

Physical Address: Auburn City Hall Annex, 2 nd Floor 1 E Main St	Mailing Address: 25 W Main St Auburn, WA 98001	Phone and Email: 253-931-3090 permitcenter@auburnwa.gov	Apply Online: www.MyBuildingPermit.com Select: Auburn Land Use New None Variance
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INFORMATION SHEET

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 Auburn City Code (ACC) 14.03.030, a variance is a Type III decision.

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 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 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 after conclusion of the public hearing.

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

In reviewing applications for variances, the Hearing Examiner will consider the criteria contained in ACC 18.70.010. The Hearing Examiner may approve a variance only if the request conforms to all of the criteria contained in ACC 18.70.010.

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?

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 by City staff. If your application is not complete, you will be notified by 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?

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.

Variance – Submittal Checklist

What is required to be uploaded to www.MyBuildingPermit.com?

- ☐ [Owner Authorization Form\(s\)](#) for all owners involved.
- ☐ **Written Statement** including 1) a description of the request for the variance 2) and the project's consistency with the approval criteria listed under Auburn City Code (ACC) 18.70.010.
- ☐ **SEPA Checklist** if not categorically exempt under state and city rules, or if there will be an impact to lands designated as critical areas; the Planning Director may require a completed copy of an environmental checklist with any supporting documentation or information to address potential or known environmental impacts from the proposal.
- ☐ **Site Plan - The following graphic features shall be shown on the drawing:**
 - Vicinity Map
 - North arrow, numeric/graphic scale, and date plan was prepared;
 - Boundaries and dimensions of the property;
 - Adjacent public streets;
 - Easements, existing and proposed;
 - Location and size of all existing and proposed utilities;
 - Location of all other buildings, including setbacks;
 - Location and layout of off-street parking;
 - Location and height of fences;
 - Location and size of signs;
 - Height of structures;
 - Points of access, interior streets, driveways, and parking areas existing and proposed;
 - Location of refuse storage locations, bicycle parking areas, and pedestrian/bike paths;
 - Proposed right-of-way, dedications, and improvements;
 - Location of storm water quality/detention facilities;
 - Boundaries of development phases, if applicable; and
 - Flood hazards, geological hazards (seismic, steep slope, landslide, erosion), groundwater protection areas, streams, significant trees, wetlands, and wildlife habitat.
- ☐ **Vicinity Map - A vicinity map sufficient to define the property location and boundaries.**

PDF Requirements: All documents shall be submitted in unsecured and flattened PDF format. Each document shall be uploaded as a separate PDF file and clearly named by document title; common acronyms are okay (e.g., SSP – Stormwater Site Plan/Report, Geotech – Geotechnical Report, TIA – Traffic Impact Analysis/Study/Memo, CAR – Critical Areas Report).
Example: Smith Building – Prelim SSP.pdf

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.

WRITTEN STATEMENT OF DECISION CRITERIA FOR VARIANCE

In a written statement please fully describe the proposal and its conformance with the following criteria as specified in ACC 18.70.010 (provided below):

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.