



King County

Department of permitting and Environmental Review

35030 SE Douglas Street, Suite 210

Snoqualmie, WA 98065-9266

206-296-6600 TTY Relay: 711

www.kingcounty.gov

Zoning Code Variance Instructions & Information (Does Not Include Critical Areas)

For alternate formats, call 206-296-6600.

General Information

The following is a summary of the Zoning Code variance process and a description of the application submittal requirements. The information for a Zoning Code Variance Application is necessary to evaluate the merits of a proposal with applicable county and state regulations and to assess the potential community environmental impacts.

An application will be evaluated on the basis of the information provided by the applicant, the King County Comprehensive Plan, pertinent provisions of the King County Code (KCC), site inspection, and comments submitted by citizens and interested public agencies. If the subject property is located within an identified landslide, erosion, steep slope, seismic, avalanche or coal mine hazard or wetland or stream area, the applicant may be required to submit a special study produced by a qualified professional to address the identified critical area (also known as sensitive area) features on the subject property.

Copies of the KCC and Comprehensive Plan are available for inspection at the Permitting Service Center and at the Main Branch of the Seattle Public Library. King County Code and other development regulations are also available on the Internet via the Permitting Web site at www.kingcounty.gov/permits.

Questions related to Zoning Code variances may be answered by calling or contacting:

Department of Permitting and Environmental Review
35030 SE Douglas Street, Suite 210
Snoqualmie, WA 98065-9266
Telephone: 206-296-6600 TTY: Relay: 711

Pre-application Conference

A pre-application conference with the Department of Permitting and Environmental Review (Permitting) staff is required prior to filing a Zoning Code Variance Application. Pre-application request forms and instructions for filing a pre-application conference request are available at the Permitting Service Center. Forms also are online via the Permitting Web site at www.kingcounty.gov/permits or by calling 206-296-6600. A filing fee is required at the time a request is made with the amount to be determined at the time of filing and based on the latest adopted fee ordinance. Permitting staff will schedule the pre-application conference within 30 days from the date of the request.

Filing an Application

A variance application must be filed in person at the Permitting Service Center. An appointment with staff is required to file the application. Please call 206-296-6797 to schedule the appointment. The minimum submittal requirements necessary to file the application are described in this document. Permitting staff has 28 days from the date of filing to determine whether or not the application is complete. An application that fails to meet the submittal requirements described herein will be deemed incomplete.

Notice of Application

Public Comment Period: After staff determines that a variance application is complete, a Notice of Application is issued as specified herein. The minimum public comment period is 21 days, although public comments may be submitted and considered until the time of the decision.

1. The Department of Permitting sends out a Notice of Application to property owners within a 500-foot radius of the subject property.

If the area is rural or lightly populated, the notice must be mailed to at least 20 different property owners; or, in other appropriate cases, the division may determine it is necessary to notify additional property owners.

2. A Notice of Application will be published by the department in the official county newspaper and another newspaper of general circulation.
3. The applicant is required to install a notice board that must be placed in a conspicuous place on the property throughout the permit process so that it is visible to people passing by the property. Additional notice boards may be required as determined by the Department of Permitting.

The cost of the board is the applicant's responsibility. Permitting will send the applicant written instructions regarding the specific requirements for the notice board.

4. A Notice of Application is also provided to anyone who writes to the department requesting information regarding the Zoning Code variance request.

Method for Processing

The Director of Permitting has appointed an authorized representative to make final decisions regarding Zoning Code variances. This process generally takes 120 days provided no appeals are filed or substantial additional information is required. Upon conclusion of review of the variance application materials, the authorized representative issues a written decision based on the written record. A copy of the decision is mailed to all parties who have written to the department. There is an appeal period, as identified in the written decision, whereby an aggrieved person can file an appeal together with an appeal filing fee to the King County Hearing Examiner.

