



# VARIANCE APPLICATION

PLANNING  
DIVISION  
4800 S 188<sup>th</sup> St  
SeaTac, WA 98188  
206-973-4750

### DEFINITION AND PURPOSE:

A variance may be granted by the Hearing Examiner to recognize characteristics of a business or property and give consideration to exceptional situations in order to eliminate hardships. A variance is a request for an exception to the development standards of the zoning ordinance because of special circumstances (size, shape, topography of a lot) when the strict application of the zoning ordinance deprives such property of privileges enjoyed by other similar properties.

**Hearing Examiner versus Administrative Process:** A variance requires a public hearing and Hearing Examiner approval, unless the variance is for 20% of a standard or less, in which case a variance may be granted administratively by the City Manager or designee pursuant to SMC 16A.03.030.

### SUBMITTAL:

1. Filing Fee:  
See Hearing Examiner fees  
See Variance fee under Planning Division.

[CLICK HERE FOR FEE SCHEDULE](http://www.ci.seatac.wa.us/feeschedule) or find fee schedule at:  
[www.ci.seatac.wa.us/feeschedule](http://www.ci.seatac.wa.us/feeschedule)

2. Please submit all items listed on the attached checklist.

### CONDITIONS FOR APPROVAL:

The applicant must prove that the variance request meets the minimum criteria for approval by the Hearing Examiner or the Administrator.

1. There are exceptional circumstances applicable to the property.

*SEE ATTACHED*

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2. The variance is necessary to protect a property right possessed by others.

SEE ATTACHED

3. The variance will not harm the public welfare of adjacent properties.

SEE ATTACHED

4. There is no reasonable alternative that will allow a reasonable use of the land or building.

SEE ATTACHED

5. The special circumstances and conditions do not result from the actions of the applicant.

SEE ATTACHED

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6. The requested variance will not create a use not generally permitted within the zone classification in which the subject property is located.
7. The variance is the minimum necessary to grant relief to the applicant.

**PROCEDURE FOR HEARING EXAMINER VARIANCE:**

1. It will take approximately 1½ months from the date of filing a complete application for the public hearing and legal notice requirements to be met.
2. A date will be set for a public hearing before the Hearing Examiner and you will be notified. You will be sent a copy of the staff recommendation at least two (2) weeks prior to the hearing.
3. A "Notice Board" (see example attached) shall be posted on the property in conformance with Section 16.07.030 A. of the SeaTac Municipal Code Volume II. An "Affidavit of Installation" shall be submitted to the City that the "Notice Board" has been installed on the property. The "Notice Board" shall be installed on the property on or before the date the public hearing notice is published in the newspaper.
4. The Hearing Examiner's decision is final unless appealed in writing to the Superior Court of King County within thirty (30) days of the written findings and conclusions of the Examiner.

**PROCEDURE FOR ADMINISTRATIVE VARIANCE:**

1. Guidelines:  
The Director of Community and Economic Development is authorized to grant a variance where the change does not exceed twenty percent (20 %) of the distance, area, or other measure or requirement of the City Code, provided that the requested change 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. It will take approximately 3 – 5 weeks from the date of filing a complete application for the Director of Community and Economic Development to review and act on the application.

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3. The applicant will be notified in writing of the Director of Community and Economic Development's decision.

## VARIANCE APPLICATION

File No. \_\_\_\_\_ Parcel No. 332304-9101

1. Business Name: \_\_\_\_\_

2. Applicant/Property Owner Information:

Name: PNW Group LLC  
Address: 6737 170<sup>th</sup> PL SE, Bellevue WA 98006  
Phone: 206-919-6882 Alt Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_ Email: jp.athwal@gmail.com  
Status: (owner, lessee, agent, etc.) Owner

3. Designated Contact Person (who will receive and disseminate all correspondence from the City):

Name: BRAD KAUL  
Address: 1733 FERNDALE AVE SE, RENOVA, WA 98058  
Phone: 206 200 0015

4. Property:

Address: 19059 INTERNATIONAL BLVD, SEATAC, WA 98188  
~~19059 COMMUNITY SQUARE SEATAC~~  
Zone: CB-C Size: (sq ft) 14,310 Acres: .32  
Legal Description: SEE ATTACHED

