, Planning, Building, Fire and Parks) to review and discuss a proposed project in its preliminary stages.

II. Application Process

A. Application Form

Provide all information requested on the application form and accompanying application requirements. Answer all criteria and standards clearly and in as much detail as possible to insure that all pertinent facts are available for consideration by the Hearing Examiner. Return the completed forms and supporting materials with the required number of copies and the appropriate fees to Planning Services.

All items requested on the application and any other material that may be required by Planning Services must be submitted at the time of application in order for the application to be accepted.

B. Completeness Review

Within twenty-eight (28) calendar days after receiving a project permit application, Planning Services shall mail or personally provide to the applicant a written determination of completeness which identifies, to the extent known by the City, other agencies with jurisdiction over the project permit application and states either that the application is complete or incomplete and, if incomplete, what information is necessary to make the application complete.

A determination of completeness shall be made when an application is considered to be sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The city's determination of completeness does not preclude the city from requesting additional information or studies either at the time of notice of completeness or at some later time, if new information is required or where there are substantial changes in the proposal.

When the project permit application is determined to be complete, the Planning Manager shall accept it and note the date of acceptance.

If the city does not provide a written determination to the applicant that the application is incomplete, the application shall be deemed complete at the end of the 28-day completeness review period. The time period for review of project permit applications begins following the determination of a complete application.

C. Submission of Additional Information for an Incomplete Application

If the applicant receives a written determination from the city that an application is not complete, the applicant shall have up to ninety (90) calendar days to submit the necessary information to the city.

If the applicant either refuses in writing to submit additional information or does not submit the required information within the ninety (90) calendar day period, the application shall lapse because of a lack of information necessary to complete the review.

Within fourteen (14) calendar days after an applicant has submitted the requested additional information, the city shall again make the completeness determination as described in Section IIB above, and shall notify the applicant in the same manner.

D. Notice of Application

A notice of application shall be issued for all Process III applications within fourteen (14) calendar days after the City has made a determination of completeness. If an open record hearing is required, as is the case for a sign variance, the notice of application shall be provided as least fifteen (15) calendar days prior to the open record hearing. One notice of application will be done for all permit applications related to the same project at the time of the earliest complete project permit application.

E. Comment

Within ten (10) calendar days of accepting a complete application, Planning Services shall send a copy of the application to each affected agency and City department for review and comment. The affected agencies and City departments shall have fifteen (15) calendar days to comment. The agency or department is presumed to have no comments if comments are not received within the specified time period. The Planning Manager shall grant an extension of time only if the application involves unusual circumstances. Any extension shall only be for a maximum of three (3) additional calendar days.

Planning Services must receive all public comments on the notice of application by 4:30 p.m. on the last day of the comment period. Comments may be mailed, personally delivered or sent by facsimile. Comments should be as specific as possible.

F. Public Notice

Applicant is required to place one or more public notice boards on the property. The public notice board must be placed on the property as directed by Planning Services, and no later than 14 days after a determination of completeness. The applicant must remove the public notice board(s) from the property within seven (7) days

after the end of the comment notice period or the conclusion of the public hearing(s). Posting and notice board information is available at the Permit Center (253-856-5302).

Posted notice of application is required for all Process III applications. Planning Department staff will post the notice of application on the public notice board.

The City will mail a notice of application to all agencies with jurisdiction and any person who requests such notice in writing. The City will publish the Notice of Application in a newspaper of general circulation within the City and will provide notice of application at Kent City Hall and in the register for public review at Planning Services office.

G. Application Modifications

Minor changes in the application must be submitted no later than two working weeks prior to the scheduled public hearing on the application. Major changes in the application may require a new application submittal and/or a new SEPA determination.

H. Fees

A nonrefundable application fee is required at submittal. See fee schedule per application fee. Checks should be made payable to City of Kent.

III. Public Hearing Process

A. Scheduling for Hearing Examiner

An application will be scheduled for a Hearing Examiner meeting after the application has been determined to be complete. The date set for a public hearing shall be no more than 100 days after the applicant has complied with all requirements and furnished all necessary data to Planning Services. This 100-day time limit may be extended in any case for which an Environmental Impact Statement is required.

B. Notice of Public Hearing

Posted notice of public hearing is required for all Process III applications. The posted notice of hearing shall be added to the notice board already posted on the property.

