

## MANZANITA, OREGON

### VARIANCE APPLICATION

1. Attached is a packet for a land use decision before the City of Manzanita, Oregon.
2. A meeting with appropriate City staff members may be required before an application is accepted. Applications will be reviewed by staff for completeness before accepting fees.
3. Proponents will be required to provide all required information listed on the attached application.
4. The burden of proof lies with the proponent (applicant), to show that the proposal meets the criteria established in the Manzanita Zoning Code Section 8.020.
5. The Building Official may not issue a building permit for new construction until all appeal periods have expired.
6. Planning Commission meetings are held regularly once a month, the third Monday evening at 7:00 p.m.
7. The applicant(s) or a representative should attend the review hearing before the Planning Commission and City Council when appropriate. Failure to appear before the review body may result in a delay of a final decision.
8. City Council meetings are held regularly once a month also, the first Wednesday evening after the first Monday at 7:00 p.m.
9. Both meetings are held in the City Hall Council Chambers at 453 Laneda Avenue, Manzanita, Oregon.

## ARTICLE 8. VARIANCES

**Section 8.010 Authorization to Grant or Deny Variances.** The Planning Commission may authorize variances from the requirements of this Ordinance where it can be shown that owing to special and unusual circumstances related to a specific lot, strict application of the Ordinance would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and other wise achieve the purposes of this Ordinance.

**Section 8.020 Circumstances for Granting a Variance.** A variance may be granted only in the event that all of the following circumstances exist:

1. Exceptional or extraordinary circumstances apply to the property and result from lot size or shape, topography, or other circumstances over which the owners of the property have no control.
2. The variance is necessary for the preservation of a property right of applicant substantially the same as owners of other property in the same zone or vicinity possess.
3. The variance would not be materially detrimental to the purposes of the Ordinance, the Comprehensive Plan, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any City policy.
4. Variance request is the minimum variance which would alleviate the hardship.

**Section 8.030 Procedure for Taking Action on a Variance or Conditional Use Application.** The procedure for taking action on an application for a variance shall be as follows:

1. A property owner may initiate a request for a variance or conditional use by filing an application with the City Manager, using forms prescribed pursuant to Article 10, Section 10.030.
2. Before the Planning Commission may act on a variance or conditional use application, it shall hold a public hearing thereon, following procedure as established in Article 10, Section 10.070.
3. Within 5 days after a decision as been rendered with reference to the application, the City Manager shall provide the applicant with written notice of the decision of the Commission.

**Section 8.040 Time Limit on a Permit.** Authorization of a variance or conditional use shall be void after one year unless substantial construction has taken place. However, the Planning Commission may extend authorization for an additional year, on request.

**CITY OF MANZANITA**  
Application for Variance

Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Address: \_\_\_\_\_

**PROPOSED SITE LOCATION**

Address: \_\_\_\_\_

Assessor's Map Page Location: \_\_\_\_\_ Tax Lot (s): \_\_\_\_\_

**REQUIRED INFORMATION**

A legal description as it appears on the deed (metes and bounds or subdivision lot and block number)

Accurate scale drawing of the site and improvements proposed. The drawing of the site must be adequate to enable the Planning Commission to determine the compliance of the proposal with the requirements of the attached Manzanita Zoning Ordinance Section 8.020.

A statement as to how the request will meet each of the following objectives:

