

WAC 246-359-050 Minor variances to the TWH construction standard. An applicant may apply for a minor variance from the requirements of this chapter by filing a written request with the department of health. As used in this section, a minor variance means an alternative method of construction or design that must achieve the same result as the requirements of this chapter and protects the health and safety of the occupants.

(1) **Responsibilities of applicant.** If requesting a minor variance, an applicant must:

(a) Submit the following information in writing:

(i) The specific requirement or requirements from which the variance is requested;

(ii) Adequate justification that the variance is needed to obtain a beneficial use of the housing or to prevent a practical difficulty; and

(iii) How the variance will achieve the same result as the requirement and any specific alternative measures to be taken to protect the health and safety of the occupants.

(b) Pay a fee set by the department of health according to WAC 246-359-990, Table I; and

(c) Follow the process stated in WAC 246-359-060, alternate construction, when applicable.

(2) **Department of health response.** The department of health will provide a written response to the applicant within forty-five days of receipt of the minor variance request. The written response will state the acceptance or denial of the variance, including the reasons for the department of health's decision. At a minimum the department of health will make its decision based on:

(a) The applicant's request as described in subsection (1) of this section;

(b) Research into the variance request; and

(c) Expert advice.

(3) **Applicant's response to denials.** According to chapter 34.05 RCW the applicant has twenty-one days after receiving the department of health's written denial, of the variance request, to contest the decision.

[Statutory Authority: Chapter 70.114A RCW and RCW 43.70.334 through 43.70.340. WSR 15-13-091, § 246-359-050, filed 6/15/15, effective 1/1/16. Statutory Authority: RCW 70.114A.081. WSR 99-03-065, § 246-359-050, filed 1/18/99, effective 2/18/99.]