



CITY OF AUBURN

Planning & Development Department
Auburn City Hall Annex, 2nd Floor
1 East Main Street
Auburn, Washington 98001-4998
Tel: 253.931.3090
Fax: 253.804.3114
permitcenter@auburnwa.gov
www.auburnwa.gov

VARIANCE APPLICATION PACKET

VARIANCE APPLICATION – INTRODUCTION

(TYPE III)

What does Type III refer to?

Type III refers to quasi-judicial land use decisions made by the City of Auburn Hearing Examiner following a public hearing at which interested citizens can participate by giving written or verbal comments on a proposed project or issue.

Hearing Examiner decisions can be appealed to the Superior Court of the county within which the property lies.

What is a variance?

A variance is an exception to a standard in City code, which if granted, allows an applicant to build or develop a project that could not otherwise be legally built.

Per ACC 18.70.010, variances cannot be requested for changes in land use, increases in density, or changes to previous conditions established by a surface mining permit, administrative use permit, conditional use permit, or contract rezone.

What is the review process like for Variance applications?

Once a variance application is deemed complete, City staff will conduct review of the application and recommend a decision to the Hearing Examiner. The Hearing Examiner will designate a time and place for the public hearing and notice will be given not less than 10 days prior to the hearing. A decision to approve, approve with conditions, or deny the variance application will be made upon conclusion of the public hearing.

What are the criteria against which the proposed Variance will be reviewed?

Per ACC 18.70.010, in reviewing applications for variances, the Hearing Examiner will consider:

1. That there are unique physical conditions including narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to and inherent in the particular lot; and that, as a result of such unique physical conditions, practical difficulties or unnecessary hardships arise in complying with provisions of the zoning code;
2. That because of such physical conditions, the development of the lot in strict conformity with the zoning code will not allow a reasonable and harmonious use of such lot;
3. That the variance, if granted, will not alter the character of the neighborhood, or be detrimental to surrounding properties in which the lot is located;
4. That the special circumstances and conditions associated with the variance are not a result of the actions of the applicant or previous owners;
5. Literal interpretation of the provisions within the zoning code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district;
6. The approval of the variance will be consistent with the purpose of the zoning code and the zoning district in which the property is located; and
7. The authorization of such variance will not adversely affect the Comprehensive Plan.

VARIANCE APPLICATION – INTRODUCTION [CONTINUED]

What is SEPA and when is it applicable?

Variance applications may be subject to compliance with the Washington State Environmental Policy Act (SEPA) based on the presence of environmentally critical areas; projects that exceed specific thresholds (e.g. grading, number of dwelling units, timber removal, size of building); projects that require licensing for air emissions or discharges to water; or other factors. WAC 197-11-800 provides the specific thresholds which determine whether SEPA is required. If subject to SEPA, an environmental checklist application must be submitted with the application. After the Notice of Application comment period expires, the Planning Director – who is the City’s SEPA Responsible Official - issues a SEPA threshold determination (TD), or other SEPA decision as provided in ACC 16.06, RCW 43.21 and WAC 197-11. The SEPA decision is final unless the TD is appealed or the City revises the TD based on further comments during the appeal period.

If the SEPA Responsible Official issues a Determination of Significance (DS) because of probable significant impacts by the proposal, an Environmental Impact Statement (EIS) will be required before the City makes any decision on this application.

How long before I am notified if my application is complete?

At the time you submit an application, you must submit all of the written and graphic information listed in this application under “Special Home Occupation Application Submittal Checklist”: Within 28 calendar days of receiving your application, City staff will determine if the application is complete based on the attached checklist. If your application is complete you will be notified in writing by City staff. If your application is not complete, you will receive a letter from City staff detailing required information to make your application complete.

How long before I know if the Variance has been approved (with or without conditions) or denied?

Current City code requires that all land use decisions be made within 120 days from the date of a complete application submittal, unless an applicant agrees to extend the processing of his/her application longer than 120 days.