In those cases where a proposed action for a variance also requires county permits, the following procedures shall apply:

1. When other permits require a public hearing before the hearing examiner, the review of the Zoning Code variance shall be combined with the other permits, and the examiner shall act on behalf of the Department for the purpose of the Zoning Code variance decision.
2. When other permits are administratively approved, review of the variance application may be combined with other permits dependent on the granting of a Zoning Code variance. If not combined, other permits may proceed prior to review and approval of such Zoning Code variance.
3. In those cases where the hearing examiner is presiding, the examiner will also act as the decision-maker and rule on the Zoning Code variance.
4. In all cases of combined review, the most informative provisions for notification and processing shall govern the review of Zoning Code variance requests.
5. No permit shall be approved without prior review and approval of any required variance.

Criteria for Variance Approval

The following is from Chapter 21A.44 of the KCC:

21A.44.030 Variance. A variance shall be granted by the county, only if the applicant demonstrates all of the following:

- A. The strict enforcement of this title creates an unnecessary hardship to the property owner;
- B. The variance is necessary because of the unique size, shape, topography or location of the subject property;
- C. The subject property is deprived, under this title, of rights and privileges enjoyed by other properties in the vicinity and under an identical zone;
- D. The variance does not create health and safety hazards, is not materially detrimental to the public welfare or is not unduly injurious to property or improvements in the vicinity;
- E. The variance does not relieve an applicant from any of the procedural provisions of this title;
- F. The variance does not relieve an applicant from any standard or provision that specifically states that no variance from that standard or provision is permitted;
- G. The variance does not relieve an applicant from conditions established during prior permit review;
- H. The variance does not allow establishment of a use that is not otherwise permitted in the zone in which the proposal is located;
- I. The variance does not allow the creation of lots or densities that exceed the base residential density for the zone by more than ten percent;
- J. The variance is the minimum necessary to grant relief to the applicant;
- K. The variance from setback or height requirements does not infringe upon or interfere with easement or covenant rights or responsibilities;
- L. The variance does not relieve an applicant from any provisions of K.C.C. 21A.24, Critical Areas; and
- M. Within a special district overlay, the variance does not:
 - 1. Modify, waive or define uses;
 - 2. Waive requirements for special studies or reports; or
 - 3. Reduce vegetation retention standards by more than a total of ten percent.

Submittal Requirements for Filing a Zoning Code Variance Application

Unless otherwise noted, the following items are required to be submitted at the time of application. Forms are available online via the Permitting Web site at www.kingcounty.gov/permits or by calling Permitting Services at 206-296-6600.

1. Permit Application form: Submit one original and two copies.
2. Legal Description: Submit one copy.

On a piece of white, legal-size 8½"–X–14" paper, type the legal description of the subject property and attach it to the application. The legal description of the property may be obtained from the King County Department of Assessments. **Be absolutely sure the description is correct and agrees with the property outlined on the assessor's map.** A current legal description is necessary before the application is acceptable. If the legal description is written from a survey map, the map should accompany the description.

3. Zoning Code Variance Application form: Submit three copies of the Zoning Code Variance Application.
4. Site Plan – drawn to a convenient engineer scale: Submit six copies.

- Map scale and north arrow
 - Vicinity map: show sufficient area and detail to clearly locate the project in relation to surrounding roads, parks, rivers and municipal boundaries, together with its scale
 - Property boundaries dimensioned and clearly and accurately delineated by a heavy line or color
 - Locate, name and dimension all existing and proposed streets and other public ways, easements, utility and railroad rights-of-way within and adjacent to the proposed development
 - Existing and proposed topography on separate drawings showing at least 5-foot contours to be extending at least 100 feet beyond project boundaries
 - Location of any major physical features such as railroads, lakes and rivers, including those within 500 feet of the subject property
 - Locate all critical areas and associated buffers on plans. A critical area includes erosion hazards, landslide hazards, steep slope hazards, avalanche, floodplain, wetland, aquatic area, wildlife habitat conservation area, wildlife habitat network, and/or critical aquifer recharge areas. Indicate if streams are intermittent: 100-year floodplain for rivers, 100-year floodplain for streams, and delineate top and toe of 40 percent slopes. See Chapter 21A.24 of the KCC for Critical Area Standards and Development Limitations.
 - Accurate dimensions, location, and use of all existing and proposed structures on the subject property indicating porches, eaves, fences and signs. Identify any structures to remain or to be removed; identify existing wells and/or septic tank and drainfields
 - General size, location, and uses of all existing structures within 100 feet of boundaries of the subject property
 - Show elevations and/or sections of all existing and proposed buildings depicting general character of the structures, relationship between floors, entrances, building height and grades
 - If any new streets are proposed (public or private), show street construction section or reference to suitable King County Department of Transportation standards (reference *King County Road Standards*)
 - Location, dimensions, and design of off-street parking facilities showing points of ingress and egress (see Chapter 21A.18 of the KCC and *King County Road Standards*)
 - Boundaries of proposed common open space land, if any; indicate proposed use
 - Proposed public dedications, e.g., school sites, parks, etc. if any, within the site
 - Easements, deed restrictions, or other encumbrances restricting the use of the property
5. Reduced Site Plan: Submit one copy of a reduced site plan on 8½"-x-11" sheet.
6. Water Availability Certificate: Submit one copy of the King County Certificate of Water Availability.

