



Location: 400 W. Gowe • Mail to: 220 4th Avenue South • Kent, WA 98032-5895
Permit Center (253) 856-5302 FAX: (253) 856-6412
www.ci.kent.wa.us/permitcenter

Planning Services

Variance Application

Public Notice Board and Application Fees:
See Fee Schedule

Please print in black ink only.

Application #: _____ KIVA #: _____
OFFICE USE ONLY OFFICE USE ONLY

Proposed Variance _____ Zone _____

Address/Location: _____

King County Parcel Number (s): _____ Acres: _____

1/4 Section _____ Section _____ Township _____ N Range _____ E

Applicant: (mandatory)

Name: _____ Daytime Phone: _____

Mailing Address: _____ Fax Number: _____

City/State/Zip: _____ Signature: _____

Professional License No: _____ Contact Person: _____

Property Owner 1: (mandatory if different from applicant)

Name: _____ Daytime Phone: _____

Mailing Address: _____ Fax Number: _____

City/State/Zip: _____ Signature: _____

Property Owner 2: (if more than two property owners attach additional info/signature sheets)

Name: _____ Daytime Phone: _____

Mailing Address: _____ Fax Number: _____

City/State/Zip: _____ Signature: _____

The above signed property owners, certify that the above information is true and correct to the best of our knowledge and under penalty of perjury, each state that we are all of the legal owners of the property described above and designate the following party to act as our agent with respect to this application:

Agent/ Consultant/ Attorney: (mandatory if primary contact is different from applicant)

Name: _____ Daytime Phone: _____

Mailing Address: _____ Fax Number: _____

City/State/Zip: _____ License No.: _____

OFFICE USE ONLY:

Date Application Received: _____ Received by: _____

Date Application Complete: _____ Completeness Review by: _____



Variance Application Instructions

A variance is a grant of relief from the requirements of the zoning or subdivision code regulations to allow development to occur in a manner otherwise prohibited by the Code. A variance may be appropriate where, by reason of unique circumstances or practical difficulties existing on a property, the strict application of the regulations of the zoning or subdivision code would result in an exceptional and undue hardship for the property owner and a loss of use rights allowed to other property in the same vicinity and zone. While a variance may be granted to a development standard, a variance may not be granted to allow a use that is not permitted for the zone in which the land is located.

The Hearing Examiner is authorized under Section 15.09.030 of the Kent Zoning Code to hold a public hearing and render a decision on variance requests.

I. Pre-Application Conference

If an applicant elects to submit for a pre-application meeting, the meeting shall precede the submittal of any project permit application and environmental checklist, if required. A pre-application meeting is designed to bring together the applicant and designated City development application review staff (including, but not limited to, Public Works, Planning, Building, Fire and Parks) to review and discuss a proposed project in its preliminary stages.

II. Variance Application Process

A. Application Form

Provide all information requested on the application form and accompanying application requirements. Answer all criteria and standards clearly and in as much detail as possible. Return the completed forms and supporting materials with the required number of copies and the appropriate fees to Planning

Services.

All items requested on the application and any other material that may be required by the city must be submitted at the time of application in order for the application to be accepted. An environmental checklist must be submitted in conjunction with this application unless Planning Services has made a determination that the proposed project is considered to be SEPA exempt.

B. Completeness Review

Within twenty-eight (28) calendar days after receiving a variance application, Planning Services shall mail or personally provide to the applicant a written determination of completeness which identifies, to the extent known by the city, other agencies with jurisdiction over the application and states either that the application is complete or incomplete and, if incomplete, what information is necessary to make the application complete.

A determination of completeness shall be made when an application is considered to be sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. A determination of completeness does not preclude the city from requesting additional information or studies either at the time of notice of completeness or at some later time, if new information is required or where there are substantial changes in the proposal.

When the project permit application is determined to be complete, Planning Services shall accept it and note the date of acceptance.

If the city does not provide a written determination to the applicant that the

application is incomplete, the application shall be deemed complete at the end of the 28-day completeness review period. The time period for review of project permit applications begins following the determination of a complete application.

