



CITY OF PHILOMATH
 980 Applegate Street
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 Philomath, OR 97370
 541-929-6148; 541-929-3044 FAX
 www.ci.philomath.or.us

APPLICATION FOR CLASS B VARIANCE

Fee: \$ 335

Applicant(s)

Name: _____ Bus Phone: _____

Address: _____ Home Phone: _____

Name: _____ Bus Phone: _____

Address: _____ Home Phone: _____

Interest in Property (Owner, Purchaser, Agent, etc.): _____

General Property Information

Street Address: _____

Assessor's Map: _____ Tax Lot: _____ Zoning: _____

Existing Structures: _____

Current area and use(s) of the Property: _____

Describe the Variance being requested:

General Information

The Planning Official may authorize select variances from the requirements of the Philomath Municipal Code involving the following standards, upon development of Findings which would support the variance request:

Class B Variances

- 1) Variance to minimum housing density standard (Chapters 18.30-18.55). The City may approve a variance after finding that the minimum housing density provided in Chapters 18.30-18.55 cannot be achieved due to physical constraints that limit the division of land or site development. "Physical constraint" means steep topography, sensitive lands, unusual parcel configuration, or a similar constraint. The variances approved shall be the minimum variance necessary to address the specific physical constraint on the development.
- 2) Variance to Vehicular Access and Circulation Standards (Chapter 18.65). Where vehicular access and circulation cannot be reasonably designed to conform to Code standards within a particular parcel, shared access with an adjoining property shall be considered. If shared access in conjunction with another parcel is not feasible, the City may grant a variance to the access requirements after finding the following:
 - a. There is not adequate physical space for shared access, or the owners of abutting properties do not agree to execute a joint access easement;
 - b. There are no other alternative access points on the street in question or from another street;
 - c. The access separation requirements cannot be met;
 - d. The request is the minimum adjustment required to provide adequate access;
 - e. The approved access or access approved with conditions will result in a safe access; and
 - f. The visual clearance requirements of Chapter 18.65 will be met.
- 1) Variances to Street Tree Requirements (Chapter 18.70). The City may approve, approve with conditions, or deny a request for a variance to the street tree requirements in Chapter 18.70, after finding the following:
 - a. Installation of the tree would interfere with existing utility lines;
 - b. The tree would cause visual clearance problems; or
 - c. There is not adequate space in which to plant a street tree; and
 - d. Replacement landscaping is provided elsewhere on the site (e.g., parking lot area trees).
- 1) Variance to Parking Standards (Chapter 18.75).
 - a. The City may approve variances to the minimum or maximum standards for off-street parking in Chapter 18.75.030 upon finding the following:
 - (1) The individual characteristics of the use at that location require more or less parking than is generally required for a use of this type and intensity;
 - (2) The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses; and
 - (3) All other parking design and building orientation standards are met, in conformance with the standards in Chapters 18.35-18.55 and Chapters 18.60-18.90.

- b. The City may approve a reduction of required bicycle parking per Chapter 18.75.040, if the applicant can demonstrate that the proposed use by its nature would be reasonably anticipated to generate a lesser need for bicycle parking.
 - c. The City may allow a reduction in the amount of vehicle stacking area required in for drive-through facilities if such a reduction is deemed appropriate after analysis of the size and location of the development, limited services available and other pertinent factors.
- 1) Variance to Maximum or Minimum Yard Setbacks to Reduce Tree Removal or Impacts to Wetlands (Chapters 18.35-18.55 and 18.70). The City may grant a variance to the applicable setback requirements of this Code for the purpose of preserving a tree or trees on the site of proposed development or avoiding wetland impacts. Modification shall not be more than is necessary for the preservation of trees on the site.
 - 2) Variances to transportation improvement requirements (Chapter 18.80.020). The City may approve, approve with conditions, or deny a variance to the transportation improvement standards of Chapter 18.80.020, based on the criteria for granting variances provided in Chapter 18.80.020B. When the provisions of that Chapter cannot support a variance request, then the request shall be reviewed as a Class C variance.
 - 3) Extension of Non-conforming Structure. Where a non-conforming structure exists, such non-conformity may be extended, upon finding the following:
 - a. The extension complies with all applicable fire and life safety codes;
 - b. The extension will not adversely impact adjacent property; and
 - c. The extension does not create any additional non-conformities.

Required Application Information

A detailed description of the present use of the property and the proposed variance, including:

- The current use of the property
- A description of the specific Class B variance being requested, including a response to the applicable criteria that would support the granting of the variance

A map of the property, drawn to scale, that contains the following information.

- The property boundaries and the location and use of all buildings and other improvements on the property
- A north arrow and the scale of the map
- Any other information necessary in reviewing the variance for compliance with the criteria

Additional Responsibilities of the Applicant

It is the responsibility of the applicant to determine if wetlands are present on the property and to contact the appropriate state and federal permitting agencies prior to applying for a development permit from the City. If hydric soils are present on the property or if the property contains a wetland designated on the National Wetlands Inventory Map, the applicant must submit documentation to the City that: (1) A permit has been applied for from the Oregon Division of State Lands; or (2) The Division of State Lands has determined that no permit is necessary for the project.

City staff will assist the applicant in determining if the property contains hydric soils or is identified on the National Wetlands Inventory Map, but the City has no responsibility for determining if wetlands are present or if a state or federal permit is required.

Signature(s)

I hereby certify that the information contained in this application is accurate to the best of my knowledge; and that the proposed use would not violate any deed restrictions attached to the property. This application must be signed by all owners of the property, or a statement authorizing the applicant to act for the owner must accompany the application.

_____ Date

_____ Date

Processing Information

This application will be reviewed by the Planning Official. Surrounding property owners will be notified of the application and given an opportunity to submit testimony to the Planning Official prior to any decision. The City will also send notices regarding the application and final decision to the applicant, affected government agencies, owners of land within 250 feet of the boundaries of the property, and all other persons who participate in the proceedings. If the application is approved, Conditions of Approval specified in the Notice of Decision must be satisfied within the time specified in the approval.

Anyone who submitted written testimony to the Planning Official may appeal a decision of the Planning Official to the Planning Commission by filing an appeal application with the City within 14 days of the decision.

For Office Use Only

Date Application Received: _____ Receipt Number: _____ By: _____

File Number Assigned: _____ Date Application Deemed Complete: _____