



CITY OF SNOHOMISH

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VARIANCE

For more information, refer to Snohomish Municipal Code Section 14.70

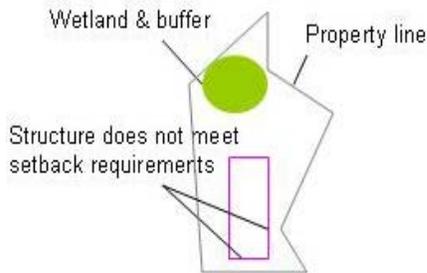
WHAT IS A VARIANCE?

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 2 permits

Major Variances, referred to simply as Variances, are all other variances that are not considered minor. They are processed as Type 4 permits and require a public hearing.

ARE THERE SITUATIONS WHERE VARIANCES CANNOT BE USED?

Yes. Variances 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 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, that 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

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.



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WHAT IS THE MINOR VARIANCE REVIEW PROCESS?

Minor Variances are reviewed as Type 2 Permits, and typically undergo the following process:

- Prior to formal submittal, staff recommends the applicant make a **Pre-Application** submittal and review the comments from City staff.
- **28 days** after the formal submittal, City staff issues a determination of completeness, or a letter of incomplete application. If complete, a notice of application is published for public comment. Applicant is advised of agencies that may have jurisdiction over the proposal.
- **14 days** after re-submittal (if applicable): City staff issues a determination of completeness, or a second letter of incomplete application (this continues until the application is complete).
- **14 days** after determination of completeness: City staff issues a Notice of Application to the public, other City departments, and agencies with jurisdiction. Public notice is also sent to all properties within 300 feet of the site.
- Public comment period for the notice of application is **15 days**.
- **90 days** after complete application submittal: City staff issues a SEPA determination. The applicant may request a 30-day extension of the threshold determination, if necessary.
- Public comment period for the threshold determination approval is **14 days**.
- **120 days** after determination of completeness and after public comment period is lapsed: City staff makes a decision regarding the proposal's consistency with applicable criteria.

WHAT IF MY MINOR VARIANCE IS SEPA-EXEMPT?

SEPA-exempt minor variances undergo a similar process, without the threshold determination.

WHAT IS THE MAJOR VARIANCE REVIEW PROCESS?

Major Variances are reviewed as Type 4 Permits and typically undergo the following process:

- Prior to formal submittal, Major Variance proposals must first make a **Pre-Application** submittal and review the comments from City staff.
- **28 days** after the formal submittal, City staff issues a determination of completeness, or a letter of incomplete application. If complete, a notice of application is published for public comment. Applicant is advised of agencies that may have jurisdiction over the proposal.
- **14 days** after re-submittal (if applicable): City staff issues a determination of completeness, or a second letter of incomplete application (this continues until the application is complete).
- **14 days** after determination of completeness: City staff issues a Notice of Application to the public, other City departments, and agencies with jurisdiction. Public notice is also sent to all properties within 300 feet of the site.
- Public comment period for the notice of application is **15 days**.
- **90 days** after complete application submittal: City staff issues a SEPA determination. The applicant may request a 30-day extension of the threshold determination.
- Public comment period for the threshold approval is **14 days**.
- Prior to final decision, the application is brought to the Hearing Examiner at a public hearing.
- **10 days** after the hearing: the Hearing Examiner issues a written decision.
- **120 days** after determination of completeness and after public comment period is lapsed: City staff issues a notice of decision.



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

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 14.20.170 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).