



Where Life is Sweet

Planning Department

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To: Planning Commission
From: Clinton Spencer, City Planner
Subject: Jones Variance Request – 40 NE Alora Drive
Date: July 6, 2016

Bruce Jones has requested a variance from the 7 foot side yard setback requirement for property located at 40 NE Alora Drive. The applicant requests that the 7 foot side yard setback requirement be reduced to 5.5 feet in order to expand the existing garage. If approved, the applicant proposes to build a third garage bay 5.5 feet from the side lot line.

The property is described as 4N 28 02BD Tax Lot 1800. The site is zoned Single-Family Residential (R-1). The property is entirely surrounded by low density, single family dwellings.

Per §157.225(A) of the Hermiston Code of Ordinances, the planning commission may grant variances where it can be shown that, owing to special and unusual circumstances, literal interpretation of the zoning code would cause an undue or unnecessary hardship.

Criteria

The specific criteria relied upon by the planning commission are contained in §157.225(A)(1) of the Hermiston Code of Ordinances. In granting a variance, the applicant must demonstrate that all of the following criteria have been met:

1. Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, shape, topography or other circumstances over which the applicant has no control.
2. The variance is necessary for the preservation of a property right of the applicant substantially the same as possessed by owners of other property in the same zone or vicinity.
3. The authorization of the variance shall not be materially detrimental to the purposes of the zoning ordinance, be injurious to property in the zone or vicinity in which the property is located, or be otherwise detrimental to the objectives of any development patterns or policy.

4. It is impractical to maintain the zoning ordinance and at the same time, build, erect or use the structure.
5. The variance requested is the minimum variance from the provisions and standards of the zoning ordinance which will alleviate the hardship.

It is not necessary to restate other ordinances and statutory requirements of the variance as part of the proceedings. The granting or denial of the variance will not affect the requirements of the City of Hermiston to comply with building, plumbing and electrical codes, other ordinances, statutory or regulatory compliance issues.

Draft Findings

Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, shape, topography or other circumstances over which the applicant has no control.

1. The house is constructed approximately 15 feet from the side lot line. It is not possible to add a 10 foot wide garage bay to the existing garage without encroaching into the 7 foot side yard setback.

The variance is necessary for the preservation of a property right of the applicant that is substantially the same as is possessed by owners of other property in the same zone or vicinity.

2. The variance is necessary to build the structure and make full use of the property.
3. A 10' x 20' garage is the smallest size a single car garage can be constructed at. A minimum of 8 feet is needed just to accommodate the garage door.

The authorization of the variance shall not be materially detrimental to the purposes of the zoning ordinance, be injurious to property in the zone or vicinity in which the property is located, or be otherwise detrimental to the objectives of any development pattern or policy.

4. The variance will still provide a 5.5 foot side yard which is adequate to allow access to the rear yard and maintain spacing from neighboring properties.
5. Any variance approved is vetted by the planning commission through the public hearing process and duly noticed to neighboring property owners and the public at large. This process guarantees an opportunity that all public concerns will be voiced to the planning commission.

It is impractical to maintain the zoning ordinance requirements and at the same time build, erect or use the structure.

6. The variance is necessary for the construction of a 10' x 20' garage bay.

7. A variance of 1.5 feet is needed to allow the construction of a 10 foot wide garage bay. A width of less than 10 feet is impossible to open a car door and exit a vehicle in the garage.

The variance requested is the minimum variance from the provisions and standards of the zoning ordinance which will alleviate the hardship.