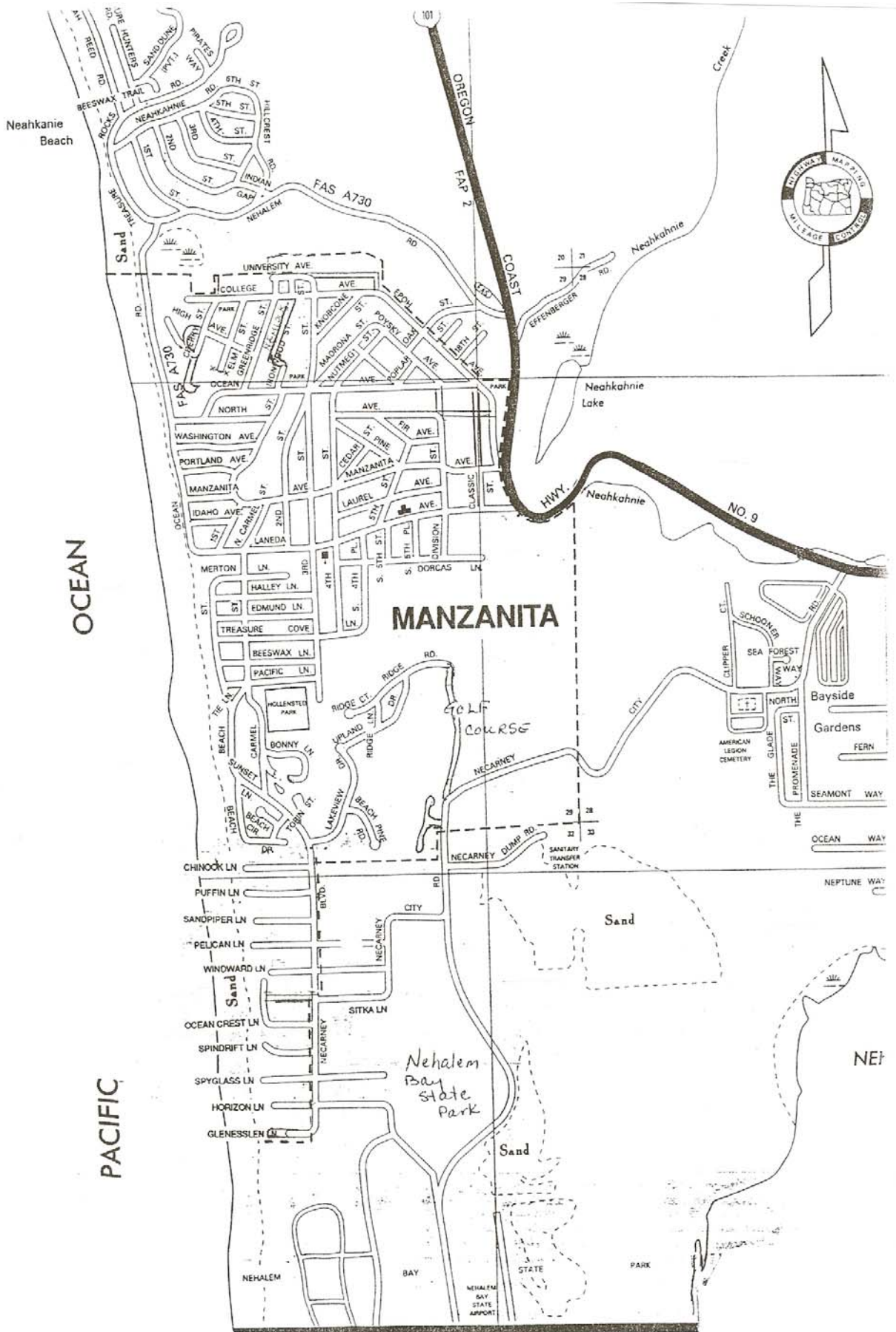
1. Exceptional or extraordinary circumstances apply to the property and result from lot size or shape, topography, or other circumstances over which the owners of the property have no control.
2. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess.
3. The variance would not be materially detrimental to the purposes of the Zoning Ordinance, the Comprehensive Plan, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any City policy.
4. Variance request is the minimum variance which would alleviate the hardship.

I, \_\_\_\_\_, certify that I am the owner or authorized agent of the owner of the proposed site. (If authorized agent, attach written authority.)

\_\_\_\_\_  
Date \_\_\_\_\_

Signature of owner or authorized agent of owner, please indicate which.

Application Fee: \$300 \_\_\_\_\_. In the event the City incurs processing expenses in excess of \$300, payment of such expenses shall be a condition of final approval.



OCEAN

PACIFIC

MANZANITA

Nehalem Bay State Park



NEH