

**WAC 296-150M-0140 Do you allow a variance from these rules for the use of alternate materials, alternate design and methods of construction?** An applicant may apply to the director or designee for an order for a variance from the requirements of this chapter for alterations initiated after the expiration of any written warranty(ies) required by RCW 46.70.135 that use alternate materials, alternate design and methods of construction, by filing a written request with the department.

(1) Responsibilities of applicant. The applicant must submit the following information on a form approved by the department and pay the inspection fee in WAC 296-150M-3000.

(a) The applicant's name, address and phone number;

(b) The specific requirement or requirements from which the alternate material, alternate design or method of construction is requested;

(c) Justification why the requirements of this chapter cannot be or were not met; and

(d) How the use of alternate materials, alternate design or method of construction will achieve or has achieved a level of protection that does not constitute a hazard to life, safety or health.

Contact the department at the address shown in the definition section for a copy of the approved form.

(2) Responsibilities of the department. The department will conduct an inspection and provide a written response to the applicant within thirty days of receipt of the written request. The written response will state the acceptance or denial of the request, including the reasons for the department's decision. At a minimum the department will base its decision based on:

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

(b) Research into the request;

(c) Expert advice.

(3) Applicant's response to denials. The applicant may appeal the department's decision by following the procedure in WAC 296-150M-0100.

[Statutory Authority: RCW 43.22.340, 43.22.350, 43.22.432, 43.22.434, 43.22.440, and 2001 c 335. WSR 02-03-048, § 296-150M-0140, filed 1/9/02, effective 1/9/02. Statutory Authority: RCW 43.22.340, 43.22.350, 43.22.355, 43.22.360, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.450, 43.22.480, and 43.22.485. WSR 00-17-148, § 296-150M-0140, filed 8/22/00, effective 9/30/00. Statutory Authority: RCW 43.22.340 and 43.22.480. WSR 99-13-010, § 296-150M-0140, filed 6/4/99, effective 7/5/99.]