



## **Public Works Standards Variance**

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### **Gig Harbor Municipal Code**

In accordance with the City of Gig Harbor Ordinance No. 832, as adopted under Gig Harbor Municipal Code 12.16.010, the City Engineer may approve a variance from strict compliance with the Public Works Standards presenting a hardship to a property owner, such as properties involving unique topographic or site constraints if the variance will not amount to a special privilege and the City's standards for safety, function, appearance and economic maintenance are satisfied. Variances may be granted by the City Engineer if the applicant demonstrates substantial evidence that all of the five criteria for approval have been satisfied. The five criteria that the applicant must satisfy are as follows:

1. Strict compliance with the public works standards is undesirable or impractical because of impracticality or undesirable conditions; and
2. The proposed variation is functionally equivalent to and is consistent with the intent of the Public Works Standards, and/or provides compensating benefit to the City and the public; and
3. The proposed variation is based on sound engineering judgment; and
4. The proposed variation has not been made necessary by the actions of the applicant or property owner; and
5. Safety, function, appearance and economical maintenance requirements are met with the proposed variation.

It is the burden of the applicant to demonstrate compliance with all of the above criteria. Should any one or more criteria not be satisfied, the variance will be denied. Multiple requests for variances must be individually submitted to the City.

### **Submittal Requirements**

A formal letter must be submitted to the City Engineer requesting a Public Works Standards variance. The letter shall be stamped and signed by the Engineer of Record. It also must include each of the five criteria as stated above followed by supporting arguments for each. Additionally, the following must be submitted as a packet with the letter, labeled as Exhibits:

- 11"x17" site plan
- The Public Works Standard detail from which relief is being requested.
- A revised detail depicting the new configuration.
- Any additional information and/or schematics used in support of the arguments
- Payment of \$2,000.00 processing fee.

### **Final Decision**

The City Engineer shall issue his findings and conclusions on the variance in writing, and will then provide a copy to the applicant as well as the all persons requesting notification. If the application does not satisfy all of the above criteria, the City Engineer shall deny the application. A variance may be conditioned to the extent necessary to address any engineering, public health, safety, or welfare concerns, and as allowed by applicable law.

### **Appeals**

Appeals of a variance shall be filed and processed as described in Title 19 Gig Harbor Municipal Code.