

Docket Number: _____
Hearing Date: _____
Staff Member: _____
Present Zone: _____

<b>APPLICANT IS</b>		<b>TITLE HOLDER OF THE PROPERTY</b>
Legal Owner ( )		Name: _____
Contract Buyer ( )		_____
Option Holder ( )		Address: _____
Agent ( )		

**LEGAL DESCRIPTION OF THE PROPERTY INVOLVED IN THIS APPLICATION**

Location of Property: \_\_\_\_\_ Size: \_\_\_\_\_ X \_\_\_\_\_ Tax Lot: \_\_\_\_\_  
 Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Sub-Division: \_\_\_\_\_ Total Area: \_\_\_\_\_  
 Total Area Involved: \_\_\_\_\_ Current Zoning: R-1 \_\_\_\_\_; R-2 \_\_\_\_\_; R-3 \_\_\_\_\_

**INTRODUCTION**

This application is provided for the filing and review of all proposed variances/exceptions in the City of Yamhill. The application is organized to correspond with the requirements of Yamhill City Municipal Code Chapters 10.100, and 10.128, which establishes standards and procedures for the issuance of variances/exceptions in the City of Yamhill. These Chapters should be consulted when preparing this application.

The filing of this application will initiate a process which includes the following:

- A) Application submission to City Recorder or designated official.
- B) Scheduling of a public hearing with the City Planning Commission.
- C) Notification of affected citizens and agencies.
- D) City Review.
- E) Planning Commission hearing and discussion.

**WHAT IS BEING REQUESTED?**

Exception: \_\_\_\_\_

Variance - Is the difficulty of this project due to unique circumstances such as shape or topography?  
 Yes \_\_\_\_\_ No \_\_\_\_\_

<input type="radio"/> Lot Size	Requirement: _____	Reduction to: _____
<input type="radio"/> Road Frontage	Requirement: _____	Reduction to: _____
<input type="radio"/> Setback – Front	Requirement: _____	Reduction to: _____

- Setback - Rear      Requirement: \_\_\_\_\_      Reduction to: \_\_\_\_\_
- Setback - Side      Requirement: \_\_\_\_\_      Reduction to: \_\_\_\_\_
- Other      Requirement: \_\_\_\_\_      Reduction to: \_\_\_\_\_
- Miscellaneous: \_\_\_\_\_

State the nature of the request and the practical difficulty and unnecessary hardship involved.

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Why won't this request be detrimental to the surrounding area: \_\_\_\_\_

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**APPLICANT'S CERTIFICATION**

No title search or survey will be made by the City of Yamhill before this application is processed. It is the responsibility of the applicant for any permits to determine whether he has the legal right to use the property in question for the intended purpose. No permission for such use, either express or implied, is given by the City of Yamhill by the issuance of any permit.

**I HEREBY CERTIFY THAT ALL STATEMENTS CONTAINED HEREIN, ALONG WITH THE EVIDENCE SUBMITTED, ARE IN ALL RESPECTS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.**

**NOTE:** Attach detailed, accurate site plans (minimum of Ten copies are required). Other statements, plans, photos, data, etc., which would help to substantiate and clarify your request may also be submitted. Attach responses to all questions prior to submission to the City.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date of Application

\_\_\_\_\_  
Owners' Signature

\_\_\_\_\_  
Date of Application

## VARIANCE/EXCEPTION APPLICATION

### VARIANCE/EXCEPTION INFORMATION:

Where difficulty exist rendering compliance with the Zoning regulations impractical and such compliance would create unnecessary hardship to the owner or use of land or buildings, the Planning Commission may grant a variance/exception from the provisions of these regulations after the prescribed hearing and after an investigation, provided that substantially the following circumstances exist:

- 1.) Exception or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally created prior to the date of the zoning ordinance, topography, or other circumstances over which the applicant has no control.
- 2.) The variance/exception is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess.
- 3.) The variance/exception would not be materially detrimental to the purposes of this ordinance, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of the comprehensive plan policy.
- 4.) The variance/exception requested is the minimum variance/exception which would alleviate the hardship.

In granting a Variance/Exception, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of the zoning ordinance.

