

APPLICATION SUBMITTAL REQUIREMENTS

Variance (greater than 40% of a numerical standard) **(Planning Commission Type III decision-making process)**

The following must be submitted with a City of Newport Land Use application for a Variance processed as a Type III decision-making process:

- 1. For requests to deviate from required setbacks, a site plan prepared by a registered surveyor or licensed professional civil engineer and drawn to scale with appropriate survey monuments shown, showing the dimensions and arrangement of the proposed development on the applicant's lot.
- 2. For requests to deviate from building height limitations, exterior architectural elevations drawn to scale illustrating the proposed structure and adjoining finished ground elevations.
- 3. A current 18" x 24" Lincoln County Assessor's tax map(s) showing the subject property and the notification area. The notification area is all properties within 200 feet of the subject property. *(Lincoln County Courthouse is located in the Lincoln County Courthouse at 225 W Olive St, Newport)*
- 4. A list of names and addresses of property owners, as shown in the records of the Lincoln County Assessor, within the notification area described in #3 above.
- 5. Written findings of fact addressing the following criteria:
 - (a) That there is a circumstance or condition that applies to the property or to the intended use that does not apply generally to other property in the same vicinity or zoning district. The circumstance or condition may relate to:
 - (1) The size, shape, natural features and topography of the property, or
 - (2) The location or size of existing physical improvements on the site, or
 - (3) The nature of the use compared to surrounding uses, or
 - (4) The zoning requirement would substantially restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or zoning district, or
 - (5) A circumstance or condition that was not anticipated at the time the Code requirement was adopted.
 - (6) The list of examples in (1) through (5) above shall not limit the consideration of other circumstances or conditions in the application of these approval criteria.

(over)

- (b) That the circumstance or condition in (A) above is not of the applicant's or present property owner's making and does not result solely from personal circumstances of the applicant or property owner. Personal circumstances include, but are not limited to, financial circumstances.
 - (c) That there is practical difficulty or unnecessary hardship to the property owner in the application of the dimensional standard.
 - (d) That authorization of the variance will not result in substantial adverse physical impacts to property in the vicinity or zoning district in which the property is located, or adversely affect the appropriate development of adjoining properties. Adverse physical impacts may include, but are not limited to, traffic beyond the carrying capacity of the street, unreasonable noise, dust, or loss of air quality. Geology is not a consideration because the Code contains a separate section addressing geologic limitations.
 - (e) That the variance will not interfere with the provision of or access to appropriate utilities, including sewer, water, storm drainage, streets, electricity, natural gas, telephone, or cable services, nor will it hinder fire access.
 - (f) That any impacts resulting from the variance are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage.
6. A written explanation of the specific request (e.g. a setback variance) and the percentage of variance requested.
7. Fee of \$781.00.