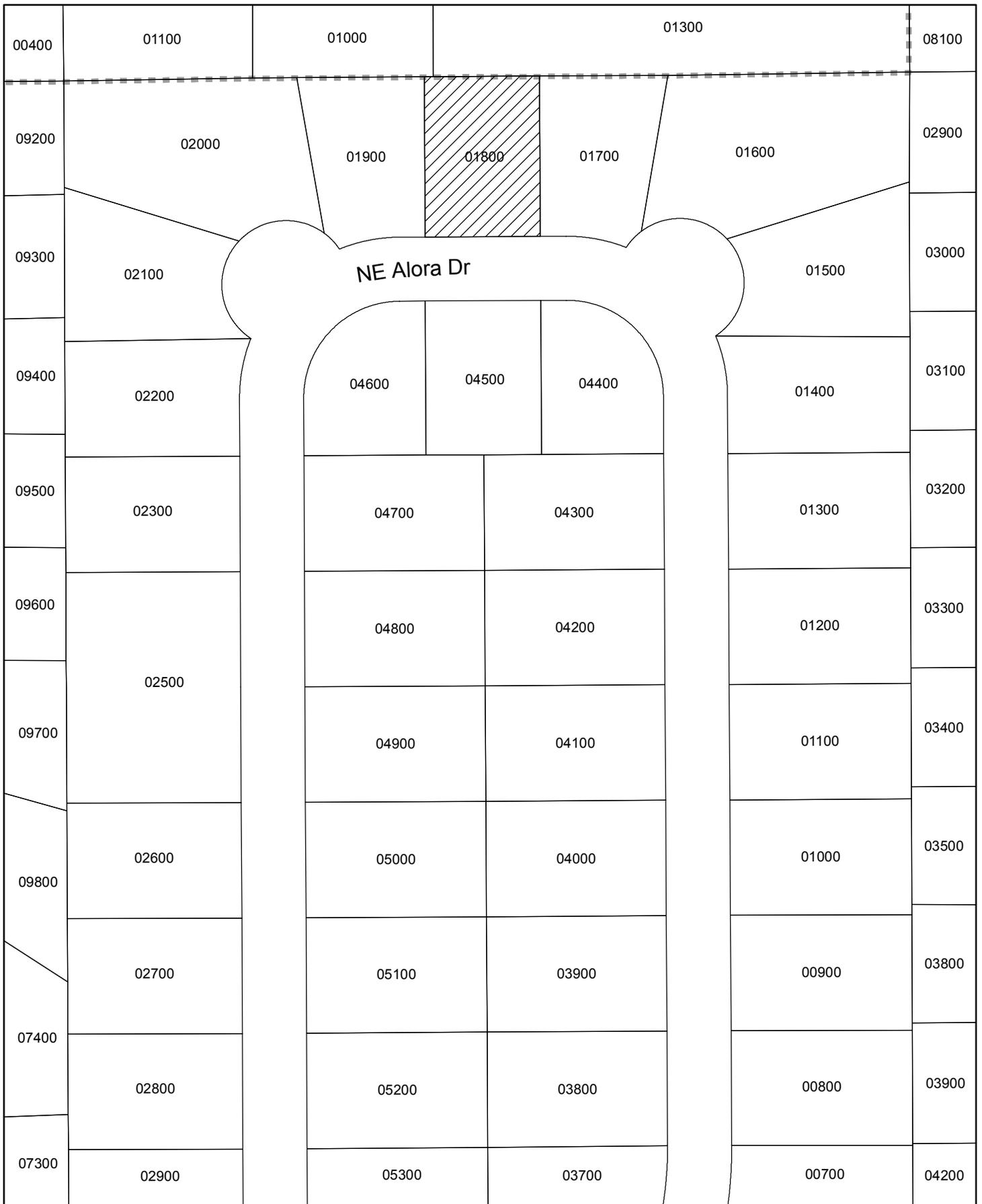
8. As stated in Finding #3 and #7, the 1.5 foot variance is the minimum variance that will allow a third garage bay to be added to existing garage and still be functional as a garage with a standard 8 foot door.

Draft Conditions

Should the planning commission approve the variance request, staff does not recommend any conditions of approval to mitigate potential impacts.

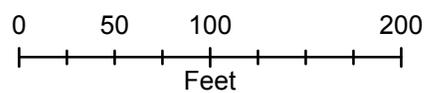
Planning Commission Action

The planning commission may choose to approve or deny the variance request.



