

## Variance Submittal Checklist

Staff Use Only:

VAR #:

Project Name:

### DEFINITION AND PURPOSE

A variance is a request for an exception to the development standards of the code because of special circumstances (i.e., size, shape, topography of lot) when the strict application of the code deprives such property of privileges enjoyed by other similar properties. A variance may be granted when a hardship is proven. A variance cannot be used for relief from types of uses permitted within zone classifications.

### AUTHORITY AND APPLICATION

1. **Variance.** The applicant must show that the proposed development issue requiring a variance meets all of the criteria for approval in SMC 15.115.010(B). The requested variance is decided by the City's Hearing Examiner through a public hearing process.
2. **Administrative Variance.** In cases where the requested change involves less than twenty percent (20%) variance to a development standard, the Planning Manager as the CED Director's designee may administratively grant the variance provided the criteria in SMC 15.115.010(C) are met in addition to the variance criteria in SMC 15.115.010(B).

### REVIEW PROCESS AND PROCEDURES

A Variance shall be considered in accordance with SMC 15.115.010 and be processed as a Type III Action per SMC Title 16A.

1. The submittal will NOT be accepted for intake if the project has not had the required Pre-Application meeting. To schedule the required meeting, you must complete the required Pre-Application meeting request found here: <https://www.seatacwa.gov/government/city-departments/community-and-economic-development/permits-land-use-applications> and submit it to the Permit Center.
2. A Determination of Completeness (DOC) will be made within twenty-eight (28) days of the application submittal stating whether the application is complete or if additional information is required.
3. A Notice of Application (NOA) will be published and sent to adjacent property owners. The NOA will be issued within fourteen (14) days after a DOC is made.
  - a. A notice board is required to be posted on said property on or before the publish date of the NOA. An Affidavit of Installation shall be submitted to the City that the notice board has been installed on the property.
4. The Hearing Examiner will make a decision on the variance after a public hearing is held on the proposal. The date for the public hearing will be set after Staff review of the application. Once the date is established, the public will be notified at least fourteen (14) days in advance in the same manner as the Notice of Application (see #3 above).

5. The decision of the Hearing Examiner may be appealed to the King County Superior Court within twenty-one (21) days by filing a land use petition. Refer to SMC 16A.17.100 for further information.

An Administrative Variance shall be considered in accordance with SMC 15.115.010 and be processed as a Type II Action per SMC Title 16A.

1. The submittal will NOT be accepted for intake if the project has not had the required Pre-Application meeting. To schedule the required meeting, you must complete the required Pre-Application meeting request found here: <https://www.seatacwa.gov/government/city-departments/community-and-economic-development/permits-land-use-applications> and submit it to the Permit Center.
2. A Determination of Completeness (DOC) will be made within twenty-eight (28) days of the application submittal stating whether the application is complete or if additional information is required.
3. A Notice of Application (NOA) will be published and sent to adjacent property owners. The NOA will be issued within fourteen (14) days after a DOC is made.
  - a. A notice board is required to be posted on said property on or before the publish date of the NOA. An Affidavit of Installation shall be submitted to the City that the notice board has been installed on the property.
4. Once a DOC is issued, the City has one hundred twenty (120) days to make a decision regarding the application. A Notice of Decision (NOD) will be sent to the applicant/property owner and to all parties of record.
5. The decision on an Administrative Variance may be appealed to the Hearing Examiner by submitting an appeal form and fee to the City Clerk within fourteen (14) days of the issuance of such decision.

## Application Checklist

The following materials are the minimum that must be submitted to review your application. **Please do not turn in your application until all items listed below have been checked off.** Submittals will not be accepted unless complete. Return completed checklist with application.

*Submittal requirements associated with the concurrent land use action/building permit(s) are still applicable.*

*Refer to current fee schedule, and/or contact a permit coordinator @ 206-973-4750 for information regarding required fees at the time of application submittal.*

SUBMITTAL REQUIREMENTS		APPLICANT	STAFF
1	Required fee(s) paid.		
2	<b>Electronic:</b> A thumbdrive with electronic copies of all documents, <b>OR</b> <b>Paper:</b> Original, plus four (4) copies of all documents.		
3	Project description and plans: <ul style="list-style-type: none"> <li>• Description of the current property, noting locations of any critical areas.</li> <li>• Scope of the project:               <ul style="list-style-type: none"> <li>○ Physical / Spatial changes (i.e. additions, lot coverage, gross floor area, unit counts, and underground space).</li> <li>○ Land use (i.e. business type, uses proposed).</li> <li>○ Parking stalls.</li> <li>○ Open space, landscaping and amenities.</li> </ul> </li> </ul>		

SUBMITTAL REQUIREMENTS		APPLICANT	STAFF
4	In a separate written attachment, please provide a response to criteria for approval (see below).		

WRITTEN RESPONSE TO CRITERIA FOR VARIANCE APPROVAL IN SMC 15.115.010(B)		APPLICANT	STAFF
<i>Address each item specifically and in writing:</i>			
1	The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located.		
2	That such variance is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located.		
3	That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.		
4	That the special circumstances necessitating the variance have not resulted from any action of the applicant.		
5	That the requested variance will not create a use not generally permitted within the zone in which the subject property is located.		

WRITTEN RESPONSE TO CRITERIA FOR ADMINISTRATIVE VARIANCE APPROVAL IN SMC 15.115.010(C)		APPLICANT	STAFF
<i>In addition to the variance criteria above, an administrative variance must meet the following criteria. Address each item specifically and in writing:</i>			
1	The variance does not reasonably involve a life/safety issue, nor does it reasonably involve damage to or loss of property of any person or entity.		
2	The person or entity requesting the requirements change shall agree to waive all rights to pursue a variance or other process to seek an alternative to the requirements of the City Code; provided, that if no change in the requirements of the City Code is granted to such person or entity, the person or entity would be entitled to pursue a variance or other available procedure in the normal course.		