



**Benton
County**

**COMMUNITY DEVELOPMENT
DEPARTMENT**

Community Development Department

Office: (541) 766-6819

360 SW Avery Avenue

Corvallis, OR 97333

co.benton.or.us/cd

APPLICATION

VARIANCE

File # _____

Fee: \$ _____
(SEE CURRENT FEE SCHEDULE)

**ALL SECTIONS MUST BE COMPLETED. ATTACH ADDITIONAL SHEETS IF NECESSARY.
REVIEW WILL BEGIN ONLY WHEN THE APPLICATION IS DETERMINED TO BE COMPLETE**

I. Property Owner(s) Information

Name(s): _____ Phone #1: _____

Mailing Address: _____ Phone #2: _____

City: _____ State: _____ Zip: _____ Email: _____

II. Applicant Information

Name(s): _____ Phone #1: _____

Mailing Address: _____ Phone #2: _____

City: _____ State: _____ Zip: _____ Email: _____

Other individuals to be notified of this application: Name, Address, City & Zip, or Email

III. Property Information

Site Address: _____

Assessor's Map & Tax Lot Number: T _____ S, R _____ W, Section(s) _____, Tax Lot(s) _____

Acreage: _____ Zoning: _____ Fire District: _____

Water Supplied By: _____ Sewage Disposal Type: _____

Existing Structures: _____

Current use(s) of the property: _____

IV. Request Summary (Example: "Reduce the 25-foot rear setback for a dwelling in the RR zone to 15 feet.")

V. Attached Documentation: With all land use applications, the "burden of proof" is on the applicant. It is important that you provide **ALL** the information listed on the following pages at the time you submit your application. The processing of your application does not begin until the application is determined to be complete.

Variance Criteria (Please review Benton County Code 53.405-53.425 on page 3.)

A variance will be approved only if all of the following criteria are met. Your written justification as to how your situation meets these criteria is critical to the success of your application. On a few pages of paper, in detail:

1. Discuss why it is “reasonable” to expect that your property could be developed for the use you are proposing.
2. Describe the physical circumstances or other conditions of the land (e.g., slope, soils, lot dimensions, etc.) that would create significant hardship if you were required to meet the Code standards as you develop your property.
3. Describe how the hardship situation described in #2 is unique to your property.
4. Describe how the hardship does not result from your actions or your personal circumstances such as age, physical condition, or financial situation.
5. Describe the uses on adjacent properties. Describe how the proposed use and the proposed variance to the code criteria would not change or harm the appropriate use or development of adjacent lands.
6. Describe the character of the neighborhood. Describe how the proposed variance would not change the essential character of the neighborhood.
7. Explain why you cannot reduce the proposed variance; that is, how the requested variance would be the minimum variance that would allow relief and is the least change possible to the Code standards. For example, if a setback requirement between a building and a property line is 20 feet and you are asking for a 5-foot setback, you must explain why a 6-foot setback would not work.
8. Describe how any impacts are being minimized or mitigated, including:
 - a. Size and location of site.
 - b. Road capacities in the area.
 - c. Number and location of proposed access points.
 - d. Location and amount of off-street parking.
 - e. Internal traffic circulation.
 - f. Fencing, screening, and landscape separations.
 - g. Height and square footage of a building.
 - h. Signs.
 - i. Exterior lighting.
 - j. Noise, vibration, air pollution, and other environmental influences.
 - k. Water supply and sewage disposal.
 - l. Law enforcement.
 - m. Wetlands.
 - n. Floodplains and building elevations.

Attachments

1. A copy of deed(s) covering the subject property.
2. A copy of the easement granting access to any property. (For example, a property that does not have frontage on a public road.)
3. An accurate drawing of the property, “drawn to scale” (sizes and distances accurately represented). The drawing must show the locations of all existing and proposed structures, roads, well(s) and water supply system, subsurface sewage system, easements, driveways, and any other items mentioned in your narrative (for example, a creek or a cliff). Label all items on the map. Include a North arrow.
4. Is the only access or proposed access to the property via a road that crosses a railroad? _____ If yes, draw the location on your map and explain here: _____

Signature(s) I hereby certify that I am the legal owners(s) or contract purchaser of the above noted property; that the information contained in this application is accurate to the best of my knowledge; and that the proposed variance would not violate any deed restrictions attached to the property.

_____	_____
Owner/Contract Purchaser Signature	Date
_____	_____
Owner/Contract Purchaser Signature	Date

For Office Use Only

Date Application Received: _____ Receipt Number: _____ By: _____
File # Assigned: _____ Planner Assigned: _____ Date Application Deemed Complete: _____

BENTON COUNTY CODE VARIANCE CRITERIA:

53.405 Purpose. A variance to any requirement of the Development Code may be granted where literal application of the requirement would cause significant hardship caused by unique characteristics of the property. [Ord 26, Ord 90-0069]

53.410 Variance Criteria. The decision to approve a variance shall be based on findings that:

- (1) Physical circumstances or other conditions of the land prevent the property from being reasonably developed in a manner consistent with the standards of the Development Code without significant hardship;
- (2) Such circumstances or conditions result in a hardship unique to the property in question;
- (3) The hardship does not result from actions of the applicant nor derive from personal circumstances of the applicant such as age, physical condition, or financial situation;
- (4) Strict adherence to the standard is unnecessary in that the proposed variance will not alter the essential character of the neighborhood in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property; and
- (5) The proposed variance is the minimum variance of the standard that will afford relief and is the least modification possible of the provisions of the Development Code.

53.415 Variance Conditions. Conditions of approval pursuant to BCC 53.220 may be imposed on an approval of a variance to mitigate adverse impacts which may result from granting the variance.

53.420 Period of Validity. Unless otherwise specified at the time of approval, a variance shall be valid for one (1) year.

53.425 Extension of Variance Approval. A variance approval may be extended for good cause at the discretion of the approving authority responsible for the original decision. The applicant shall submit the request for extension in writing to the Planning Official prior to expiration of the initial variance.