

## Chapter 17.60 VARIANCES<sup>1</sup>

### 17.60.010 Authority.

According to procedures set forth in OCMC 17.60.030, the planning commission or the community development director may authorize variances from the requirements of this title. In granting a variance, the planning commission or community development director may attach conditions to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this title. No variances 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.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### 17.60.020 Variances—Procedures.

- A. A request for a variance shall be initiated by a property owner or authorized agent by filing an application with the city recorder. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. When relevant to the request, building plans may also be required. The application shall note the zoning requirement and the extent of the variance requested. Procedures shall thereafter be held under Chapter 17.50. In addition, the procedures set forth in subsection D of this section shall apply when applicable.
- B. A nonrefundable filing fee, as listed in OCMC 17.50.080, shall accompany the application for a variance to defray the costs.
- C. Before the planning commission may act on a variance, it shall hold a public hearing thereon following procedures as established in Chapter 17.50. A variance shall address the criteria identified in OCMC 17.60.030, Variances—Grounds.
- D. Minor variances, as defined in subsection E of this section, shall be processed as a Type II decision, shall be reviewed pursuant to the requirements in OCMC 17.50.030.B, and shall address the criteria identified in OCMC 17.60.030, Variance—Grounds.
- E. For the purposes of this section, minor variances shall be defined as follows:
  1. Variances to setback and yard requirements to allow additions to existing buildings so that the additions follow existing building lines;
  2. Variances to width, depth and frontage requirements of up to twenty percent;
  3. Variances to residential yard/setback requirements of up to twenty-five percent;
  4. Variances to nonresidential yard/setback requirements of up to ten percent;
  5. Variances to lot area requirements of up to five percent;

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<sup>1</sup>Editor's note(s)—Ord. No. 08-1014, adopted July 1, 2009, repealed Chapter 17.60 in its entirety and enacted new provisions to read as herein set out. Prior to amendment, Chapter 17.60 pertained to similar subject matter. See Ordinance Disposition List for derivation.

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6. Variance to lot coverage requirements of up to twenty-five percent;
7. Variances to the minimum required parking stalls of up to five percent; and
8. Variances to the floor area requirements and minimum required building height in the mixed-use districts.
9. Variances to design and/or architectural standards for single-family dwellings, duplexes, townhomes, accessory dwelling units, triplex, quadplexes, and cluster housing in OCMC 17.14, 17.16, 17.20, 17.21, and 17.22.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### **17.60.030 Variance—Grounds.**

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

- A. That the variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;
- B. That the request is the minimum variance that would alleviate the hardship;
- C. Granting the variance will equal or exceed the purpose of the regulation to be modified.
- D. Any impacts resulting from the adjustment are mitigated;
- E. No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and
- F. The variance conforms to the comprehensive plan and the intent of the ordinance being varied.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)