

# Variations and Adjustments

CITY OF GRESHAM  
1333 N.W. Eastman Parkway  
Gresham, Oregon 97030-3825



Variance and adjustment procedures are intended to allow modification of specific standards contained in the Gresham Community Development Code under certain specific circumstances. When the City approves a variance or adjustment it may attach conditions to the approval to mitigate potential adverse impacts. Variances of up to 20% are reviewed under a Type II process (public notification but no public hearing). Variances of more than 20% or variances of a qualitative (non-numeric) standard are reviewed under a Type III process (public notification and a public hearing).

## EXCEPTIONS:

The following standards cannot be adjusted or varied:

1. The uses permitted in the land use district.
2. Definitions.
3. The minimum and maximum residential development density allowed in a land use district.
4. Restrictions on uses or development that contain the word "prohibited."

## NOTES

- Whether processed as a stand alone application or concurrent with another application, variances require that a separate fee be paid by the applicant for each variance type requested. Adjustments are generally processed as a part of another review type without an additional fee if the other review is a Type II or III development permit. Variances can be applied for, and processed concurrently, with another application or as separate stand alone applications.

## Submittal Requirements for a stand alone Type II variance:

The applicant must submit a completed development application form and the following<sup>1</sup>:

- 10 copies of completed Project Description and 10.1500 Variances narrative forms<sup>2</sup>.
- 10 copies of a site plan showing:
  - Dimensions of the site
  - The size and location of any buildings on the site
  - Location, size and dimensions of all areas being used on the site
  - Setbacks of existing building and addition from property lines
  - Location of all existing easements on the property
  - The location and size of all trees on site and the tree protection **and** on adjacent property within 6 feet from the property line
  - Any other information which illustrated the variance being requested and the effect of such a variance.
- One of the following:
  - Notarized signature of ALL owner(s) or
  - Owner's notarized authorization letter and notarized signature of representative
  - If signing for a company, corporation, etc., must include permission, on letterhead, authorizing the signer to endorse the application for the company, corporation, etc.
- For ownership verification, submit one copy of the most recent **deed** or **title report** for all involved properties.
- The required fee.<sup>3</sup>

### *Note:*

- A Type III (major) variance requires a pre-application conference and an Early Neighborhood Meeting. The process and submittal requirements for a Type III Variance will be explained in full at the pre-application conference. Contact the Planner on Duty with questions.
- There is a completeness review period of up to 30 days and once the application is deemed complete it will take approximately 60 days to process.

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<sup>1</sup> Permit Techs: Counter completeness includes all information required that is not indented under the site plan section. Planning and Engineering staff will review the site plan as part of the completeness review.

<sup>2</sup> Found listed under Applicant Narratives in the Development Planning Document Library at [www.GreshamOregon.gov/udp](http://www.GreshamOregon.gov/udp)

<sup>3</sup> Contact the Planner on Duty at 503-618-2780 or [pod@ci.gresham.or.us](mailto:pod@ci.gresham.or.us) for current fee.

## **Excerpts from the Gresham Community Development Code regarding variances:**

The entire development code can be found on-line at <http://www.GreshamOregon.gov/upd/development-planning>

### **Type II Variances**

#### **10.1510 Type II Minor Variance Provisions**

The Type II procedure shall be used to process a minor variance request involving a 20 percent reduction or 20 percent increase from a quantitative provision of the Community Development Code. The Manager shall grant a variance if all of the following criteria are satisfied:

- (A) The need for the variance does not result from prior actions of the applicant or owner, or from personal circumstances of the applicant or owner, such as financial circumstances.
- (B) To meet the need, the request is the minimum necessary variation from the Community Development Code requirement.
- (C) There are development constraints associated with the property, or the present use or permitted use of the property, which make development of a permitted use impractical; or the variance is needed to allow the applicant to enjoy a substantial property right possessed by a majority of property owners in the same vicinity.
- (D) The purposes of the Community Development Code and the applicable policies of the Community Development Plan would be equally met or advanced by a variation from the development requirement.

### **Type III Variances**

#### **10.1530 Type III Major Variance Provisions**

The Type III procedure shall be used to process a major variance request involving more than a 20 percent reduction or 20 percent increase from a quantitative development standard or a request to deviate from a qualitative standard. The hearing body shall grant the variance if all of the criteria identified in Section 10.1510 and one of the following criteria is met:

- (A) The circumstances that apply to the site or to the present or permitted use of the site do not typically apply to other properties in the same vicinity or land use district and are unique or unusual; or,
- (B) It would be more detrimental to the public safety or more injurious to the public welfare to apply the development standard than to grant the proposed variance.