



Minor Variance

A minor variance is a request to modify a development standard (e.g. setback) by twenty (20) percent or less. The Carlton Development Code (CDC) Chapter 17.148* establishes a procedure to vary development standards for lands or uses with unique characteristics where the intent and purpose of the development standards are maintained.

Applicability

A property owner or designee may propose a variance from a standard or requirement of the Carlton Development Code (Carlton Municipal Code, Title 17), except when one or more of the following applies:

- A. The proposed variance would allow a use that is not permitted in the zone district;
- B. Another procedure and/or criteria is specified in the Carlton Development Code for modifying or waiving the particular requirement or standard; or
- C. Modification of the requirement or standard is prohibited within the zone district (CDC 17.148.020).

Application Process

A minor variance is processed as a Type I land use action in accordance with the procedures found in CDC Section 17.188.010. The City Planner reviews the request and makes a recommendation on whether or not to approve the application to the City Manager. The City Manager may allow a minor variance from a requirement or standard provided that the applicant provides evidence that the criteria for minor variance approval found in CDC Section 17.148.040 substantially exist (see attached application form). The City Manager's decision is the final, unless appealed to the Carlton Planning Commission within 12 days of the date of the final written notice of decision.

Application Requirements

To request a minor variance, there shall be submitted to the City Recorder:

_____ **One (1) paper copy** and **one (1) electronic copy** (PDF format preferred) of the application form and the application attachments. Copies must be clear and legible.

_____ Application filing **fee**

Expiration of Approval

If an approved variance has not been implemented within eighteen (18) months, the approval shall expire.

Variance approval shall be voided immediately if the use established on the site does not substantially conform to the approval granted by the City.

The property owner or designee may submit a written request to extend the approval period for not more than six (6) months upon payment of the required fee, provided that:

1. No changes are made to the approved variance;
2. The applicant can show intent to implement the variance within the six (6) month extension period; and
3. There have been no changes in existing conditions, facts, or applicable policies or ordinance provisions on which the original approval was based;
4. The request for extension shall be submitted, in writing, thirty (30) days prior to the expiration of the approval period.

*The Carlton Development Code is available online at: www.ci.carlton.or.us/municode

Minor Variance Application

City of Carlton

Docket No.: _____

Date: _____

Fee: _____

Receipt No.: _____

Applicant: Name _____

Mailing Address _____

Phone _____ Email _____

Title Holder: Name _____

Mailing Address _____

Location: Street Address _____

Tax Lot Number _____ Map _____

Description: Comprehensive Plan Designation _____

Current Zoning _____

The applicant is seeking a variance to the requirements of Development Code Section(s)

_____ [Cite applicable Development Code Section(s)]

Prerequisites: In accordance with Development Code Section 17.148.020, the City Manager shall have the power to hear and decide minor variance requests. To request a hearing and approval of a minor variance by the City Planning Commission, there shall be submitted to the City Recorder in addition to this application and filing fee:

_____ A Site Plan (8 ½ x 11 inches or multiples thereof) illustrating the following information:

1. The date, north point, scale and sufficient description to define the location and boundaries of the parcel(s) on which the proposed development or use is to be located.
2. Name and address of the recorded owner or owners and of the person who prepared the Site Plan.
3. Approximate acreage(s) and dimensions of the parcel(s) under a single contiguous ownership directly involved in the major variance request.
4. For land adjacent to and for the site of the major variance, show locations, names and existing widths of all streets and easements of way; location, width and

purpose of all other access or utility easements; drainage ways; and other significant site features.

5. Outline and location of existing and proposed buildings. Plan shall indicate existing setback distance from building to the property lines.

6. Indicate areas of flooding, soil hazard or areas of steep slopes.

_____ A detailed description of the proposed minor variance and specifically how it addresses the criteria for approval from Development Code Section 17.148.040. **It is the sole responsibility of the applicant to provide adequate evidence upon which the City Manager can base a decision.**

_____ The names and addresses of all property owners within 100 feet of the subject property boundaries, as shown on the last preceding tax roll of the Yamhill County Assessor. Note: A list of property owner names and addresses within 100 feet of the property may be obtained from a title company or the Yamhill County Assessor Department located at: 535 NE 5th Street, Room 42, McMinnville, OR, phone: (503) 434-7521.

_____ **One (1) paper copy** and **one (1) electronic copy** (PDF format preferred) of this application and all of the application attachments. Copies must be clear and legible.

17.148.040 Criteria and Procedure - Minor Variance

- A. The City Manager may approve a minor variance from a requirement or standard of this Ordinance in accordance with the Type I review procedures provided the applicant provides evidence that the following circumstances substantially exist:
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 particular development as proposed otherwise clearly satisfies the intent and purpose for the provision sought to be varied; and
 3. The variance does not result in a development, or any portion of a development, moving closer to an existing dwelling (i.e. reduced setback adjacent to a dwelling); and
 4. The minor variance does not expand or reduce a quantifiable standard by more than twenty (20) percent; and
 5. The variance is the minimum necessary to achieve the purpose of the minor variance; and
 6. There has not been a previous land use action approved on the basis that a minor variance would not be allowed.

I HEREBY CERTIFY THAT ALL STATEMENTS CONTAINED HEREIN, ALONG WITH THE EVIDENCE SUBMITTED, ARE IN ALL RESPECTS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Applicant's Signature

Date

Applicant's Signature

Date

Title Holder's Signature

Date

Title Holder's Signature

Date

**NOTE: ALL OWNERS MUST SIGN THIS APPLICATION OR SUBMIT LETTERS OF CONSENT.
INCOMPLETE OR MISSING INFORMATION MAY DELAY THE APPROVAL PROCESS.**

LAND USE FEE SCHEDULE ACKNOWLEDGMENT

Land use planning fees ("fees") are an estimate of the costs necessary to process land use applications. Fees include, but are not limited to, preparation of required public notices, staff reports and decisions, and are inclusive of the time allocated by the City Planner, City Engineer, and City Attorney. Fees must be paid at the time of application.

If there are any funds remaining after the project is complete, the applicant will receive a refund for the balance. Alternatively, if the application fee is exhausted before the project is complete, the project will be billed monthly for any additional costs until all land use stages are finished.

Please note that contracted service provider fees are subject to change and may include the fees of their hired staff. For current contractor fees, please call the city at 503-852-7575.

By reading and understanding the above information, I acknowledge the terms of the land use fee agreement as outlined above. Failure to comply with the fee agreement will result in the rejection of the application.

Applicant Signature

Date