C. Submission of Additional Information for an Incomplete Application

If the applicant receives a written determination from the city that an application is not complete, the applicant shall have up to ninety (90) calendar days to submit the necessary information to the city.

If the applicant either refuses in writing to submit additional information or does not submit the required information within the ninety (90) calendar day period, the application shall lapse because of a lack of information necessary to complete the review.

Within fourteen (14) calendar days after an applicant has submitted the requested additional information, the city shall again make the completeness determination as described above, and shall notify the applicant in the same manner.

D. Notice of Application

A notice of application shall be issued within fourteen (14) calendar days after the city has made a determination of completeness and at least fifteen (15) calendar days prior to the public hearing. One notice of application will be done for all permit applications related to the same project at the time of the earliest complete project permit application.

E. Comment

Planning Services shall send a copy of the application to each affected agency and city department for review and comment. The city will also mail a notice of application to any person who requests such notice in writing. The affected agencies, city departments and the public shall have fourteen (14) calendar days to comment. Planning Services must receive all public comments on the notice of application by 4:30 p.m. on the last day of the comment period. Comments may be mailed, personally delivered or sent by facsimile. Comments should be as specific as possible. The agency or department is presumed to have no comments if comments are not received

within the specified time period. The Planning Manager shall grant an extension of time only if the application involves unusual circumstances. Any extension shall only be for a maximum of three (3) additional calendar days.

F. Public Notice

The applicant is required to place one or more public notice boards on the property. The public notice board must be placed on the property as directed by Planning Services, and no later than 14 days after a determination of completeness. The applicant must remove the public notice board(s) from the property within seven (7) days after the end of the comment notice period or the conclusion of the public hearing(s). Posting information and notice boards are available at Planning Services (253-856-5454).

The city will post the notice of application on the public notice board(s) located on the property and at Kent City Hall and in the register for public review at the Planning Services counter.

The city will publish the notice of application in a newspaper of general circulation within the city and will provide notice of application

G. Application Modifications

Minor changes in the application must be submitted no later than two working weeks prior to the scheduled public hearing on the application. Major changes in the application may require a new application submittal and/or a new SEPA determination.

H. Fees

There is a nonrefundable application fee for a Variance and a fee for each public notice board. See fee schedule for application fees. Checks should be made payable to the City of Kent.

III. Public Hearing Process

A. Scheduling for Hearing Examiner

An application will be scheduled for public hearing before the Hearing Examiner after the application has been determined to be complete. The date set for the hearing shall be no more than 100 days after the application has been determined to be complete. This time limit may be extended if an Environmental Impact Statement is required.

B. Notice of Public Hearing

The city will post the notice of public hearing on the public notice board(s) already located on the property.

The city will publish the notice of public hearing in a newspaper of general circulation within the city.

The city will mail the notice of public hearing shall be mailed to the applicant, all owners of real property as shown by the records of the county assessor's office within three hundred (300) feet of the subject property, and any person who submits written comments on an application.

Notices shall be mailed, posted and first published not less than ten (10) calendar days prior to the hearing date.

C. Staff Report

Planning Services shall coordinate and assemble the comments and recommendations of other city departments and governmental agencies having an interest in the application and shall prepare a report summarizing the factors involved and the staff's findings and recommendations. The report must state all of the decisions made as of the date of the report including recommendations on project permits in the consolidated permit process that do not require a public hearing. The report shall also state any mitigation required or proposed under the development regulations or SEPA. The report must be filed with the Hearing Examiner at least seven (7) calendar days prior to the scheduled hearing and copies of the report mailed to the applicant and made available for use by any interested party for the cost of reproduction.

D. Public Hearing

Before rendering a decision, the hearing examiner shall hold at least one (1) open record public hearing on any variance application.