Legend

-  Area of Proposed Variance
-  Property Line
-  City Limits



CITY OF HERMISTON

APPLICATION FOR MAJOR VARIANCE

Pursuant to the provisions of §157.225 of the Hermiston Code of Ordinances, application is hereby made for a variance for the following described property:

Name of Applicant: Bruce & Susan Jones Phone: 541 567 3100

Mailing Address: 40 NE Alora Drive Hermiston Or 97838

Name of Owner (If Different): _____ Phone: _____

Mailing Address: _____

Legal Description: Assessor's Map No: 4N2⁰02BD Tax Lot No: 1800

Subdivision (If Applicable): Alora Heights

Please Attach a Metes and Bounds Legal Description

Street Address: 40 NE Alora Drive Hermiston Or 97838

Current Zoning Designation: Low Density

Variance Requested:

Reduce building side setback to 5.5 feet from 7 foot code requirement. East side of property
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IMPORTANT! Oregon's Land Use Planning Laws and §157.225 of the Hermiston Code of Ordinances require the planning commission to make "findings of fact" with regard to variance requests. The findings provide justification to either approve or deny the application. Read the questions that follow and answer them as completely as you can; use additional sheets if necessary. Your responses will be used by the City to make findings and evaluate the merits of your request. The chances of a successful application depend upon the adequacy of the arguments you present to justify approval of the application.

1. Explain what exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, topography or other circumstances over which the applicant has no control. (Note: These exceptional circumstances should relate to the land rather than persons.)

The house was sited 15 feet from the east property line to provide room on the west side for an addition. Constructing a 1 bay garage on the east side of the house for a 3rd vehicle, in addition to our 2 car garage.

2. Why is the variance necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity?

To be able to construct a 10 X 20 single car garage is the least width to be able to use a 8 foot garage door and have room for walls and room to exit vehicle.

3. Explain why the authorization of the variance would not be materially detrimental to the purposes of the zoning ordinance, be injurious to property in the zone or vicinity in which the property is located, or be otherwise detrimental to the objectives of any development pattern or policy.

A 5.5 foot side setback will still provide access along the east side property line and not infringe on other property owners.

4. Explain why it is impossible to maintain the zoning ordinance requirements and, at the same time, build, erect or use the structure.

With the siting of the house on the east side of the lot, we need a variance of 1.5 feet to have room to construct the single car garage of 10 X 20

5. Explain why the variance requested is the minimum variance from the provisions and standards of the zoning ordinance which will alleviate the hardship.

Using a 10 X 20 garage plan allows for only needing a change of 1.5 feet to the variance.

ADDITIONAL INFORMATION TO BE FURNISHED & ATTACHED TO APPLICATION:

1. Evidence that applicant is owner or purchaser of the property or has written permission of such owner to make an application for the variance.
2. Two copies (one digital copy) of a site plan (11"x17") drawn to scale, showing the location of the property concerned with all proposed or existing building(s), and the location of all highways, streets and alleys.

The above statements are true to the best of my belief and knowledge. As applicant, I understand that the planning commission requests my attendance, or the attendance of my authorized representative.

I am the X owner/ _____ owner's authorized representative
(If authorized representative, please attach letter signed by owner.)

