



# CITY OF SNOHOMISH

Founded 1859, Incorporated 1890

116 UNION AVENUE · SNOHOMISH, WASHINGTON 98290 · TEL (360) 568-3115 FAX (360) 568-1375

## VARIANCE

For more information, refer to Snohomish Municipal Code Section 14.70

### WHAT IS A VARIANCE?

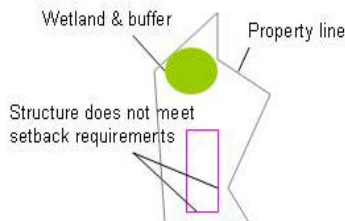
A variance is a method to allow flexibility in the administration of certain provisions of Title 14 of the Snohomish Municipal Code (SMC). The process is intended to apply to situations where standard application of the code would unduly burden one property more than others in the area.

Variances do not permit properties to be used in a manner other than that provided in the Development Code. Permitted land uses and residential densities are not subject to variance.

### HOW DO I DEMONSTRATE ELIGIBILITY FOR A VARIANCE?

Eligibility for a variance requires a demonstration that special circumstances, beyond the applicant's control, apply to the site that create a hardship.

For example, an odd-shaped parcel may not be able to meet standard setback requirements.



Example of a parcel that may be eligible for variance

### WHAT'S A MINOR VARIANCE vs. A MAJOR VARIANCE?

Minor Variances are departures of no more than 10% from the dimensional requirements of the Development Code, and are administratively processed as Type 1 permits (Chapter 14.25 SMC).

Major Variances, referred to simply as Variances, are all other variances that are not considered minor. They are processed as Type 5 permits, and require a public hearing.

### WHAT ARE THE CRITERIA FOR A VARIANCE?

All of the following criteria must be met in order for a variance to be feasible:

- There must be something about the property (size, shape, topography, location, or surroundings) that does not exist in other properties in the vicinity, and within the same land use designation.
- The variance must be necessary in order to preserve and/or enjoy a substantial property right, which others in the vicinity and in the same land use designation have, but is denied because of special circumstances to the property.
- The variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and land use designation where the property is located.
- The granted variance will not be in conflict with the Comprehensive Plan (Ord. 2082, 2005).

### HOW DO I BEGIN?

Early discussion with staff is encouraged, to help you determine the applicability of your project, and to assist you in making a complete submittal. A pre-application review is recommended for minor variances and is required for major variances.

### HOW MUCH DOES IT COST?

Minor Variances require a \$50 deposit. Major Variances require a \$2,000 deposit. Additional fees may be required if a critical area review must be completed.



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## WHAT DOES THE CITY NEED TO REVIEW MY APPLICATION?

Variations require a completed Land Use Application, a Variance Application, a Site Plan, and applicable fees. For some projects, a critical areas study or SEPA review may also be required.

Major Variations will also require a list of adjacent property owners within 300 feet of the project site, and a completed affidavit.

See the Application Checklist, or speak with City staff for more information.

## WHAT IS THE REVIEW PROCESS?

Within 28 days of application submittal, the City will issue a letter stating your application is complete, or will request additional information.

Minor Variations are reviewed by the City Planner, who issues the final decision.

Major variations require a public hearing before the City's Hearing Examiner.

## WHAT IS THE PROCESS FOR THE HEARING EXAMINER?

You will be notified of your hearing date after your application is complete. Based on the staff report, the project file, applicable codes, and testimony from staff, the public, and the applicant, the Hearing Examiner will make the final decision within 10 working days of the hearing.

You or your representative must appear at the hearing so the Hearing Examiner can ask questions about your application. If you are unable to attend, or if you'd like to withdraw your application, please notify Planning & Development Services in writing at least 10 days in advance of the scheduled hearing.

## WHERE ARE THE HEARINGS HELD?

Hearings are held in the George Gilbertson Board Room at 1601 Avenue D, Snohomish School Administration Building, and are open to the public.

## ARE THERE SITUATIONS WHERE VARIANCES CANNOT BE USED?

Yes. Variations will not be granted for the following regulations/requirements:

- Administrative provisions, including procedures, SEPA regulations, and fees;
- Provisions pertaining to permitted, conditional, and prohibited uses;
- Maximum residential densities; and
- Regulations pertaining to shoreline development, drainage basin protection, geologic hazard areas, and wildlife habitat, provided that those regulations may have their own processes for granting exceptions.

## WHAT IF MY APPLICATION IS DENIED?

If a Variance application is denied, an appeal can be filed according to the applicable provisions of the Snohomish Municipal Code, and must state which section of the SMC is being appealed.

Minor Variance appeals must be filed within 14 days of the date of the Notice of Decision, and must be sent to the City Clerk via mail or in person. A \$500 Appeal fee will be due at that time.

Major Variance appeals must be filed within 14 days of the date of the Notice of Decision, and must be sent to the Snohomish County Superior Court, pursuant to Chapter 36.70C RCW and Chapter 14.75 SMC.

**NOTE: This information should not be used as a substitute for City codes and regulations. You should review all the details of your project with the Planning and Development Services Department at 116 Union Avenue (360-568-3115).**