



Planning and Building Services Department
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VARIANCES

WHAT IS A VARIANCE?

A Variance is permission granted to a property owner to deviate from certain zoning regulations. There are three types of variances:

- A **Minor Variance** is a small adjustment to certain Code standards that would have little or no impact on the streetscape or surrounding properties and where no demonstration of hardship is required.
- A **Major Variance** is a significant adjustment to Code requirements where, owing to special circumstances or conditions beyond the applicant's control, application of the Code standards would result in undue and/or unique hardship.
- A **Design Variance** is an adjustment where the resulting design will be superior to development in the surrounding neighborhood or would better achieve the purpose/objectives of the applicable zone or design standard. Design variances include exceptions to the design standards of the R-DD (Old Town) zone, the Downtown Redevelopment Design District (DRDD), Foothills Mixed Use zone (FMU), Lake Grove Village Center Overlay (LGVCO) and adjustments processed under the Residential Infill Design (RID) standards.

The types of variances that qualify as Minor, Major or Design and the approval criteria for each are listed in the Community Development Code (LOC 50.08).

PRE-APPLICATION CONFERENCE REQUIRED

A Pre-Application (Pre-App) Conference is required for all variances prior to submitting the land use application. The purpose of the Pre-App is to discuss the development proposal, the applicable criteria, and the requirements for completing an application. Please refer to the City's Pre-App handout for more detailed information on this process.

In some cases, a second Pre-app Conference may be required for a RID application. Please refer to the City's RID handout for more detailed information.

APPLICATION PROCEDURE

Following the Pre-App Conference, the applicant (owner or owner's appointed agent) files a complete application with the Planning and Building Services Department using the Land Use Application form available at the department (and on our website at www.ci.oswego.or.us). The applicant also provides information and materials specified in the Pre-App Checklist. Please refer to the attached "Submittal Requirements" section for a list of the materials that are typically required for a variance application. A

complete list of the required application materials for your proposal will be provided at the Pre-App Conference.

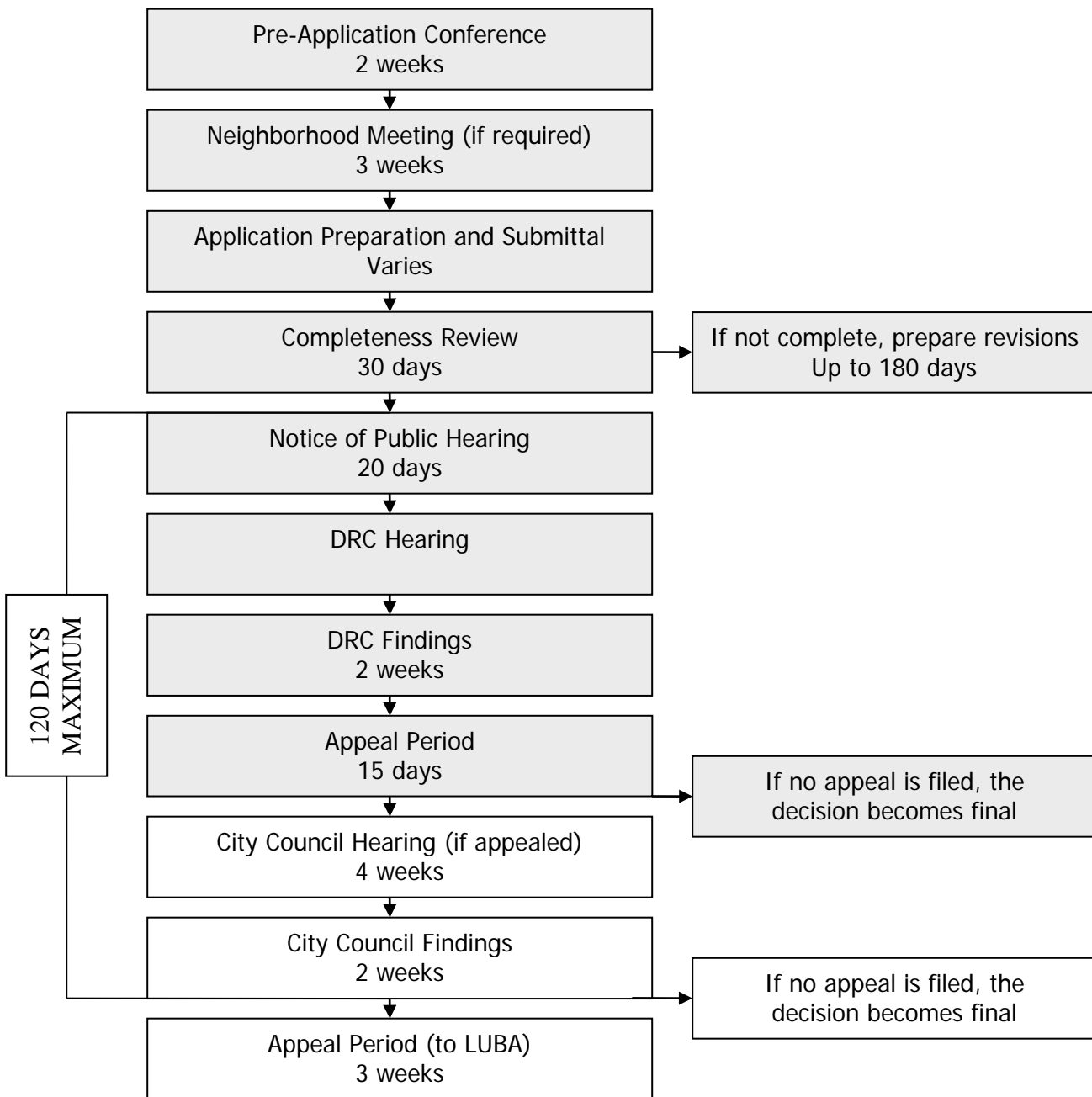
The variance application and attachments are routed to all concerned City departments for review. The City has 30 days to determine whether the application is complete. If the application is "incomplete," a letter will be sent to the applicant indicating what additional information is necessary. When the application is "complete," the City mails a Notice of Application to surrounding property owners, which begins a 14 day comment period.

