

City of Rockaway Beach, Oregon  
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## VARIANCE APPLICATION

(# \_\_\_ - \_\_\_\_)

Non-Refundable Fee \$880.00

Property Owner(s) Name: \_\_\_\_\_

Full Mailing Address: \_\_\_\_\_

Email: \_\_\_\_\_ Phone Number: \_\_\_\_\_

### Location Information:

Situs Address: \_\_\_\_\_ AND/OR Map/Tax Lot: \_\_\_\_\_

Zoning: \_\_\_\_\_

Description of Request: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Justification of variance request. Explain how the request meets each of the following criteria for granting a variance per Rockaway Beach Zoning Ordinance# 143, as amended, Article 8, Variances, Section 8.020, Criteria**

1. That a strict or literal interpretation and enforcement of the specified requirement would result in practical difficulty or unnecessary hardship and would be consistent with the objectives of the Comprehensive Plan.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties in the same zone.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the near vicinity.

\_\_\_\_\_  
\_\_\_\_\_

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4. That the granting of the variance would support policies contained within the Comprehensive Plan.

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**Note: Use extra sheets or documents, if necessary, for answering the above questions.**

**Attach a scale drawing showing the dimensions of the property, adjacent street(s), dimensions of existing structure and dimensions of proposed development.**

I hereby certify that the above information is correct and understand that issuance of a permit based on this application will not excuse me from complying with effective Ordinances and Resolutions of the City of Rockaway Beach and Statues of Oregon, despite any errors on the part of the issuing authority in this application.

Property Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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**OFFICE USE ONLY**

Fee \$ 880.00      Date Received: \_\_\_\_\_      Receipt # \_\_\_\_\_      By: \_\_\_\_\_

Notes: \_\_\_\_\_

Notice Published: \_\_\_\_\_      Public Hearing Date: \_\_\_\_\_

Variance     Granted       Denied      Date of Order: \_\_\_\_\_      Final Date to Appeal: \_\_\_\_\_ t \_\_\_\_\_

Planning approved by: \_\_\_\_\_      Date of Order: \_\_\_\_\_

# Variance Process and Considerations

- The Variance process typically takes five (5) to six (8) weeks.
- The process requires a public hearing before the Planning Commission & advance notice in the local paper and adjoining property owners.
- The City of Rockaway must receive application, fee and all required information 30 days prior to the next hearing date. Planning Commission Meetings are held the 3<sup>rd</sup> Thursday of each Month.
- The Applicant is encouraged to attend the public hearing.
- Variance is granted for a specific item and is the only detail to be considered for the specific variance request.
- The burden of proof is on the applicant to show that the request meets the criteria.
- The power to grant variances does not extend to use regulations, it relates specifically to standards.
- A variance must be exercised within one (1) year.
- Approvals are based on the plan(s) submitted.
- A diagram of the request is necessary for adequate review by staff and Planning Commission members. Please include the following:
  - Lot dimension and shape, and North arrow (see figure below)
  - Adjoining streets by name and center line distances to property.
  - Location of existing and proposed structures and/or alterations.
  - Driveway(s), parking and loading areas and the location of utility easements, if known.
  - Key that identifies information required above - see Site Plan Example Below

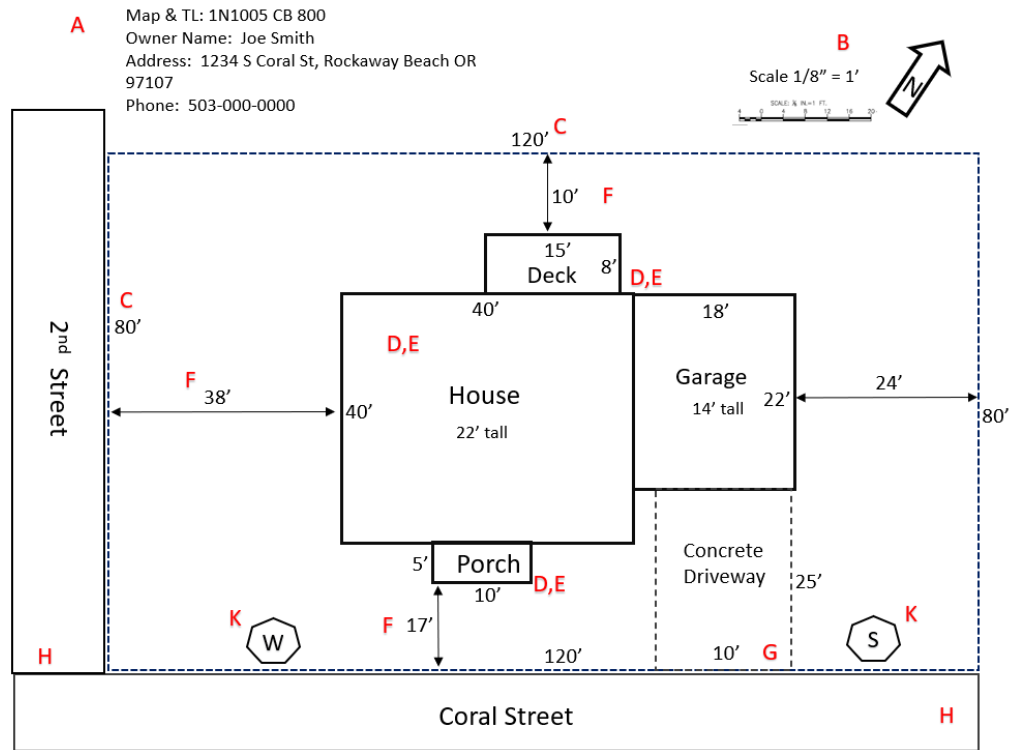
## Site Plan Example

The following items **must be** clearly indicated on the site plan:

