

# Application Packet Type III-F

# Variance



City of Sultan

COMMUNITY DEVELOPMENT DEPARTMENT  
319 Main St. Sultan, WA 98294  
Phone (360) 793-2231 Fax (360) 793-3344

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## VARIANCE - FREQUENTLY ASKED QUESTIONS

**What is a variance?** A variance is a tool that can be used by property owners to modify regulations on their property under special circumstances. It allows for the modification of terms, conditions and regulations within the municipal code. Applications for a variance on a particular piece of property must show that it is deprived of privileges enjoyed by other properties of the same zone. The modification will remedy the disparity in these privileges.

It is a Type III permit in the city. This permit type requires the public and all property owners within 300 feet of the project to be notified of the application, have an open record public hearing, and obtain a decision by the hearing examiner.

**What is the purpose of a variance?** The purpose of a variance is to allow for modifications to the zoning and other municipal code regulations.

**What are the criteria for granting approval for a variance?** (SMC 2.26.120)

- A. It does not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property is located;
- B. The variance will not be materially detrimental to the public welfare or harmful to the property or improvements in the vicinity and zone in which the property is located;
- C. The variance is necessary:
  - i. Because special circumstances on the property that relate to size, shape, topography, location or surroundings;
  - ii. To provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located;
  - iii. Because for reasons set forth in the findings, the variance as approved would contribute significantly to the improvement of environmental conditions, either existing or potentially arising from the proposed improvement; and
- D. The proposal is consistent with the comprehensive plan.

**What is the process for approval for a variance?**

1. First, consult with staff to see if a pre-application meeting is warranted.
2. At submittal, City staff will screen your application using this checklist in a submittal meeting. Contact the department at (360) 793-2231 to arrange an appointment. Applications that are missing items from this checklist will not be accepted for review.
3. Once the application has been accepted for review, City Staff will determine whether the application is complete within 28 days.
4. Then:
  - a. If the determination is that the application is incomplete or needs modification you will be sent a letter explaining what is needed for a complete application. Your project will return at Step 2.
  - b. If staff issues a Determination of Completeness (RCW 36.70B.070), the application will move forward in the approval process (Step 6).
5. At the same time as Step 4b, the city will post a notice of application at City Hall, the post office, place a legal notice in the city newspaper, and notify by mail all property owners within 300 feet of the project. The applicant is also required to post notice on the site. The City may also place the notice of the application on the city's web page and on the local public access channel.
6. City Staff will review the application to determine if all approval criteria have been met.

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**VARIANCE - FREQUENTLY ASKED QUESTIONS (CONTINUED)**

7. Should the City Staff decide that additional information or changes are needed before the application goes before the Hearing Examiner:
  - a. You will be mailed a letter listing what information and corrections are needed.
  - b. You have 180 days to modify your application and resubmit it to the City. Your application returns to Step 6.
  - c. Your application expires in 180 days if the requested information is not provided.
8. If all information needed is present, a staff report will be compiled and a copy will be provided to the applicant.
9. The Hearing Examiner will hold an open record public hearing on the project. At least ten days public notice is required before the hearing.
10. The Hearing Examiner can approve the application with or without conditions, return the application to the applicant for further modification, or disapprove the application.
11. Decisions of the Hearing Examiner are appealable to Snohomish County Superior Court (SMC 2.26.140, RCW 36.70C).

Additional Note: If your application is being processed concurrent with another land use action or SEPA determination, the application will be combined into the overall action and decided by the Hearing Examiner.

**What happens if the variance is denied by the hearing examiner?** The applicant, within 21 days, may file an appeal with the Snohomish County Superior Court. The appeal must follow guidelines and regulations as stated in the Land Use Petition Act (36.70C RCW), as well as local rules for the Snohomish County Superior Court.

**What are the contents of this application packet?**

- I. Frequently Asked Questions
- II. Submittal Checklist
- III. Type III Permit Application
- IV. Property Owner and Applicant Declaration

**Can I submit electronic copies of application materials?** Yes. The applicant may choose to submit an electronic version of submittal materials. If using this option, information must be turned in on a CD.

**Note:** The information contain in this packet is to act only as a guideline for applicants. Please refer to the Sultan Municipal Code for exact code requirements, standards and wordings.

**Additional Questions:** If you would like additional information, please contact the Community Development Department at the number shown above. Ask for the permit assistant.