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\_\_\_\_\_  
\_\_\_\_\_

5. Use:

Existing use of property: AUTO MOBILE REPAIR - VACANT

Proposed use of property (in detail): GAS STATION WITH  
CONVENIENCE STORE

Zoning Code section to be modified: \_\_\_\_\_

How does it vary from the normal requirements: TOTAL OF 10'0"  
LANDSCAPING MODIFIED TO 9'4"

Changes to be made to the property: ADDITION TO EXISTING STRUCTURE,  
NEW FUEL PUMPS/CANOPY.  
NEW LANDSCAPING  
NEW STORM WATER SYSTEM

Brad Kaul  
Applicant's Signature

Jaspinder Athwal  
Owner's Signature

BRAD KAUL  
Please print name

Jaspinder Athwal  
Please print name

3/14/22 \_\_\_\_\_  
 Date Date

## VARIANCE APPLICATION CHECKLIST

The following materials are the **minimum** materials that must be submitted to review your application to determine that it is complete or incomplete as provided under RCW 36.70B.060 and RCW 36.70B.090. Additional information may be required after review of your proposal. This checklist is provided for your benefit and to aid the City in determining if your application contains the minimum information necessary to review your application. Please do not turn in your application until all items which apply to your proposal have been checked off. **Incomplete submittals will not be accepted or acted upon. This application also will not be accepted if you have not had a preapplication meeting with the City. This checklist must be submitted for your application to be reviewed.** If you have any questions, contact the Department of Community and Economic Development.

***RETURN COMPLETED CHECKLISTS PART I AND PART II WITH YOUR APPLICATION OR APPLICATION WILL NOT BE ACCEPTED.***

<i>For Office Use Only</i>	
Date Submitted: _____	Date of Pre-App. Meeting: _____

**Part I – Plan Submittal**

	<u>Applicant</u>	<u>Staff</u>
1. Application form is filled out, original and 5 copies submitted.	<u>X</u>	_____
2. A legal description of the subject property is provided.	<u>X</u>	_____
3. If you are given an Environmental Checklist, all questions are answered and the checklist is signed.	<u>N/A</u>	_____
4. A check to the City of SeaTac for the filing fee and Environmental Checklist fee.	<u>X</u>	_____

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- |     |  |                               |              |
|-----|--|-------------------------------|--------------|
| 5.  | All oversized plans folded to 8 1/2" x 14".  | <i>Electronic</i><br>_____    | _____        |
| 6.  | One paper reduction of each oversized plan to 8 1/2" x 11".  | <i>Electronic</i><br>_____    | _____        |
|     |  | <u>Applicant</u>              | <u>Staff</u> |
| 7.  | County Assessor's Map(s) showing a 500' radius around edges of subject property ( <i>Applies only if labels are <u>not</u> purchased from the City of SeaTac.</i> )  | <i>CITY PURCHASE</i><br>_____ | _____        |
| 8.  | A minimum of one set stamped, legal size envelopes addressed to each property owner within 500' of the subject property (see attached directions) with the return address for the City of SeaTac Department of Community and Economic Development. A return address stamp is available for your use. <b>(NO METERED MAIL).</b> | _____                         | _____        |
| 9.  | A photocopy or printout of names and addresses.  | _____                         | _____        |
| 10. | <b>(Six (6) completed Part II site plan checklist copies <u>must be submitted.</u>)</b>  | _____                         | _____        |



Part II – Site Plan Requirements

**(PART II – SITE PLAN REQUIREMENTS CHECKLIST MUST BE COMPLETED BY THE ENGINEER, SURVEYOR, OR ARCHITECT AND SIX (6) COPIES SUBMITTED OR SUBMITTAL WILL BE DENIED).**

	<u>Engineer</u>	<u>Staff</u>
10. A dimension site plan drawn to scale showing the following:		
✓ a. Dimension and shape of lot with adjacent street names;	<u>X</u>	<u>    </u>
✓ b. Location and dimensions of existing and proposed buildings (engineering scale only) including the building height of proposed buildings;	<u>X</u>	<u>    </u>
✓ c. Adjacent street improvements, ingress and egress, parking layout showing the number of stalls and stall sizes.	<u>X</u>	<u>    </u>
✓ d. Proposed landscaping (size, species, location, planting details, and distance apart;	<u>X</u>	<u>    </u>
<del>✓</del> e. Existing water courses, wetlands, utility lines, structures, rockeries, or other relevant manmade or natural features;	<u>X</u>	<u>    </u>
✓ f. All existing trees over 8" in diameter by species and an indication of which will be saved;	<u>X</u>	<u>    </u>
✓ g. The gross floor area and parking calculations (cite applicable city code);	<u>X</u>	<u>    </u>
✓ h. Existing and finished grades at 5' contours;	<u>X</u>	<u>    </u>

