

CITY OF HALFWAY

APPLICATION FOR VARIANCE

Date Received: _____

Date Approved: _____

Date: _____

Land Use Zone: _____

Name of Applicant: _____

(If different from landowner, attach written authorization to represent landowner)

Mailing Address: _____

Physical Street Address: _____ Phone Number: _____

Name of Land Owner: _____

Licensed Surveyor: _____

Land Involved: _____ (acres, square feet) in Section: _____ of Township: _____

E., Range: _____ E. WM., Tax Lot: _____ Assessor's Map NO: _____ with frontage on (street name): _____

Briefly describe the type of variance being requested: _____

Attached hereto is:

- (1) A presentation of facts and reasons; which establish need, appropriateness, and purpose of the request.
- (2) Either assessor's map, parcel map, or site plan drawn to scale showing area of request.
- (3) List of names and addressed of owners or property within one-hundred (100) feet of the subject property lines.

Submitted herewith is an application fee of \$175.00'

Applicant's Signature: _____

Additional Information: please attach additional sheets if needed

CITY OF HALFWAY

I, _____, (circle one: Landowner, Agent*, Representative of Government Unit) swear that the details and information contained in the above application and attachments thereto are true and correct to the best of my knowledge.

*NOTE If agent, attach written authorization to represent landowner or contract purchaser.

Signature of Applicant

Date

Comments:

Return to:

City Recorder/Manager

City of Halfway, 155B E. Record St, P.O. Box 738, Halfway, OR. 97834

CITY OF HALFWAY
VARIANCE PROCEDURE

Step One

A completed signed application shall be submitted to the City Recorder/Manager, including:

- 1) A presentation of facts and reasons, which establish need, purpose, and appropriateness according to the circumstances for granting a variance as defined in the City of Halfway Land Use and Development Ordinance (LUDO). Either assessor's map, parcel map, or site plan drawn to scale showing area of request, whatever information necessary to an understanding of the proposed uses and its relationship to surrounding properties.
- 2) List of names and addresses of owners of property within one-hundred (100) feet of the subject property lines.

Within thirty (30) days of receipt of an application, the City will review it to determine whether it is complete. The applicant will be notified of any missing materials within the thirty (30) day period.

STEP TWO:

The Planner (City Recorder/Manager) will set a public hearing date that will allow for 20 days prior notice and will give notice by:

- 1) Submit to the Hells Canyon Journal for publication
- 2) Post in public places around town
- 3) Send to property owners within one-hundred (100) feet of property lines, as well as the applicant
- 4) Post on the property where variance has been applied for
- 5) Send to Baker County or ODOT if the subject property is adjacent to a County or State Transportation facility. (Applicant may be asked to supply additional information if the affected agency requests, as described in the LUDO)

Said notice shall include the information as required in pg. 69 of the LUDO.

When possible, the public hearing will take place at the regular city council meeting held on the second Thursday of each month.

STEP THREE:

A Quasi-Judicial Hearing will be held. Requirements are:

The criteria to be followed are outlined in

- 1) The burden of proof is upon the applicant
- 2) Request is justified by proof that:

-change is in conformance with the Comprehensive Plan, including goals and policies of the Plan.

-showing public need for the variance, and if need is best served by the change

-public is best served by changing the subject site as compared with other available property.

-potential impact upon the area has been considered.

(Additional Approval Criteria required if the change significantly affects a transportation facility)

The process of the hearing is outlined in

- 1) Parties must have an opportunity to be heard, to present and rebut evidence
- 2) A record is kept supporting the findings made by the Council
- 3) Pre-hearing contact must be disclosed by the Council at the outset of the public hearing

The Council may impose conditions which it finds necessary to protect the best interests of the surrounding property.

The Council must render a decision within 120 days from the date a completed application is submitted to the City.

The Council must render a decision within 45 days after the hearing.

STEP FOUR:

Written notification will be sent to the applicant within 10 days after a decision has been made.

If denied, a re-submittal shall not be filed within six (6) months, unless conditions have changed and the Council waives the restriction.

Final action by the Council, including resolution of all appeals to the Council, shall be taken within 120 days from the date a completed application is submitted to the City.

STEP FIVE:

Building permit required. Prior to the erection, movement, reconstruction, extension, enlargement, or alteration of any structure, a permit shall be obtained from the City Recorder/Manager, followed by Baker County Building Department if size requires.

If substantial construction has not taken place after six (6) months, the authorization for a variance shall be void. The Council may extend authorization for an additional 6 months at its discretion upon request of the applicant.

Section 150.112 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, topography, or other circumstances over which the owners of property since enactment of this chapter have had 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 chapter, or to property in the same 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.

Section 150.113 Procedure For Granting A Variance A. Application for a variance. A property owner may initiate a request for a variance by filing an application with the City Recorder.

57 Halfway -Land Usage and Development B. Public hearing on a variance. Before the City Council may act on a request for a variance, it shall hold a public hearing following the notification and public hearing procedures of this section. C. Notification of decision. Within ten (10) days after a decision has been rendered by the City Council with reference to a request for a variance, the City Recorder shall provide the applicant with the notice of the decision of the City Council. D. Time limit for a permit for a variance. Authorization for a variance shall be void after six (6) months, unless substantial construction, as determined by the City Council, pursuant thereto has taken place. However, the City Council may, at its discretion, extend the authorization for an additional six (6) months on request. E. Resubmittal. If a request is denied by the city staff or City Council and no appeal is filed, or if upon review or appeal the denial affirmed, no new request for the same or substantially similar proposal shall be filed within six months after the date of final denial. An application may be denied without prejudice and a waiver of the six-month restriction granted. If conditions have changed to an extent that further consideration of an application is warranted, the City Council, on its own motion, may consider new evidence and waive the six-month restriction. F. Final action. Except as provided for under ORS 227.178, the city shall take final action on conditional use permits and variances, including the resolution of all appeals to the City Council under ORS 227.180, within 120 days from the date a complete application is submitted to the city. Within 30 days of receipt of an application, the city will review the application to determine whether it is complete. The applicant will be notified of any missing materials within the 30-day period. The 120-day time period will commence on the date the application is complete.