

Seattle Permits

— part of a multi-departmental City of Seattle series on getting a permit

Master Use Permit Requirements for Variances

Updated March 17, 2020

This Tip will guide you through the application requirements and process for variances from the Land Use Code (Title 23 of the Seattle Municipal Code).

Variances may authorize a departure from development standards, but they cannot authorize a prohibited use or increase maximum height as shown on the Official Land Use Map. We do not accept applications for prohibited variances.

Applications for variances are authorized according to the procedures for Master Use Permits and Council Land Use Actions (Land Use Code, Chapter 23.76). For variances involving yard and setback reductions in an environmentally critical area (ECA), see Tip 330, *Environmentally Critical Areas – Yard and Setback, Steep Slope Erosion Hazard and Wetland Buffer Variances*.

Conditions

We only authorize variances from the provisions or requirements of the Land Use Code if all the following facts and conditions are true:

1. If applying the Land Use Code would deprive the property owner of the same rights and privileges of other properties in the same zone or vicinity, due to the unusual conditions applicable to the subject property—including size, shape, topography, location or surroundings that were not created by the owner or applicant.
2. If the requested variance meets the qualifications for relief, and does not grant any special privileges to the property owner compared to limitations for other properties in the same zone or vicinity.
3. If granting the variance is not harmful to the public welfare or damaging to other property in the same zone or vicinity.
4. If the literal interpretation and strict application of the applicable provisions or requirements of the Land Use Code would cause undue hardship or practical difficulties.
5. If the requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.

Plans Required

As part of your variance application, we require that you to upload an electronic plan set by **7:00 a.m.** the day of your intake appointment. You can upload the plan set through the Seattle Services Portal at <https://cosaccele.seattle.gov/Portal/>. The plan should clearly describe the proposed structure or development with an emphasis on the nonconformity for which you are seeking this variance. The types of required plans are:

1. **SITE PLAN:** Show and describe the existing and proposed developments. All applications will require a detailed site plan, per the requirements of Tip 103, *Site Plan Requirements*, and Tip 103A, *Site Plan Guidelines*.
2. **ELEVATION PLANS:** Elevation views with a particular emphasis on the portions of a structure that require a variance.
3. **FLOOR PLANS:** Provide floor plans of proposed and existing structures showing the use of all floor area.
4. **LANDSCAPING AND OPEN SPACE PLANS:** All projects must show landscaping meeting the City standards. If your project involves residential use, you must show open space meeting City standards, particularly where proposed development will replace existing open space. Projects for single-family residences in single-family zones are not required to show landscaping or open space, but it may be used to support your application. You are required to include information on the **size and type** of existing trees and trees to be removed on the property.
5. **CONTEXT MAP** (optional): You may provide a map showing the subject property in relation to developments in the vicinity to support to your application (see conditions 1 and 2).



- 6. TOPOGRAPHIC MAP** (optional): If your site has a significant grade change or a significant difference in grade in relation to adjacent properties, it may be helpful to submit a topographic map.

For a **checklist of the specific plan and application requirements** for your project, please visit our **Applicant Services Center (ASC)** and speak with a Land Use Planner. The ASC is located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave. Or go online and see checklist associated with a variance application ([http://www.seattle.gov/sdci/permits/permits-we-issue-\(a-z\)/land-use/-/master-use-permit---variance](http://www.seattle.gov/sdci/permits/permits-we-issue-(a-z)/land-use/-/master-use-permit---variance) (see step 3, Submit Application Materials and Plans)).

Application Fees

Initial intake fees are due when we determine your application intake is complete. This fee is charged in accordance with the Seattle Permit Fee Subtitle, available by contacting our cashier at (206) 386-9780, or on the SDCI's website at [www.seattle.gov/sdci/codes/codes-we-enforce-\(a-z\)/fees](http://www.seattle.gov/sdci/codes/codes-we-enforce-(a-z)/fees). Depending on the permit processing time, we may charge additional fees at an hourly rate. For more information on fee rates and procedural requirements, contact the Public Resource Center (PRC) at PRC@Seattle.gov or (206) 684-8467.

Application Instructions

For assistance with specific Land Use Code questions related to your application, meet with a Land Use Planner for coaching in the ASC. If you're ready to submit your application, you need to schedule an intake appointment.

1. Before you can schedule an intake appointment, you must complete the **Preliminary Application** online and authorize a **Pre-Application Site Visit** (make sure you select the authorization checkbox). You will receive a record number and a report from the site inspector.
2. Schedule your appointment on the **Seattle Services Portal** (<https://cosaccela.seattle.gov/Portal/>). An appointment is mandatory in order to submit your application.
3. Prepare and upload your **electronic plan set and application materials** by 7:00 am the day of your intake appointment (refer to page 1).
4. Complete the attached **variance application form** (page 3-4) and upload it as a separate document to the Seattle Services Portal.

- If your project exceeds a SEPA threshold, an environmental review is required under the State Environmental Policy Act (SEPA). You must upload a signed and completed **SEPA Checklist** to the Seattle Services portal along with your application. The SEPA component must be reviewed in conjunction with the review of the variance application (see 23.76.010D).

5. We will determine within 28 working days of receiving your application whether it is complete, and will notify you in writing if it is not.

Notice of Application

We will prepare a notice of the application in the department's **Land Use Information Bulletin (LUIB)** and post **one land use sign** visible to the public at each street frontage abutting the site. Additionally, all residents and owners of properties within 300 feet of the project site will receive a **mailed notice** of the application.

The LUIB, land use sign, and 300 foot mailed notice begins a 14-day comment period. If a written request is received prior to the end of the initial 14-day comment period, then it may be extended for an additional 14 days. The LUIB is available online at <https://cosaccela.seattle.gov/portal/Cap/Caphome.aspx?module=D&PDPublicNotice&TabName=DPDPublicNotice>.

Decisions

SDCI grants or denies variances based on the provisions of Section 23.76.004 of the Land Use Code.

When a variance is authorized, we may attach conditions regarding the location, character, and other features of a proposed structure or use as we deem it necessary to carry out the spirit and purpose of the Land Use Code.

Our conditions may take the form of granting only a partial variance (by allowing less than the requested amount of variation) or granting less than the number of specific variance components requested.

We will publish the decision and notify interested parties. Any person significantly affected by, or interested in, our decision may appeal the decision. The appeal instructions are included with the notice of decision.

Access to Information

Links to electronic versions of SDCI **Tips** and other helpful publications are available on our website at www.seattle.gov/sdci. Paper copies of these documents are available from our Public Resource Center, located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave. in downtown Seattle, (206) 684-8467.



Application Form for Variances

Please describe the proposed project indicating square footage of structure, height (1, 2, 3 stories, etc.) and other specific details that communicate, with the plans, the nature of the proposed development on the subject site and the features that require a variance. List each variance being sought along with the applicable Land Use Code citation.

Please provide a response to each of the five questions below. You may wish to use a separate sheet for your answers; if so, please number your answers to correspond to the questions listed below. You will need to address each criterion for each variance being sought.

1. How do you meet variance criterion # 1?

Variance Criterion #1 - Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity.

2. How do you meet variance criterion # 2?

Variance Criterion #2 - The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located.

3. **How do you meet variance criterion # 3?**

Variance Criterion #3 - The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located.

4. **How do you meet variance criterion # 4?**

Variance Criterion #4 - The literal interpretation and the strict application of the applicable provisions or requirements of the Land Use Code would cause undue hardship or practical difficulties.

5. **How do you meet variance criterion # 5?**

Variance Criterion #5 - The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.