

Seattle Permits

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

Master Use Permit Requirements for Variances

Updated November 10, 2010

This Client Assistance Memo (CAM) summarizes the application requirements for variances from the Land Use Code (Title 23 of the Seattle Municipal Code).

Variances may authorize departure from development standards, but they cannot authorize a prohibited use or increase maximum height as shown on the Official Land Use Map. Applications for prohibited variances are not accepted for filing.

Applications for variances are authorized according to the procedures for Master Use Permits and Council Land Use Actions as described in Chapter 23.76 of the Land Use Code. For variances involving yard and setback reductions in an environmentally critical area (ECA), see **CAM 330**.

Conditions

Variances from the provisions or requirements of the Land Use Code are authorized only when all of the following facts and conditions are found to exist:

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. 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. 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. The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties.
5. The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.

Plans Required

DPD requires four identical copies or sets of plans for a variance. Each set should have a DPD coversheet. The intent of the plans is to clearly describe the proposed structure or development with emphasis on the extent of the nonconformity for which this variance is sought. The types of plans required include:

SITE PLAN—All applications will require a detailed site plan, per the requirements of **CAMs 103 & 103A**, describing the existing and proposed developments.

ELEVATION PLANS—Elevation views with particular emphasis on describing those portions of a structure that require a variance action.

FLOOR PLANS—Provide floor plans of proposed and existing structures showing the use of all floor area.

LANDSCAPING AND OPEN SPACE PLANS—All projects must show landscaping meeting City standards. All projects involving residential use must show open space meeting City standards, particularly where proposed development will replace existing open space. Single family residences in single family zones do not need to show landscaping or open space, however the configuration of existing or proposed landscaping may be used to support an application.

CONTEXT MAP—(optional) A map illustrating the subject property in relation to developments in the vicinity may be provided to give support to the application (see conditions 1 & 2).



TOPOGRAPHIC MAP - (optional) A topographic map may be helpful if a significant grade change on the subject site exists or if there is a significant difference in grade in relation to adjacent properties.

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.

Application Fees & Procedures

An initial set application fee is due at the time you apply. This fee is charged in accordance with the Seattle Permit Fee Subtitle available from DPD's Public Resource Center (PRC), (206) 684-8467, or on the DPD's fees page at www.seattle.gov/dpd/about. Additional fees at an hourly rate may apply, depending on the time required to process your permit. Information on fee rates and procedural requirements is available by calling our PRC at (206) 684-8467.

Application Instructions

1. For assistance with **specific Land Use Code questions related to your application**, you can meet with a land use planner at the ASC.
2. **Prior to Appointment**—In order to schedule an intake appointment, you must have completed a **Preliminary Application** and a **Pre-Application Site Visit Request Form**. You will receive a project number and a report from the site inspector.
3. **Scheduling an Appointment**—Variance applications are filed with DPD by appointment with a land use planner at the ASC; call (206) 684-8850 to schedule.
4. Complete the attached variance application form (one copy required for submittal).
5. Prepare four sets of plans with cover sheets as indicated previously.
6. At your appointment, the remaining fees will be collected along with your completed application and the four sets of plans.
7. If environmental review is required under the State Environmental Policy Act (SEPA), due to a threshold being exceeded, then the SEPA component must be reviewed in conjunction with the review of the variance application (see 23.76.010D). Five copies of the completed **SEPA Checklist** will be

required at the intake appointment along with the applicable fee.

8. DPD 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

DPD will prepare a notice of the application in the department's Land Use Information Bulletin (LUIB) and will post four placards on or near the development site. Additionally, all residents and owners of properties within 300 feet of the site will receive mailed notice of the application.

The LUIB, placards and 300 foot mailed notice initiate a 14-day comment period that may be extended for an additional 14 days if a written request is received prior to the end of the initial 14-day comment period. The LUIB is available online at www.seattle.gov/dpd/notices.

Decisions

The granting or denial of variances is regulated by the provisions of Section 23.76.004 of the Land Use Code.

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

These 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.

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

Access to Information

Links to electronic versions of DPD **Client Assistance Memos** and other helpful publications are available on our website at www.seattle.gov/dpd/publications. 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.

CITY OF SEATTLE

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.