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i.	Storm drainage, sidewalks, exterior lighting;	<u>  X  </u>	<u>      </u>
j.	The location of any recreation/open space with dimensions;	<u>  X  </u>	<u>      </u>
k.	Proposed public dedication/open space;	<u>  X  </u>	<u>      </u>
		<u>Engineer</u>	<u>Staff</u>
l.	Building elevations of the proposal showing two facades at 1"=50', 1"=100' or 1"=200' (engineering scale);	<u>      </u>	<u>      </u>
m.	Drawing and/or text describing the scale, bulk, and architectural character of the proposed structure;	<u>  X  </u>	<u>      </u>
n.	A text describing conditions or features which cannot be adequately displayed on maps or drawings;	<u>  X  </u>	<u>      </u>
o.	A description of plans for covenants, uses, and continuous maintenance provisions for the project;	<u>  X  </u>	<u>      </u>
p.	Proposed phasing;	<u>  X  </u>	<u>      </u>
q.	Vehicular and pedestrian circulation, any special engineering features, and traffic regulating devices needed to facilitate or insure the safety of this circulation pattern.	<u>  X  </u>	<u>      </u>

## INSTRUCTIONS FOR OBTAINING ADDRESS LABELS

***\*Please Note – Mailing labels may only be purchased from the City of SeaTac or King County. If you choose to acquire your labels through King County, a Tax Assessor’s map(s) shall be submitted with the application.***

### **OBTAINING LABELS FROM CITY OF SEATAC:**

To obtain address labels containing the names and addresses of property owners within 500 or 1000 feet of any boundary of the subject property, complete a City of SeaTac Address Labels Request Form (attached) and submit it to the Permit Center. The Permit Center will contact you when your labels are ready, after submission of the Request Form.

In accordance with City of SeaTac Resolution No. 00-007, dated April 25<sup>th</sup>, 2000, GIS Program Fees shall apply. Computer-generated sheets of address labels will be provided to the requestor at a cost of \$.60 per label, with a \$25.00 minimum order charge.

### **REMINDER:**

Envelopes and postage shall be provided by the applicant. A copy of the labels should be made before individually placing them on stamped legal sized envelopes (9 ½” x 4 ½”) with the City’s return address. **(NO METERED MAIL)**

### **RETURN ADDRESS:**

City of SeaTac  
Dept. of Community and Economic Development  
4800 South 188<sup>th</sup> Street  
SeaTac, WA 98188-4236

