

City of Rockaway Beach, Oregon

276 S. Highway 101, PO Box 5
Rockaway Beach, OR 97136
(503) 374-1752 FAX (503) 355-8221
www.corb.us * cityhall@corb.us



VARIANCE REQUEST APPLICATION

Please fill out this form completely. Please type or print.

Applicant Name: _____

Mailing Address: _____ Phone Number: _____

Email Address: _____

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Owner (If different than applicant): _____

Mailing Address: _____ Phone Number: _____

Email Address: _____

Property Location

Map: _____ Tax Lot: _____ Block: _____ Lots: _____

Street Address: _____

Description of Proposal:

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

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

Note: Use extra sheets, 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.

Applicant Signature: _____ Date: _____

Property Owner Signature: _____ Date: _____

If the applicant is other than the owner, the owner hereby grants permission for the applicant to act on his/her behalf.

Please attach the name, address, email, phone number and signature of any additional property owners.

Non- refundable fee (Any additional expenses will be billed accordingly).

FOR OFFICE USE ONLY

Date Received: _____ By: _____

Fee: _____ Receipt Number: _____

Date of Notice: _____

Notice Published: _____

Public Hearing Date: _____

Granted: _____ Denied: _____

Date of Order: _____

Final Date to Appeal: _____

Rockaway Beach City Planner

Date

CONSIDERATIONS

The Variance process requires five (5) to six (6) weeks

The process requires a public hearing before the Planning Commission and advance notice published in the local paper.

The Planning Commission must receive all information three (3) weeks prior to the hearing date.

The Applicant or his delegate should be at the public hearing.

A variance is granted for a specific item. The item is the only detail that will be considered for that 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.

CITY OF ROCKAWAY BEACH
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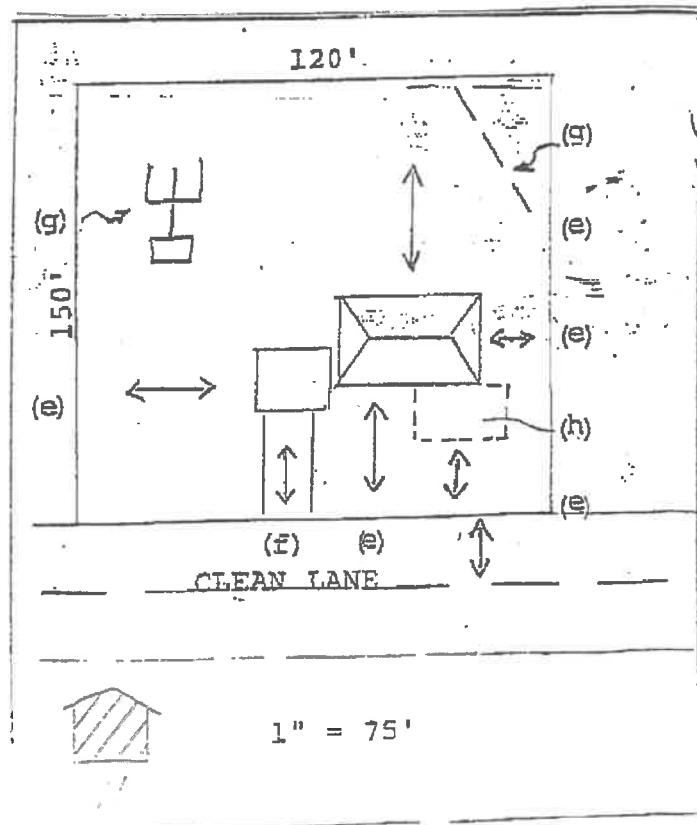
VARIANCE PROCESS

YOUR PLOT PLAN

A diagram of the request is necessary for adequate review by staff and Planning Commission members. Please include the following:

1. Lot dimension and shape.
2. Adjoining streets by name and center line distances to property. (e)
3. North arrow (see figure below)
4. Location of existing and proposed structures and/or alterations. (h)
5. Driveway(s), parking and loading areas. (f)
6. Location of utility easements, if known. (g)
7. Key that identifies information required above.

DRAWING MUST BE TO SCALE.



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 approval 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.