

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 2494

AN ORDINANCE amending Bellevue City Code Chapter 3.54 and Ordinance No. 2080, Section 1 relating to the authority of the Board of Adjustment, repealing Section 3.54.210 of the Bellevue City Code and adding a new Section 3.54.210 to the Bellevue City Code.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. 2080, Section 1 and Bellevue City Code Section 3.54.060 are each hereby amended to read as follows:

3.54.060 Jurisdiction. The Board of Adjustment shall have the following powers:

- A. To make and permit, subject to reasonable conditions and restrictions, certain variances to land use regulations or restrictions when:
1. Such variances are in harmony with the purpose and intent of the City ordinances and the Comprehensive Plan, and
 2. Owing to special circumstances, a literal enforcement of the provisions of the zoning ordinance or other land use regulatory ordinances of the City will result in unnecessary hardship, and
 3. Practical difficulties render compliance with the provisions of these ordinances materially, substantially and unnecessarily burdensome, and
 4. The requirements of Section 3.54.080 are met.

The Board shall not have jurisdiction to grant a variance which would:

1. Have the effect of, or result in changing the system, design, plan or scheme of any zoning ordinances or the characteristics of the particular zoning district or districts involved in which the land for which the variance is sought is located, or
2. Permit, allow or encourage buildings, structures, businesses, activities or uses prohibited in, or not expressly permitted in the zoning district in which the land for which the

variance is sought is located;

- B. To hear and decide appeals when it is alleged that there is an error in any order, requirement, decision or determination made by an administrative official when such appeal to the Board of Adjustment has been specifically granted by ordinance.

The Board shall not have jurisdiction to grant any exception, application or permit, nor make any other decision which would:

1. Have the effect of or result in changing the council intent, purpose or policy of any resolution or ordinance, or
2. Permit, allow or encourage buildings, structures, businesses, activities or uses prohibited in, or not especially permitted in the zoning district in which the property involved is located.

- C. To hear, grant, modify or deny applications for (1) special permits for temporary uses, and (2) temporary permits for nonconforming uses, and (3) variances from the provisions of the Bellevue Sign Code.

Section 2. Section 3.54.100 of the Bellevue City Code is hereby amended to read as follows:

3.54.100 Special property uses. The board shall have and exercise original jurisdiction in receiving, granting or denying all requests for special permits for temporary uses and temporary permits for nonconforming uses where the ordinance granting such property uses requires an investigation and finding of certain conditions precedent to the granting of such particular use, or where the ordinance regulating such use grants the powers of administrative determinations to the board of adjustment. Such administrative determinations shall be made after a public hearing, upon notice, as provided by the rules and regulations of the board, and upon a finding by the board that the conditions required by the ordinance, upon which the special uses are permitted or regulated, have been fulfilled, and after the building official of the City has found that the provisions of all other ordinances with which compliance is required have been fulfilled.

Section 3. Section 3.54.110 of the Bellevue City Code is hereby repealed.

Section 4. Bellevue City Code Section 3.54.120 is hereby repealed.

Section 5. Bellevue City Code Section 3.54.130 is hereby amended to read as follows:

3.54.130 Petition. When an applicant or appellant believes an

administrative official has committed an error in any order, requirement, decision or determination and an ordinance has granted an appeal to the Board from such decision, then the applicant or appellant shall specify in writing, in such form as may be required by the rules of the board, facts in support of the appeal and shall contain information necessary for the proper identification of the land, the proposed use and the reason for claiming an error in the administrative determination of the city official. Persons objecting to the relief sought by the applicant or appellant should likewise set forth the facts in support thereof in writing which shall contain the signature of the person or persons opposing the petition. The petition or objection shall be submitted to the board within the time provided in its rules of procedure.

Section 6. Bellevue City Code Section 3.54.140 is hereby repealed.

Section 7. Bellevue City Code Section 3.54.150 is hereby amended to read as follows:

3.50.150 Effective date of orders. The order of the board granting or denying a special property use, variance or reviewing the administrative determination of a city administrative official, shall become effective at the end of the ten day appeal period from the entry of the order of the board unless the board shall set a different date for such order to become effective, which date shall not be more than 30 days from the date of entry of such order and not less than ten days. In exercising the above mentioned powers, the board, in conformity with the provisions of this chapter may reverse or affirm wholly or partly and may modify the order, requirements, decisions or determination appealed from and may make such order, requirement, decision or determination as should be made in the premises. The concurring vote of four members of the board shall be necessary to reverse any order, requirement or determination of any administrative official.

Section 8. Section 3.54.161 of the Bellevue City Code is hereby amended to read as follows:

3.54.160 Board meetings. The board shall hold regular meetings at such times as the board may determine. All regular board meetings shall be open to the public and shall be held at a place determined by the board. The presence of four members shall be necessary to constitute a quorum and the vote shall be recorded of each member on each question considered in proceedings before the board.

Section 9. Section 3.54.210 of the Bellevue City Code is hereby repealed.

Section 10. A new section 3.54.210 is hereby added to chapter

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3.54 of the Bellevue City Code.

3.54.210 Minutes. The minutes of the meeting of the board of adjustment shall set forth the reasons for the board's decisions in any matter which it is authorized to hear and these minutes shall constitute the written report required by RCW 35A.63.110.


Section 11. This ordinance shall take effect and be in force thirty days after enactment by the Council.

PASSED by the City Council this 5 day of December, 1977, and signed in authentication of its passage this 5 day of December, 1977


(SEAL)


Gary Zimmerman, Mayor Pro tem

Approved as to form:


Lee Kraft, City Attorney

Attest:


Patricia K. Weber, City Clerk

Published Dec. 10, 1977