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Date Stamp Area

Staff Initials: \_\_\_\_\_

**VARIANCE – SUBMITTAL CHECKLIST**

**Applicant:** Please check the “Applicant” boxes below when each item is complete and ready for review.

**APPLICATION REQUIREMENTS**

**1. Type III Permit Application Form.**

Staff    Applicant  
     Completed and Signed Application.

**2. Site Plan.** On the site plan submitted with the main project, show the **proposed** variance. These additional items are required on top on the other site plan requirements:

Staff    Applicant  
     Indicate where the variance will be needed on the project.  
     Where the variance is located, give facts why the variance is needed and reasons why the current regulations are insufficient.

**3. Fees.**

Staff    Applicant  
     Fees paid (see current Fee Schedule).



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## TYPE III PERMIT APPLICATION

Application for: Check all that apply

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Conditional Use Permit        | <input type="checkbox"/> Preliminary Planned Unit Development | <input checked="" type="checkbox"/> Variance |
| <input type="checkbox"/> Preliminary Binding Site Plan | <input type="checkbox"/> Preliminary Subdivision              |  |

Note: Staff can assist you in determining which permits are needed for your project.

### Applicant:

Name: Meghan Howey, Technology Associates EC Inc.  
Address: 9725 3<sup>rd</sup> Avenue NE, Ste 410, Seattle, WA 98115

Company Name: Vertical Bridge  
Phone: (253) 682-8556  
Fax: \_\_\_\_\_

### Contact (if other than applicant):

Name: Same as applicant  
Address: \_\_\_\_\_

Company Name: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_

### Property Owner (if other than applicant):

Name: City of Sultan  
Address: \_\_\_\_\_

Company Name: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_

### Project and Property Information:

Tax Parcel Number(s): 28082900201000 & 28082900200500

Property Address or general location (if no address): 124<sup>th</sup> Street SE near Sultan Basin Rd

Project Zoning (check one):  LMD  MD  HD  HOD  ED  UC  P/I

Acres/Square Feet: \_\_\_\_\_

Is property served by City water service?  Yes  No

Is property served by City sewer system?  Yes  No

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**TYPE III PERMIT APPLICATION (CONTINUED)**

Project Description: Vertical Bridge proposes a 240' lattice tower, 75' x 75' compound, and T-Mobile co-location to provide telecommunication services.

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Date of pre-application (required): March 2, 2021

**Complete and attach submittal checklist(s) for each application being applied for.**

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**For the applicant:**

I am the owner or am authorized by the owner to sign and submit this application on their behalf. I certify under penalty of perjury of the laws of the State of Washington that the information on this application and all information submitted herewith is true, complete, and correct.

A handwritten signature in black ink, appearing to read "Nathan J. Henry".

Signature of Applicant: \_\_\_\_\_

Date: 3-24-2021

**For the property owner:**

I authorize the above applicant to submit this application on my behalf. I also grant permission for City staff and agents to enter onto the subject property for the sole purpose of making any inspection of the property which is necessary to process this application.

Signature of Property Owner: \_\_\_\_\_

Date: \_\_\_\_\_



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**PROPERTY OWNER AND APPLICANT DECLARATION**

The applicant (can be the property owner) makes the following statement based upon personal knowledge:

1. I am the current owner of the property or have the permission from the current owner of the property to submit this application for the subject property.
2. The application is being submitted with my knowledge and consent.
3. All statements contained in this application are true and correct to the best of my (our) knowledge.
4. I understand that all conditions of application approval must be completed.

I declare under penalty of perjury under the laws of the State of Washington and the United States of America, that the foregoing statement is true and correct.

\_\_\_\_\_  
Applicant – Print Name

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Applicant – Signature

\_\_\_\_\_  
Date

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The property owner makes the following statement based upon personal knowledge:

1. I am the current owner of the property, which is the subject of this application including all right-of-way; easements; or other property ownership's which are necessary to fulfill the requirements of this application
2. The application is being submitted with my knowledge and consent.
3. I authorize the above applicant to represent me in the application process for this specific application.

I declare under penalty of perjury under the laws of the State of Washington and the United States of America, that the foregoing statement is true and correct.

\_\_\_\_\_  
Tax Parcel Number(s)

\_\_\_\_\_  
Physical Address/Location

\_\_\_\_\_  
Owner – Print Name

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Owner – Signature

\_\_\_\_\_  
Date