



CITY OF TUKWILA
Department of Community Development
6300 Southcenter Boulevard, Tukwila, WA 98188
Telephone: (206) 431-3670

ZONING CODE OR SHORELINE VARIANCE

INFORMATION

A variance is an exception to a standard in the code, which if granted, allows an applicant to build or develop a project that could not otherwise be legally built. Shoreline Variances are intended to grant relief from specific bulk, dimensional or performance standards set forth in the Shoreline Master Program where there are extraordinary or unique circumstances relating to the physical character or configuration of property.

REQUIREMENTS: The criteria for a Zoning Code Variance or Shoreline Variance are located on the back of the application. The request for the variance must meet all the criteria in order for the Hearing Examiner to approve the request. Variances cannot be requested to allow a use that is not permitted under the applicable zoning.

PROCEDURES: At the time you submit your application you must have all of the items listed on the attached "Complete Application Checklist." You may request a waiver from items on the checklist that are not applicable to your project. Please discuss this waiver request with City staff either at a pre-application meeting or at the time of application submittal.

Within 28 days of receiving your application, City staff will determine if it is complete based on the attached checklist. If not complete, City staff will mail you a letter outlining what additional information is needed. If you do not submit requested materials within 90 days from the City's request for additional information the City may cancel your application.

The Hearing Examiner will hold a Public Hearing before making a decision. A project's hearing date is determined when all application materials have been submitted and the application is determined to be complete. Staff will review the application, meet with the applicant as needed, and formulate a recommendation to the Hearing Examiner. The Hearing Examiner will approve, deny or conditionally approve the variance request based on review criteria presented in the application packet. In the case of a shoreline variance, the Washington State Department of Ecology must review the City's decision and approve, condition or deny the variance. Ecology has thirty (30) days to review the shoreline variance request and reach a decision.

A variance shall automatically expire one year from the date it is approved, unless a building permit is obtained. The Hearing Examiner may grant a maximum 1 year extension if there has been no change to the relevant surrounding conditions.

COMPLETE APPLICATION CHECKLIST

The materials listed below must be submitted with your application unless specifically waived in writing by the Department of Community Development. Please contact the department if you feel that certain items are not applicable to your project and should be waived. Application review will not begin until the application is determined to be complete. **ADDITIONAL MATERIALS MAY BE REQUIRED.**

The initial application materials allow project review to begin and vest the applicant's rights. However, the City may require additional information as needed to establish consistency with development standards.

City staff are available to answer questions about application materials at 206-431-3670.

Check items submitted with application	Information Required. <i>May be waived in unusual cases, upon approval of Planning</i>						
APPLICATION MATERIALS:							
	1. Application Checklist (1 copy) indicating items submitted with application.						
	2. Completed Application Form and drawings (4 copies).						
	3. One set of all plans reduced to 8 1/2" x 11" or 11" x 17".						
	4. Completed and notarized Affidavit of Ownership and Hold Harmless Permission to Enter Property (1 copy attached).						
	5. Application Fee: See Land Use Fee Schedule . The applicant is also responsible for paying the Hearing Examiner costs before issuance of the decision.						
PUBLIC NOTICE MATERIALS:							
	6. Payment of notice board fee to FastSigns (see Land Use Fee Schedule) Tukwila OR provide a 4' x 4' public notice board on site within 14 days of the Department determining that a complete application has been received (see Public Notice Sign Specifications Handout).						
	7. Pay the fee as established by the Land Use Fee Schedule for generating mailing labels; OR provide an excel spreadsheet of mailing labels for all <i>property owners</i> and <i>tenants</i> (residents and businesses) within 500 feet of the subject property. Each unit in multiple family buildings e.g. apartments, condos, trailer parks--must be included. Once your project is assigned to a planner, you will be required to provide an electronic copy of the mailing label spreadsheet in the following format: Name, Street Address, City St Zip, with each of these fields as an individual column:						
	<table border="1" style="width: 100%; border-collapse: collapse; margin: 10px 0;"> <thead> <tr> <th style="width: 33%;">Name</th> <th style="width: 33%;">Street Address</th> <th style="width: 33%;">City, St, Zip</th> </tr> </thead> <tbody> <tr> <td>Mr. Smith</td> <td>1234 Park Ave S</td> <td>Tukwila WA 98188</td> </tr> </tbody> </table>	Name	Street Address	City, St, Zip	Mr. Smith	1234 Park Ave S	Tukwila WA 98188
Name	Street Address	City, St, Zip					
Mr. Smith	1234 Park Ave S	Tukwila WA 98188					
	PLEASE NOTE: Regardless of whether you pay the City to generate the mailing labels or you provide them, there is an additional fee for postage and material as listed under Public Notice Mailing Fee on the Land Use Fee Schedule . Payment of this fee is due prior to issuance of the decision and you will receive a separate bill for this fee.						
	8. <u>If providing own labels</u> , include King County Assessor's map(s) which shows the location of each property within 500 ft. of the subject lot.						

