



# Critical Areas Variance: Reasonable Economic Use

PERMITTING & DEVELOPMENT  
PLANNING  
DIVISION  
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A variance is a relaxation of the bulk requirements of the zoning code such as setbacks, height, lot coverage, and parking. A variance cannot alter allowed uses within a zone. Variance requests are Type III-B permit applications where the Hearing Examiner makes the final decision on the proposal. The regulations related to variances are provided within Edmonds Community Development Code (ECDC) Chapter 20.85.

## CRITERIA

Approval of a variance request is not guaranteed. The Hearing Examiner may approve, or conditionally approve, variances when literal and strict interpretation of the zoning code would cause undue hardship on the property owner. Self-created hardship is not a valid reason for a variance. For instance, if you build your house in such a manner that you cannot then expand the living room without encroaching on a required side yard, you have created that situation. Hardship speaks to whether you would be deprived of property rights common to the general vicinity and zone due to factors on the site that are beyond your control.

**NO VARIANCE MAY BE APPROVED UNLESS ALL OF THE FOLLOWING FINDINGS CAN BE MADE. IT IS THE APPLICANT'S RESPONSIBILITY TO SHOW THAT ALL OF THE CRITERIA ARE SATISFIED:**

**Special Circumstances.** That, because of special circumstances relating to the property, the strict enforcement of the zoning ordinance would deprive the owner of use rights and privileges permitted to other properties in the vicinity with the same zoning.

Special circumstances include the size, shape, topography, location or surroundings of the property, public necessity as to public structures and uses and environmental factors such as vegetation, streams, ponds and wildlife habitats.

Special circumstances should not be predicated upon any factor personal to the owner such as age or disability, extra expense which may be necessary to comply with the zoning ordinance, the ability to secure a scenic view, the ability to make more profitable use of the property, nor any factor resulting from the action of the owner or any past owner of the same property.

*Explain how special circumstances related to the property would deprive the owner of the rights and privileges permitted to other properties in the vicinity. What special circumstances such as lot size, shape, topography, stream location, wetland location, or other unusual problems are causing an impact, which would require a variance?*

**Special Privilege.** That the approval of the variance would not be a grant of special privilege to the property in comparison with the limitations upon other properties in the vicinity with the same zoning.

*Explain why the proposal is not a grant of special privilege. Is the proposal something that is allowed to other property owners in the vicinity, but would be disallowed on your property if the variance is denied?*

**Comprehensive Plan.** That the approval of the variance will be consistent with the Comprehensive Plan.

*Explain how the proposal is consistent with the Comprehensive Plan (check [maps.edmondswa.gov](http://maps.edmondswa.gov) or ask a Planner for the Comprehensive Plan designation of your property).*

**Zoning Ordinance.** That the approval of the variance will be consistent with the purposes of the zoning ordinance and the zone district in which the property is located.

*Explain how the proposal is consistent with the purposes of the Zoning Ordinance and with the Zone District in which the property is located.*

**Not Detrimental.** That the variance, as approved or conditionally approved, will not be significantly detrimental to the public health, safety and welfare or injurious to the property or improvements in the vicinity and same zone.

*Explain how the proposal is not detrimental. Will the portion of your proposal for which you seek a variance cause a loss of property value, scenic view, or use of surrounding properties? Will the portion of the project for which you seek a variance be physically injurious or harmful to any person on your property or surrounding properties?*

**Minimum Variance.** That the approved variance is the minimum necessary to allow the owner the rights enjoyed by other properties in the vicinity with the same zoning.

*Explain how the proposed variance is the minimum variance needed to accommodate the proposed project, or why there is no alternative other than a variance in order to complete this project.*

## APPLICATION PROCEDURE

**Prepare and submit an application for a variance.** The Planning Division has the forms and will assist you with any additional information needed. At a minimum, your application must include the following:

- Completed and signed land use application form.
- Filing fee.
- Written statement describing the specific requested variance and describing how the proposed variance meets all of the criteria of ECDC 20.85.010.
- Depending on the nature of the variance requested, the Planning Division might require additional information such as a site plan or building elevation. Building elevations and site plan will be required in any case where a variance is requested for a building or a portion of a building where a building permit will also be required.
- Adjacent property owner's list (refer to Handout #P2).

**Public Hearing.** You will be assigned and notified of a hearing date as soon as the application is determined to be complete and all necessary information has been submitted for review. Hearing Examiner meetings are held at 3:00 p.m. on the second and fourth Thursdays of each month unless otherwise noted, in the Council Chambers, Public

Safety Complex, 250 5<sup>th</sup> Ave. N., Edmonds, and are open to the public. You or your representative must appear at the hearing so the Hearing Examiner can ask questions concerning your application.

**Final Action.** The Hearing Examiner issues a decision ten (10) working days following the conclusion of the hearing. Decisions on Type III-B actions may be appealed to City Council within 14 days of the issuance of the decision.

**Time Limit.** The approved variance must be acted on by the owner within one year from the date of approval or the variance will expire and be null and void, unless the owner files an application for an extension at least 30 days before the expiration date and the City approves the requested extension. Extensions are limited to one year.

**Location.** A variance is site-specific and may not be transferred to any other property.

**Note:** This information should not be used as a substitute for City codes and regulations. The Edmonds Community Development Code (ECDC) may be viewed at [www.edmondswa.gov](http://www.edmondswa.gov). The applicant is responsible for ensuring compliance with the fees and regulations that are applicable at the time of submittal. If you have a specific question about a certain aspect of your project, please contact the Planning Division at 121 Fifth Avenue North, (425) 771-0220. Please note that other local, state, and/or federal permits or approvals may be required.