

Chapter 18.88: VARIANCE

18.88.010 Authorization to grant or deny

- A. The Hearings Body may approve a variance to Titles 17 and 18 pursuant to a Type III Land Use Procedure.
- B. Additional requirements or conditions may be imposed upon an approval in order to mitigate any harmful effects, serve the purpose of the standard or requirement being varied, and otherwise achieve the purpose of the Comprehensive Plan and the Development Regulations.
- C. A variance cannot be approved to authorize a use not permitted by the Molalla Municipal Code or authorize a use that is not allowed in the subject property's zoning district.

18.88.020 Circumstances for granting

- A. A variance may be granted only if the following can be found:
 - 1. Literal enforcement of the applicable criteria would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the City's development regulations.
 - a. The alleged hardship must be located on or directly associated with the property for which the variance is sought.
 - b. A hardship that is self-imposed or economic in nature is not an unreasonable hardship.
 - c. A hardship created by a previous owner's action or inaction is not an unreasonable hardship.
 - 2. Exceptional circumstances apply to the property that does not generally apply to other properties in the same district.
 - a. The exceptional circumstances must result from a lot's size or shape, legally existing prior to the effective date of Ordinance No. 2002-01, topography or other circumstances over which the applicant has not control.
 - 3. The variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.
 - 4. The variance is not contrary to the public interest and is the minimum necessary to alleviate the hardship.
 - 5. The request for a variance is not the result of an illegal act.