



**CITY OF PHILOMATH**  
 980 Applegate Street  
 PO Box 400  
 Philomath, OR 97370  
 541-929-6148; 541-929-3044 FAX  
 www.ci.philomath.or.us

**APPLICATION FOR CLASS C VARIANCE**

Fee: \$ 485

**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 Commission may grant variances from the requirements of the Philomath Municipal Code where the applicant shows that, owing to special and unusual circumstances related to a specific property, the literal application of the standards of the applicable land use district would create a hardship to development which is peculiar to the lot size or shape, topography, sensitive lands, or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same land use district); except that no variances to “permitted uses” shall be granted. In granting a Variance, the Planning Commission may attach conditions which it finds necessary to protect the best interest of the surrounding property or vicinity and otherwise achieve the purposes of the Philomath Municipal Code.

### Class C Variance Applicability

- 1) The variance standards are intended to apply to individual platted and recorded lots only.
- 2) An applicant who proposes to vary a specification standard for lots yet to be created through a subdivision process may not utilize the Class C variance procedure.
- 3) A variance shall not be approved which would vary the “permitted uses” of a land use district.

### Class C Variance Approvals Process and Criteria.

- 1) Class C variances shall be processed using a Type III procedure, as governed by Chapter 18.105.050 of the Philomath Municipal Code (PMC), using the approval criteria in subsection 2, below. In addition to the application requirements contained in Chapter 18.105.050 of the PMC, the applicant shall provide a written narrative or letter describing his/her reasoning for the variance, why it is required, alternatives considered, and compliance with the criteria in subsection 2.
- 2) The City shall approve, approve with conditions, or deny an application for a variance based on finding that all of the following criteria are satisfied:
  - a. The proposed variance will not be materially detrimental to the purposes of this Code, to any other applicable policies and standards, and to other properties in the same land use district or vicinity;
  - b. A hardship to development exists which is peculiar to the lot size or shape, topography, sensitive lands, or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same land use district);
  - c. The use proposed will be the same as permitted under this title and City standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;
  - d. Existing physical and natural systems, such as but not limited to traffic, drainage, natural resources, and parks will not be adversely affected any more than would occur if the development occurred as specified by the subject Code standard;
  - e. The hardship is not self-imposed; and
  - f. The variance requested is the minimum variance that would alleviate the hardship.

**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 variance being requested, including a response to each of 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 at a public hearing before the Planning Commission. Surrounding property owners will be notified of the application and given an opportunity to submit evidence and testify at the hearing. The City will also send notices of the hearing 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 or oral testimony to the Planning Commission may appeal a decision of the Planning Commission to the City Council 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: \_\_\_\_\_