



Planning Department

# Variance Procedure

**AHMC**  
(Airway Heights Municipal Code)  
**17.03.090**

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## Variance (AHMC 17.04.010)

*"The means by which an adjustment may be made in the application of the specific regulations of this code to a particular piece of property, which property, because of special circumstances, is deprived of privileges commonly enjoyed by other properties in the vicinity and similar zone classification and which adjustment remedies the difference in privileges; provided that a variance granted shall not authorize a use otherwise prohibited in the zone classification in which the property is located."*

## VARIANCE (AHMC 17.03.090)

The Airway Heights Hearing Examiner has authority to grant a variance from specific provisions of AHMC Title 17, Zoning, in special or unusual circumstances. Variances are typically limited to height and bulk standards due to topographical limitations of the site.

In granting a variance, the applicant must show that, due to special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the zoning title creates practical difficulties and is found to deprive the property of rights and privileges enjoyed by other properties in the vicinity.

In its decision, the Hearing Examiner will use the following guidelines for consideration:

1. Strict application of the zoning title creates an unreasonable burden in light of the purpose to be served by the title;
2. Relaxation of the zoning title requirement will allow a more environmentally sensitive, energy conserving, or superior design;
3. A broader public interest or community need or interest will be served by granting the variance;
4. The granting of a variance should not be based upon precedent established by illegal or nonconforming circumstances;
5. A variance should not establish a precedent or result in a de facto zone reclassification;
6. A variance should be consistent with the intent and general purpose of the comprehensive plan.

## WHAT TO SUBMIT (AHMC 17.03.110)

All applications shall include the following, including any additional information deemed necessary by the City Planner:

- Payment of appropriate fees
- Completed General Land Use Application Form
- Variance Supplemental Information Form
- Proof of ownership (deed or other related document)
- Site plan consistent with the requirements of AHMC 17.03.110,C
- State Environmental Policy Act (SEPA) Checklist (if applicable)
- A signed and completed "Agreement to Pay Fees" (if applicable)

## PRE-APPLICATION (AHMC 14.03.020)

A formal meeting shall be scheduled with the applicant, City staff, and interested parties to discuss, in specific terms, the proposed development, city design standards, needed permits and/or approvals, environmental review (if needed), fees, process, and processing schedule. All applicants are encouraged to participate in an optional informal meeting with city staff prior to the formal application meeting.

## DETERMINATION OF COMPLETENESS

(AHMC 14.03.040)

Within twenty-eight (28) days of receiving a date-stamped application, the City Planner shall review the application together with all required information and provide the applicant(s) with a written determination that the application is complete or incomplete.

**TECHNICAL REVIEW COMMITTEE** (AHMC 14.03.050)

Following the issuance of a letter of completeness, the City Planner will schedule a Technical Review Committee meeting (TRC) composed of the applicant, all affected city departments, utility districts, and other agencies or entities with jurisdiction. The purpose of this meeting is to gather input from other entities regarding compliance with all appropriate laws.

**PUBLIC NOTICE** (AHMC 14.04)

Upon receipt of a completed application, a public hearing will be scheduled with the Airway Heights Hearing Examiner. Hearings are open to the public and any person may support or object to the granting of any land use approval.

Notice of Development Application (AHMC 14.04.010,B)

Within 14-days of issuing a determination of completeness, the City Planner will prepare a notice of development application. The notice of development application shall be posted on the subject property

Public Hearing Notice (AHMC 14.04.030,A)

Notice of public hearings will be provided by the following means:

1. Publication of at least fifteen (15) days before the date of a public hearing in the Spokesman Review; and
2. Mailing at least fifteen (15) days before the date of a public hearing to all property owners as shown on the records of the County Assessor and to all street addresses of properties within three hundred (300) feet of the boundaries of the property which is the subject of the meeting or pending action. Addressed, pre-stamped envelopes shall be provided by the applicant; and
3. Posting at least fifteen (15) days prior to the hearing in three public places where ordinances are posted. In addition, at least one notice shall be posted on the subject property and shall consist of a four (4) foot by eight (8) foot all weather sign, with four (4) inch tall lettering. The posted sign must clearly indicate the name and/or type of development proposed, the developer or applicant's name, the time, date, and place of public hearing, and the place where further information may be obtained.

**HEARING** (AHMC 14.05.040)

The Hearing Examiner shall conduct a public hearing on development proposals for the purpose of taking testimony, hearing evidence, considering the facts germane to the proposal, and evaluating the proposal for consistency with the City's development code, adopted plans and regulations.

The Hearing Examiner has the authority to grant a variance based upon criteria as specified in the City Code for determining the conditions that would apply for compatibility.

**FINAL DECISION** (AHMC 14.05.100)

The final decision on a variance will be made within 120-days from the date of the letter of completeness, under certain circumstances additional time may be needed. If approved, the Hearing Examiner will prepare a written report within ten (10) days which will contain a review of the facts, the findings and opinion of the Examiner, and such orders/conditions as the Examiner deems necessary. All parties of record shall receive a copy of the hearing examiner decision, along with findings of fact and specific conclusions.

**CONTACTS**

City of Airway Heights

Planning Department	509.244.2552
Building Department	509.244.5514
Fire Department	509.244.3322
Public Works	509.244.5429

**NOTES:**

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**DISCLAIMER**

This form is not intended to be a complete and comprehensive list of all information that will be required as projects vary in complexity and scope. It is the responsibility of the applicant to provide all necessary information. It is highly recommended that the applicant visit the Planning Department prior to submitting a formal application.