

Zoning Code Variance: Information & Application

Submittal Checklist

What is a Zoning Code Variance?

A zoning code variance application process allows the County to consider requests for adjustments to the zoning code standards on a particular property, such as adjustments to minimum setback, lot coverage, or building height requirements. A zoning code variance will only be considered when the application of zoning standards results in unnecessary hardship for a property owner and is necessary because of the unique size, shape, topography, or location of a particular property. It is a type 2 land use decision, that requires public notice, an opportunity for the public to comment on the proposal and is an appealable decision to the King County Hearings Examiner. The zoning code variance review process allows for consistent evaluation of zoning code variance requests and provides clear criteria on which to base a decision. The burden is on the applicant to provide adequate justification to support the zoning code variance request.

Apply On-Line at [MyBuildingPermit.com](https://mybuildingpermit.com)

Select: King County | Land Use | New |
Deviations, Modifications, Variances, or
Waivers | Variance



What does not qualify for a Zoning Code Variance?

The following do not qualify for a zoning code variance:

- Proposing a use that is not allowed in a zone
- Increasing the number of dwelling units allowed on a property
- Waiving or reducing critical areas buffers and/or building code setbacks
- Waiving or reducing any standards established through easements or covenants on a property
- Subdividing property that does not meet the minimum size and density standards for the zone

Criteria for Zoning Code Variance Approval

A zoning code variance can be granted only if you demonstrate compliance with this decision criteria in King County Code (KCC) 21A.44.030:

- A. The strict enforcement of this title creates unnecessary hardship for the property owner;
- B. The variance is necessary because of the unique size, shape, topography, or location of the subject property
- C. The subject property is deprived, under this title, of rights and privileges enjoyed by other properties in the vicinity and under an identical zone
- D. The variance does not create health and safety hazards, is not materially detrimental to public welfare or is not unduly injurious to property or improvements in the vicinity
- E. The variance does not relieve an applicant from any of the procedural provisions of this title
- F. The variance does not relieve an applicant from any standard or provision that specifically states that no variance from that standard or provision is permitted
- G. The variance does not relieve an applicant from conditions established during prior permit review

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- H. The variance does not allow establishment of a use that is not otherwise permitted in the zone in which the proposal is located
- I. The variance does not allow the creation of lots or densities that exceed the base residential density for the zone by more than ten percent
- J. The variance is the minimum necessary to grant relief to the applicant
- K. The variance from setbacks or height requirements does not infringe upon or interfere with easement or covenant rights or responsibilities
- L. The variance does not relieve an applicant from any provisions of K.C.C. 21A.24, Critical Areas; and
- M. Within a special district overlay, the variance does not:
 - 1. Modify, waive, or define uses
 - 2. Waive requirements for special studies or reports; or
 - 3. Reduce vegetation retention standards by more than a total of ten percent.

**Zoning code variance requests may have additional use-specific and site-specific development standards to meet so they demonstrate that the proposal complies with applicable development codes, including critical areas, shoreline, and surface water design standards.*

Prerequisite Permits and Other Agencies

Some permits and approvals come from other agencies. **Consider if your building(s) and site development may have activities related to the list below. If needed, get these permits before applying for your building permit.** See [Other agency services' permits](#).

Check before applying for a building or development permit:

- [Public Health Approvals \(septic, well, gas piping\) – Seattle-King County Public Health](#)
 - [This is the most commonly needed, others listed below are much less common.](#)
- [Critical Areas Alteration Exception](#) (if on land designated as a [critical area](#))
- [Drainage Adjustment](#) – King County Water and Land Resources Division
- [Flood Permits](#) - King County Water and Land Resources Division (for if you are in a flood hazard area).
- [Historic Preservation Approval– King County Department of Natural Resources Historic Preservation Program](#)
- [Roads Variances](#) – King County Roads

Zoning Code Variance Permit Review Process

The decision on zoning code variance request is an administrative one made by the Permitting Division. This process generally takes six months to a year, provided no appeals are filed or substantial additional information is required. If the proposal is subject to the State Environmental Policy Act (SEPA), the Permitting Division will also review and issue a SEPA threshold determination at the same time or before the zoning code variance decision. Here's the permit process:

1. **Determination of Completeness:** Once your application is submitted, Permitting staff have twenty-eight (28) days to determine if the application is complete enough for review to start. An

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application that fails to meet the submittal requirements will be deemed incomplete and they will request more information.