City of SeaTac Address Label Request Form

Date of Request: 3/14/22 Date Needed: \_\_\_\_\_

Applicant's Name: BRAD KAUL

Street Address 1733 FARWATER AVE SE  
RENTON WA 98058  
City State Zip

Phone: 206 200 0015 Alternate Phone: \_\_\_\_\_

Fax: \_\_\_\_\_ Email Address: BRADKAUL@KAULDESIGNARCHITECTURE.COM

Land Use Project (i.e., Short Plat, SEPA, etc.): VARIANCE

Project Address: 19059 INT'L BLVD SEATAC, WA 98108

File Number: \_\_\_\_\_

Parcel Number: 33 23 04 9101

**For Internal Use Only:**

Date Completed: \_\_\_\_\_ Completed By: \_\_\_\_\_

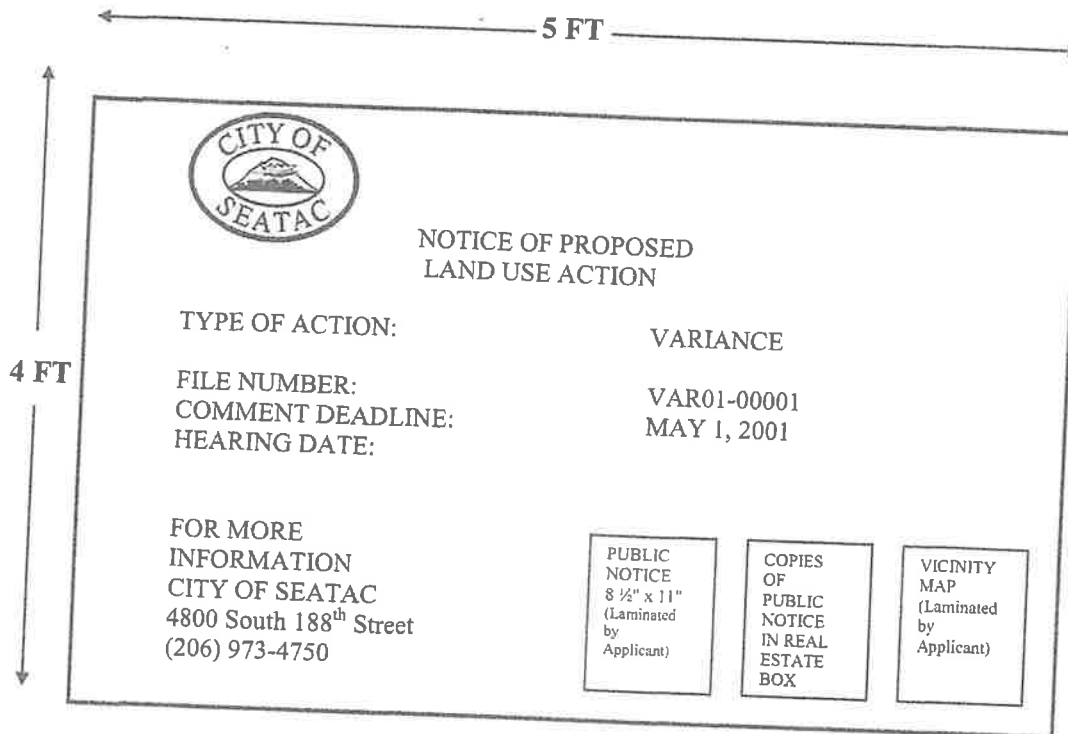
Cost: \_\_\_\_\_ Date Paid: \_\_\_\_\_

**GIS PRODUCTS AND SERVICES - 001.341.70.00.002**

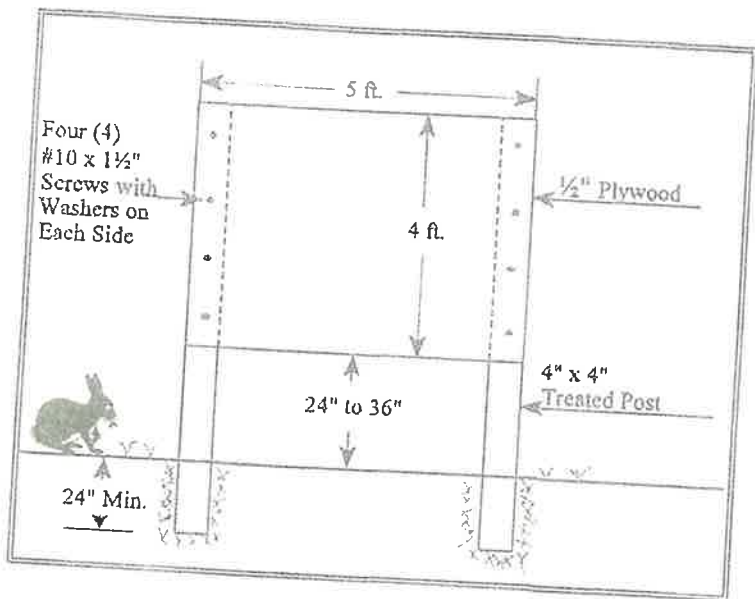
## NOTICE BOARD DIMENSIONAL REQUIREMENTS

The notice board shall be four feet (4') by five feet (5') and shall have a sky blue background with white lettering. Lettering size shall be the following (the illustration below is an example. The type of action, dates, and all pertinent information will be supplied by the City):

- a. Helvetica or similar standard type face;
- b. Three inch (3") capital letters for the title;
- c. Two inch (2") capital letters for all other letters.



