

March 11, 2014

To: Yachats Planning Commission
From: Larry Lewis, City Planner
Re: Circumstances for Granting a Variance

At the last work session the Planning Commission discussed reviewing the existing Yachats Zoning and Land Use Code Section 9.80 Variances and discussing whether or not amendments should be considered. For purposes of this initial discussion Subsection 9.80.020 Circumstances for Granting a Variance is provided below.

Subsection 9.80.020 Circumstances for Granting a Variance

A variance may be granted only in the event that all of the following circumstances exist:

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of the ordinance codified in this title, topography, or other circumstances over which the applicant has no control;
- B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess;
- C. The variance would not be materially detrimental to the purposes of this title, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy;
- D. The variance requested is the minimum variance which would alleviate the hardship;
- E. The hardship asserted as a basis for the variance does not arise from a violation of the zoning ordinance.