Check items submitted with application	Information Required. <i>May be waived in unusual cases, upon approval of Planning</i>
PROJECT DESCRIPTION AND ANALYSIS:	
	9. A written discussion of project consistency with the review criteria found on pages 6-8 of this Application. This is your opportunity to present the merits of your request.
	10. Any additional drawings or information needed to explain or support the variance request. Maximum size of any drawing is 24" x 36".
SITE PLAN:	
	11. (a) The site plan must include a graphic scale, north arrow and project name. Maximum size 24" x 36".
	(b) Existing and proposed building footprints.
	(c) Vicinity Map with site location; does not have to be to scale.
	(d) Highlight the change being requested through the variance.
	(e) Parking lots, landscape areas and other site improvements.
	(f) Fences, rockeries and retaining walls with called out colors, height and materials.
	(g) For a shoreline variance, identify the location of the ordinary high water mark, the 200 foot shoreline jurisdiction, and the location of the applicable shoreline buffer (Residential, Urban Conservancy or High Intensity).



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**ZONING CODE OR
 SHORELINE
 VARIANCE**

APPLICATION

<i>FOR STAFF USE ONLY</i>	
Planner:	File Number:
Application Complete Date:	Project File Number:
Application Incomplete Date:	Other File Numbers:

NAME OF PROJECT/DEVELOPMENT: _____

BRIEF DESCRIPTION OF PROJECT: _____

**THIS APPLICATION REQUIRES PUBLIC NOTICE. PLEASE REFER TO SECTION 7 OF THE APPLICATION CHECKLIST.
 THIS APPLICATION REQUIRES A HEARING WITH THE HEARING EXAMINER.
 ALL HEARING EXAMINER FEES WILL BE PASSED ON TO APPLICANT.**

LOCATION OF PROJECT/DEVELOPMENT: *Give street address or, if vacant, indicate lot(s), block and subdivision, access street, and nearest intersection.*

LIST ALL TAX LOT NUMBERS (this information may be found on your tax statement).

DEVELOPMENT COORDINATOR:

The individual who:

- has decision making authority on behalf of the owner/applicant in meetings with City staff,
- has full responsibility for identifying and satisfying all relevant and sometimes overlapping development standards, and
- is the primary contact with the City, to whom all notices and reports will be sent.

Name: _____

Address: _____

Phone: _____ FAX: _____

E-mail: _____

Signature: _____ Date: _____



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AFFIDAVIT OF OWNERSHIP AND HOLD HARMLESS PERMISSION TO ENTER PROPERTY

STATE OF WASHINGTON

SS

COUNTY OF KING

The undersigned being duly sworn and upon oath states as follows:

1. I am the current owner of the property which is the subject of this application.
2. All statements contained in the applications have been prepared by me or my agents and are true and correct to the best of my knowledge.
3. The application is being submitted with my knowledge and consent.
4. Owner grants the City, its employees, agents, engineers, contractors or other representatives the right to enter upon Owner's real property, located at _____ for the purpose of application review, for the limited time necessary to complete that purpose.
5. Owner agrees to hold the City harmless for any loss or damage to persons or property occurring on the private property during the City's entry upon the property, unless the loss or damage is the result of the sole negligence of the City.
6. Non-responsiveness to a City information request for ninety (90) or more days, shall be cause to cancel the application(s) without refund of fees.

EXECUTED at _____ (city), _____ (state), on _____, 20_____

(Print Name)

(Address)

(Phone Number)

(Signature)

On this day personally appeared before me _____ to me known to be the individual who executed the foregoing instrument and acknowledged that he/she signed the same as his/her voluntary act and deed for the uses and purposes mentioned therein.