### APPLICATION:

A complete Application includes the following items:

- 1.) The application form filled out as completely as possible. Give as thorough an explanation and justification as possible, keeping in mind the basis indicated above for granting a Variance/Exception. If additional explanation or materials would assist or support the request, attach these, and include them with the application form. All applications shall have the owner of the properties signature(s) on the application. The owner of the property shall be defined as being the legal owner, contract buyer, agent, or option holder.
- 2.) Ten copies of a Detailed Plot Plan of the property for which action is requested illustrating that which is being requested is required for all Conditional Use applications. Such a plot plan drawn to scale should illustrate the following minimum items:
  - A.) The date, north-point, scale, and a good and sufficient description to define the location and boundaries of the parcel.
  - B.) Approximate acreage of the parcel under a single ownership, or, if more than one ownership is involved.
  - C.) For land adjacent to and within the parcel, show locations, names, and existing widths of all streets and easements, and location and size of sewer and water lines, and drainage ways.
  - D.) Outline and location of existing and proposed structures and improvements including setback dimensions of existing and proposed structures and land features, along with the principal features of terrain and vegetation.
  - E.) Such additional information as required by the Planning Commission procedures.

- 3.) A list of the names and addresses, from the last preceding County Tax Roll, of all owners of property situated within 300 feet of the subject property, including public rights-of-ways, of the external boundaries of the affected property.
  
- 4.)

Application Fee	\$ 350.00	
Professional Review Fee	\$ 1,000.00	* If Applicable
Appeal Fee	\$ 250.00	
Initial City Fee at Application	\$ 350.00	
  
- 5.) Make certain the Application is signed by the Legal Owner(s) of the affected property. (Proof of title may be required.)

**SUBMISSION OF APPLICATION:**

A completed application shall be filed with the City Recorder at least thirty (30) days prior to the Planning Commission Meeting at which the Public Hearing will be conducted.

A minimum fee of \$350.00, for the Variance/Exception Application, shall be charged for application review upon filing of the application. Such fees shall be non-refundable. The applicant is advised that he will be subject to Professional Service Charges of Yamhill Municipal Code Section 10.64.230.

The City Recorder shall schedule a public hearing before the Planning Commission as established in the Yamhill Municipal Code. The Planning Commission shall review the application at their regularly scheduled meeting and determine whether the proposal is compatible with the City of Yamhill Comprehensive Plan and all other applicable regulations. The Planning Commission may require any conditions or modifications in the plan as are deemed necessary to carry out the Yamhill Comprehensive Plan.

**PROFESSIONAL EXPENSES:**

10.128.230 Professional Expenses. In addition to any other fees prescribed by the City Council, there is imposed upon an Applicant before the Planning Commission or City Council, an additional fee for the professional review of the application. Said fee shall not exceed \$1,000.00 unless approved by majority vote of the Planning Commission or City Council. Said fee shall not exceed actual cost to City for professional services of planners, engineers, attorneys, or other professionals whose assistance is sought by the Planning Commission and/or City Council.

The City shall not bill for the first four (4) hours of the professional review performed by City Staff and the first four (4) hours of the professional review performed by the City Planner. Unless specifically included within the application fee, all services by the City Engineer and the City Attorney shall be covered under Professional Expenses. The City shall have the authority to impose the above said fee only in those cases where additional professional review, beyond four (4) hours, engineering review, and/or legal review, is required on the application. Prior to imposing said fee or beginning professional review of such projects, the City Recorder shall notify the Applicant that his application is subject to the Professional Review Fee and that the Applicant shall be liable for said fees. Such notifications may be made by printing said notification on the land use application to come before the Planning Commission and/or City Council. The City, after notification to Applicant of the professional review fee, shall provide the Applicant a period of not less than seven days in which to withdraw his application without being responsible for said fee. The City, at the request of the applicant may provide to the applicant an estimate of the Professional Review Fee however, such estimates shall not be binding in any way upon the City. An estimated Professional Review Fee may be charged at the time of initial or subsequent hearing if the governmental body has good cause to believe a fee will be required.

*The Professional Review Fee shall be collected from the applicant before final approval of the application. If estimated professional review fees have been collected by the City, and the Professional Review Fee actually charged to the City by a professional is less than the amount rendered by the Applicant, the City Recorder shall refund to the Applicant the balance of the fee paid beyond the professional fees actually charged the City. Likewise, if the estimated professional review fees paid by the applicant are insufficient to cover the amount*

*assessed the City by the designated professionals, then the City Recorder will have the authority, prior to the Planning Commission or City Council acting upon the application, of collecting additional fees. (Ord. 350, §15.22, 1984) ...*