

# SHORELINE VARIANCE

Permit Type: Variance  
Permit Subtype: Shoreline

City of Tukwila - Permit Center  
6300 Southcenter Blvd, Suite 100,  
Tukwila, WA 98188  
[www.tukwilawa.gov/departments/permit-center/](http://www.tukwilawa.gov/departments/permit-center/)



## ABOUT SHORELINE VARIANCES (TMC 18.44.110.F)

1. **Purpose.** The purpose of a Shoreline Variance Permit is strictly limited to granting relief from specific bulk, dimensional, or performance standards set forth in this chapter where there are extraordinary or unique circumstances relating to the physical character or configuration of property such that the strict implementation of this chapter will impose unnecessary hardships on the applicant or thwart the Shoreline Management Act policies as stated in RCW 90.58.020. Reasonable use requests that are located in the shoreline must be processed as a variance, until such time as the Shoreline Management Act is amended to establish a process for reasonable uses. Variances from the use regulations of this chapter are prohibited.
2. **Application requirements.** Applicants must meet all requirements for a Type 3 permit application and approvals indicated in TMC 18.104.
3. Shoreline Variance Permits should be granted in circumstances where denial of a permit would result in inconsistencies with the policies of the Shoreline Management Act (RCW 90.58.020). In all instances, the applicant must demonstrate that extraordinary circumstances exist and the public interest will suffer no substantial detrimental effect.

## PRE-APPLICATIONS

Pre-application meetings are required for certain types of permit applications, as outlined in the [Pre-application Meeting Checklist](#). These meetings give the City's Development Review Team an opportunity to review your proposed project, permit requirements, fees, timelines, and applicable regulations. This review is not exhaustive and does not limit future enforcement of laws. The Development Review Committee (DRC) meets Tuesdays at 1:30 and 2:30 p.m., with meetings scheduled on a first-come, first-serve basis. Submit your pre-application and required documents online at least 11 days before the meeting (Friday by 4:00 p.m.). The application fee must be paid before scheduling. Apply via the [Land Use Permits portal](#) and include a completed [Pre-application Meeting Checklist](#).

## SUBMITTAL CHECKLIST – REQUIRED FOR ALL PERMITS

A PDF of each document is required at time of submittal. Please label files as listed below:

CHECKLIST	FILE NAME	DESCRIPTION
DOCUMENTS		
	<b>Affidavit</b>	Completed and notarized ' <a href="#">Affidavit of Ownership and Hold Harmless Permission to Enter Property</a> '.
	<b>Criteria Response</b>	Detailed demonstration that the application meets all applicable criteria outlined in the code for the proposed use, below.
	<b>SEPA Checklist</b>	A SEPA Checklist and separate SEPA Review Application is required unless exempt pursuant to WAC 197-11-800. City staff will review the checklist and the proposal's likely environmental impacts and issue a threshold determination.
PLAN SETS		
	<b>Plan Set</b>	Refer to the <a href="#">Land Use Application Plan Set Guide</a> for preparing plans.
NOTICE		
	<b>Notice Board</b>	Confirmation (photographs or affidavit) that the <a href="#">required notice board</a> has been placed on the property.

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## REVIEW CRITERIA

The Hearing Examiner shall grant a variance only if all of the following conditions are met:

### **Shoreline Variance Permits Landward of OHWM and Landward of Wetlands (TMC 18.44.110.F.4):**

A Shoreline Variance Permit for a use, activity or development that will be located landward of the ordinary high water mark and/or landward of any wetland may be authorized provided the applicant can demonstrate all of the following:

- a. The strict application of the bulk, dimensional, or performance standards set forth in this chapter preclude or significantly interfere with a reasonable use of the property not otherwise prohibited by this chapter.
- b. The hardship for which the applicant is seeking the variance 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 this chapter, 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 and zone in which the property is situated.
- c. 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.
- d. The variance will not constitute a grant of special privilege not enjoyed by other properties in the area.
- e. The variance is the minimum necessary to afford relief.
- f. The public interest will suffer no substantial detrimental effect.
- g. In the granting of all variance permits, consideration shall 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.

### **Shoreline Variance Permits Waterward of OHWM or Within Critical Areas (TMC 18.44.110.F.5):**

Shoreline Variance Permits for development and/or uses that will be located either waterward of the ordinary high water mark or within any critical area may be authorized only if the applicant can demonstrate all of the following:

- (1) The strict application of the bulk, dimensional or performance standards set forth in this Master Program preclude all reasonable permitted use of the property;
- (2) The proposal is consistent with the criteria established under TMC 18.44.110.F.4, "Approval Criteria;" and
- (3) The public rights of navigation and use of the shorelines will not be adversely affected by the granting of the variance.

## PROCEDURES

### **Permit Type**

- Applications for variances are processed as Type 3 decisions which require a public hearing before the Hearing Examiner.

### **Conditions of Approval**

- The Hearing Examiner may attach conditions to the variance to carry out the intent of the chapter and serve the public interest.

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## **Revisions to Shoreline Permits (TMC 18.44.110.H)**

Revisions to previously issued shoreline permits shall be reviewed under the SMP in effect at the time of submittal of the revision, and not the SMP under which the original shoreline permit was approved and processed in accordance with WAC 173-27-100.

## **Time Limits on Shoreline Permits (TMC 18.44.110.I)**

1. Consistent with WAC 173-27-090, shoreline permits are valid for two years, and the work authorized under the shoreline permit must be completed in five years. Construction activity must begin within this two-year period. If construction has not begun within two years, a one-time extension of one year may be approved by the Director based on reasonable factors. The permit time period does not include the time during which administrative appeals or legal actions are pending or due to the need to obtain any other government permits and approvals for the project.
2. Upon a finding of good cause, based on the requirements and circumstances of a proposed project, and consistent with the City's Shoreline Master Program, the City may adopt a different time limit for a shoreline substantial development permit as part of an action on a shoreline substantial development permit.

## **Appeals (TMC 18.44.120)**

Any person aggrieved by the granting, denying, or rescinding of a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, or Shoreline Variance may seek review from the Shorelines Hearings Board by filing a petition for review within 21 days of the date of filing of the decision as provided in RCW 90.58.140(6).