



VARIANCE INFORMATION

WHAT IS A VARIANCE

A variance is a deviation from property development standards set forth by Benton County and an application for a variance must have sufficient basis to justify granting its approval in accordance with Benton County Code 11.52.088. Granting a variance is based on a hardship presented by applying the development standards to circumstances unique to the property which are not commonly found on surrounding properties. Variances are not granted due to hardships caused by personal circumstances.

THE PROCESS

A Variance Permit normally involves having a pre-application meeting with County Planning Staff to discuss the application, answer questions, and resolve any issues at the front end of the process. Next, a completed Variance application is submitted to the Planning Division, which will be sent out for review to local and State agencies, as well as neighboring property owners within 300 feet of the subject property.

A notice of application will then be published in the local newspaper and a public hearing will be conducted at which time the application will be heard by the Benton County Hearings Examiner and the public will have the opportunity to comment on the proposal. The Hearings Examiner will review all the information submitted during the review process and shall either approve, approve with conditions, or deny the conditional use permit.

CRITERIA FOR APPROVAL

A Variance Permit shall be granted only if it can be concluded that, as conditioned, that:

1. Granting of the proposed variance will not permit a use that is not classified as an allowable, accessory or conditional use in the zoning district wherein the use would be located;
2. Special circumstances such as lot size, slope, topography or necessary size or shape of the building prevent compliance with the applicable property development standards;
3. Due to special circumstances applicable to the subject property, strict application of the zoning district property development standards would deprive the subject property of rights and privileges enjoyed by other properties in the vicinity and under the same zoning district classification;
4. The problem sought to be addressed by the variance is related to the physical features of the particular property or building and would exist regardless of the identity of the owner;
5. The problem sought to be addressed is not common for other property in the surrounding area;
6. The variance would not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity under the same zoning classification;
7. The variance will not adversely affect the health or safety of persons residing or working in the neighborhood in which the variance is being requested; and,
8. The variance would not deny the preservation and enjoyment of substantial property rights of those owning property in the vicinity.

APPEALS

The decision by the Hearings Examiner is appealable under the terms and conditions as set forth in State law.

EXPIRATION

The Variance Permit will be valid as long as the conditions set forth by the Hearings Examiner are met.



VARIANCE PERMIT CHECKLIST

Completed Variance Permit Application – must include signatures of all parties with ownership interest. Incomplete applications will not be accepted.

Site Plan Map – A detailed map drawn to scale showing the dimensions of the property, location and size of all existing and proposed structures, access to the site, adjacent roads, well, septic system, easements, and parking areas. No site plans larger than 11" x 17" will be accepted.

\$800.00 Variance Permit Fee – The fee must be paid at the time of application submittal, cash or checks accepted. Checks made payable to the **Benton County Treasurer**. All application fees are non-refundable.

Applications may be submitted between the hours of 8am-12pm and 1pm-5pm Monday through Friday to the Planning Division at 102206 E Wiser Parkway, Kennewick, WA 99338.

Please contact the following departments/agencies to ensure your proposal will be in compliance with their regulations for the proposed use of the property:

- **Benton-Franklin Health District**
7102 W. Okanogan Place, Kennewick, WA 99336
Phone: 460-4205
- **Benton County Road Department**
102206 E Wiser Parkway, Kennewick, WA 99338
Prosser: 786-5611 • Tri-Cities: 735-3084
- **Benton County Building Division/ Fire Marshal**
102206 E Wiser Parkway, Kennewick, WA 99338
Phone: 735-3500

Community Development Department102206 East Wiser Parkway
Kennewick, WA 99338**Planning Division**

(509) 786-5612

Planning.Department@co.benton.wa.us

VARIANCE APPLICATION

File No. _____

APPLICANT INFORMATION: *Please check the appropriate box to indicate the primary contact for this application.*☐ **Applicant/Agent:**

Name(s): _____

Mailing Address: _____ City: _____ State: _____ ZIP: _____

Phone #(s): _____ Email: _____

Signature: _____ Date: _____

☐ **Property Owner** *(if different from above):*

Name(s) _____

Mailing Address: _____ City: _____ State: _____ ZIP: _____

Phone #(s): _____ Email: _____

Signature: _____ Date: _____

Signature: _____ Date: _____

If there are additional owners please copy this section, sign, and attach to the application*☐ **Land Surveyor: _____

Mailing Address: _____ City: _____ State: _____ ZIP: _____

Phone #(s): _____ Email: _____

If the property is owned by a corporation, trust, partnership or LLC please complete the entity signature block below showing that the person signing has the authority to sign on behalf of the company.**ENTITY SIGNATURE BLOCK***If the applicant or legal owner of the property is a corporation, partnership, trust or LLC use the following signature block.***Applicant/Legal Owner:** _____

Officer name: _____

Title: _____

Signature: _____ Date: _____

THE ABOVE SIGNED OFFICER OF _____ *(name of entity)*WARRANTS AND REPRESENTS THAT ALL NECESSARY LEGAL AND CORPORATE ACTIONS HAVE BEEN DULY UNDERTAKEN TO PERMIT _____ *(name of applicant)* TO SUBMIT THIS APPLICATION AND THAT THE ABOVE

SIGNED OFFICER HAS BEEN DULY AUTHORIZED AND INSTRUCTED TO EXECUTE THIS APPLICATION.

Any information submitted to the Benton County Planning Department is subject to public records disclosure laws for the State of Washington (RCW Chapter 42.56) and all other applicable laws that may require the release of the documents to the public.

PARCEL INFORMATION

1. Subject property address: _____ City: _____

2. Parcel number: _____ Acreage: _____

3. Access: ☐ County Road ☐ State Road/Highway ☐ Private Road

4. Utilities: Power: ☐ Benton PUD ☐ Benton REA

Sewer: ☐ Septic Tank ☐ City Sewer: (Provider) _____

Water: ☐ Individual Well ☐ One well serving 2-4 lots ☐ One well serving 5+ lots

☐ Private System (Provider & Address) _____

☐ City System (Provider) _____

Gas: ☐ No ☐ Yes: (Provider) _____

Irrigation: ☐ No ☐ Private ☐ District: (Provider) _____

5. Requested setback variance: _____ ft. from the ☐ Front ☐ Rear ☐ Side boundary line.

6. Describe the request and reason for the Variance:

7. Does the variance being requested border an easement? ☐ Yes ☐ No ☐ Unknown

8. Has approval been obtained from the Benton-Franklin Health District? ☐ Yes ☐ No

9. What are the circumstances (*lot size/shape, topography, structure size*) that prevent compliance with required setbacks?

10. Are the circumstances above a result from actions of past/present property owner?

☐ Yes ☐ No *If yes, please explain:*

11. Are the circumstances creating the need for a variance/deviation unique to your property or is it experienced by other properties in the area?

12. Please describe why a variance is your only option to solve the problem.

13. Are there other reasonable ways to accomplish your project that would not require a variance?

14. Will granting this variance be materially detrimental to the public health, safety, or welfare of the surrounding properties or improvements in the vicinity? Why or why not?

15. Additional comments or information:

(FOR STAFF USE ONLY)

Access: Y N

Application Complete: Y N

Critical Areas: N Y: _____

Zoning: _____

Reviewed by: _____

Date: _____

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