



SUPPLEMENTAL APPLICATION  
VARIANCE  
(November - 2008)

**APPLICANT INFORMATION**

Name Anna Coates File \_\_\_\_\_

Date 7-6-09

**WHAT IS A VARIANCE?**

The County Zoning & Development Ordinance (ZDO) allows variances from dimensional standards of the ordinance under certain conditions. Standards may be modified when strict compliance would cause an undue or unnecessary hardship.

**WHAT IS NEEDED FOR APPROVAL?**

All variances are discretionary and MAY be permitted after evaluation according to criteria in the ZDO. The County must make written findings to support the decision. The applicant is responsible for providing evidence to support the variance request, according to ZDO Section 1205.02. Please note approval of a County variance generally does not supercede easements, homeowners association's or deed restrictions that may apply to your property.

**WHAT ARE CHANCES FOR APPROVAL?**

Staff cannot predetermine the decision on this or any application. A decision of approval or denial will only be made after the complete application is processed. This includes review of citizen and agency comments. The decision is based on criteria appropriate to this application as listed in the ordinance. In order to address the necessary criteria, the information requested in this supplemental application should be as thorough and complete as possible.

**APPLICATION PROCESS**

Variance permits are subject to the Administrative Action process and public notice. Public comments received from the Community Planning Organizations (CPO), property owners, agencies and other interested parties any affect the decision on the application. Special conditions may be attached to any approvals. Any decision on this application can be appealed to the County Hearings Officer and to the State Land Use Board of Appeals (LUBA) by the applicant or any other interested person.

**STAFF WILL ATTACH THE FOLLOWING PERTINENT INFORMATION:**

_____	Land Use Application	_____	CPO Information
_____	Sample Plot Plan	_____	Application Process
_____	ZDO Section 1205.02	_____	Standards of Underlying Zone

**HOW LONG WILL IT TAKE TO GET A FINAL DECISION ON AN APPLICATION?**

Approximately 60 days for Administrative Action applications or 120 days if the initial decision is appealed.

**COMPLETE APPLICATIONS REQUIRE THE FOLLOWING:**

1. Land Use Application – Information on applicant and land involved in application.
2. Supplemental Application – Information requested on this form. Please be as complete and thorough as possible. Use additional sheets as necessary.
3. Application Fee: \_\_\_\_\_ (Fee is nonrefundable upon decision or staff report; partial refund if withdrawn after notice; full refund if withdrawn prior to notice.)
4. Plot Plan drawn to scale on 8.5" x 11" or 8.5" x 14" paper, showing the property and your proposal. Show all buildings, septic, and other factual evidence that support your application.
5. Elevations must be provided for all proposed structures to include any existing structure the proposal is to be attached to, drawn to scale on 8.5" x 11" or 8.5" x 14" paper showing the front, sides and rear of the structure, roof design, height from finished grade.

6. Type of Variance Requested. Accessory Dwelling Unit

Please answer the following:

(More than one variance is allowed on an application for a subject property)

_____	Lot Size	Required _____	Reduced to _____
_____	Road Frontage	Required _____	Reduced to _____
<u>✓</u>	Front Setback	Required <u>*</u> _____	Reduced to <u>133 ft</u>
_____	Rear Setback	Required _____	Reduced to _____
_____	Side Setback	Required _____	Reduced to _____
_____	Other	Required _____	Reduced to _____

\* 6.06: The front yard setback shall be no less than the setback of the front facade of the primary dwelling excluding the porch, garage, and architectural features. (13/24/05)

**JUSTIFICATION CRITERIA:** See ZDO Section 1205.02 for specific requirements. Then describe the following:

7. **Hardship** – How will compliance with zoning requirements create a hardship? Describe AT LEAST ONE of the following that apply:

A(1): **Physical characteristics:** How are characteristics of the land, improvements on the land, or uses different (not typical) of other properties in the area? (Note: an existing violation shall not be considered as a "different" physical characteristic.) You must provide factual evidence with your application to support your claim.

The topography is steep. Elevation contours are parallel to Aldercrest Road and Kellogg Creek. A steep hill of basalt surrounds the south and west sides of the primary dwelling. An unnamed tributary of Kellogg Creek flows along the south side of the primary dwelling. A spring exists northwest of the primary dwelling.

A(2): **Limits on Development:** Why is your property unable to be developed like other similar properties in the area without this variance? You must provide factual evidence with your application to support your claim.

The existing garage was constructed in the only flat spot in the vicinity of the primary dwelling and garage to the west. A basalt rock hillside borders the primary dwelling. A tributary of Kellogg Creek flows along the southern edge of the primary dwelling. A spring exists northwest of the primary dwelling.

A(3): **Significant Natural Features:** How will compliance with zoning requirements eliminate a significant natural feature (i.e. body of water, river, creek, wetland, embankment, cliff, or very large grove of mature trees, etc.) that approval of the variance could avoid? Show these on plot plan.

Approval of the variance avoids disturbing the creek and the spring (See Lot Plan). Also, it will avoid removal of bedrock outcrops and very large (2+ acres) groves of mature trees.

A(4): **Solar Potential:** How will compliance with required standards reduce or impair use of solar potential on the subject property or adjacent properties?

not applicable

8. Describe ALL of the following:

B(1): Why will the proposed variance not adversely affect the function or appearance of the development and use on the subject property?

Both the primary dwelling and the existing bonus room are set on a flat bench well above Aldercrest Road and they are not easily visible from the road.

B(2): Why will the proposed variance not intrude on, harm, or limit other properties and uses in the area, including uses that would be allowed on vacant or undeveloped properties?

Both units are setback from Aldercrest Road. The accessory dwelling unit proposed is an upgrade to the original garage, in place since 1967. A dormer and bathroom were added in 1996.

B(3): How will the proposed variance accomplish the purposes set forth in the zoning district? (See specific District purposes under the dimensional or design standards.)

The property is in the urban zone. Conversion from a bonus room to an accessory dwelling unit is an accessory use per 301.04 M. Accessory dwelling units in conjunction with single-family dwellings (3/24/05).

C. Why will approval allow the property to be used only for purposes authorized by the ZDO?

The property will be used only for one single-family dwelling with one accessory dwelling unit. I will continue to live in the main house, so the property will be owner occupied.

D. How does the proposal satisfy the goals and policies of the Comprehensive Plan?

(Ask the Planning Staff for a copy or; go to the County Planning Website.

[www.co.clackamas.or.us](http://www.co.clackamas.or.us))

unit in the urban zone. It adds a residential dwelling

Questions: Contact Steve Koper, Planner at 503-742-4551 or [stevekop@co.clackamas.or.us](mailto:stevekop@co.clackamas.or.us)