

ARTICLE 8.4 – VARIANCES

SECTION 8.4.001 - PURPOSE

The purpose of a Variance is to permit justifiable departures from the requirements of this Code where their literal application would impose an undue or unnecessary hardship on the citizens of La Grande or the owners of property within the City, except that no Variance shall be granted for a parcel of property which would authorize a use or activity not permitted by the land use zone regulations governing the parcel of property.

SECTION 8.4.002 - REVIEW PROCEDURE

- A. Application for a Variance related to the design and improvement standards for an accompanying Subdivision or Planned Unit Development application shall be subject to the Planning Commission Review Procedure.
- B. Zoning Code - The Variance request must be for relief from a physical requirement of the Land Development Code. Cost shall not be used as a factor in considering a Variance.

SECTION 8.4.003 - REVIEW CRITERIA

Also, please refer to Article 3.12, Section 3.12.012 for Flood Plain Variance Criteria.

A Variance may be granted only in the event that all of the following circumstances are found to exist. These criteria shall be addressed in writing and accompany the Variance application.

- A. Exceptional or extraordinary circumstances apply to the property, which do not apply generally to other property in the same zone or vicinity. Such circumstances are a result of lot size or shape, 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.
- C. The variance would not be detrimental to the purposes of this Ordinance or to property in the same zone for which the variance is requested, or otherwise conflict with the objectives of any City plan or policy.
- D. The hardship necessitating the Variance does not arise as a result of a violation of this Ordinance since its effective date.
- E. The Variance requested is the minimum Variance which will alleviate the hardship.

SECTION 8.4.004 - PROCESSING

In the processing of a Variance, the following procedures shall be followed, in accordance with Chapter 9 of this Code:

- A. Initiation - A request for a Variance shall be initiated by a property owner or his authorized agent by filing an application with the Community Development Department/Planning Division. The authorization of said agent shall be in writing and filed with the application.

- B. Filing - An application for a Variance shall be filed on forms provided by the Community Development Department/Planning Division, shall set forth in detail all information requested, shall be accompanied by a Site Plan and any such information as listed on the application submittal checklist.
- C. Filing Fee - Application for a Variance with the requested information attached shall be accompanied by a filing fee set by the City Council, by resolution, to defray the costs incidental to the proceedings. Twenty (20) copies of the application materials shall be submitted to the Community Development Department/Planning Division, for distribution to and review.
- D. Review by Appropriate Authority - The review authority, as provided by Chapter 9 of this Code, shall review the application and render a decision as provided by the Review Procedures.
- E. Attachment of Conditions - The review authority may grant a Variance subject to such conditions as will assure that the departures from the requirements of this Code thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use zone in which the subject property is located, and which it finds necessary to protect the best interest of the surrounding property or neighborhood.
- F. Noncompliance with Conditions - The Community Development Director/Planner may, as provided by this Code, take action where it reasonably appears that any conditions imposed upon the granting of a Variance have not been complied with.
- G. Prior Variance - Any Variance granted pursuant to a Zoning Ordinance enacted prior to the effective date of this Code shall be construed to be a Variance in full effect unless otherwise voided pursuant to Paragraph G of this Section.
- H. Limitation - No request for a Variance shall be considered by the Planning Commission within a one (1) year period immediately following a previous denial of such request.

SECTION 8.4.005 - SITE PLAN REQUIREMENTS

Site Plans shall be submitted and shall contain the applicable information as outlined in Article 8.2, Section 8.2.005 of this Code.

SECTION 8.4.006 - ADMINISTRATIVE VARIANCES

- A. Purpose - The purpose of this Section is to allow for Community Development Director/Planner review of certain minor Variances which are limited in scope and which are unlikely to have impacts beyond the property on which they are located.
- B. Applicability - The Administrative Variance procedure will be used to review the following:
 - 1. A building setback reduction not greater than twenty percent (20%) of the required setback.
 - 2. A proposed building that would exceed the height limitations by not more than ten percent (10%).
 - 3. A proposed accessory building that would exceed the maximum wall or roof ridge height by no more than twenty five percent (25%) of the respective standard.
 - 4. A proposed accessory building that would exceed the fifty percent (50%) rear yard coverage standard by not more than an additional five percent (5%).

- C. Procedure - An application and Site Plan shall be filed as required by Sections 8.4.004 and 8.4.005. In reviewing the Variance, the Community Development Director/Planner shall apply the criteria of Section 8.4.003 and make his findings and decision in writing.
- D. Notice - Notice of the decision shall be sent to the applicant and to the owners of property located within one hundred feet (100') of the subject property.