- A. Map & TL, Owner info
- B. Scale & North direction
- C. Property Lines
- D. All dimensions
- E. All structures
- F. All setbacks
- G. Access/Driveway
- H. Streets
- I. Any noted easements
- J. Wetland/Streams
- K. Utility Connections \*New  
(S – Sewer, W – Water)

\*New - New Homes

New home site plans must be to scale, if the listed scale does not work, it will be rejected.



# ROCKAWAY BEACH ZONING ORDINANCE

## Article 8. Variances

### Section 8.010. Purpose.

(1) The purpose of a variance is to provide relief when a strict application of the zoning requirements would impose unusual practical difficulties or unnecessary physical hardships on the applicant. Practical difficulties and unnecessary hardships may result from the size, shape, or dimensions of a site, or the location of existing structures thereon; from geographic, topographic, or other physical conditions on the site or in the immediate vicinity or from population densities, street location, or traffic conditions in the immediate vicinity.

(2) The power to grant variances does not extend to use regulations. In other words, no variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located.

### Section 8.020. Criteria.

(1) Variances to a requirement of this chapter with respect to lot area and dimensions, setbacks, yard area, lot coverage, height of structures, vision clearance, fences and walls, and other quantitative requirements may be granted only if, on the basis of the application, investigation, and evidence submitted by the applicant, that all four expressly written findings are made:

- a) That a strict or literal interpretation and enforcement of the specified requirement would result in practical difficulty or unnecessary hardship and would be inconsistent with the objectives of the Comprehensive Plan; and
- b) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties in the same zone; and
- c) That the granting of the variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the near vicinity; and
- d) That the granting of the variance would support policies contained within the Comprehensive Plan. Variances in accordance with this subsection should not ordinarily be granted if the special circumstances upon which the applicant relies are a result of the actions of the applicant or owner.

(2) Variances to requirements of this chapter with respect to off-street parking and loading facilities may be authorized as applied for or as modified, if, on the basis of the application, investigation, and the evidence submitted, the following express written findings are made:

- a) That neither present nor anticipated future traffic volumes generated by the use of the site or use of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the requirements of this chapter.
- b) That the granting of the variance will not result in the parking or loading of vehicles on public streets in such a manner as to materially interfere with the free flow of traffic on the streets.
- c) That the granting of the variance will not create a safety hazard or any other condition inconsistent with the general purpose of this chapter.

Where a variance request is being reviewed under Section 8.020(2), only the criteria of Section 8.020(2) shall be addressed. The criteria of Section 8.020(1) are not applicable. [Section 8.020(2) amended by Ordinance #277, August 28, 1990]

**Section 8.030. Conditions.** Reasonable conditions may be imposed in connection with a variance as deemed necessary to protect the best interests of the surrounding property or neighborhood and otherwise secure the purpose and requirements of this section. Guarantees and evidence may be required that such conditions will be and are being complied with. [Added Section 8.040, this section was omitted in blue book]

**Section 8.040 Application.** Application for a variance in conformance with Section 11.030 shall be filed with the City Recorder on the form prescribed by the City, by any person with a legal interest in the property.

**Section 8.050. Variance Review Procedures.** The following procedures shall be followed in reviewing a request for a variance:

- (1) Public notice shall be given in accordance with Section 11.040.
- (2) A public hearing shall be held in accordance with Section 11.060.
- (3) A decision on the variance application shall be made in accordance with Section 11.060(6).
- (4) A decision of the planning commission may be appealed to the City Council in accordance with Section 11.070.

[Section 8.050 amended by Ordinance #277, August 28, 1990]

**Section 8.080. Compliance With Conditions of Approval.** Compliance with conditions of imposed in the variance, and adherence to the submitted plans as approved is required. Any departure from these conditions of approval and approved plans constitutes a violation of this chapter.

**Section 8.090. Vested Interest in Approved Variances.** A valid variance supersedes conflicting provisions of subsequent rezonings or amendments to this chapter unless specifically provided otherwise by the provisions of this section or in the conditions of approval of the variance.

**Section 8.100. Revocation.** Variances shall be automatically revoked if not exercised within one year of the date of approval.

**Section 8.110. Limitation on Refiling of Application.** Applications for which a substantially similar application has been denied shall be heard by the Planning Commission only after a period of six months has elapsed.

**Section 8.120. Time Limit for an Approved Variance.** The variance shall be null and void after one year, unless substantial construction has taken place.