

# VARIANCE REQUEST PROCESS

POLICY-16

The rules outlined in the Washington State Retail Food Code (“Food Code”)(Chapter 246-215 Washington Administrative Code) apply to retail food service establishments in Kitsap County. In some instances, a variance from the Food Code is either required or desired. A variance is a waiver that the Health District must approve which allows a food service establishment to deviate from a requirement in the Food Code. A variance is a one-time review. Variances can be revoked due to violations of the approvals outlined by the Health District or for any other reason the Health District deems fit. *Applications expire one year after submission.*

## PROCEDURE

1. Submit a Food Code Variance Application Form and appropriate fees; refer to the Environmental Health Fee Schedule\* for a list of current fees.
2. The assigned inspector will perform the review of the application within 14 days of submission. In certain circumstances, a HACCP Plan Application\* may also need to be submitted you are applying to implement a special process. Refer to the HACCP Plan Application to determine if it must be submitted.
3. Once the review is complete, the inspector will issue a Health Officer Decision. The application will be approved, pending, or denied. If the inspector needs more information to complete the review, the decision may be delayed.
  - a. Approved: The application is approved as submitted. Any changes made to the variance after the approval is issued requires Health District review and approval. Submit changes directly to your assigned inspector. Revisions may result in postponement of the application review.
  - b. Pending: The submitted application cannot be approved as-is. The conditions that need to be addressed to obtain approval are listed on the Health Officer Decision. Submit changes directly to your assigned inspector. Revisions may result in postponement of the application review.
  - c. Denied: The application is not approved. The reason(s) will be listed on the Health Officer Decision.

## VARIANCE REVIEW CRITERIA

A variance may be granted if all the following conditions are met:

- Except when a variance is required by the Washington State Retail Food Code, the application of the rule would pose an undue hardship on the person for whom the variance is requested;
- The variance from the requirements of a rule in the specific case would not prejudice the substantial legal rights of any person;
- The provisions of a rule subject to a petition for a variance are not specifically mandated by statute or another provision of law;
- Substantially offers equal protection of public health, safety, and welfare by a means other than that prescribed in the particular rule for which the variance is requested; and
- The food establishment’s inspection history is satisfactory as it pertains to practices relevant to the variance request.



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## FOOD CODE VARIANCE

Food Service Establishment Application

SUBMITTAL DATE	REVIEW FEE	MEMO NUMBER	INVOICE / TRANSACTION NUMBER	CUSTOMER ID NUMBER
	\$			

Please see the Environmental Health Fee Schedule for current fees.

FOOD SERVICE ESTABLISHMENT INFORMATION		
Food establishment name		
Customer Identification Number (e.g., KC0000, BR0000)		
Establishment street address (Mobile units/caterers use kitchen information)		
City	State	Zip code

APPLICANT INFORMATION		
First and last name	Contact phone	
Mailing street address	<input type="checkbox"/> Same as establishment address	
City	State	Zip code
Email address		

FOOD CODE VARIANCE REQUEST
<p>I hereby request the approval of a variance from the requirements of the Washington State Retail Food Code, Section (include section number and title):</p>  <p>Reason(s) for seeking a variance from this code requirement:</p>   <p>Methods to assure public health protection if this variance request is approved:</p>

CERTIFICATION AND ACKNOWLEDGMENT		
<p>By signing this document, I certify that the information provided is true and accurate to the best of my knowledge. I understand that:</p>		
<p><input type="checkbox"/> The Washington State Retail Food Code (Chapter 246-215 WAC), Section 08110 through 08120 allows the Kitsap Public Health District to waive or modify provisions of the code if in the opinion of the health district a health hazard or nuisance will not result from the variance.</p>		
<p><input type="checkbox"/> If approved, the Variance Approval Letter must be maintained at the food establishment.</p>		
Owner/ Applicant name printed	Owner/ Applicant signature	Date

HEALTH DISTRICT REVIEW		
EVALUATION CRITERIA	Yes	No
HACCP Plan required by Food Code Sections 03535, 04244, or 03400(4)(d)?	<input type="checkbox"/>	<input type="checkbox"/>
Applicant has provided justification for variance request?	<input type="checkbox"/>	<input type="checkbox"/>
Applicant has addressed public health risks that may result from approval of this variance request?	<input type="checkbox"/>	<input type="checkbox"/>

HEALTH DISTRICT DECISION		
Request reviewed by: _____		
Supervisor review (required): _____		
Recommendation:	<b>Approved</b> <input type="checkbox"/>	<b>Denied</b> <input type="checkbox"/>
		Date: _____