



SUPPLEMENTAL APPLICATION

Variance

May 2018

APPLICATION INFORMATION

Name _____ File No. _____

Date _____

What is a variance?

The County Zoning & Development Ordinance (ZDO) allows an application for a variance from dimensional standards of the ordinance under certain conditions. Standards may be modified when strict compliance would cause an undue or unnecessary hardship.

What is needed for approval?

All variances are discretionary and MAY be permitted after evaluation according to criteria in the ZDO. The County must make written findings to support the decision. The applicant is responsible for providing evidence to support the variance request, according to ZDO Section 1205.02. Please note approval of a County variance generally does not supersede easements, homeowners association's or deed restrictions that may apply to your property.

What are the chances for approval?

Staff cannot predetermine the decision on this or any application. A decision of approval or denial will only be made after the complete application is processed. This includes review of citizen and agency comments. The decision is based on criteria appropriate to this application as listed in the ordinance. In order to address the necessary criteria, the information requested in this supplemental application should be as thorough and complete as possible.

Application process:

Variance applications are processed as Type II applications pursuant to Section 1307 of the ZDO (Procedures). Public comments received from the Community Planning Organizations (CPO), property owners, agencies and other interested parties any affect the decision on the application. Special conditions may be attached to any approvals. Any decision on this application can be appealed to the County Hearings Officer and to the State Land Use Board of Appeals (LUBA) by the applicant or any other interested person.

How long will it take to get a final decision on an application?

Approximately 60 days for Type II applications, or 120 days if the initial decision is appealed.

Staff will attach the following pertinent information:

_____ Land Use Application _____ CPO Information _____ ZDO Section 1205
_____ Sample Plot Plan _____ Application Process _____ Underlying Zone Standards

Complete applications require the following:

1. Land Use Application – Information on applicant and land involved in application.
2. Supplemental Application – Information requested on this form. Please be as complete and thorough as possible. Use additional sheets as necessary.
3. Application Fee: \$ _____ (*Fee is nonrefundable upon decision or staff report; partial refund if withdrawn after notice; full refund if withdrawn prior to notice.*)
4. Plot Plan drawn to scale on 8.5” x 11” or 8.5” x 14” paper, showing the property and your proposal. Show all buildings, septic, and other factual evidence that support your application.
5. Elevations must be provided for all proposed structures to include any existing structure the proposal is to be attached to, drawn to scale on 8.5” x 11” or 8.5” x 14” paper. Show the front, sides and rear of the structure, roof design, and height from finished grade.

APPROVAL CRITERIA: See ZDO Section 1205 for specific requirements. Then describe the following:

6. Hardship – How will compliance with the dimensional standards create a hardship? Describe AT LEAST ONE of the following that apply:
 - A(1): Physical characteristics: How are characteristics of the land, improvements on the land, or uses different from (**not typical of**) other properties in the area? (Note: an existing violation shall not be considered as a “condition not typical of the area”.) You must provide factual evidence with your application to support your claim.

 - A(2): Limits on Development: Why is your property unable to be developed like other similar properties in the area without this variance? You must provide factual evidence with your application to support your claim.

A(3): Lot size variance: Provide evidence that more than 50% of the “lots of record” that are within one-half mile of the subject property and located within the same zoning district as the subject property are smaller than the minimum lot size standard of the district.

A(4): Significant Natural Features: How will compliance with zoning requirements eliminate a significant natural feature (*such as a body of water, river, creek, wetland, embankment, cliff, or large grove of mature trees.*) that approval of the variance could avoid? Show these on the plot plan.

A(5): Solar Potential: How will compliance with required standards reduce or impair use of solar potential on the subject property or adjacent properties?

7. Describe ALL of the following:

B(1): Why will the proposed variance not adversely affect the function or appearance of the development and use on the subject property?

B(2): Why will the proposed variance not intrude on, harm, or limit other properties and uses in the area, including uses that would be allowed on vacant or undeveloped properties?

B(3): How will the proposed variance result in the minimum deviation from the standard needed to alleviate the hardship?

C. How is the proposed variance consistent with applicable goals and policies of the Comprehensive Plan? (**Ask the Planning Staff for a copy or go to the County Planning web page: www.clackamas.us/planning/comprehensive.html!**)

Questions: Contact Glen Hamburg, Planner II at 503-742-4523 or GHamburg@clackamas.us