How long are variances valid for?

Authorized variances expire one year (unless specified otherwise in the variance) after variance issuance if no building permit, occupancy permit, or business registration has been issued in accordance with the plans for which such variance was authorized.

PLEASE NOTE: Applicants are responsible for complying with all City Codes and ordinances; and should review all City regulations that may be applicable to their proposed project. For assistance in determining which regulations are applicable, please contact the City of Auburn Permit Center.



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OFFICE USE ONLY

FILE #: _____
FILE NAME: _____

TYPE: _____ **RECEIVED BY:** _____
FEES PAID: _____ **CHECK/CASH:** _____
SUBMITTAL DATE: _____
LAND USE DESIGNATION: _____

VARIANCE APPLICATION

APPLICANT: Use mailing address for meeting notification. Check box if Primary Contact

COMPANY: _____
ADDRESS: _____
 (CITY, STATE, ZIP) _____
PHONE: _____ **FAX:** _____ **E-MAIL:** _____

SIGNATURE: _____ **PRINTED NAME:** _____
 (Signature Required)

APPLICANT'S REPRESENTATIVE: Check box if Primary Contact

COMPANY: _____
ADDRESS: _____
 (CITY, STATE, ZIP) _____
PHONE: _____ **FAX:** _____ **E-MAIL:** _____

SIGNATURE: _____ **PRINTED NAME:** _____
 (Signature Required)

PROPERTY OWNER(S): Attach separate sheet if needed. Check box if Primary Contact

COMPANY: _____
ADDRESS: _____
 (CITY, STATE, ZIP) _____
PHONE: _____ **FAX:** _____ **E-MAIL:** _____

SIGNATURE: _____ **PRINTED NAME:** _____
 (Signature Required)

Note: Applicant or representative must have property owner's consent to file this application form in order for it to be accepted

PROPERTY INFORMATION (REQUIRED)

| | | | |
|--|-----------------|------------------------|------------------------------------|
| SITE ADDRESS: _____ | | | EXISTING USE OF SITE: _____ |
| ASSESSOR'S PARCEL ID# | LOT SIZE | ZONING DISTRICT | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | PROPOSED USE OF SITE: _____ |
| _____ | _____ | _____ | _____ |
| AREA TO DEVELOPED (s.f.): _____ | | | _____ |



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**VARIANCE
APPLICATION**

VARIANCE – LETTER OF AUTHORIZATION

(A copy of this letter must be submitted for each property owner involved)

I, _____ declare under penalty of perjury under the laws of the State of Washington as follows;

1. I am the owner of the property that is the subject of the application.
2. I [] have not appointed anyone, or [] have appointed _____, to act as my agent regarding this application.
3. All statements, answers, and information submitted with this application are true and correct to the best of my knowledge and belief.
4. I agree to hold the City of Auburn harmless as to any claim (including costs, expenses and attorney’s fees incurred in the investigation of such claim) which may be made by any person, including the undersigned, and filed against the City of Auburn, but only where such claim arises out of the reliance of the City, including its officers and employees, upon the accuracy of the information provided to the City as part of this application.
5. I hereby grant permission for representatives of the City of Auburn and any other Federal, State, or local unit of government with regulatory authority over the project to enter onto my property to inspect the property, take photographs, and post public notices as required in connection with review of this application and for compliance with the terms and conditions of permits and approvals issued for the project.

