



501 EVERGREEN POINT ROAD MEDINA, WA 98039
PHONE: 425-233-6414/6400

DEVELOPMENT SERVICES

INSTRUCTIONS FOR A MINOR DEVIATION

This application may be submitted for the following:

- Departures from any numeric development standard of five percent or less for a remodeling project
- A new addition that matches the existing nonconforming building height
- A new addition that matches an existing nonconforming zoning setback

General Information

- A. A complete application is required at the time of submittal. Please answer all of the criteria questions clearly and completely.
- B. The City's application form must be used, however, the project narrative and answers to the criteria questions shall be submitted on a separate document. The project narrative and address of the approved criteria should describe the project's approach to satisfying all approval criteria , including any mitigation proposed.
- C. On at least one page of the required drawings, please clearly identify or highlight the area that the minor deviation is being requested for.
- D. A Notice of Complete Application or Notice of Incomplete Application will be issued within twenty-eight (28) days of submittal.

Requirements

I. APPLICATION

- A. The following documents are required at the time of submittal, unless otherwise indicated. While final construction drawings are not required for a minor deviation application, all submitted plans, elevations, etc. must be of sufficient detail to clearly show the nature and extent of the proposal and its relationship to other site or project features. A complete application will include:
 1. Completed Minor Deviation Checklist, Minor Deviation Application and Declaration of Agency form
 2. Proof of ownership (copy of deed)
 3. Site Plan with the following:
 - a. Scale and north arrow
 - b. Property lines including corner stakes
 - c. Lot dimensions
 - d. Proposed location of new structure(s) or addition(s)
 - e. Dimensions of existing and new structures
 - f. Setback dimensions from property lines
 - g. All public/private roads
 - h. All easements
 - i. All other structures on the property
 - j. Significant natural features
 - k. Structural calculations, including maximum structural coverage and impervious surface

- I. Approximate location of structures on abutting properties with distances delineated
- 4. A set of drawings that contain the following:
 - a. Schematic building plans and elevations
 - b. Building height with site sections
 - c. Topography at 5' contour intervals
 - d. Proposed landscaping and existing vegetation and trees
 - e. Area of future development (if any)
 - f. Other site or public improvements/information (if any)
- B. A word document formatted to Avery address labels containing the names of property owners and their mailing addresses for all properties within 300 feet or three (3) parcels depth, whichever distance is greater but not to exceed 1,000 feet. See mailing labels information bulletin for further information.
 - 1. A vicinity map showing the site with the 300' or three (3) parcels depth minimum buffer of property owners who will be notified of the application must also be included.
- C. Any other perspective drawings, renderings, studies, or information the applicant feels is relevant to support the minor deviation request.

Procedure

II. MINOR DEVIATION PROCESS

- A. Please submit the items listed above and any other information which may be required by the City at the time the application is filed.
- B. **MODIFICATIONS**: Changes to an application that has already been submitted and noticed to surrounding property owners may trigger the application to be re-noticed.
- C. Following receipt of the minor deviation application, the City will review the application for completeness and either issue a Notice of Application which includes a public commenting period outlined in MMC 16.80.110(B)(7) or a Notice of Incomplete Application, listing the additional required documentation. Any comments that are received by the public will be forwarded to the applicant for response.
- D. A staff report of the findings and decision shall be issued that includes: 1) A statement granting, granting with conditions, or denying the minor deviation 2) A statement of the required findings and 3) A statement advising the applicant of the right to appeal the Director or Designee's decision to the Hearing Examiner within fourteen (14) days of the decision being issued. The decision and findings shall be mailed to the applicant and to all parties of record.

III. CRITERIA FOR APPROVAL

- A. Before a minor deviation may be granted, the Director or Designee shall find that all of the following conditions exist:
 - 1. The minor deviation does not constitute a granting of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the subject property is located; and

2. The granting of such minor deviation 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; and
 3. The proposed development will not substantially reduce the amount of privacy enjoyed by adjoining property owners than if the development was built as specified by the zoning code; and
 4. The minor deviation is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, 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.
- B. CONDITIONS: Any minor deviation may be granted subject to such conditions as necessary to safeguard the public health, general welfare and safety, to help prevent material detriment to property in the vicinity, and to help ensure that the privacy of adjoining properties is preserved.

