



MALHEUR COUNTY PLANNING DEPARTMENT

251 B Street West, #12 Vale, Oregon 97918 Phone (541)473-5185 Fax (541)473-5140

FILE NUMBER: _____

FEE: \$125

VARIANCE

Date Received: _____ Planner Initials: _____ Date Complete: _____ Planner Initials: _____

DETAILED SPECIFIC WRITTEN REQUEST

Standard/Criterion proposed to be varied: 6-6-8-8 B 2a Setback: tower height +10%.

Dimension or distance normally required: Tower Height + 10% = 550'

Proposed dimension or distance: 216' 11"

DETAILED STRUCTURAL INFORMATION

MALHEUR COUNTY CRITERIA:

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, which result from lot size or shape, topography, or other circumstances over which the property owner since the enactment of MCC 6-8-2 has had no control:

Describe the circumstances and explain why they are exceptional or extraordinary:

30S38E00200 354.78ac. is exceptional in the vicinity in that it is inhabited. Adjacent parcels are significantly larger tracts of open range land owned by the United States of America (30S38E00100 9,477.38ac. & 29S38E00100 5,495.90ac. & 29S39E00100 11,751.47ac. & 30S39E00100 21,786.46ac.) and the Bureau of Land Management (29S38E00400 636.58ac.). The land owner and Malheur County constituent, Mr. Harry Stoddart has expressed interest in creating the maximum possible distance between his residence and the subject guyed tower. At the proposed location 216' 11" from the western property line, the tower can be anchored within the confines of the property and leave ~884' between the tower and inhabited structures.

2. The variance is necessary for the preservation of a property right of the applicant which is the same as that enjoyed by other property owners in the same zone in the area.

What property right is denied you by the applicable standards, which is also enjoyed by other property owners in the same zone and area?

As noted, the subject property is unique in its inhabited nature. Applicant suggests that the right of maximum quiet enjoyment of Mr. Stoddart's property is at issue and that there is not a commensurate negation in enjoyment by 'others' as a result of the granting of the variance request.

3. The variance would conform with the purposes of MCC 6-8-2 and would not be materially detrimental to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any county plan or policy.

Describe how approval of the proposed variance would not impact adjacent surrounding properties:

Applicant contends that the granting of the variance would not be materially detrimental to adjacent property owners due to the uninhabited nature of those adjacent properties. Specifically, the property to the west of the subject property, 30S38E00100 9.477.38 USA, extends to Steens Highway (OR-78), a distance of approximately 2.5 miles.

4. The variance requested is the minimum variance which would alleviate the hardship.

Reducing the size of the development, altering its configuration, or changing its location must be discussed to justify the proposal:

Applicant is responsive to the technical needs expressed by its lessee (T-Mobile) and design/siting preferences expressed by landowner (Mr. Harry Stoddart).

Applicant respectfully requests approval of the variance request because alterations to its configuration would be harmful to either or both lessee and landowner without being helpful to 'others.'