



City of Durham

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Variance

A “variance” is a grant of relief from development requirements in the Development Code. The City may allow a variance from numerical or dimensional requirements of the Development Code if natural site conditions or practical difficulties exist that prohibit reasonable development of the property. The variance must be compatible with the intent of the City’s Comprehensive Plan and cannot alter the character of the neighborhood or impair the use of a neighboring property. ***Only the minimum necessary to cure the hardship will be approved.*** The procedure for a variance is a quasi-judicial, Type 3 land use decision process. The Planning Commission would review and decide a request for a variance after public notice and a public hearing.

In order to facilitate the application process, the applicant should meet with the City Planner for a pre-application conference. The pre-application conference will identify potential issues and discuss Development Code requirements and procedures. A pre-application conference is \$500 for the first hour and then the City’s actual hourly rates for any time thereafter.

Once a variance application is submitted, the City Planner will review the application for completeness and compliance with the Development Code. After the city planner deems the application complete, she will prepare a staff report and recommendation to the Planning Commission. The City Planner will present the variance request to the Planning Commission at a public hearing.

A public hearing requires a 20-day notice to all service providers, relevant government agencies, and property owners within 300 feet of the property. Additionally, a hearing notice must be published in Planning Commission agenda. The applicant must supply two sets of address labels of property owners 28 days prior to the date of the public hearing. Any issues or concerns would be considered during the Planning Commission’s deliberations after the public hearing. The Planning Commission may approve the application outright, place conditions on the approval, or deny the application.

The Planning Commission decides a variance request within 120 days after the application is deemed complete. Any person may appeal the adjustment decision up to 12 days following the decision.

After a variance is approved, the applicant may submit building plans and apply for building permits. New construction will be required to pay System Development Charges. SDC fees are due at the time the building permit is issued.

The City of Tigard Water Department provides water for Durham. Please contact Tigard Water for information about System Development Charges and water delivery connection requirements.

Clean Water Services provides sewer and stormwater utilities in Durham. Please contact CWS for information about sensitive areas restrictions, SDC fees, and connection requirements.