Published notice of public hearing is also required for Process III applications. The published notice shall be published in a newspaper of general circulation within the City.

Notice of public hearing shall be mailed to the applicant, all owners of real property as shown by the records of the county assessor's office within three hundred (300) feet of the subject property, and any person who submits written comments on an application.

Notices shall be mailed, posted and first published not less than ten (10) calendar days prior to the hearing date.

C. Staff Report

Planning Services shall coordinate and assemble the comments and recommendations of other city departments and governmental agencies having an interest in the application and shall prepare a report summarizing the factors involved and the department findings and recommendations. The report will be filed with the Hearing Examiner at least seven (7) calendar days prior to the scheduled hearing and copies of the report will be mailed to the applicant and made available for use by any interested party for the cost of reproduction.

D. Public Hearing

Before rendering a decision on any application, the hearing examiner shall hold at least one (1) open record public hearing thereon.

Hearing Procedures

- a. Presentation by City staff to describe the application, summarize issues presented, and give a recommendation;

- b. Presentation by applicant or representative;
- c. Presentations, questions or statements by members of the public interested in the application;
- d. Responses to questions by staff and applicant (rebuttal);
- e. Final recommendation by city staff (if necessary);
- f. Applicant and public may be permitted to respond to final recommendations if appropriate.

IV. Final Disposition of Case

A. Hearing Examiner Decision

When the Hearing Examiner renders a decision or recommendation, the hearing examiner must make written findings from the record and conclusions therefrom which support such decision. The decision shall be rendered within ten (10) working days following conclusion of all testimony and hearings, unless a longer period is mutually agreed to on the record by the applicant and the hearing examiner.

After final action is taken, the city will provide a written notice of decision that also includes a statement of any threshold determination made under SEPA and the procedures for appeal. The notice of decision shall be provided to the parties of record and to any person who requested notice of the decision prior to the decision.

B. Permit Expiration

Any sign variance authorized by the Hearing Examiner shall remain effective only for one (1) year, unless the sign is installed within that time. If the sign has not been installed within one (1) year, the sign variance shall become invalid.

V. Reconsiderations and Appeals

A. Request of Reconsideration

A party of record believing that a decision or recommendation of the hearing examiner is based on erroneous procedures, errors of law or fact, or the discovery of new evidence which could not be reasonably available at the prior hearing, may make a written request for reconsideration by the hearing examiner within five (5) working days of the date the decision or recommendation is rendered. If a request for reconsideration is accepted, a decision is not final until after a decision on reconsideration is issued.

A reconsideration request must set forth the specific errors or new information relied upon by such appellant and shall cite specific references to the findings and/or criteria. Reconsideration requests should be addressed to: Hearing Examiner, 220 Fourth Avenue S., Kent, WA 98032. Reconsideration requests are answered in writing by the Hearing Examiner within five (5) working days of the request.

B. Notice of Right to Appeal

The decision of the Hearing Examiner is final and conclusive unless the original applicant or an adverse party files a land use petition in King County Superior Court according to the procedural standards outlined in Chapter 36.70C RCW, Judicial Review of Land Use Decisions. The petition must be filed within twenty-one (21) calendar days from the date of the notice of decision.

VI. Due Process Considerations

A sign variance is categorized as a Process III application and is subject to the requirements of Chapters 2.32 and 12.01 of Kent City Code.

Hearings before the Hearing Examiner are quasi-judicial proceedings. This means that certain due process protections apply. For example, no one may contact the Hearing Examiner for the purpose of influencing a decision in any manner other than in the public hearing. The state Supreme Court has also ruled that, not only must quasi-judicial proceedings be fair, they must appear to be fair. Accordingly, the Hearing Examiner may not participate in any matter where he or she has a financial or personal interest, or where he or she has prejudged the matter in any way. Any person who has grounds to believe the Hearing Examiner may be influenced by a consideration outside the public record should promptly bring that concern to the attention of the Hearing Examiner.

THESE INSTRUCTIONS PROVIDE GENERAL INFORMATION ONLY AND DO NOT REFLECT THE COMPLETE TEXT OF THE PERMIT PROCESS REVIEW. SEE THE KENT CITY CODE FOR COMPLETE TEXT AND REQUIREMENTS.

