



# MAJOR & MINOR VARIANCE APPLICATION INSTRUCTION & INFORMATION SHEET

## I. PURPOSE OF A VARIANCE

The development standards in this Development Code protect the public health, safety and welfare by establishing standard setbacks, maximum building heights and other development standards that apply to various uses. For lands or uses with unique characteristics the intent and purpose of the development standards may be maintained while allowing for a variance to quantifiable requirements only.

A minor variance may be approved for those requests resulting in no more than a 20% change in a quantifiable standard. Otherwise, any change to a quantifiable standard greater than 20 percent will require a major variance.

## II. APPLICATION SUBMITTAL REQUIREMENTS

All of the following items must be provided at the time the application is submitted. If any item is missing, the application may not be accepted for processing. Please complete the application carefully and accurately. If there are any questions regarding the application, call the Keizer City Planner at (503) 856-3441

The following is a list of the items that must be submitted in addition to the application form:

- A. A copy of the latest officially recorded title transfer instrument (deed, warranty deed, or contract) giving the legal description for each of the properties involved in the variance.
- B. A plot plan drawn in black ink on a separate sheet of paper. If plan is larger than 11" x 17" then a scaled down version no larger than 11" x 17" will be required for copying purposes. The plot plan drawing must utilize a standard scale (i.e. 1'=10 feet, or, 1"=20 feet, etc.).

The plot plan must include the following items:

- 1. The names and addresses of the property owners involved in the variance.
  - 2. Show each parcel involved in the variance.
  - 3. Location and distance of all existing or proposed structures from existing parcel lines.
  - 4. For residential structures indicate on the plan if the structure is a one or two-story. For accessory structures indicate the wall height.
  - 5. Show the location of any access or utility easement, which might be affected by the variance.
  - 6. Show the names of any existing streets or easements, which front the affected properties.
  - 7. Include a vicinity map showing the overall location of the parcels.
  - 8. Include a north arrow and scale.
- C. A written statement explaining the reasons for the proposed variance and how the proposed variance conforms to City of Keizer review criteria as specified on the following page.

### III. APPLICATION REQUIREMENTS

The following criteria shall be used to review and decide MAJOR VARIANCES:

- A. The degree of variance from the standard is the minimum necessary to permit development of the property for uses allowed in the applicable zone; and
- B. The applicant in good faith is unable to comply with the standard without undue burden. The applicant must demonstrate that the burden is substantially greater than the potential adverse impacts caused by the proposed variance; and
- C. The variance will not be unreasonably detrimental to property or improvements in the neighborhood of the subject property; and
- D. There has not been a previous land use action approved on the basis that variances would not be allowed; and
- E. The variance will not significantly affect the health or safety of persons working or residing in the vicinity; and
- F. The variance will be consistent with the intent and purpose of the provision being varied.

The following criteria shall be used to review and decide MINOR VARIANCES:

- A.
  - 1. The intent and purpose behind the specific provision sought to be varied is either clearly inapplicable under the circumstances of the particularly proposed development; or,
  - 2. The variance requested is consistent with the intent and purpose of the provision being varied; or
  - 3. The applicant in good faith is unable to comply with the standard without undue burden which is grossly disproportionate to the burden born by others affected by the specific provisions of the code sought to be varied;
- B. The impact of the development due specifically to the varied standards will not unreasonably impact adjacent existing or planned uses and development; and
- C. The minor variance does not expand or reduce a quantifiable standard by more than 20 percent and is the minimum necessary to achieve the purpose of the minor variance; and
- D. There has not been a previous land use action approved on the basis that a minor variance would not be allowed.

### IV. APPLICATION PROCESSING

Applications subject to administrative review shall be reviewed and decided by the Zoning Administrator.

- A. Initial Review. Upon receipt of a Variance application, the City staff shall review the application for completeness.
  - 1. Applications shall not be deemed complete and reviewed until the applicant has submitted all required information.
  - 2. If incomplete, the applicant shall be notified and provided additional time of up to 180 days from the date of original submittal to submit supplemental information as necessary. If on the 31<sup>st</sup> day the application remains incomplete, the application materials will be returned to the applicant and a refund will be processed.
  - 3. Complete Application. The application shall be deemed complete within 30 days of the original submittal for the purposes of scheduling the hearing and all related timing provisions.
- B. Once the application is determined to be complete, the planning staff will determine if additional comments are required from affected agencies. If comments are required, a request for comment form will be sent out to the affected agencies. After receipt of the comments, the planning staff will complete a written decision for the application. The decision will contain an evaluation of the criteria used to approve or deny the application request. The decision also contains information on the applicant's rights of appeal. The decision is mailed to the applicant and all affected property owners located within 250 feet of the external property lines of the affected property.
- C. Withdrawal of applications deemed complete must be in writing and signed by all parties involved in the application request. A refund may be processed if the withdrawal is done prior to the completion of a staff report.



**CITY OF KEIZER  
MAJOR & MINOR VARIANCE  
APPLICATION**

**If there are any questions about this application, who should be contacted?**

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Daytime Phone Number:** \_\_\_\_\_

**Fax:** \_\_\_\_\_

**Email:** \_\_\_\_\_

1. **Applicant Name**

**Address**

\_\_\_\_\_

\_\_\_\_\_

**Phone** \_\_\_\_\_

\_\_\_\_\_

2. **Property Owner Name**

**Address**

\_\_\_\_\_

\_\_\_\_\_

**Phone** \_\_\_\_\_

\_\_\_\_\_

3. The owners of record of the subject property do hereby request permission for a variance to the following standard \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. Street Address of subject property \_\_\_\_\_

5. Size of subject property (acres or Sq. Ft.) \_\_\_\_\_

6. THE APPLICANT(S) SHALL CERTIFY THAT:

A. The above variance request does not violate any deed restrictions that may be attached to or imposed upon the subject property.

B. If the application is approved, the applicant will exercise the rights granted in accordance with that approval and will be subject to all conditions and limitations of approval.

- C. All of the above statement and any statements included on the plot plan and exhibits attached to the plot plan are true to the best of the applicant's knowledge; and the applicant acknowledges that any permit issued on the property may be revoked if it is found that any statements are false.
- D. The applicant acknowledges that this application and all applicable policies and criteria have been read and understood, and that the requirements and criteria for approving or denying the application are also understood.

**SIGNATURE(s) of APPLICANT**

\_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

**AUTHORIZATION BY PROPERTY OWNER(s)**

Property owners and contract purchasers are required to authorize the filing of this application and must sign below. All signatures represent that they have full legal capacity to and do hereby authorize filing of this application and certify that the information and exhibits herewith submitted are true and correct.

**SIGNATURE**

**ADDRESS & PHONE**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ (phone)

**SIGNATURE**

**ADDRESS & PHONE**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ (phone)

**FOR OFFICE USE ONLY**

Township\_\_\_\_ Range\_ Section \_\_\_\_\_  
 Tax Lot Number(s)\_\_\_\_\_  
 Zone/Map\_\_\_\_\_  
 Neighborhood Association \_\_\_\_\_  
 Comp Map \_\_\_\_\_

Application elements submitted:  
 \_\_\_\_\_ (a) Title transfer  
 \_\_\_\_\_ (b) Plot Plan  
 \_\_\_\_\_ (c) Statement  
 \_\_\_\_\_ (d) Filing fee

\_\_\_\_\_ Date Application Determined Complete

\_\_\_\_\_ Application Accepted By