WHO MAKES THE DECISION

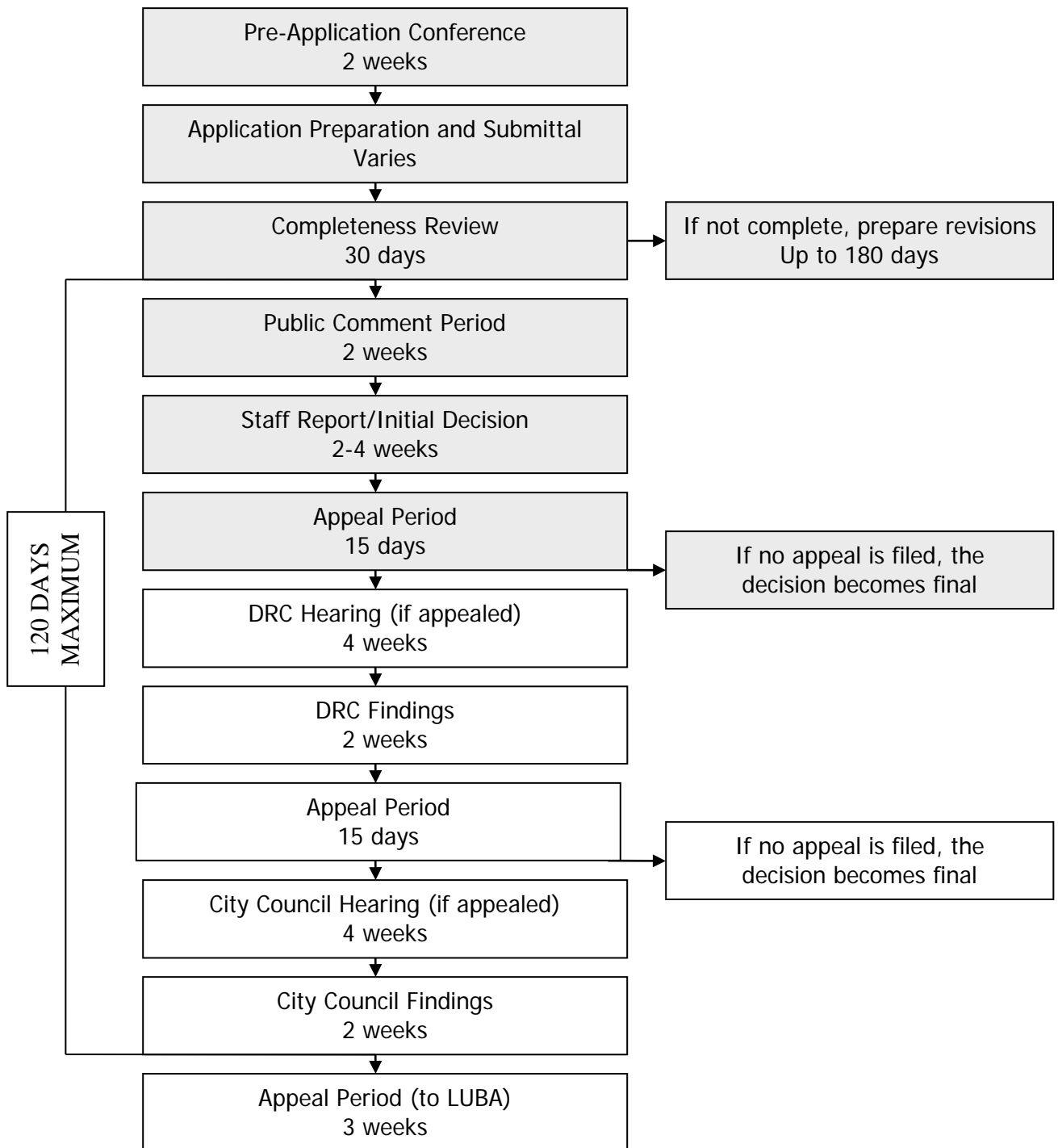
- **Minor Variances:** In most cases, the planning staff will make the decision on a minor variance application following the comment period.
- **Major Variances:** The Development Review Commission (DRC) makes the decision on a major variance application.
- **Design Variances:** In most cases, the planning staff will make the decision on a RID application following the comment period. The DRC makes the decision on all other design variance applications.