**In cases where a proposed action for a zoning code variance also requires other land use permits, review of the zoning code variance application can be combined with other permits dependent on the granting of a zoning code variance.*

2. **Fees:** Once you provide the necessary application material, Permitting staff will notify you of the required fees to be paid. Once paid, the application will be sent for review.
3. **Notice of Application:** After Permitting staff determines that the application is complete enough for review, a Notice of Application is issued as specified below. The minimum public comment period for a zoning code variance application is 24 days, although public comments may still be submitted and considered until the time of the decision.
 1. Permitting sends out a notice of the application to property owners within a 500-foot radius of the subject property, or farther out to reach at least 20 different property owners.
 2. A notice of the application is published by Permitting staff in the official county newspaper and another newspaper for general circulation.
 3. The Notice of Application and related documents are posted on the Permitting web site under [Public Notices](#).
 4. The applicant is required to install a [notice board \(see Notice of Construction Activity Sign Board Requirements under N\)](#) that must be placed in a visible place on the property throughout the permit process so that people passing by the property can see it. More notice boards may be required by Permitting. The cost of the board is the applicant's responsibility. Permitting staff will send the applicant written instructions on the specific requirements for the notice board.
 5. Notice of the application is also given to anyone who writes, calls or emails Permitting for information about the application.
4. **Zoning Code Variance Review:** Applications will be evaluated based on the information you provided, the King County Zoning Code, the King County Comprehensive Plan (KCCP), pertinent development standards, and site inspection(s). If additional information is required during review to demonstrate compliance with King County Code, we will send you a request.
5. **Notice of Decision & Appeal:**
 1. Upon conclusion of the review of the zoning code variance, Permitting staff issue a written decision. If SEPA review is required as part of the zoning code variance proposal, a SEPA threshold determination summary and notice will also be completed and issued. A copy of the decision is sent to the applicant, public agencies of interest, and to all parties who have written, called, or emailed to Permitting Division about the permit.

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2. An aggrieved party has 24 days following the Department's notice of decision to file an appeal. The appeal must be timely submitted to the Department of Local Services, Permitting Division along with an appeal filing fee. The King County Hearing Examiner then hears the appeal and makes a final decision. If no appeal is received, the decision becomes final following the 24-day appeal period.

6. **Subsequent Permits:** A zoning code variance is a land use review to determine if a specific zoning code standards may be adjusted on a particular property. It does not authorize construction. If a zoning code variance request is approved, you need separate development permits for any construction or site improvements. This may include building permit, clearing-grading permits, fire system permits, mechanical permits, sign permits, electrical permits, right-of-way use permits, floodplain development permits, and food business permits.

More Resources

[King County Department of Local Services, Permitting Division](#)

- [Customer Service](#)
- [Property Research Guide and Property Research Video](#)
- [Permit Forms, Application Materials, and Resources](#)
- [King County Code Title 21A Zoning](#)
- [Building and Fire Codes](#)
- [Fees](#)

Submittal Checklist: Zoning Code Variance Permit Application

1. **Zoning Code Variance Narrative.** Include a description of the request, justification for why the variance is necessary, and responses to how the project complies with KCC 21A.44.040 code criteria.
2. **Legal Description of Property**
3. **Zoning Variance Development Plans:**
 - (a) **Cover sheet, including:**
 - Description of zoning code variance request
 - List of applicable codes
 - The property owner and applicant's name and contact information
 - Property tax account number
 - (b) **Scaled, Site Plans & Vicinity Map, including:**
 - Map scale and north arrow
 - Zoning of subject and adjacent properties
 - Location of all property lines, buildings, fences, parking, bicycle parking, walkways, setbacks, garbage/recyclable storage points, driveways, and landscape areas.
 - On-site septic systems and wells
 - Type of impervious surfaces & locations
 - Buildings and uses of all existing structures within 100-feet of boundaries of the subject property.
 - Property easements and adjacent streets/roads/rights-of-way
 - Existing and proposed topography on separate drawings showing at least 5-foot contours.
 - All critical areas and associated buffers
 - (c) **Boundary Survey**, by a licensed surveyor
 - (d) **Scaled, Architectural Plans.** If necessary, in relation to the specific zoning code variance being requested
 - Existing & proposed floor plans, including walls, doors, door swings, fixed equipment, and fixtures
 - Provide means of egress plan with occupant loads, exit signs, and egress illumination
 - Elevation drawings
 - (e) **Civil Plans & Details**
 - [Site Areas Worksheet \(listed under title "S"\)](#)
 - Conceptual Drainage Analysis and Plan (required only if the thresholds for drainage review per the King County [Surface Water Design Manual](#) are met)
 - (e) **Landscape plans**, by a certified landscape architect
 - [Landscape Bond Quantity Worksheet Form \(listed under title "L"\)](#)
4. **Critical Areas Assessment & Wildlife Habitat Assessment.** Applies if there are ecological or geological critical areas on or near the site.
5. **SEPA Environmental Checklist & Greenhouse Gas Emissions Form.** Applies if not exempt per [KCC 20.44.040](#) or [WAC 197-11-800](#)
6. **Fire District Receipt**
7. **Sewer Availability Certificate** OR Approved On-Site Sewage Design from [King County Public Health On-Site Septic System \(OSS\) Program](#)
8. **Water Availability Certificate (listed under title "W")** OR documentation of well approval for the use.
9. **Proof of "Legal" Lot Status.** Applies for development of vacant properties.
10. **Other:**
 - Photographs, charts, petitions, letters, models, or special reports may be submitted at the discretion of the applicant.
 - Feasibility assessments or special reports when deemed necessary by Permitting staff
 - Approvals for any supplemental authorizations when deemed necessary by Permitting n staff, including but not limited to floodplain development, road variance or drainage adjustment.
11. **Fees:** Fees are first charged once the application is deemed complete enough to begin review. Additional review fee payments required during course of review may also apply. See our [fee guides](#) for more.