Order of Hearing Proceedings:

- a. Presentation by city staff to describe the application, summarize issues presented, and give a recommendation;
- b. Presentation by applicant or representative;

- c. Presentations, questions or statements by members of the public interested in the application;
- d. Responses to questions by staff and applicant (rebuttal);
- e. Final recommendation by city staff (if necessary);
- f. Applicant and public may be permitted to respond to final recommendations if appropriate.

E. Due Process Considerations

Hearings before the Hearing Examiner are quasi-judicial proceedings, which means that certain due process protections apply. For example, no one may contact the Hearing Examiner in any manner, other than in the public hearing, for the purpose of influencing a decision, nor may the Hearing Examiner participate in any matter where he or she has a financial or personal interest, or where he or she has prejudged the matter in any way. Any person who has grounds to believe the Hearing Examiner may be influenced by a consideration outside the public record should promptly bring that concern to the attention of the Hearing Examiner.

IV. Decision Process

A. Hearing Examiner Decision

When the Hearing Examiner renders a decision or recommendation, the Hearing Examiner must make written findings from the record and conclusions therefrom which support such decision. The decision shall be rendered within ten (10) working days following conclusion of all testimony and hearings, unless a longer period is mutually agreed to on the record by the applicant and the Hearing Examiner.

The city will provide a notice of decision that also includes a statement of any threshold determination made under SEPA and the procedures for appeal of the Hearing Examiner's decision. The written notice of decision shall be provided to all parties of record and to any person who requested notice of the decision prior to the decision.

B. Request of Reconsideration

A party of record who believes that a decision or recommendation of the Hearing Examiner is based on erroneous procedures, errors of law

or fact, or the discovery of new evidence which could not reasonably be available at the prior hearing, may make a written request for reconsideration by the Hearing Examiner within five (5) working days of the date the decision or recommendation is rendered. If a request for reconsideration is accepted, a decision is not final until after a decision on reconsideration is issued.

A reconsideration request must set forth the specific errors or new information relied upon by such appellant and cite specific references to the findings and/or criteria. Reconsideration requests should be addressed to: Hearing Examiner, 220 Fourth Avenue S., Kent, WA 98032. Reconsideration requests are answered in writing by the Hearing Examiner within five (5) working days of the request.

C. Notice of Right to Appeal

The decision of the Hearing Examiner is final and conclusive unless the original applicant or an adverse party files a land use petition in King County Superior Court according to the procedural standards outlined in Chapter 36.70C RCW, Judicial Review of Land Use Decisions. The petition must be filed within twenty-one (21) calendar days from the date of the notice of decision.

D. Permit Expiration

Any variance authorized by the Hearing Examiner shall remain effective for one (1) year, unless the use is begun within that time or construction has commenced. If not in use or construction has not commenced within one (1) year, the variance shall become invalid.

THESE INSTRUCTIONS PROVIDE GENERAL INFORMATION ONLY AND DO NOT REFLECT THE COMPLETE TEXT OF THE PERMIT PROCESS REVIEW. SEE THE KENT CITY CODE FOR COMPLETE TEXT AND REQUIREMENTS.

Any person requiring a disability accommodation should contact the city in advance for more information. For TDD relay service for Braille, call 1-800-833-6385, For TDD relay service for the hearing impaired, call 1-800-833-6388, or call the City of Kent at (253) 856-5725.

Variance Submittal Requirements Checklist

THE APPLICANT MUST PROVIDE THE FOLLOWING INFORMATION WHEN REQUESTING A VARIANCE:

