



# CITY OF ROSEBURG

## VARIANCE REVIEW

### APPROVAL CRITERIA

**APPLICATION FILING FEE:**     \$ \_\_\_\_\_ – Administrative  
   \$ \_\_\_\_\_ – Planning Commission

#### **PRE-APPLICATION CONFERENCE**

Pre-application conference is required for all requests, unless the Director indicates otherwise. The conference provides an exchange of information regarding applicable Codes, programs, plans, and policies, and to provide technical assistance. Conceptual plans are acceptable for this process; however, more detailed information allows more detailed comments.

#### **PURPOSE**

The variance process is applicable due to difficult and unusual difficulties that result from the size, shape, dimensions, geography, topography, or other physical conditions that application of the Roseburg Municipal Code (RMC) provisions would cause unintended hardships. Variance can be granted for lot area and dimensions, setbacks, yard area, lot coverage, height of structures, vision clearance, fences and walls, and other dimensional requirements but use regulations.

#### **PROCEDURE**

Per Section 12.10.050 of RMC the Community Development Director may administratively grant setbacks reduction up to a maximum of 50% of the requirement, provided it does not result in a setback of less than 4 feet; a variance from fence height limitations; and parking reductions up to 25% of the requirement. A decision of the Director can be appealed to the Planning Commission upon filing a “Notice of Review.” All other Variance applications, and depending on the type of project and/or community interest, are reviewed and acted on by the Planning Commission.

#### **TYPE OF REVIEW**

Administrative applications require a public notice 15-days prior a decision. Notices are mailed to all property owners within 100 feet of the subject site, as well as being posted in the vicinity of the property. If the case is referred to the Planning Commission, notice is mailed to property owners within 300 feet of the subject site and published in the newspaper.

## **APPROVAL CRITERIA**

Per Section 12.10.050 a variance to the requirements of this Ordinance may be granted with respect to lot area and dimensions, setbacks, yard area, lot coverage, height of structures, vision clearance, fences, and walls, and other dimensional requirements only if, on the basis of the application, investigation and evidence submitted, **all** of the following circumstances are found to exist:

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity which result from lot size or shape, topography, or other circumstances over which the property owner since the enactment of this Ordinance has had no control.
2. The variance is necessary for the preservation of a property right of the applicant which is the same as that enjoyed by other property owners in the same zoning district in the area.
3. The variance would not conflict with the purposes of this Ordinance and would not be materially detrimental to property in the vicinity in which the property is located, or otherwise conflict or reasonably be expected to conflict with the Comprehensive Plan.
4. The variance requested is the minimum variance which would alleviate the difficulty.
5. The need for the variance is not the result of a practical difficulty created by the actions of the current owner or previous owner.

## **FORMAT FOR APPLICANT FINDINGS OF FACT**

The applicant is required to submit a written statement to support each criterion by facts consisting of two parts as provided in the following:

1. Factual information such as the surrounding zoning, consistency with the Comprehensive Plan land use designation, ability of property to adequately and appropriately provide for uses allowed by the requested zone, etc. Facts should be referenced as to their source; plans, City plans, etc.
2. An explanation of how these factors result in a conclusion that supports the criteria.

## **ADDITIONAL RMC PROVISIONS**

A variance will be invalid if it is not exercised within one (1) year of the date of approval. An extension of time may be requested provided it is submitted prior to the expiration date and such extension will be processed via an administrative review.