### NOTICE BOARD INSTALLATION REQUIREMENTS (MINIMUM)





## ADMINISTRATIVE VARIANCE

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PLANNING DIVISION

4800 S 188th St

SeaTac, WA 98188

206-973-4750

### CONDITIONS FOR APPROVAL:

The applicant must prove that the variance request meets the minimum criteria for approval by the Hearing Examiner or the Administrator.

#### 1. There are exceptional circumstances applicable to the property.

Existing circumstances:

- Existing 43'-4" x 27'-0" building (10' from west property line)
- Existing rockery wall along the west property line (5' +/- wide along west property line)

Proposed circumstances:

- 26'-2" x 27'-0" building additions (60' plus façade created)
- The addition pushes the length of the building over 60' long and therefore triggers a 10' landscape strip (5+5) along the West and North property lines. We have control over the North property and therefore, we are able to keep the addition to the north 10' from the north property line. The west side of the building is 10' from the property line and if we didn't have the existing rockery we would be able to accommodate the 10' landscaping requirement.

Essentially, redevelopment of the existing structure is restricted by the zoning requirements due to the existing conditions of this site. This circumstances are



peculiar to this site and therefore exceptional. If this were a vacant site we would have no problem meeting the zoning requirements. But, due to the existing conditions, the only way to meet the zoning requirements is to demolish the existing building and start over. We don't believe the intent of the zoning code is to demolish existing structures and that these circumstances are the reason the variance process exists.

We believe there are 3 options:

- 1- demolish the existing building and start over. We are not requesting that option and we don't believe the City desires that either.
- 2- If rockery is demolished along the west side of the building and rebuilt with an 8" concrete wall we could increase the landscaping from 5'-0" to 9'-4" wide. We know that 10'-0" of landscaping is required but in lieu of demolishing a perfectly good building we believe that this is a reasonable solution for an exceptional circumstance and shows that the property owner is doing it's best to bring their property into conformance with the intent of the zoning code. We believe that this is the best solution and request approval from the City for this option.
- 3- Leave the 5' of landscaping and place. Currently the zoning code requires a 5' landscaping for the for side yards and 5' type for building façade landscaping. Instead of making a 10' landscaping screen allow us to provide a 5' type 1 landscape screen. It's seems that this is a reasonable solution as well.

**2. The variance is necessary to protect a property right possessed by others.**

Since this variance request does not impact the property rights of others it must also protect the property rights of others.

**3. The variance will not harm the public welfare of adjacent properties.**

We don't see any possible harm or impact on the public welfare of adjacent properties that reducing landscape screening from 10'-0" to 9'-4".

**4. There is no reasonable alternative that will allow a reasonable use of the land or building.**

- We believe that this is the reasonable alternative. We provide in line item #1 the possible alternatives. We believe that the "reasonable" alternative is option #3 but





we know that reasonable is in the eye of the beholder and we are actually proposing an "exceptional burden" to satisfy the screening of a side of the building that is barely visible. Nonetheless, we believe the City and will agree that we meet the requirements of "reasonable alternatives".

**5. The special circumstances and conditions do not result from the actions of the applicant.**

The special circumstance are a result of previous development actions which created the existing conditions.

**6. The requested variance will not create a use not generally permitted within the zone classification in which the subject property is located.**

- The uses proposed are allowed and permitted within the zone classification. Therefore, the requested variance does not create an issue with these requirements.

**7. The variance is the minimum necessary to grant relief to the applicant**

- Yes, we believe that the variance to reduce the landscaping required from 10'-0" to 9'-4" is the minimum necessary to grant relief.

**Legal Description:**

That portion of the Southeast quarter of Section 33, Township 23 North, Range 4 East, W. M., described as follows:

Beginning at a point of intersection of the South line of said Section 33 with the Westerly line of State Highway No. 1; thence West along the South line of said Section 33, a distance of 100 feet; thence Southerly parallel with the said Westerly line of Highway No. 1, 180 feet; thence East 100 feet to the Westerly line of said Highway; thence Southerly along said westerly line of said Highway, 180 feet to the point of beginning; Except the South 30 feet thereof conveyed to King County for road; Also except that portion thereof conveyed to the City of Seatac recorded under Recording No. 20000214000021,

Situate in the County of King, State of Washington.



**Bradley Kaul, AIA**  
Principal Architect