IV. APPEALS

- A. Appeals shall be in writing to the Hearing Examiner, including specific objections with the Director or Designee's decision or findings. Appeals may be submitted by the applicant or by a person adversely affected by the decision. Appeals must be filed with the City Clerk within fourteen (14) days of the issuance of the decision and findings. Appeals shall be heard by the Hearing Examiner at an open record hearing. Notice of hearing shall be given as outlined in MMC 16.80.120. Notice shall also be given to all persons who submitted comments to the Director or Designee.
- B. After denial of a minor deviation has become final, no further application for the same minor deviation may be filed unless the project has been redesigned to eliminate the Director or Designee's objections to the proposal. The redesigned proposal will require a completely new application process.
- C. The decision of the Hearing Examiner will be issued to City staff ten (10) working days from the public hearing. The decision is effective upon the date of decision. Notices of Decision will be mailed to applicants and other interested parties as soon as possible.

V. EXPIRATION

- A. An approved minor deviation shall expire after one year from the later date of the decision being issued or an appeal becoming final unless a complete building permit application is submitted; and
- B. Expiration of the minor deviation is automatic, and notice is not required; and
- C. The director may grant a single six-month extension if the applicant makes such a request in writing prior to the expiration date and can show good cause for granting the extension.



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MINOR DEVIATION CHECKLIST

This checklist contains the minimum submission requirements for a minor deviation that are due at the time of submittal. Please note that not all items listed may apply to your submittal.

COMPLETE APPLICATION

☐	Minor Deviation Checklist
	Complete Minor Deviation Application: ☐ Application form ☐ Signature of applicant/agent ☐ All questions answered in full
☐	Declaration of Agency form
☐	Proof of Ownership (copy of deed)
☐	Site Plan with required information
☐	Building plans, elevations, and/or sections with area of minor deviation highlighted
☐	Documentation of Original Grade (if applicable)
	Mailing labels – Word doc formatted to Avery address labels ☐ Mailing labels containing the names of property owners and their mailing addresses for all properties within 300 feet <u>or</u> three (3) parcels depth, whichever distance is greater but not to exceed 1,000 feet. ☐ Vicinity map showing the site with the 300' or three (3) parcels depth minimum buffer of property owners who will be notified of the application.
☐	Perspective drawings, renderings, studies or additional supporting information (if applicable)



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MINOR DEVIATION APPLICATION

Complete this form for the following:

- Departures from any numeric development standard of five percent or less for a remodeling project
- Matching an existing nonconforming building height
- Matching an existing nonconforming zoning setback
- Departures from minimum side yard setback for development projects

General Information

Owner Name:

Property Address:

Legal Description:

Tax Parcel Number:

Agent / Primary Contact

Contact Person:

Email:

Contact Phone:

Alternative Phone:

Mailing Address:

City:

State:

Zip:

Property Information

Lot Size:

Purpose of Minor Deviation (Check All that Apply):

- ☐ Request is for relief from a numeric development standard
- ☐ Request is to match an existing nonconforming height
- ☐ Request is to match an existing nonconforming setback
- ☐ Request is to depart from minimum side yard setback

Critical area(s) located on the property (Ch. 16.50 MMC)?

☐ YES ☐ NO

List known variances or minor deviations previously approved for this property:

Please provide a complete description of the proposed project (attach additional pages if necessary):

Approval Criteria

The following is a list of the approval criteria. Please respond to each item by providing as much detailed information as possible to support your request. Attach more pages if necessary.

1. The minor deviation does not constitute a granting of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the subject property is located.
2. The granting of such minor deviation 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.
3. The proposed development will not substantially reduce the amount of privacy enjoyed by adjoining property owners than if the development was built as specified by the zoning code.

Approval Criteria (continued)

4. For departures set forth in subsection MMC 16.71.010(D)(1), the minor deviation is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, 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.

I certify under the penalty of perjury that I am the owner of the above property or the duly authorized agent of the owner(s) acting on behalf of the owner(s) and that all information furnished in support of this application is true and correct.

Signature _____ Owner ☐ Agent ☐ Date _____

Signature _____ Owner ☐ Agent ☐ Date _____