



COMMUNITY DEVELOPMENT

VARIANCE APPLICATION

Class A

Class B

Class C

Contact Information

Applicant: _____ Phone: _____

Address: _____ Email: _____

Property Owner: _____ Phone: _____

Address: _____ Email: _____

ePlans Submitter: _____ Phone: _____

Address: _____ Email: _____

Property Information

Site Address: _____ Tax map & lot number: _____

Comprehensive Plan Designation: _____ Zoning District: _____

Proposal

Requested Variance: _____

To the best of my knowledge, all statements and information contained in this application and attached exhibits are true and correct. I authorize City of Bend staff and/or Hearings Body to enter the property for inspection of the site in conjunction with this land use application.

Property Owner: _____ Date: _____

SUBMITTAL REQUIREMENTS

All plans must be submitted electronically. Please complete this application, save it to your computer, and e-mail it to BendPlanning@bendoregon.gov. Once the application is received by the City and entered into our system, you will receive emailed instructions on how to upload your application materials to the City's ePlans electronic permitting system. Application fees may be paid in person or mailed to the City of Bend Permit Center, 710 NW Wall Street, Bend, OR 97703. Credit card payments may also be made by phone after you receive the ePlans upload request. Call (541) 388-5580 and select option #3 for the Planning Division to pay with a credit card.

Site Plans & Maps:

- Drawn to scale, in an easily readable size such as 1"=10'; with a north arrow
- Show all structures with dimensions and setbacks to property lines
- Show all property lines with dimensions and easements
- Show existing and proposed paving, (parking, walkways, patios) with dimensions as well as curbs, driveway curb cuts, and sidewalks
- Provide topographical contour lines (1 ft intervals if slope is <15% & 5 ft if > 15%)
- Show on-site grading and how drainage is retained on-site
- Provide building coverage calculations

Landscaping Plan:

- Show existing trees and natural features – indicate removal plans, if any
- Indicate size, spacing & species of all proposed plant materials, including ground cover
- Calculate landscape coverage

Building Elevations

- Indicate height of all structures

Floor Plans

Current Deed

- Include copies of any existing and proposed restrictive covenants and/or easements

Written Narrative addressing applicable Variance Criteria (see criteria below)

BEND DEVELOPMENT CODE CHAPTER 5.1 VARIANCE CRITERIA

5.1.200(B) Class A Variance Criteria. A Class A Variance shall be granted if the applicant can demonstrate compliance with all of the following criteria:

1. The variance requested is required due to the lot configuration, or other physical conditions of the site;
2. The variance does not result in the removal of significant trees as defined by this ordinance;
3. The variance is consistent with the design standards provided in BDC Chapters 3.1; Lot, Parcel and Block Design, Access and Circulation, 3.2; Landscaping, Street Trees, Fences and Walls, 3.3; Vehicle Parking, Loading and Bicycle Parking, and 3.4; Public Improvement Standards.

5.1.300(B) Class B Variance Criteria. The City shall approve, approve with conditions, or deny an application for a Class B Variance based upon the following criteria:

1. The proposed variance will not be materially detrimental to the stated purposes of the applicable Code requirements listed herein and to other properties in the same land use district or vicinity;
2. A hardship exists that is peculiar to the nature of the requested use, lot size or shape, topography, sensitive lands, or other similar circumstances related to the property or use over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same land use district);
3. The use proposed is permitted within the underlying zoning district, and City standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;
4. 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 in compliance with the subject Code standard;
5. The hardship is not self-imposed and such conditions and circumstances do not merely constitute pecuniary hardship or inconvenience; and
6. The variance requested is the minimum variance that would alleviate the hardship.

5.1.400(B) Class C Variance Criteria. Class C variance requests are reviewed using the specific criteria listed below.

1. **Variance to Parking Standards.** The City may approve a variance to the minimum or maximum standards for off-street parking in Section 3.3 upon finding all of the following:
 - a. The individual characteristics of the use at that location require more or less parking than is generally required for a use of this type and intensity;
 - b. The need for additional parking cannot be met through provision of on-street parking, structure parking or shared parking with adjacent or nearby uses; and
 - c. All other parking design and building orientation standards are met, in conformance with the standards in BDC Titles 2, Land Use Districts and 3, Design Standards.

The City may approve a reduction of required bicycle parking per BDC 3.3.600, Bicycle Parking Standards, if the applicant can demonstrate that the proposed use by its nature would be reasonably anticipated to generate a lesser need for bicycle parking. The City may allow a reduction in the amount of vehicle stacking area required for drive-through and drive-in facilities if such a reduction is deemed appropriate after analysis of the size and location of the development and other pertinent factors.

2. **Variance to Maximum or Minimum on site development requirements to Reduce Tree Removal and/or Impacts to Wetlands (Waterway Overlay Zone).** The City may grant a variance to the applicable on site requirements of this Code, including building height, for the purpose of preserving a tree or trees on the site of proposed development or avoiding wetland impacts. Modification shall not be more than is necessary for the preservation of trees or wetlands on the site.
3. **Variance to Maximum Height.** The City may grant a variance to the maximum height limitations not otherwise exempted by this ordinance when the following criteria are met:
 - a. The structure is not located within the Deschutes River Corridor or the Tumalo Creek Corridor.
 - b. The proposed height does not create a burden on the City's Fire Department for fire-fighting requirements.

- c. The location, size, design characteristics of the proposed structure shall have minimal adverse impact on the property values and livability of the permitted development in the surrounding area.
 - d. The structure will provide an aesthetically pleasing and functional environment and relate harmoniously to the natural environment and existing development, minimizing visual impacts and preserving natural features to the greatest extent practical.
 - e. The requested height is the minimum deviation necessary.
 - f. If the structure is located in the CB zone, the Class B approval criteria shall also apply.
- 4. Variance to Transportation Improvement Requirements.** The City may approve, approve with conditions, or deny a variance to the transportation improvement standards of BDC Chapter 3.4, Public Improvement Standards, based on the criteria for granting variances provided in BDC 3.4.200(B), Transportation Improvement Standards.
- 5. Variance for Deviations Regarding Access to State Highways** shall be subject to review and approval by the Oregon Department of Transportation.
- 6. Variances to Floodplain Sub-zone (see Development Code Section 5.1.400.B.6)**