

LAND USE PERMIT APPLICATION – BALANCE OF COUNTY  
COOS COUNTY PLANNING DEPARTMENT

COMPLETED BY STAFF	
Received By: <u>f. om</u>	<input type="checkbox"/> COMP PLAN AMENDMENT
Date Submitted: <u>12/19/19</u>	<input type="checkbox"/> ZONE CHANGE
Application No.: <u>V-19-002</u>	<input type="checkbox"/> TEXT AMENEDMENT
Fee: <u>1224.00</u>	<b>CONDITIONAL USE REVIEW</b>
Fee Paid: <u>1224.00</u>	<input type="checkbox"/> HEARINGS BODY
Receipt No.: <u>214458</u>	<input type="checkbox"/> ADMINISTRATIVE
	<input checked="" type="checkbox"/> VARIANCE
	<input type="checkbox"/> LAND DIVISION *
	<input type="checkbox"/> HAZARD REVIEW *
	<input type="checkbox"/> FARM OR FOREST REVIEW *
	<input type="checkbox"/> FAMILY/MEDICAL HARDSHIP*
	<input type="checkbox"/> HOME OCCUPATION/COTTAGE INDUSTRY
	<b>*Supplemental Application required</b>
	STAFF NOTES:

Please type or clearly print all of the requested information below. Please be sure to include any supplemental application for if required.

I. APPLICANT

Name: Chad and Shei Brown

Mailing Address: 58375 Fairview Road

City Coquille State OR Zip 97423

Daytime Phone 661-204-3302

Email:

II. OWNER(S)

Name: Chad and Shei Brown

Mailing Address: 58375 Fairview Road

City Coquille State OR Zip 97423

Daytime Phone 661-204-3302

Email:

III. PROPERTY - If multiple properties are part of this review please check here  and attached a separate sheet with property information.

Location or Address: 97423 Fairview Road, Coquille, OR 97423

No. Acreage 6.39

Tax Acct. 665907

Township: 27 Range: 12 Section: 24C

Tax lot: 1202

Zone: RC

Water Service Type: On Site Well

Sewage Disposal Type: On Site Septic

School District: Coquille

Fire District: Coquille

IV. REQUEST SUMMARY (Example: "To establish a template dwelling in the Forest Zoning District.") Variance to allow a property line adjustment between two properties with unlike zone districts.

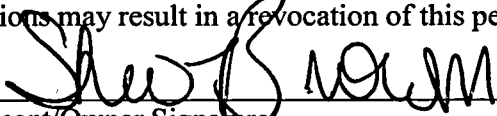
V. ATTACHED WRITTEN STATEMENT. With all land use applications, the "burden of proof" is on the applicant. It is important that you provide information that clearly describes the nature of the request and indicates how the proposal complies with all of the applicable criteria within the Coos County Zoning and Land Development Ordinance (CCZLDO). You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete. A planner will explain which sections of the Ordinance pertain to your specific request. The information described below is required at the time you submit your application. The processing of your application does not begin until the application is determined to be complete. An incomplete application will postpone the decision, or may result in denial of the request. Please mark the items below to ensure your submittal is complete.

Application Check List: Please make off all steps as you complete them.

- A.  A written statement of intent, attached to this application, with necessary supporting evidence which fully and factually describes the following:
1.  A complete explanation of how the request complies with the applicable provisions and criteria in the Zoning Ordinance. A planner will explain which sections of the Ordinance pertain to your specific request. You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete.
  2.  A description of the property in question, including, but not limited to the following: size, vegetation, crops grown, access, existing buildings, topography, etc.
  3.  A complete description of the request, including any new structures proposed.
  4.  If applicable, documentation from sewer and water district showing availability for connection.
- B.  A plot plan (map) of the property. Please indicate the following on your plot plan:
1.  Location of all existing and proposed buildings and structures
  2.  Existing County Road, public right-of-way or other means of legal access
  3.  Location of any existing septic systems and designated repair areas
  4.  Limits of 100-year floodplain elevation (if applicable)
  5.  Vegetation on the property
  6.  Location of any outstanding physical features
  7.  Location and description (paved, gravel, etc.) of vehicular access to the dwelling location
- C.  A copy of the current deed, including the legal description, of the subject property.  
Copies may be obtained at the Coos County Clerk's Office.

I certify that this application and its related documents are accurate to the best of my knowledge. I am aware that there is an appeal period following the date of the Planning Director's decision on this land use action. I understand that the signature on this application authorizes representatives of the Coos County Planning Department to enter upon the subject property to gather information pertinent to this request. If the application is signed by an agent, the owner's written authorization must be attached.

