



Variances

Brochure #6

What is a Variance?

A variance is the means by which an adjustment is made in the application of specific regulations of the zoning code to a particular piece of property, which because of special circumstances applicable to it, is deprived of the privileges commonly enjoyed by other properties in the same vicinity or zoning district.

Variance applications are considered by either the City's Hearing Examiner or administratively by staff depending on the degree of adjustment being sought.

What is required to apply for a Variance?

1. Pre-application conference with Planning Department staff to discuss the application and applicable code regulations.
2. Completed application consisting of the following:
 - Project Permit Application and additional submittals as shown on the table titled "Project/Permit Submittal Requirements" included in the Project Permit Application packet.
 - Completed variance supplemental application form, as provided by the City.
 - Full payment of the variance fee and a deposit for the Hearing Examiner if the Variance is not administrative.

City of Mukilteo
Planning and Community Development Department
11930 Cyrus Way
Mukilteo, WA 98275
(425) 263-8000

What are some examples of a variance?

- Reduction of setback
- Increase to lot coverage
- Increase to sign size or number

What are the requirements for a Variance approval?

A variance may be granted only if all of the following criteria are met:

1. The variance shall not constitute a grant of special privilege inconsistent with the rules and regulations governing the uses of other properties in the vicinity or zoning district in which the property for which the variance is requested is located; and
2. The variance must be necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity that are located in the same zoning district in which the subject property is located; and
3. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity or zone in which the subject property is situated; and
4. The variance is not needed for relief from hardships of a financial nature, hardships which are self-created, and hardships which are personal to the owner and not to the property; and
5. The granting of the variance will not allow a use not permitted outright or by conditional use permit, or any use prohibited outright or by implications in the zoning district involved.

What is an Administrative Variance?

Variance applications may be reviewed administratively and do not require a public hearing if the request is for one of the following:

1. A decrease of no more than thirty (30) percent of the required width of front, side, or rear setback.
2. A decrease of not more than twenty (20) percent in the number of required parking spaces if the reduction would allow the preservation of trees or unique topographical features.

3. A twenty (20) percent increase in the amount of compact parking stalls allowed on a site.
4. A decrease of not more than thirty (30) percent of the minimum lot dimensions requirements. No administrative variances may be granted from the minimum lot size requirements.

What are the review steps in the Variance process?

- Step 1.** Schedule a pre-application meeting with the City staff prior to application submittal.
- Step 2.** Submit a complete application with applicable fees.
- Step 3.** Staff shall process all applications per the City's permit review process described in MMC 17.13. If the application must be considered by the Hearings Examiner, staff shall schedule the public hearing at the next regular meeting (the second Thursday of the month) 45 days after the application is determined to be complete.
- Step 4.** The Hearing Examiner shall review the application at a public hearing, considering testimony presented by staff, the applicant and any interested persons. If the application can be reviewed administratively, staff shall review the application, considering comments received from outside agencies and interested persons.

The Hearing Examiner or staff may approve or disapprove any application for a variance and/or impose any special conditions to govern the use consistent with the revision of the district in which the property is located.

The Hearing Examiner may make a decision on the application at the public hearing or may continue the application to the next regular meeting to allow time for consideration or submittal of additional information.

- Step 5.** The recipient of a variance shall have the legal property owner(s) sign a Land Use Binder with the City on a form provided by the City. The variance shall not be effective until such binder has been filed with the Snohomish County Auditor's office. The applicable recording fee shall be paid by the applicant to the City. The City shall be responsible for the filing of the binder. The binder serves as a notice to any heir, successor, assignee or prospective purchaser that the variance runs with the land.

Step 6. A variance application shall become null and void after two (2) years if a building permit and/or occupancy permit required as a result of the variance has not been obtained.

Step 7. A variance may be vacated by the current property owner upon approval by the Hearing Examiner by the filing of a land use binder vacation with the Snohomish County Auditor's Office [MMC 17.64.060 (C)].

Can a variance decision be appealed?

Yes. An appeal of a variance decision made administratively may be appealed to the City Council. Appeals must be made on the form provided by the City and the appeal fee currently in effect must be paid within fourteen (14) days from when the decision was made.

Appeals of a variance decision made by the Hearings Examiner may be appealed in Superior Court of Snohomish County within twenty-one (21) calendar days after the Hearings Examiner rendered a decision. Any costs of transcribing, copying, or otherwise preparing, certifying, and transcribing the record of proceedings and/or any other documents, if requested by the appellant, shall be paid by appellant in advance.

For questions or additional information:

Call...

City of Mukilteo
Planning Department (425) 263-8050
City Hall (425) 263-8000
Fax (425) 212-2068

Location...

11930 Cyrus Way
Mukilteo, Washington 98275

Hours...

Monday - Thursday
7:30 a.m. to 5:00 p.m.
Friday
7:30 a.m. to 4:30 p.m.

**IF YOU WISH TO APPLY BE SURE TO HAVE THE
FOLLOWING FORMS**

- ◆ Land Use Application
- ◆ Supplemental Application

THIS BROCHURE IS INTENDED TO BE A GUIDE FOR INFORMATION ONLY. PLEASE BE ADVISED THAT THE INFORMATION CONTAINED IN THIS BROCHURE MAY NOT BE COMPLETE AND IS SUBJECT TO CHANGE.