

Variance Submittal Requirements

A request for a variance shall be filed with the Permit Center and shall be reviewed in a public hearing through a Level 4 Review Process before the Hearing Examiner (see Level 4 Review flowchart).

Purpose: The variance provision is provided to property owners who, due to the strict implementation of standards set forth in the Issaquah Land Use Code, Chapter 4, and/or to unusual circumstances regarding the subject property, are deprived of privileges commonly enjoyed by other properties in the same vicinity and zone and under the same land use regulations, provided, however, that the fact that surrounding properties have been developed under regulations in force prior to the adoption of this ordinance shall not be the sole basis for the granting of a variance.

How to Apply

Electronically Online

1. Gather your plans and supporting documents per the application checklist and plan set requirements
2. Save the documents in PDF file format per our [PDF File Format Requirements](#)
3. Apply and upload your plans to www.MyBuildingPermit.com.

Select the following options when applying:

Land Use – Any Project Type – Deviations, Modifications, Variances or Waivers – Variance

Submittal Requirements

- Notarized Affidavit of Ownership/Agent Authority (Notary available by City)
- Variance application processing fee in the amount according to the adopted Fee Schedule. Make check payable to City of Issaquah
- Written detailed narrative describing the variance request and the reasons. The narrative is to describe how the requested variance meets the "Approval Criteria," as established in the Issaquah Municipal Code, Chapter 18.04.490(B)(2). See approval criteria below.
- Small-scale vicinity map. 1" = 20' is recommended.
- Site plan of the subject property.

NOTE 1: Within twenty-eight (28) days of a determination by the City of a Complete Application, the applicant shall install a 4' x 4' sign in accordance with IMC 18.04.180 Public Notification. Upon installation the applicant shall provide to the City an Affidavit of Sign Installation.

NOTE 2: Additional plans and studies may be required depending on the type of variance requested. Consult with the Planning Department to determine what may be required.

Approval Criteria

Before any variance may be granted, the applicant must meet all of the following approval criteria through the Level 4 Review Process:

- a. The variance is in harmony with the purpose and intent of the relevant City ordinances and the Comprehensive Plan;
- b. The variance shall not constitute a grant of special privilege which would be inconsistent with the permitted uses, or other properties in the vicinity and zone in which the subject property is located;
- c. The variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, and such variance will provide use rights and privileges permitted to other

properties in the vicinity, located in the same zone as the subject property, and developed under the same land use regulations as the subject property requesting the variance;

- d. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated;
- e. Alternative development concepts in compliance with the existing Code have been evaluated and undue hardship would result if such strict adherence to Code provisions is required;
- f. The variance granted is the minimum amount necessary to comply with the approval criteria listed above and the minimum necessary to accommodate the permitted uses proposed by the application; in addition, the scale of the use shall be reduced as necessary to meet this requirement; and
- g. The basis for the variance request is not the result of deliberate actions of the applicant or property owner.

NOTE: For variances to the Critical Areas Regulations, there are separate criteria, including "Reasonable Use Variance", as listed in IMC 18.10.430.

Review and Decision-Making Responsibility

- a. Recommendation: Staff shall analyze and make a recommendation to the Hearing Examiner based on the approval criteria set forth in the Issaquah Land Use Code, Chapter 18.04.490(B)(2). The recommendation for approval, approval with conditions, or denial shall be written in a staff report and shall be based on the information provided by the applicant and on the best professional judgment of the staff. The staff shall state the specific criteria upon which the recommendation to the Hearing Examiner is based.
- b. Decision: The decision to approve, approve with conditions, or deny the variance shall be the responsibility of the Hearing Examiner, and shall be based on the applicant's compliance with the variance criteria, the information set forth in the staff report, and on public comments at the public hearing.
- c. Appeals: The decision of the Hearing Examiner shall be final unless an appeal is made to the City Council. Written notice of the appeal clearly stating grounds of said appeal must be filed within ten (10) days of the date of the notice of the decision. The fee for an appeal is based on the City's adopted fee schedule.