Preliminary approval for the creation of a new water system in accordance with the provisions of the applicable Coordinated Water System Plan, or for connection with a private well from the Seattle-King County Department of Public Health; or

The King County Certificate of Water Availability form concerning water availability to the site must be given to the appropriate existing water purveyor to complete (water district, city, water association) and returned with this application. At the top of the form, a space is provided for a description of the site. In this space, the legal description of the site should be inserted or attached on a separate sheet if it is too lengthy.

Note: For sites located in the Urban Growth Area, if the development is not proposing to be served by an existing or new Group A water system at the time of construction, a Certificate of Future Connection must be given to the appropriate Group A water purveyor to complete and then returned with this form.

7. Sewer Availability Certificate: Submit one copy of the King County Certificate of Sewer Availability.

Preliminary approval for individual or community on-site sewage disposal systems from the Seattle-King County Department of Public Health must be submitted with this application; or

The King County Certificate of Sewer Availability form concerning sewer availability to the site must be given to the appropriate agency to complete (sewer district) and then returned with this application. At the top of the form, a space is provided for a description of the site. In this space, the legal description of the site should be inserted or attached on a separate sheet if it is too lengthy.

8. Interim Certificate of Future Water/Sewer Connection: If applicable, submit one copy.

If the site is located in the Urban Growth Area, and an interim on-site sewage system is proposed, consistent with the provisions of Chapter 13.24 Section 136 of the KCC, the following information is also required:

- A. The Certificate of Availability form must be submitted to the most logical sewer purveyor to complete (sewer district) and returned with this application along with a letter which demonstrates to the satisfaction of the director of the Permitting Department that the requirement to receive sewer service from the purveyor is unreasonable or unfeasible at the time of the construction; and
- B. A Certificate of Future Connection must be given to the appropriate agency to complete and then returned with this application.

9. SEPA Environmental Checklist (only if required by Chapter 20.44 of the KCC: Submit 10 copies.

Please refer to instructions on the SEPA checklist form. The applicant will be contacted by Permitting if additional information or clarity is required. Failure to respond may cause postponement of consideration of the request. If another agency is the State Environmental Policy Act lead agency for this project, also submit 2 copies of the Threshold Determination. If an Environmental Impact Statement (EIS) has been prepared for this proposal, submit three copies of the EIS with this application.

10. Fire District Receipt: Obtain from the local fire district. Submit one copy.

11. Proof of Legal Lot Status: Documentation of the date and method of segregation of the subject property. Submit one copy.

12. Certificate/Affidavit of Critical Areas Compliance: Submit one copy of the Affidavit Concerning Critical Areas Compliance.
13. Applicant Legal Status Form: Submit one copy of the Certification of Applicant Status form.
14. Copies of other variance decisions required per Title 21A of the KCC
15. List of other issued or pending permits or decisions related to the proposal
16. Permit Review Fees
17. Other Documents: Optional at time of application submittal – Permitting staff may request or require submittal after application has been filed:
 - A. Special studies or reports (e.g., traffic studies, wetland reports, geotechnical evaluation). Submit four copies.
 - B. Photographs, charts, petitions, letters, models, etc., may be submitted at the discretion of the applicant. Submittals should fit within an 8½"-X-14" legal-size file folder.