



VARIATION INFORMATION

WHAT IS A VARIATION

A variation is a minor reduction to a required setback, not to exceed 5 feet from the required setback of the zoning district in which the use is located. In the case of a side yard setback variation, the variation shall not exceed 10 percent of the required setback of the zoning district in which the use is located. Minor variations may not allow an increase in the number of dwelling units on a parcel.

THE PROCESS

A Variation 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 Variation application is submitted, which will be sent out for review to local and State agencies. If there are no objections, the Planning Administrator will review all the information submitted and the application will either be approved or denied in accordance with Benton County Code 11.50.020.

CRITERIA FOR APPROVAL

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

1. Granting of the proposed variation 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 variation 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 variation 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 variation will not adversely affect the health or safety of persons residing or working in the neighborhood in which the variation is being requested; and,
8. The variation would not deny the preservation and enjoyment of substantial property rights of those owning property in the vicinity.

APPEALS

If the Planning Administrator denies a minor variation, the applicant may apply for a variance as provided in BCC 11.50.030.

EXPIRATION

The Variation Permit will be valid as long as the conditions set forth by the Planning Administrator are met.



VARIATION PERMIT CHECKLIST

Applicant Staff

- | | | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Completed Variation Permit Application – must include signatures of all parties with ownership interest. Incomplete applications will not be accepted. |
| <input type="checkbox"/> | <input type="checkbox"/> | 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. <i>No site plans larger than 11" x 17" and only maps drawn in black ink will be accepted.</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | \$150.00 Variation 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 Department at 1002 Dudley Ave./PO Box 910, Prosser, WA 99350 or to the Benton County Building Department (*see address below*). A Planner is typically available at the Building Department only on Thursdays from 9am – 12pm.

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**
620 Market Street, Prosser, WA 99350
Prosser: 786-5611 • Tri-Cities: 735-3084
- **Benton County Building Department/ Fire Marshal**
5600 W. Canal Drive, Kennewick, WA 99336
Prosser: 786-5622 • Tri-Cities: 735-3500



VARIATION APPLICATION

File No. _____

APPLICANT INFORMATION

Please check the box indicating primary contact person for this application

Applicant/Agent: _____

Mailing Address: _____ City: _____

State: _____ ZIP: _____ Phone: _____ Work: _____

Email Address: _____

Signature: _____ Date: _____

Property Owner(s) (if different): _____

Mailing Address: _____ City: _____

State: _____ ZIP: _____ Phone: _____ Work: _____

Email Address: _____

Signature: _____ Date: _____

Signature: _____ Date: _____

**If there are additional owners please copy this section, sign, and attach to the application*

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.

PARCEL INFORMATION

1. Subject property address: _____

City: _____ State: _____ ZIP: _____

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 Wells One well serving 2-4 lots One well serving 5+ lots

Private System (Provider & Address) _____

City System (Provider) _____

Gas: No Yes: (Provider) _____

Cable: No Yes: (Provider) _____

Phone: No Yes: (Provider) _____

Irrigation: No Private District: (Provider) _____

5. Requested setback variation: _____ ft. from which boundary line? Front Rear Side

6. Describe the requested variation: _____

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

8. Are there circumstances (lot size/shape, topography, structure size) that prevent compliance with required setbacks? Yes No

a. If yes, describe the circumstances which exist on your property that justify deviation from the required setbacks: _____

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

Yes No If yes, please explain: _____

9. Are the circumstances creating the need for a variation/deviation unique to your property not experienced by other properties in the area? _____

10. Do you believe a variation is your only option to solve the problem or is there another reasonable way to accomplish your project that would not require a variation? _____

11. Describe how granting this variation will not be materially detrimental to the public health, safety, welfare, surrounding properties or improvements in the vicinity: _____

12. Additional comments or information: _____

(FOR STAFF USE ONLY)

Application Complete: Y N

Critical Areas: N Y: _____

Zoning: _____

Reviewed by: _____

Date: _____