

Zoning Variance Information & Submittal Requirements



Planning Department
231 NE Fifth Street ◦ McMinnville, OR 97128
(503) 434-7311 Office ◦ (503) 474-4955 Fax
www.mcminnvilleoregon.gov

Overview

A variance is the process under which the Planning Commission may grant certain adjustments or variations to specific requirements in the Zoning Ordinance. A variance request is subject to a public hearing before the Planning Commission and may be granted when the applicant can demonstrate that compliance with certain requirements of the Zoning Ordinance is impractical and would create unnecessary hardship to the owner or user of the property or buildings.

For more information about a variance application, and to determine if your request would be better served by an administrative variance or full variance request, refer to Chapter 17.74 (Review Criteria) of the McMinnville Zoning Ordinance, or contact the Planning Department Staff.

Submittal Requirements

The following materials must be provided at the time of submittal, or the application will not be accepted for processing.

- A completed Zoning Variance application form. Be sure to provide as thorough an explanation as possible, keeping in mind the review criteria that must be satisfied in order for the Planning Commission to grant your variance request. If additional explanation or materials would assist or support the request, include them with the application form.
- A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), indicating existing and proposed buildings, dimensions, and adjacent street(s), distances from property lines, access, and any other information that would help substantiate or clarify your request.
- Compliance of Neighborhood Meeting Requirements.
- Payment of the applicable review fee.

Review Process

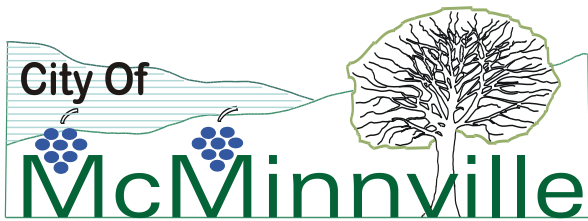
An application for a variance is subject to a public hearing before the McMinnville Planning Commission. In advance of such hearing, public notice is provided to neighboring property owners advising them of the proposed request and inviting their participation in the upcoming hearing. The procedures for providing notification of the request and the public hearing process are outlined in Sections 17.72.120 (Applications – Public Hearings) through 17.72.130 (Public Hearing Process) of the Zoning Ordinance.

In judging whether a request for a variance shall be approved or denied, the Planning Commission must find that the applicant has demonstrated that the following circumstances substantially exist. It is important that the applicant provide detailed responses to each of these criteria within the space provided in the Zoning Variance application form, or on additional sheets if necessary.

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape legally existing prior to the date of this ordinance, topography, or other circumstance over which the applicant has no control;
- B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess;
- C. The variance would not be materially detrimental to the purposes of this ordinance, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy;
- D. The variance requested is the minimum variance which would alleviate the hardship.

In granting a variance the Planning Commission may attach conditions which it finds necessary to protect the best interest of surrounding properties or neighborhood and otherwise achieve the purposes of the zoning ordinance.

The decision made by the Planning Commission may be appealed to the City Council as outlined in Section 17.72.180 (Appeal from Ruling of Planning Commission) of the Zoning Ordinance.



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Office Use Only:
File No. _____
Date Received _____
Fee _____
Receipt No. _____
Received by _____

Zoning Variance Application

Applicant Information

Applicant is: Property Owner Contract Buyer Option Holder Agent Other _____

Applicant Name _____ Phone _____

Contact Name _____ Phone _____
(If different than above)

Address _____

City, State, Zip _____

Contact Email _____

Property Owner Information

Property Owner Name _____ Phone _____
(If different than above)

Contact Name _____ Phone _____

Address _____

City, State, Zip _____

Contact Email _____

Site Location and Description

(If metes and bounds description, indicate on separate sheet)

Property Address _____

Assessor Map No. R4 _____ - _____ Total Site Area _____

Subdivision _____ Block _____ Lot _____

Comprehensive Plan Designation _____ Zoning Designation _____

Please indicate the type of variance requested:

- Lot Size Requirement _____ Reduction to _____
- Setback – Front, Rear, Side Requirement _____ Reduction to _____
- Other _____

1. Describe the nature of the request in detail: _____

2. What exceptional or extraordinary circumstances apply to the property which do not apply generally to other property in the same zone or vicinity, and result from lot size or shape legally existing prior to the date of this ordinance, topography, or other circumstance over which the applicant has no control? _____

3. What property right would be preserved by granting the variance? _____

4. What unnecessary hardship would be avoided by granting the variance? _____

5. Why won't this request be detrimental to the surrounding area? _____

6. Please explain how this would be the minimum variance necessary to alleviate the hardship? _____

In addition to this completed application, the applicant must provide the following:

- A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), indicating existing and proposed buildings, dimensions, and adjacent street(s), distances from property lines, access, and any other information that would help substantiate or clarify your request.*
- Compliance of Neighborhood Meeting Requirements.
- Payment of the applicable review fee, which can be found on the Planning Department web page.*

I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.

Applicant's Signature

Date

Property Owner's Signature

Date