Signature

Printed Name

Date

City and State where signed

Address



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VARIANCE – CONCURRENT APPLICATIONS

Please indicate whether you are submitting one or more concurrent applications with this application by checking one or more of the boxes below:

**Type I Applications
(administrative decisions made by the city which are not subject to environmental review under the State Environmental Policy Act [SEPA]):**

- Administrative Use Permit
- Boundary Line Adjustment
- Boundary Line Elimination
- Building Permit
- Excavation Permit
- Floodplain Development Permit
- Grading Permit
- Home Occupation Permit
- Land Clearing Permit
- Mechanical Permit
- Plumbing Permit
- Public Facility Extension Agreement
- Right-of-way Use Permit
- Short Subdivision

- Special Permit
- Temporary Use Permit (administrative)
- Utility Permit

**Type II Applications
(administrative decisions made by the city which include threshold determinations under SEPA):**

- Administrative Use Permit
- Building Permit
- Floodplain Development Permit
- Grading Permit
- Land Clearing Permit
- Public Facility Extension Agreement
- Short Subdivision

Type III Applications (quasi-judicial final decisions made by the hearing examiner following a recommendation by staff):

- Conditional Use Permit

- Preliminary Plat
- Special Exceptions
- Special Home Occupation Permit
- Substantial Shoreline Development Permit
- Surface Mining Permit
- Temporary Use Permit
- Variance

Type IV Applications (quasi-judicial decisions made by the city council following a recommendation by the hearing examiner):

- Rezone (site-specific)

OTHERS - as may apply:

- SEPA _____
- SHORELINE EXEMPT _____
- _____
- _____



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VARIANCE – SUBMITTAL CHECKLIST

DIGITAL COPIES OF WRITTEN MATERIALS & GRAPHICS

Please provide a labeled readable compact disc(s) containing digital versions of all submitted written materials and plans and graphics for use by the City of Auburn during the variance application review process. Staff will use this information in report preparation and public noticing so please be sure to provide current and accurate information. Written materials should be submitted to be compatible with Microsoft Office desktop software products. Plans and graphics should be submitted in *pdf* or *tif* format.

APPLICATION FEES - Make checks payable to the City of Auburn

All application fees, including, but not limited to: Variance and Public Notice Board Posting Fees. Some fees will not be invoiced until actual costs are known. Link to current year's fee schedule can be found @ <http://www.auburnwa.gov/forms>

WRITTEN MATERIALS – Total of ten (10) copies unless otherwise noted

- A. **APPLICATION FORM** Provide a **completed** application form signed by the property owner(s) and/or applicant with the completed Variance Application Submittal Checklist. (**One original and 9 copies**)
- B. **LETTER OF AUTHORIZATION** Provide a letter of authorization to act contained within this application packet inclusive of all required signatures.
- C. **WRITTEN STATEMENT** addressing:
 - In detail, a description of your request for a variance; and
 - Why the variance should be issued, relating to approval criteria listed on pgs. 1-2 of this application packet.

PLANS & GRAPHICS - Total of ten (10) copies unless otherwise noted

A. **SCALE & LEGIBILITY** All plans, except architectural elevations, should be to scale (engineering scale) on paper no larger than **24x36"**, at **1"=100'** or larger (**1"=50' preferred**). An index sheet of the same size is required for multi-sheet submittals. All plans should be folded to fit a legal size file jack.

- B. SITE PLAN DRAWING – GRAPHIC REPRESENTATION** The following graphic features shall be shown on the drawing:
1. North arrow, numeric/graphic scale, and date plan was prepared;
 2. Boundaries and dimensions of the property;
 3. Adjacent public streets;
 4. Easements, existing and proposed;
 5. Location and size of all existing and proposed utilities;
 6. Location of building requiring variance, including setbacks;
 7. Location of all other buildings, including setbacks;
 8. Location and layout of off-street parking;
 9. Location and height of fences;
 10. Location and size of signs, if applicable;
 11. Height of structures;
 12. Points of access, interior streets, and driveways, existing and proposed;
 13. Location of refuse storage locations, bicycle parking areas and pedestrian/bike paths, if applicable;
 14. Flood hazards, geological hazards (seismic, steep slope, landslide, erosion), groundwater protection areas, streams, significant trees, wetlands, and wildlife habitat.
- C. VICINITY MAP** A vicinity map sufficient to define the property location and boundaries.