



City of Portland, Oregon
Planning and Development Department
Zoning Board of Appeals
Practical Difficulty Variance Application

Applicant Information:

Name

Business Name

Address

Telephone

Fax

Applicant's Right, Title or Interest in Subject Property:

(e.g. owner, purchaser, etc.):

Current Zoning Designation:

Existing Use of Property:

Subject Property Information:

Property Address

Assessor's Reference (Chart-Block-Lot)

Property Owner (if different):

Name

Address

Telephone

Fax

Practical Difficulty Variance from Section 14 -

NOTE: If site plan approval is required, attach preliminary or final site plan.

The undersigned hereby makes application for a Practical Difficulty Variance as above described, and certified that all information herein supplied by his/her is true and correct to the best of his/her knowledge and belief.

Signature of Applicant

Date

Notwithstanding the provisions of subsections 14-473(c)(1) and (2) of this section, the Board of Appeals may grant a variance from the dimensional standards of this article when strict application of the provisions of the ordinance would create a practical difficulty, as defined herein, and when all the following conditions are found to exist:

1. The need for the variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood:

2. The granting of the variance will not have an unreasonably detrimental effect on either the use or fair market value of the abutting properties:

3. The Practical Difficulty is not the result of action taken by the applicant or a prior owner:

4. No other feasible alternative is available to the applicant, except a variance:

5. The granting of a variance will not have an unreasonably adverse effect on the natural environment:

6. Strict application of the dimensional standards of the ordinance to the subject property will preclude a use which is permitted in the zone in which the property is located:

7. Strict application of the dimensional standards of the ordinance to the subject property will result in significant economic injury to the applicant:

8. The property is not located, in whole or in part, within a shoreland area, as defined in 38 M.R.S.A. Section 435, nor within a shoreland of flood hazard zone as defined in this article:

The following words have the meanings set forth below:

- a.) Dimensional Standards: Those provisions of this article which relate to lot area, lot coverage, frontage and setback requirements.
- b.) Practical difficulty: A case where strict application of the dimensional standards of the ordinance to the property for which a variance is sought would both preclude a use of the property which is permitted in the zone in which it is located and also would result in significant economic injury to the applicant.
- c.) Significant Economic Injury: The value of the property if the variance were denied would be substantially lower than its value if the variance were granted. To satisfy this standard, the applicant need not prove that denial of the variance would mean the practical loss of all beneficial use of the land.

A Practical Difficulty Variance may not be used to grant relief from the provisions of Section 14-449 (Land Use Standards) to increase either volume or floor area, nor to permit the location of a structure, including, but not limited to, single-component manufactured homes, to be situated on a lot in a way which is contrary to the provisions of this article.