- A. The completed original application making sure that all of the required signatures are obtained.
- B. Eight (8) copies of detailed site plans, drawn to decimal scale. **All large maps must be folded to fit into an 8½ x 14-inch envelope with the application name of the plan showing.** The site plans must include the following information:
1. Vicinity map clearly showing the location of the project with respect to public streets and other parcels and development
 2. Property lines
 3. North arrow and engineering scale (ie. 1"=20'; **not** 1/8"=1' architectural scale)
 4. King County tax identification number
 5. Lot dimensions
 6. All existing and proposed public and private roads, driveway accesses and road right-of-ways and easements (access, utility, stormwater, etc.), with dimensions and road names, including curbs and gutters, sidewalks and/or edges of pavement. Include all existing driveways within 300 feet of the subject property on both sides of all streets, in both directions along public street frontages.
 7. All major manmade or natural features
 8. Proposed building location
 9. Building dimensions
 10. Building floor plan
 11. Building height and number of stories
 12. Setback dimensions (distance from all existing and proposed structures to property lines)
 13. Location of fire hydrants closest to the site
 14. Fire access road/drive within 150 feet of all portions of the exterior first floor of all structures. If not providing a circuitous fire access around each building, provide fire turn-around(s) with an unobstructed 45-foot radius.
 15. Location of parking areas (include dimensions of stalls and drive aisles)
 16. Vehicle loading and unloading areas, including truck loading and maneuvering area
 17. Vehicle Maneuvering Diagrams for all multi-family, commercial and industrial developments (See DEVELOPMENT ASSISTANCE BROCHURE #6-4, Vehicle Maneuvering Diagrams, for additional information)
 18. Location of paved areas
 19. Location of proposed landscape areas (include dimensions and area)
 20. Areas of future development
 21. Location of outside storage areas (include dimensions and area)
 22. List of all Hazardous materials and waste, the quantities and location on site
 23. Trash dumpster location
 24. Adjacent uses (undeveloped, single family, commercial, etc.)
 25. Location of water and sewer mains closest to the site and utility connections
 26. Existing and proposed fences (specify type of fence)
 27. Water features or wetlands, including but not limited to, lakes, ponds, saltwater, year-round or seasonal streams, creeks, wetlands, gully or natural drainage way, drainage ditches, etc.
 28. Critical areas such as hazard area slopes and endangered wildlife habitat
 29. Contours if the parcel(s) or access road(s) contain slopes of greater than 10%
 30. Sight distance triangles for all driveway locations and across the corners of properties at street intersections. Show the location and type of potential sight obstructions. (See DEVELOPMENT

ASSISTANCE BROCHURE #6-7, Sight Distance Requirements, for additional information)

THE APPLICANT MUST ADDRESS EACH OF THE FOLLOWING STANDARDS AND CRITERIA. THE INFORMATION MUST BE SUBMITTED ON SEPARATE 8½ X 11-INCH SHEETS OF PAPER, TYPED WITH ONE-INCH MARGINS.

C. Eight (8) copies of a detailed project description of the development for which the specific variance(s) is requested including proposed activities to take place on the site, hours of operation, existing and proposed structures, and list the applicable zoning code section(s) for which the variance(s) is being sought.

D. Eight (8) copies of complete legal descriptions of all parcels involved with the project.

E. Eight (8) copies of answers addressing Kent Zoning Code Section 15.09.040(C) Standards and Criteria for Granting a Variance:

A variance shall only be granted after the Hearing Examiner has reviewed the variance request to determine if it complies with the standards and criteria listed below. A variance shall only be granted if such finding is made.

1. The variance shall not constitute a grant of special privileges inconsistent with a limitation upon uses of other properties in the vicinity and zone in which the property, on behalf of which the application was filed, is located.
2. Such variance 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.
3. The granting of such variance 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.

F. Eight (8) copies of ITE Land Use Code (number) for each proposed use of property (see DEVELOPMENT ASSISTANCE BROCHURE #6-9, Trip Generation Guidelines, for a list of ITE Land Use Codes). If the proposed land use is not accurately described by an ITE Land Use Code, state that the use does not have an ITE Land Use Code.