Any person requiring a disability accommodation should contact the City in advance for more information. For TDD relay service for Braille, call 1-800-833-6385, For TDD relay service for the hearing impaired, call 1-800-833-6388, or call the City of Kent at (253) 856-5725.

Submittal Requirements

THE APPLICANT MUST ADDRESS EACH OF THE FOLLOWING STANDARDS AND CRITERIA. THE INFORMATION MUST BE SUBMITTED ON SEPARATE 8 1/2 X 11-INCH SHEETS OF PAPER, TYPED WITH ONE-INCH MARGINS.

- A.** The completed original application, making sure that all of the required signatures have been obtained.
- B.** Seven (7) copies of a detailed project description of the development for which the specific variance(s) is requested including all existing and proposed signage, all existing and proposed structures, the activities proposed to occur on the site, hours of operation and listing the applicable zoning code section(s) for which the variance(s) is being sought.
- C.** **Seven (7) copies of complete legal descriptions of all parcels involved with the project.**
- D.** **Seven (7) copies of answers addressing Kent Zoning Code Section 15.06080(E) Standards and Criteria for Granting a Sign Variance:**

A variance shall only be granted after the Hearing Examiner has reviewed the variance request to determine if it complies with the standards and criteria listed below. A variance shall only be granted if such finding is made.

- 1. The variance may be granted when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict interpretation of the regulations of this chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications.**
- 2. The variance shall not constitute a grant of special privileges inconsistent with a limitation upon uses of other properties in the vicinity and zone in which such property is situated.**

IN ADDITION TO ANSWERING THE ABOVE CRITERIA, THE APPLICANT MUST SUBMIT ALL OF THE FOLLOWING INFORMATION AND MATERIALS:

- E.** Seven (7) detailed site plans, drawn to a decimal scale of not less than 1"=200'. **All large maps must be folded to fit into an 8 1/2 x 14-inch envelope with the application name of the plan showing.** The site plans must include the following information:
 1. Vicinity map clearly showing the location of the project with respect to public streets and other parcels and development
 2. Property lines
 3. North arrow and engineering scale (ie. 1"=20'; **not** 1/8"=1' architectural scale)
 4. King County tax identification number
 5. Lot dimensions (including the amount of street frontage)
 6. All existing and proposed public and private roads, driveway accesses and road right-of-ways and easements (access, utility, stormwater, etc.), with dimensions and road names, including curbs and gutters, sidewalks and/or edges of pavement.
 7. All major manmade or natural features
 8. Location of all existing and proposed structures
 9. Location of all existing and proposed signs
 10. Building dimensions
 11. Setback dimensions
 12. Location of parking areas and drive aisles
 13. Vehicle loading and unloading areas, including truck loading and maneuvering area
 14. Vehicle Maneuvering Diagrams for all multi-family, commercial and industrial developments (See DEVELOPMENT ASSISTANCE BROCHURE #6-4, Vehicle Maneuvering Diagrams, for additional information)

15. Location of paved areas
16. Location of landscape areas (include dimensions)
17. Trash dumpster location
18. Adjacent uses (undeveloped, single family, commercial, etc.)
19. Existing and proposed fences
20. Water features or wetlands, including but not limited to, lakes, ponds, salt water, year-round or seasonal streams, creeks, wetlands, gully or natural drainage way, drainage ditches, etc.
21. Sight distance triangles for all driveway locations and across the corners of properties at street intersections. Show the location and type of potential sight obstructions. (See DEVELOPMENT ASSISTANCE BROCHURE #6-7, Sight Distance Requirements, for additional information)

- F.** Seven (7) copies of detail scaled drawings of all existing and proposed signs including face copy of text and graphics, dimensions and square footage of each sign.
- G.** Seven (7) copies of architectural drawings, at a scale of not less than $1/8"=1'$, showing all building elevations/profiles on which a sign is or will be located. The drawings must clearly show all dimensions of the building facade, the location and dimensions of all signs.
- H.** One (1) copy of the development plan (Sections E, F and G above) at a reduced size of 8 1/2 x 11-inch sheets.

All above items and any other material that may be required by Planning Services must be submitted at the time of application in order for the application to be accepted. The application will then be reviewed for completeness and a Notice of Completeness or Incompleteness will be mailed to the applicant within 28 calendar days of receipt of the application.