

# CITY OF HERMISTON

## VARIANCE PROCEDURES

### BACKGROUND

If a proposed development does not conform to City specifications for some reason, a variance may be obtained to allow the development to continue. When applying for a variance, the applicant must be able to show that:

- Exceptional circumstances apply to the property which do not apply to other properties in the vicinity
- The variance is necessary for the property right of the owner that is the same as rights held by other owners in the vicinity
- The variance will not be detrimental to the ordinance, the property concerned and surrounding properties, and to the overall development pattern
- It is impractical to maintain the ordinance requirements and build or use the structure as desired

There are two types of variances within the City of Hermiston. Applicants may apply for a minor or a major variance. A minor variance is a deviation for a development standard of not more than 10 percent. A variance which does not meet any of the criteria for a minor variance is treated as a major variance.

### MINOR VARIANCE PROCEDURES

Applicants interested in obtaining a minor variance are encouraged to meet with planning staff in city hall prior to applying for a variance. After discussing the proposal with staff, the applicant may wish to obtain an application for a minor variance from the planning department. Complete the application and submit it along with a completed site plan and an application fee to the City planning department. Minor variances may be handled administratively by City staff. Staff will render a decision within five working days of receipt of the application. Staff may also request additional information, in which case the decision will be rendered within five working days of receipt of the additional information. A decision may also be deferred to the planning commission. After rendering a decision, the City will mail a notice of the variance decision to all property owners within 100 feet of the property to solicit comments or objections. Property owners have 14 days to respond to the notice of decision. If no objections are received, the variance takes effect. If an objection is received, a public hearing before the planning commission shall be scheduled and the application becomes a major variance.

### MAJOR VARIANCE PROCEDURES

Applicants interested in obtaining a major variance are encouraged to meet with planning staff in city hall prior to applying for a variance. After discussing the proposal with staff, the applicant may wish to obtain an application for a major variance from the planning department. Complete the application and submit it along with a completed site plan and an application fee to the City planning department. All property owners within 300 feet of the proposed variance will be notified by mail. The planning commission will hold an evidentiary hearing to consider the application. The planning commission may then either grant or deny a variance. If the variance is denied, an appeal to the city council may be filed. If the variance is granted, a building permit may then be obtained.