G. Eight (8) copies of required Code data:

1. Type of construction per UBC
2. Sprinklered/non-sprinklered
3. Occupancy classifications per UBC Chapter 3
4. Zoning district
5. Total lot area (square feet)
6. Total building area with area breakdown by levels (1st floor, mezzanine, etc.)
7. Allowable area calculations
8. Percent of site coverage
9. Area per occupancy (office, manufacturing, warehouse, retail, etc.)
10. Total number of parking stalls (include handicapped)
11. Total square footage of parking and maneuvering area
12. Total square footage of paved area
13. Square footage of required landscaping areas
14. Percentage of parcel in open space (apartment complexes only)

H. Eight (8) copies of an existing tree survey, drawn to engineering scale. **All large maps must be folded to fit into an 8½ x 14-inch envelope with the application name of the plan showing.** The tree survey must illustrate:

1. The precise location of all trees that are six (6) inches caliper or greater at three (3) feet above grade (forestry standard), including the location of the drip line of each tree
2. The caliper size of each tree at three (3) feet above grade (forestry standard)

3. The common name of each tree (i.e. fir, spruce, maple, alder, etc.)
4. Specify which trees are intended to be retained or removed with development
5. The tree survey must address each tree location in relation to all existing and proposed development on the site including, but not limited to, the following information:
 - (a) Property lines with lot dimensions.
 - (b) Proposed and existing building locations
 - (c) All existing and proposed public and private roads, driveway accesses and road right-of-ways and easements (access, utility, stormwater, etc.), with dimensions and road names, including curbs and gutters, sidewalks and/or edges of pavement.
 - (d) Location of all parking areas, vehicle loading and unloading areas, other paved areas, fences, trash dumpsters, outdoor storage areas, and areas reserved for future development.
 - (e) Location of all utilities, stormwater detention facilities and other development requiring tree removal
 - (f) Location of all proposed landscape areas

I.If applicable, provide seven (7) copies of the landscape plan, drawn to scale. **All large maps must be folded to fit into an 8½ x 14-inch envelope with the application name of the plan showing.** The landscape plans must include the following information

1. Property lines
2. Lot dimensions
3. North arrow and engineering scale (ie.1"=20'; not 1/8"=1' architectural scale)
4. Proposed and existing building locations
5. All areas designated as undeveloped or for future development
6. All existing and proposed public and private roads, driveway accesses and road right-of-ways and easements (access, utility, stormwater, etc.), with dimensions and road names, including curbs and gutters, sidewalks and/or edges of pavement.
7. All major manmade or natural features (gully, railroad tracks, etc.)
8. Water features or wetlands, including but not limited to, lakes, ponds, saltwater, year-round or seasonal streams, creeks, wetlands, gully or natural drainage way, drainage ditches, etc.
9. Proposed landscape areas (include dimensions of all landscape areas)
10. Paved areas (include calculations of total square footage of area)
11. Parking areas and parking stalls (include dimensions of stalls and drive aisles and calculations of total square footage of area)
12. Outside storage areas (include calculations of total square footage of area)
13. Proposed fences (type and height)
14. Location and/or arrangement of proposed plantings
15. Existing natural vegetation to be incorporated into formal planting areas
16. Sight distance triangles for all driveway locations and across the corners of properties at street intersections. Show the location and type of potential sight obstructions including height of vegetation.
17. Cross section of typical planting and berm areas
18. Cross section of drainage swale if slopes contain landscape plantings
19. Planting schedule:
 - (a) Plant Type (both common name and botanical name)
 - (b) Amount / Number of Plants
 - (c) Caliper size of deciduous trees (as measured by nursery industry standard at six (6) inches above grade)
 - (d) Height of conifer trees and shrubs
 - (e) Spacing of proposed plantings

- (f) Gallon sizes of shrubs and ground-cover

J.If applicable, provide seven (7) copies of architectural drawings showing all building elevations.

K.One (1) copy of the development plan (Sections E, H, I and J above) at a reduced size of 8½ x 11-inch sheets.

L.If applicable, provide one (1) copy of signed Certificates of Water and Sewer Availability, if served by other than City of Kent Water and Sewer. **Please verify service district area with the Public Works Department prior to submitting an application.** Certificate forms are attached.

All above items and any other material that may be required by the city must be submitted at the time of application in order for the application to be accepted. The application will then be reviewed for completeness and a notice of completeness or incompleteness will be mailed to the applicant within 28 calendar days of receipt of the application.