

CITY OF OREGON

Checklist for Variance Application

- Fill out form completely.**
- Return form with appropriate materials attached.**
- The application then goes to the Plan Commission where a public hearing will be set.**
- The landowner or project organization (if the request is to use public property) will then put a public hearing in a newspaper of record. Proof of publication will be returned to the City Clerk. At least 15 days but no more than 30 days before the public hearing date.**
- The landowner or project organization (if the request is to use public property) will send certified mail a notice to all adjoining property owners. The returned signature cards will then be returned to the City Clerk.**
- The City Council will then act on the application at the next scheduled meeting.**

City of Oregon Application for Variation

1. Applicant's name _____
2. Applicant's address: _____
3. Applicant's phone number: (____)____ - _____
4. Applicant's email address: _____@_____

5. Address of property for which variance is being requested

6. Nature of variance:

7. Charges and fees:

Residential:	Non-refundable fee: \$100.00 but not more than \$500.00
Commercial: Commercial Business District Industrial Any other type of zoning	Non-refundable fee: \$500.00 but not more than \$2,500.00

8. Request for fee waiver and reimbursement for public hearing costs: *The Planning Committee will consider a waiver of fees and public hearing costs if the project is presented as an enhancement to the community as a whole and will benefit the public.

9. A drawing to scale – to include lot dimensions, location & size of all building on lot, setbacks, unusual characteristics, and variation as requested. The Planning Commissioner has the right to request a survey at the landowner's or project organization's expense if so needed.

Internal use only: Fee waiver granted _____ yeas _____ nays
 Reimburse Public Notice Costs granted _____ yeas _____ nays

(SAMPLE ONLY)

Public Notice

The Oregon Plan Commission will be holding a public hearing (Date & time) at City Hall Council Chambers 115 N. 3rd Street, in regard to a variance or special use, submitted by (whom) who resides (or property located) at (address & pin number) to construct (what) (how many) feet or foot from (which lot line back, front, or side). Lot line information is dependent on the type of structure(s) and location.

*Notice needs to be published one (1) time in newspaper of record of the city (Oregon Republican Reporter) not more than 30 days or less that 15 days before the date of the hearing.

**Adjoining property owners also need to be informed of the public hearing via certified letter . This information is on the application.

***Proof of publication from newspaper & green certified signature cards from the adjoining property owners must be brought to the Public Harin

Oregon City Code:

32.08.030 Application For Variations

The city council, upon recommendation of the plan commission may vary regulations imposed by this Code in harmony with the general purpose and intent of the chapter, but only in specific instances herein described. No variation shall be permitted unless the council shall make a finding of fact based upon the standards herein prescribed, that there are difficulties or hardships involved in the strict application of these regulations.

1. **Application Of Variation:** An application for variation shall be made in duplicate and filed with the city clerk and shall include:
 1. Applicant's name.
 2. Applicant's address.
 3. Address of property for which variance is being requested.
 4. Nature of variance.
 5. A drawing to scale to include existing buildings, sizes, setbacks, unusual characteristics and variation as requested. The plan commission has the right to request a survey at the landowners expense if so needed.
 6. Signed affidavit from adjoining landowners stating their position with regard to the variance request.
2. **Application Fee:** There shall be a fee as established by the city for each variance applied for.
3. **Public Hearing:** The city clerk shall refer all such applications to the plan commission and the plan commission shall cause a public hearing to be held as set by ordinance in this Code. The landowner shall place a public hearing notice in the paper of record for the city not less than 14 days prior to the public hearing. The land owner shall also send certified notice to all adjoining properties and shall turn over return signature cards to the city clerk for public record.
4. **Standards:** The plan commission and the city council shall not vary the regulations of this chapter unless both bodies find that based upon the evidence presented to them, the plight of the owner is due to unique circumstances and the variation, if granted, will not alter the essential character of the locality or cause substantial injury to the value of the property in the area of the city in which it is located. In determining whether the strict application of this chapter creates practical difficulties or particular hardships, the plan commission and the city council shall consider the extent to which the following facts have been established by the evidence:
 1. Denial of the variation requested would cause a particular hardship upon the owner of the property; financial or otherwise.
 2. The alleged hardship has not been created by any person presently having an interest in the property for which the variance is requested.
 3. The variance requested is the minimum necessary.
 4. Approval of the variation would cause a particular hardship upon owners of adjoining property; financial or otherwise.
 5. Approval of the variation would cause a quality-of-life hardship on adjoining or surrounding land owners.
 6. The proposed variation will not impair an adequate supply of light and air to adjacent property nor substantially increase traffic hazards. The variation will not increase the danger of fire nor endanger the public safety nor diminish or impair property values of the adjacent properties.
 7. The conditions upon which the variance is based are unique only to the property for which the variance is being requested and are generally not applicable to other property within the same zoning district.
 8. The plan commission shall review the application and the evidence established at the public hearing and shall apply the standards aforementioned and within five days after said public hearing make written recommendation to the city council advising that the variation should be allowed, disallowed, or further hearing had on the same.
5. **Conditions:** The plan commission may recommend and the city council may impose such conditions and restrictions upon the premises benefited by a variation as may be reasonably necessary to comply with the purpose of this chapter.

6. **Action By The City Council:** The city council shall take action on the application and the recommendation of the plan commission at its next regularly scheduled meeting after receipt of said recommendation. The council may grant or deny the application in whole or in part, with or without modification or may resubmit the application to the plan commission for further study. If the city council does not take final action on said application at the second meeting succeeding after the date upon which the recommendation of the plan commission is filed with the council, said application shall be deemed to have been denied.
7. **Changes And Modifications:** Charges and fees are as established by the city for variances, special uses, zoning change, map amendments, planned unit development, and/or text amendments. The amount of the variance will be determined by the public health and safety commissioner and the building inspector, based upon the expected complexity of the proposed application.
8. **Duration Of Permit For Variation:** Any permit for variance heard by the plan commission and approved by the city council which has not been acted upon within one year of approval shall become null and void.
9. **Building Permit:** No approval of the city council for any variation shall be construed as approval of a final building permit. All variances requiring building permits must make application to the city building inspector.

(Code 1987, § 7-176; Ord. of 12-15-2003; Ord. No. 2013-110, 11-26-2013)