



LAND MANAGEMENT DIVISION

TYPE II LAND USE APPLICATION – Variance: Chapter 15

PUBLIC WORKS DEPARTMENT 3050 N. DELTA HWY, EUGENE OR 97401 Planning: 682-3577

For Office Use Only: FILE #

FEE:

Applicant (print name):

Mailing address:

Phone: Email:

Applicant Signature:

Agent (print name):

Mailing address:

Phone: Email:

Agent Signature:

Land Owner (print name):

Mailing address:

Phone: Email:

Land Owner Signature:

LOCATION

Township Range Section Taxlot

Site address

PROPOSAL: A request for Type II (Director) Approval of a Road Setback Variance to Chapter 15, pursuant to Lane Code 15.900.

NOTICE: The Applicant is responsible for providing enough information in this application for staff to make reasonable findings.

ADJOINING OWNERSHIP Is any adjacent property under the same ownership as the subject property? List the map and tax lot(s).

SITE PLAN A site plan must be included. Refer to the handout entitled "How to prepare your plot plan". Identify nearby driveways. Driveways spacing standards are contained in Lane Code 15.138.

ZONING: _____

ACREAGE: _____

DESCRIBE THE ACCESS TO THE PROPERTY (circle the answer):

State Hwy County Rd Public Rd Private Easement (provide a copy)

Road name: _____

Does a railroad or highway crossing provide the only access to the property (circle)? Yes No

PRIOR DECISIONS: Provide information demonstrating compliance with any applicable prior decisions and conditions of approval for the subject property.

EXISTING IMPROVEMENTS: What structures or development does the property contain? Will any structure be removed/demolished?

PHYSICAL FEATURES: Describe the site.

- The Vegetation on the property: _____

- The Topography of the property: _____

- Any Significant Features of the property (steep slopes, water bodies, etc.): _____

APPROVAL CRITERIA

15.900 General Variance Provisions.

(1) Purpose. The purpose of a Variance is to provide relief from the provisions of Chapter 15 when a strict application of the requirements would impose unusual practical difficulties or unnecessary physical hardship on the applicant. Practical difficulties and unnecessary hardships may result from the size, shape or dimensions of a site or the location of lawfully 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) Criteria. Variances, as provided in this chapter, to access, building line setback and dedication and improvement requirements may be granted only if, on the basis of the application, investigation and evidence submitted, the following expressly written findings are made:

Explain how the variance complies with either (a) or (b) or (c). You may choose one of those criteria to answer. You do not need to answer any more than one of those criteria. Attach additional pages if necessary.

(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 this chapter, or

(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 vicinity, or

(c) That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges legally enjoyed by the owners of other properties in the same vicinity, and

All variances must comply with (d). You must answer this question.

(d) That the granting of the modification will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the near vicinity.

(e) In addition to the criteria specified in this section, a Variance to access requirements specified in LC 15.130 through LC 15.139 shall comply with the additional requirements specified in LC 15.140.

Subsection (e) only applies to an Access Variance. If you are requesting an Access Variance, continue on to page 6.

(3) Effect on Substantially Identical Variances to Other County Regulations.

(a) A Variance granted by authority of this chapter eliminates the necessity of obtaining approval of a substantially identical or less extensive Variance or modification to other chapters of Lane Code, and would constitute a Variance of that chapter.

(b) A Variance shall not be required to the frontage or setback requirements of this chapter for any subdivision or partitioning receiving final approval in accordance with the provisions of LC Chapter 13 (Land Divisions) when the requirements to be modified are specifically incorporated within the finally approved subdivision or partitioning.

(4) 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.

COMPLETE THIS PAGE ONLY IF YOU ARE REQUESTING AN ACCESS VARIANCE.

LC 15.900(2)(e) In addition to the criteria specified in this section, a Variance to access requirements specified in LC 15.130 through LC 15.139 shall comply with the additional requirements specified in LC 15.140.

“15.140 Variance to Access Requirements:

(1) In addition to the criteria in LC 15.900(2), the Variance application may be considered for approval if it is deemed necessary because of the unusual uses, title limitations, location, or date or means of creation of the lots or parcels or because of the limitations imposed by the arrangement of contiguous or adjacent lots or parcels;

Explain the need for the Access Variance.

(2) Any Variance to the access requirements of this section shall be necessary to correct or improve an existing situation and is not intended as a means to create new roads or sites to which the orderly provisions of subdivision or partitioning would apply;

If approved, will the Access Variance allow a partition or subdivision? Yes No

Explain: _____

(3) The lot or parcel for which a Variance is sought shall be lawfully created; (check the answer)

_____ If the land was created by a partition or subdivision, identify the partition or subdivision plat number:

_____ If the land was created by deed, a legal lot verification is required prior to submittal of this application. What is the PA # for the legal lot verification of this tract:

(4) If a Variance to the access requirements requires that a private access easement be created and/or approved as a part of any conditional approval, the minimum requirements for private access easements specified in LC 15.055 shall be complied with as deemed necessary to insure that any approved access will reasonably conform with the stated purposes of this section.” This will be a condition of approval.