If this application is refereed directly to a hearings officer or hearings body I understand that I am obligated to pay the additional fees incurred as part of the conditions of approval. I understand that I/we are not acting on the county's behalf and any fee that is a result of complying with any conditions of approval is the applicants/property owner responsibility. I understand that conditions of approval are required to be complied with at all time and an violation of such conditions may result in a revocation of this permit.

  
\_\_\_\_\_  
Applicant/Owner Signature

\_\_\_\_\_  
Applicant/Owner Signature

**BROWN VARIANCE**  
**LOCATED IN TOWNSHIP 27, RANGE 12, SECTION 24C, TAX LOT 1202**

**BACKGROUND**

*The applicant is the owner of a 6.39 acre parcel of land (Tax Lot 1202) that is zoned Rural Center (RC). The adjacent parcel to the southwest (Tax Lot 1200) is zoned both Rural Center (RC) and Exclusive Farm Use (EFU) where it abuts the applicant's property. There is an existing fence that lies south of the surveyed common boundary that both property owners have historically recognized as the boundary separating their parcels. The land situated between the true boundary and recognized fence boundary has been occupied and used by the applicant for many years. The applicants maintain a garden, graze animals and have a well (water source) on that property.*

*The adjacent property owner recognizes the applicant's historic use of the property and is willing to convey the land lying between the surveyed boundary and the fenced boundary, to the applicant, in lieu of an adverse procession dispute. The only available method for legally transferring the land to the applicant is through a property line adjustment. However, the Coos County Zoning and Land Development Ordinance does not allow a property line adjustment between parcels with unlike zone districts (e.g. RC/EFU). Therefore, the applicant is requesting a Variance to that regulation based upon "Practical Difficulty and Unnecessary Physical Hardship" resulting from physical conditions existing on the site.*

*NOTE: One of the reasons for not allowing a property line adjustment between unlike zone districts is to prevent the potential for a future partition along the unlike zone boundary. To alleviate the potential for such a division, the applicants are proposing a self-restricting condition of approval, prohibiting a division along the RC/EFU zone boundary within the land that would be conveyed to them through the proposed property line adjustment.*

**ARTICLE 5.3. VARIANCES**

**SECTION 5.3.100 GENERAL:**

Practical difficulty and unnecessary physical hardship may result from the size, shape, or dimensions of a site or the location of existing structures thereon, geographic, topographic or other physical conditions on the site or in the immediate vicinity, or, from population density, street location, or traffic conditions in the immediate vicinity. Variances may be granted to overcome unnecessary physical hardships or practical difficulties. The authority to grant variances does not extend to use regulations, minimum lot sizes or riparian areas within the Coastal Shoreland Boundary.

**SECTION 5.3.150 SELF-INFLICTED HARDSHIPS:**

A variance shall not be granted when the special circumstances upon which the applicant relies are a result of the actions of the applicant, current owner(s) or previous owner(s) willful violation. This does not mean that a variance cannot be granted for other reasons.

## SECTION 5.3.200 VARIANCE:

The Planning Director shall consider all formal requests for variances for zoning and land development variances.

## SECTION 5.3.350 CRITERIA FOR APPROVAL OF VARIANCES:

No variance may be granted by the Planning Director unless, on the basis of the application, investigation, and evidence submitted;

1. Both findings “a” and “b” below are made:
  - a. One of the following circumstances shall apply:

*APPLICANT’S RESPONSE: It appears that two of the three criteria (i through iii) apply to the applicant’s situation and therefore both are addressed*

- i. That a strict or literal interpretation and enforcement of the specified requirement would result in unnecessary physical hardship and would be inconsistent with the objectives of this Ordinance;
- ii. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply to other properties in the same zoning district; or

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*The adjacent property owner recognizes the applicant’s historic use of the property and is willing to surrender the land north of the fence line to the applicant in lieu of an adverse procession dispute. The only available method for legally transferring the land to the applicant is through a property line adjustment. However, the Coos County Zoning and Land Development Ordinance does not allow a property line adjustment between parcels with unlike zone districts (e.g. RC/EFU).*

*The area proposed for adjustment has historically been fenced and utilized by the applicant. The potential for an adverse position dispute is an exceptional circumstance that generally does not apply to other properties with similar zoning.*

- iii. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges legally enjoyed by the owners of other properties or classified in the same zoning district;

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*If these exact circumstances were applied to properties with like zone districts, the property owners would likely be allowed to resolve their legal land dispute through a simple property line adjustment. Therefore, the applicant will be deprived of privileges enjoyed by the owners of other properties through the literal interpretation and enforcement of the specified regulation.*

b. That the granting of the variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the near vicinity.

*APPLICANT'S RESPONSE: The proposed variance is to allow a property line adjustment that will not change or alter uses currently permitted on the properties in question. If the suggested condition is applied (NOTE: above), the variance will have no impact to the development pattern of the area. Therefore, the granting of the variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the near vicinity.*