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS _____ DAY OF _____, 20_____

NOTARY PUBLIC in and for the State of Washington
residing at _____

My Commission expires on _____

REVIEW CRITERIA

The Hearing Examiner will base a decision on the specific Zoning Code or Shoreline Master Program variance criteria shown below. Please respond to these criteria on a separate sheet. The Planning staff has provided some explanatory notes (*in italics*) to help you respond to each criteria. Variances from the shoreline use regulations of TMC 18.44 are prohibited.

CRITERIA FOR ZONING CODE VARIANCE (TMC 18.72.020)

1. The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and in the zone in which the property on behalf of which the application was filed is located;
[Explain how your requested variance would not give you a special privilege in your use of the property in relation to the requirements imposed on adjacent and neighboring properties and on properties within the same zone classification]
2. The variance is necessary because of special circumstances relating to the size, shape, topography, location or surrounding of the subject property in order to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located;
[Does a special property characteristic such as size, shape or topography, combined with the Zoning Code requirement, prevent you from using your property in the manner of adjacent properties or other like-zoned properties?]
3. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and in the zone in which the subject property is situated;
[Would granting your request cause any harm, injury, or interference with uses of adjacent and neighboring properties? (Consider traffic, views, light, aesthetic impacts, etc.)]
4. The authorization of such variance will not adversely affect the implementation of the Comprehensive Land Use Policy Plan;
[After review of the City's Comprehensive Land Use Policy Plan, list any inconsistencies between your variance and the Plan's goals, objectives or policies.]
5. The granting of such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same zone or vicinity.
[Without the variance, no uses for which your property is zoned (i.e., for a single-family residence or commercial site) would be possible. Without the variance, rights of use of your property would not be the same as for other similarly zoned property. Describe other alternatives for use of your property. Why were these alternatives rejected?]
6. The need for the variance is not the result of deliberate actions of the applicant or property owner.

REVIEW CRITERIA

CRITERIA FOR SHORELINE MASTER PROGRAM VARIANCE (TMC 18.44.130 D.)

A. Criteria for a variance for a use, activity or development that will be located **landward** of the ordinary high water mark and/or landward of any wetland:

1. The strict application of the bulk, dimensional or performance standards set forth in TMC 18.44 preclude or significantly interfere with a reasonable use of the property not otherwise prohibited by the Shoreline Master Program (SMP).

[Without the variance, no uses which are permitted by the SMP and the underlying zoning for your property (i.e., for a single-family residence or commercial site) would be possible. Without the variance, rights of use of your property would not be the same as for other similarly zoned property in the shoreline.]

2. The hardship is specifically related to the property and is the result of unique conditions such as irregular lot shape, size or natural features and the application of TMC 18.44 and not from the owner's own actions or deed restrictions; and that the variance is necessary because of these conditions in order to provide the owner with use rights and privileges permitted to other properties in the vicinity within the shoreline and zone in which the property is situated.

[Does a special property characteristic such as size, shape or topography, combined with the SMP requirement, prevent you from using your property in the manner of adjacent properties or other like-zoned properties in the shoreline jurisdiction?]

3. The design of the project will be compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and SMP and will not cause adverse impacts to adjacent properties or the shoreline environment.

[After review of the City's Comprehensive Land Use Policy Plan and the Shoreline Master Program, list any inconsistencies between your variance and the goals, objectives or policies of these two plans.]

4. The variance will not constitute a grant of special privilege not enjoyed by other shoreline properties in the area.

[Explain how your requested variance would not give you a special privilege in your use of the property in relation to the shoreline requirements imposed on adjacent and neighboring properties and on properties within the shoreline in the same zone classification.]

5. The variance is the minimum necessary to afford relief.

[Demonstrate that there are no other alternatives that would not require a variance or that are either smaller in scope or have fewer impacts available for this project.]

6. The public interest will suffer no substantial detrimental effect.

[Would granting your request cause any harm, injury, or interference with uses of adjacent and neighboring properties? Consider traffic, views, light, aesthetic impacts, etc.]

B. For shoreline variance permits **waterward** of the ordinary high water mark the applicant must address items 2-6 above in addition to the following criteria:

1. The strict application of the bulk, dimensional or performance standards set forth in the Master Program preclude all reasonable permitted use of the property; and
2. The public rights of navigation and use of the shorelines will not be adversely affected by the granting of the variance.

Please note: in the granting of all shoreline variance permits, consideration must be given to the cumulative impact of additional requests for like actions in the area such that the total of the variances would remain consistent with RCW 90.58.020 and not cause substantial adverse effects to the shoreline environment.