

VARIANCES

A **Variance** is required as specified in Tualatin Development Code 33.120 for variances to the requirements of the Tualatin Development Code where, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of the TDC would cause an undue or unnecessary hardship. Variances are not allowed to permit a use of land that is not permitted or conditionally permitted in a zone. Multiple variance requests may be considered under one Variance application.

TYPE II (MINOR VARIANCES): Type II decisions are decided by staff and require public notice, with an opportunity for appeal to City Council. Minor Variances only apply to residences in the Residential Low Density Zone (RL) and Residential Medium to Low Density Zone (RML) with small adjustments to standards as described in TDC 33.120(2)(b):

- Up to a ten percent variation from the required lot area, and/or
- Up to a twenty percent variation from the required lot width, building coverage, setbacks, projections, and structure height development standards

TYPE III: This land use procedure requires a discretionary decision by the Tualatin Planning Commission. Type III decisions require public notice and are decided at a public hearing, with an opportunity for appeal to the City Council. Most Variances and all Sign Variances (TDC 33.080) are Type III reviews.

TYPE IV-A: Variances in conjunction with a subdivision or partition as allowed in TDC Chapter 36 are subject to Type IV review. Type IV-A decisions are quasi-judicial decisions made by Tualatin City Council after a public hearing.

PRIOR TO APPLICATION SUBMITTAL

- Attend a Pre-Application Meeting (TDC 32.110)
- Notice and host a Neighborhood/Developer Meeting (TDC 32.120)

Following submittal of a Variance application, the applicant must post a sign on the subject property (TDC 32.150) to provide notice of the pending land use application. The applicant will be required to provide an affidavit of posting demonstrating the sign was posted prior to the issuance of the decision (Type II), or prior to the date of the first evidentiary hearing (Type III, Type IV-A).

Note: Notice of land use application sign to be posted once the application has been deemed complete.

SUBMITTAL REQUIREMENTS

Please submit all materials electronically through the following link: <https://permits.ci.tualatin.or.us/eTrakit/>

Details regarding submittal requirements are listed in TDC 32.140 and 33.120(4); additional details applicable to Sign Variance submittals are in TDC 38.070(4).

GENERAL:

- ☐ Land Use Application form
- ☐ Narrative addressing all criteria
- ☐ Title Report
- ☐ Fee

PLANS:

- ☐ Site Plan
- ☐ Property Survey (where Variance concerns property lines, lot standards)

PUBLICNOTICE:

- ☐ Documentation for Neighborhood Developer Meeting, including notice and mailing list, affidavit of mailing notice, certification of sign posting, participant sign in sheet, and meeting notes

APPROVAL CRITERIA

The applicant's plans and narrative must work together to demonstrate that all applicable criteria are met.

Tualatin Development Code:

- Chapter 33.120: Variances and Minor Variances
- Chapter 33.080(5): Sign Variances