

APPROVED BY THE Board of County Commissioners – Dec. 27, 2006

**MASON COUNTY RESOURCE ORDINANCE
VARIANCES**

17.01.150 VARIANCES FROM STANDARDS

A. PURPOSE

The purpose of this section is to allow the County to consider requests to vary or adapt certain numerical standards of this Chapter where the strict application of said standards would deprive property owners of reasonable use of their property.

B. APPLICABILITY

The provisions of this Section shall apply to:

1. Setback requirements within designated critical areas and resource lands; except wetland related setbacks.
2. Buffer/vegetation area requirements within designated critical areas; except wetland related vegetation areas.
3. Tract or parcel size requirements of Section 17.01.060, .062 and .066; except that when the following conditions are met, creation of non-conforming lots under the terms of this Chapter are allowed outright; provided that all Mason County Code Title 16 (Subdivisions) requirements are followed:
 - a. The parcel to be divided was legally established prior to the effective date of this Chapter; and
 - b. The parcel contains two (2) dwelling units which were constructed prior to the effective date of this Chapter; and
 - c. No more than two lots are proposed to be created; and
 - d. No lot proposed to be created shall be less than 1 acre (0.405 hectares) in size; and
 - e. Use of the lots to be created shall comply with all terms and conditions of this Chapter, other than lot size, and shall comply with other pertinent requirements of the Mason County Code.

A variance from standards may be appropriate where a lot is exceptionally narrow or shallow or contains unusual topographic conditions, but only when strict application would result in hardship on the owner of such property.

C. APPLICATION REQUIREMENTS

Application requirements shall be the same as for a Mason Environmental Permit in Section 17.01.120, as well as the following:

1. A description of the specific modification from the terms of the Chapter required; and
2. A description of the reasons for the variance.

D. REVIEW PROCESS

The review process for variances from standards shall be the public review process set forth in ~~Section 17.01.120~~. Chapter 15.09 of the Mason County Code for type III decision review.

E. REVIEW STANDARDS

See Mason County Code 15.09.057 for the review criteria.

In addition to the review criteria in Mason County Code 15.09.057, the minimum reasonable use for a residence in a residentially zoned area shall be defined by the lesser of a) 40% of the area of the lot, or b) 2,550 square feet.

1. Included in the total allowed area for a residence is a) the area of the first floor of the residence, b) the area of any covered or uncovered decks or patios proposed, except for the area of landings at entrances of a minimum size to meet building code requirements, c) the area of roof overhangs greater than two feet, and d) the area of any living space or decks on any floor other than the first floor that extend beyond the walls of the first floor unless its area is already included in b) or c) above, and d) the area of any accessory structure. The area should be the same as the area covered by structures as seen in a birds-eye view of the site looking directly down, with the exceptions of not counting the roof overhangs of not more than two feet and of not counting the landings at entrances of a minimum size to meet building code requirements.

2. This provision does not allow wetlands or fish and wildlife habitat conservation areas or their buffers to be converted to lawn or residential landscaping.