



LINN COUNTY PLANNING AND BUILDING DEPARTMENT

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VARIANCE APPLICATION

Application Fee \$650.00

A variance application is needed when a proposed development cannot meet zoning district property development standards established in the Linn County Land Development Code. Variances may be granted to allow development within a property line setback area or to exceed the lot coverage standard. Other types of variances include relief from landscaping or parking lot requirements, building height standards or lot width and depth standards. Variances may not be submitted for uses specified in any zoning district or to create a parcel smaller than the minimum lot size standard.

Planning staff will review a variance request once a complete application is accepted. A public notice will be sent to surrounding property owners and interested public agencies. After the notice period ends, staff has one week to make a decision on the application. If the application meets the decision criteria, then it will be approved. When there are issues that cannot be resolved at the staff level, an application will be sent to the Planning Commission for a public hearing. If an application is approved, there is a two week appeal period during which permits cannot be issued. Unless an appeal is filed, permits will be issued after the appeal period ends.

Often, it is necessary to have the subsurface sewage waste disposal system evaluated by the Environmental Health Program. Their evaluation and the variance review can occur at the same time. However, a decision on the variance cannot be made until Environmental Health has completed their evaluation.

Please fill out this application and prepare a plot plan (see attached sample). If you have any questions while filling out the application, please contact the department for help. Planning staff are available Monday through Friday, 8:30 a.m. - 12:00 p.m and 1:00 p.m. - 5:00 p.m., and can be contacted at (541) 967-3816.

I. Application Check List (for department use)

- A. Complete application _____ Site plan _____ Ownership _____
- B. Environmental health division approval
 - 1. Existing system has been checked _____
 - 2. New site has been approved _____
 - 3. New site has been requested but not reviewed _____
- C. Property development standards can be met:
 - 1. Width _____ Depth _____ Frontage _____ Coverage _____ Setbacks _____
 - 2. Legal lot _____ Area _____
- D. Proposal is located within:
 - 1. UGB _____ Planning area _____ Greenway _____ A.O. Zone _____
 - 2. S.B.H.O. _____ Habitat _____ Floodplain _____ Historic _____
- E. Application accepted by: _____ Date _____ Receipt No. _____
Refer to: Staff _____ P.C. _____
- F. This application contains:
 - Comprehensive plan amend. _____ Variance _____
 - Conditional use _____
 - Zoning map amendment _____ Easement _____
 - Subdivision _____ Partition _____

II. Background Information (to be completed by applicant with pen or typewriter)

- A. Assessor's Map Number of property:
Township _____ Range _____ Section _____ Tax Lot(s) _____
- B. Applicant's name _____
- C. Address _____
- D. City _____ State _____ Zip Code _____
- E. Phone number (home) _____ (work) _____
- F. Property owner (if different than applicant) _____
- G. Address _____
- H. City _____ State _____ Zip Code _____
- I. Phone number (home) _____ (work) _____
- J. Applicant's representative _____
- K. Address _____
- L. City _____ State _____ Zip Code _____
- M. Phone number (home) _____ (work) _____
- N. Zoning designation _____ Comp Plan _____
- O. Size of parcel _____

P. Additional parcels in contiguous ownership:
Township _____ Range _____ Section _____ Tax Lot(s) _____

Q. Fire protection district _____

III. Vehicular Access (to be completed by applicant) Access must be provided in one of the following ways:

A. Existing frontage onto a county or public road. Road name _____

B. Road easement of record established before January 4, 1968; provide reference to recording volume and page _____

C. Road easement of access recognized by Linn County; provide reference to planning case file number _____

D. Access yet to be provided; new road access to be constructed _____

E. New development driveway standards imposed _____

IV. Verification of Ownership: If the person submitting the application and the owner of the property are not the same, then only the owner of the property should complete this section.

A. Does the application violate any recorded codes, covenants or restrictions that are attached to the subject property? _____

B. I have the following legal interest in the property: owner of record _____, land sales contract purchaser _____ holder of a recorded exclusive option to purchase _____

Owner/applicant signature _____

Owner/applicant signature _____

PLEASE NOTE: County ordinance does not allow an application to be reviewed unless the owner has first authorized it.

If more than one owner is included on your records, please list all persons involved.

Other owners:

V. Use of Property (to be completed by applicant)

A. Please describe the nature of land uses on adjoining properties. Be specific. If it's farm use, what type of farm use? Please indicate uses to the north, south, east and west.

B. Please describe the nature of land use in the general area. Indicate uses north, south, east and west beyond the properties contiguous to the subject land described above.

C. Please describe the physical conditions on the property including stream courses, wooded areas, landscaping, changes in terrain, existing driveway and the current use of the property. Also describe all structures located on the property and their uses. Show these structures on your site plan together with dimensions and setbacks. Include the septic system, septic repair area and well.

D. This variance is requested to the following property development standards in the ____ zoning district:

E. This variance is requested for the following purpose:

F. Please describe what conditions or circumstances or both that exist on the land or structure involved that makes development impractical or impossible.

G. Has another development plan been considered that would meet the standards and eliminate the need for this variance? Why hasn't it been used?

H. In order to be approved, this variance must not have a significant adverse affect on property, improvements, or public health or safety in the vicinity of the subject property. Tell us why you think this variance would not have a significant adverse affect. Consider factors such as distance, vision clearance, change in grade, natural screening, potential for city services and drainage patterns.

I. Please explain how the requested variance is the minimum necessary to permit otherwise normal development of the property for the proposed use.

STANDARD SITE PLAN DRAWING

For a complete and accurate evaluation of your proposal by the planning and building department, it is necessary to include sufficient information and detail on a site plan drawing. An example is provided as a guide to the preparation of your plan. The site plan you submit will constitute the formal development plan upon which your request is based.

You may submit separate plans to show details of particular aspects of your proposal, landscaping, off-street parking, topography and drainage.

Any public or semi-public use or activity will require written detail and description of such use, i.e. number of employees, hours of operation, unusual equipment or activities that may produce noise, odor, glare, vibration, etc., equipment storage areas, guard or watchman requirements, aerial hazards and road access needs.

This site plan requirement is in addition to any other requirements for zoning, building, sanitation or other governmental permits or standards compliance.

SITE PLAN REQUIREMENTS:

- (1) Indicate scale (for example, 1" = 200').
- (2) North arrow--indicating direction of North on the map.
- (3) Completed information block at bottom of page, containing your name, and address.
- (4) Dimensions of the property. These may be taken from surveys, deeds and assessor's records.
- (5) Names of roads adjacent to property.
- (6) Approximate distance to nearest city or town.
- (7) Dimensions and distance from property lines to all structures, both existing and proposed, as well as fences, culverts, light standards and signs on the property and adjacent properties.
- (8) Location of existing and proposed access ways, parking and loading areas, approaches and barriers. Type of surfacing should be indicated.
- (9) Location of significant land features, such as streams or creeks, drainage areas and slope of land.
- (10) Location of existing and/or proposed septic tanks, repair areas and wells. If known, indicate any wells or septic systems on adjacent properties if they are within 10 feet of this property.
- (11) Indicate existing uses of land (cultivation, pasture, timber and brush). Indicate type of crops, pasture grass and timber species.

Attach sample plot plan (see sample plotplan on Planning and Building webpage)