

- E. Variance to Maximum or Minimum Yard Setbacks to Avoid or Reduce Impacts to Floodplains, Significant Trees, Wetlands, or Other Natural Features (Chapters 2.2-2.6 – Land Use Districts) 2E
- F. Variances to Transportation Improvement Requirements (Chapter 3.4.100) 2F
- G. Riparian and Wetland Protection Overlay (Chapter 2.10) 2G

Please provide the following for B Class Variance:

- 1. A written narrative or letter describing the reasoning for the variance, why it is required, alternatives considered, and compliance with the criteria. 2A1
- 2. Plans, studies, exhibits, and/or other information required by the City Administrator, to assist the City in making findings under the applicable approval criteria. 2A2
 - Site Map 2a
 - Site Plan 2b
 - Site Study 2c
 - Other 2d

Class C – Type III 5.1.500

Please mark the box for action the variance is applying for:

- A. The lot is yet to be created through a partition or subdivision process. 3A
- B. Modification of a standard for 3 or fewer lots, including lots yet to be created through a partition process. 3B
- C. Does the variance change the “permitted uses” or "prohibited uses" of a land use district (Article 2)? _____ 3C
- 3D

Please provide the following for a Class C Variance:

- 1. Separate written narratives or letters describing the following: 31
 - 1. Reasoning for the variance 31a
 - 2. Why variance is required 31b
 - 3. Alternatives considered 31c
 - 4. Compliance with the applicable criteria 31d
- 2. Plans, studies, exhibits, and/or other information required by the City Administrator, to assist the City in making findings under the applicable approval criteria. 32
 - 1. Site Map 32a
 - 2. Site Plan 32b
 - 3. Site Study 32c
 - 4. Other 32d
- 3. One set of pre-stamped and pre-addressed envelopes for all real property owners of record who will receive a notice of the application as required in Section 4.1.400 C. or receipt of payment to the city to prepare the public notice mailing list service. 33

(over)

Information on Review Criteria for Variances

When your application is reviewed, staff will check to make sure that all relevant criteria listed in the *Creswell Development Code* have been met. Please carefully review Chapter 5.1 and other applicable portions of the *Creswell Code* to ensure that your application addresses all applicable sections of the Code. Compliance with Section Chapter 3, *Development Standards*, will be required at the time of the building permit application.

Staff will review your application materials for completeness and will make findings for each criterion. Staff will also make general findings and recommendations based on relevant portions of the *Creswell Code*. The Planning Commission shall then make a decision regarding the approval of your application based on the approval criteria listed below:

Class A Approval criteria. *5.1.300* The variance shall be granted if the applicant demonstrates compliance with all of the following criteria:

1. The variance requested is required due to the lot configuration, or other conditions of the site
2. The variance does not result in the removal of trees or significant vegetation (if such vegetation is designated for protection or conservation by the Comprehensive Plan or refinements to the Comprehensive Plan, including the Parks and Open Space Master Plan), or it is proposed in order to preserve trees or said significant vegetation, if trees or said significant vegetation are present in the development area
3. The variance will not result in violation(s) of any other adopted ordinance or Code standard; each Code standard to be modified shall require a separate variance request.
4. An application for a Class A variances is limited to one lot per application.
5. No more than three Class A variances may be approved for one lot or parcel in 12 months.

Class B Approval Criteria *Sections 5.1.400B through 5.1.400G* The City shall approve, approve with conditions, or deny an application for a variance based on all of the following criteria listed in *Sections 5.1.400B through 5.1.400G and conform to subsections 1-3*. Class B variances shall be reviewed using a Type II procedure, in accordance with Chapter 4.1

Class C Approval Criteria. *5.1.500* The City shall approve, approve with conditions, or deny an application for a variance based on all of the following criteria:

- a. The proposed variance will not be materially detrimental to the purposes of this Code, to any other applicable policies and standards, and to other properties in the same land use district or vicinity;
- b. A hardship to development exists that is peculiar to the lot size or shape, topography, wetlands, flood plains, or other similar circumstances related to the property over which the applicant has no control, and that are not applicable to other properties in the vicinity (e.g., the same land use district);
- c. The use proposed will be the same as permitted under this title and City standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;
- d. Existing physical and natural systems, such as but not limited to traffic, drainage, natural resources, and parks will not be adversely affected any more than would occur if the development occurred as specified by the subject Code standard;
- e. The hardship is not self-imposed; and
- f. The variance requested is the minimum variance that would alleviate the hardship.