



Adjustment Application

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

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TO BE FILLED OUT BY STAFF

File No. _____

Filing Fee: \$62 (Fees subject to change every July 1)

Date Fee and Application Received: _____ Amount Paid: _____

Receipt No.: _____ Received By: _____

ADJUSTMENT Explanation

The adjustment review allows the Director to make limited modifications to the application of Development Code regulations. Adjustment reviews provide very limited flexibility from numeric standards for unusual situations, while still providing certainty and rapid processing for land use applications. Adjustments will not be considered to avoid a review process or standard in this Code.

Alternative setbacks in developed areas are addressed in Sections 3.240, 4.130, and 5.130.

The Director processes adjustment applications without public notification. The decision is based on clear and objective standards, and as such, is not a "land use decision." The director usually makes a decision within 10 working days from the date the application is deemed complete.

An Adjustment will be granted if the Director finds the application conforms with the criteria found in Section 2.080 of the Albany Development Code. Before the Director can approve an application, the applicant must submit information that adequately supports the application. If the applicant submits insufficient or unclear information, the application will be denied or delayed.

ADJUSTMENT APPLICATION

Note: Some properties may have covenants or restrictions, which are private contracts between neighboring landowners. These frequently relate to density, minimum setbacks, or size and heights of structures. While these covenants and restrictions do not constitute a criterion for a City land use decision, they may raise a significant issue with regard to the City's land use criteria. It is the responsibility of the applicant to investigate private covenants or restrictions.

BASIC INFORMATION ABOUT THE SITE AND PROPOSAL

Briefly describe why the adjustment is needed: _____

Property address(es) _____

Assessor's Parcel Map No. _____ Tax Lot No. _____

Zoning designation _____

Current use of site _____

Is this structure in one of Albany's Historic Districts? Yes _____ No _____

Is the structure on the City's Historic Inventory? Yes _____ No _____

REVIEW CRITERIA

On a separate sheet of paper, prepare a detailed written response using factual statements (called findings of fact) to explain how the proposed Adjustment complies with each of the following review criteria [ADC 2.080]. Each criterion must have at least one finding of fact and conclusion statement. See Attachment A for an example.

1. The adjustment is not requested to avoid a land use review process or increase density.
2. The need for the adjustment is created by the unusual configuration of the property, to protect natural features, or due to the location of an existing or proposed structure on the site.
3. The adjustment is the minimum necessary to address the unusual circumstance and still be consistent with the purpose of the zoning district.

REQUIRED ATTACHMENTS

Site Plan. To determine whether the Adjustment application complies with Development Code standards, the Director will need an accurate site plan, drawn to scale. Submit one copy, in a scale large enough to clearly show the Adjustment, and containing the following information:

- Address of the site.
- Assessor's map and tax lot number.
- Scale of drawing, north arrow, and name of drafter.
- Property dimensions including the total square footage of the site.
- Location of all existing and proposed structures, including distances to property lines.
- Location of all existing or proposed improvements on the site, including driveways, sidewalks, and patios.
- Location of any natural or unique features of the property.
- Abutting streets, whether public or private.
- Locations, dimensions, and nature of all easements on the property.

APPLICATION AUTHORIZING SIGNATURES

I hereby apply for an Adjustment, as requested on this application, and certify that the attachments are correct.

PROPERTY OWNER(S)

Name (print or type) _____

Current Mailing Address _____

Daytime Telephone No. _____ Fax No. _____

Email (optional) _____

Signature _____

Name (print or type) _____

Current Mailing Address _____

Daytime Telephone No. _____ Fax No. _____

Signature _____

AUTHORIZED AGENT OR REPRESENTATIVE

Authorized agents must submit evidence of their authority to act on the property owner's behalf.

Name (print or type) _____

Current Mailing Address _____

Daytime Telephone No. _____ Fax No. _____

Email (optional) _____

Relationship to property owner(s) _____

Signature of Authorized Agent _____

ATTACHMENT A

EXAMPLE OF FINDINGS OF FACT

CRITERIA FOR FINDINGS OF FACT:

An Adjustment will be approved if the Director finds the application conforms with the criteria found in Section 2.080 of the Albany Development Code and with applicable development standards. Before the Director can approve an application, the applicant must submit information that adequately supports the application. If the applicant submits insufficient or unclear information, the application will be denied or delayed.

FORMAT FOR FINDINGS OF FACT:

Statements addressing individual criteria must be in a “finding of fact” format. A finding of fact consists of two parts:

1. Factual information such as the distance between buildings, the width and type of streets, the particular operating characteristics of a proposed use, etc. Facts should reference their source: on-site inspection, a plot plan, City plans, etc.
2. An explanation of how those facts result in a conclusion supporting the criterion.

EXAMPLES:

Criterion 1: The adjustment is not requested to avoid a land use review process or increase density.

Fact: *State fact(s) relating to the question* – “The subject property is zoned RS-6.5, residential single-family. We want to build a single-family house on the site.”

Conclusion: *State conclusion* – “The single-family house is allowed in this zone.”

Criterion 2: The need for the adjustment is created by the unusual configuration of the property, to protect natural features, or due to the location of an existing or proposed structure on the site.

Fact: *State fact(s) relating to the question* – “The property contains a grove of Oregon White Oak trees. We would like to save the White Oak trees. The adjustment request is to allow a 4.5 foot side setback, where a 5-foot setback is normally required.”

Conclusion: *State conclusion* – “The request is created by natural features that we would like to protect.”

Criterion 3: The adjustment is the minimum necessary to address the unusual circumstance and still be consistent with the purpose of the zoning district.

Fact: *State fact(s) relating to the question* – “In order to protect the Oak trees and their root systems, we have selected a modest house design that is narrow enough to site on the property, however the structure still encroaches into the side yard setback by 0.5 feet.”

Conclusion: *State conclusion* – “The reduced side yard setback is the minimum necessary to put a dwelling on this property and save the Oak trees.”