Signature of Application: _____

Bruce Jones

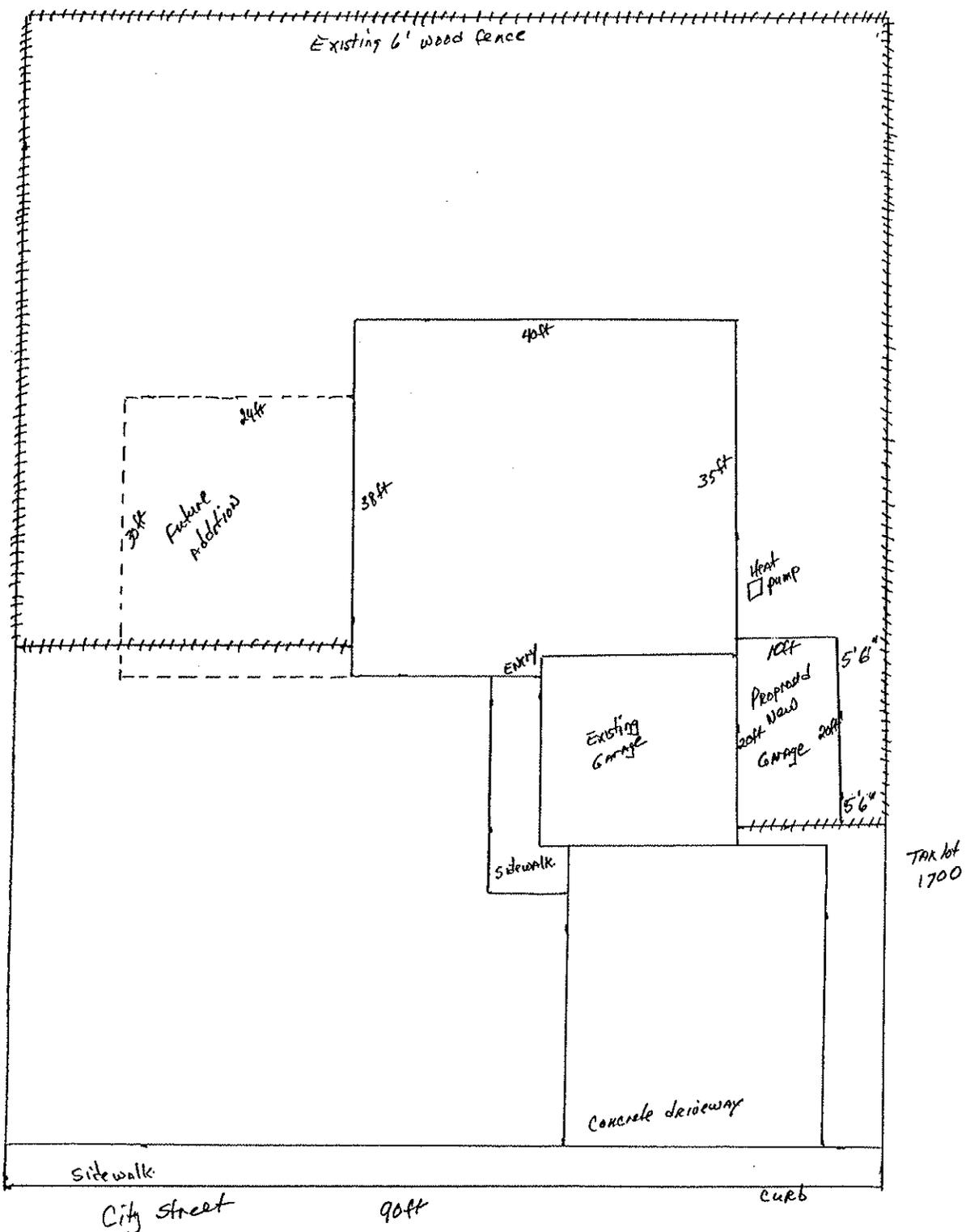
Date: 06/08/2016

OUT-OF-POCKET EXPENSES FOR MAILING & PUBLICATION COST WILL BE BILLED LATER

NOTE: The Hermiston Planning Commission meets the second Wednesday of each month. Because of public notice requirements and time constraints, this application must be returned to City Hall no less than **four weeks** prior to the hearing date. If you have any questions about completing the application or the procedure, please feel free to contact the planning department at the Hermiston City Hall, 180 N.E. 2nd Street, Hermiston, Oregon 97838, or telephone (541) 567-5521. The City's fax number is (541) 567-5530.

Office Use Only

Date Filed: 6/9/16 Received By: WCP Meeting Date: 7/13/16
Fee: \$420.00 Date Paid: 6/18/16 Receipt No: Xbp C# 18294281



4N2802 BD
 TAX LOT 1800
 40 NE ALORA DRIVE
 HERMISTON OR 97838