The application will be evaluated on the basis of the information provided by the applicant, the criteria listed in the pertinent sections of the City's Community Development Code and other codes, and inspection of the property. Appeals of a staff decision can be made to the DRC. If staff finds that the variance request will be controversial or that there is a high likelihood that the staff decision will be appealed, staff will forward the application to the DRC for a public hearing for the initial decision. Appeals of the DRC's decision can be made to the City Council. The flow charts on the following page identifies the typical review process for variances; however, special circumstances may increase certain processing times.

Major Variances and R-DD, DRDD, FMU and LGVCO Design Variances (Public Hearing)



Minor Variances and RID Design Variances (Administrative Decision)



SUBMITTAL REQUIREMENTS

A complete application is required before the City can proceed with technical analysis and make an informed decision on your application. Following is a list of materials that are typically required for variance applications; however, as each variance request is unique, additional items may be identified at the Pre-Application Conference. Please do not submit your application until all the items on the list that apply to your proposal have been included. Consult with the Planning and Building Services Department if you have a question. All application materials become public information.

GENERAL *

The following items are required to be submitted in **FIVE COLLATED SETS** unless otherwise noted:

- Completed Land Use Application form signed by the property owner(s). Agent authorization is required if application is not signed by owners of all subject parcels.
- Proof of ownership such as a copy of deed or title report (**ONE SET**).
- A survey map that is prepared, stamped and signed by a licensed surveyor that illustrates the existing structure(s) on the site, the nearest walls of the structure(s) on abutting lots, existing setbacks, two-foot contour lines, easements (if any), and all trees that are 6" in diameter or greater on or in close proximity to the site.
- All relevant graphic information such as a scaled site plan, floor plans, and complete building elevation drawings (showing existing and finished ground elevations). Please clearly label the existing and proposed footprint and existing and proposed portions of the structure(s) on all plans.
- A site plan illustrating all trees on the site and identifying those designated for removal. Be sure to address the Type II tree removal criteria [LOC 55.02.080 of the Tree Code] and include a mitigation plan. Tag trees requested for removal with a yellow ribbon.
- A narrative addressing all applicable standards listed in the Pre-App Checklist in detail.
- Sticky back address labels with name and addresses of at least 50 properties within 300+ feet of the site boundaries (excludes the site and City owned properties). This information shall be obtained from the most current tax assessor records (**TWO SETS**). Please make sure to add tax lot and tax map information for each lot above the respective address (see Mailing Label handout for specific instructions).
- 8 x 11 ½ reductions of all oversized materials (**TWO SETS**).
- Additional information as identified by the City in the Pre-App Checklist.

***NOTE:** The RID process has slightly different noticing requirements and submission requirements; refer to the City's RID handout for more information.