



PLANNING DEPARTMENT, 231 NE Fifth Street, McMinnville, Oregon 97128  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

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**PUBLIC HEARING NOTICE  
PLANNING COMMISSION REVIEW OF A  
VARIANCE REQUEST  
1032 NE HEMBREE STREET**

NOTICE IS HEREBY GIVEN that an application for a variance to the front yard setback for a new front porch has been submitted to the McMinnville Planning Department. The purpose of this notice is to provide an opportunity for surrounding property owners to submit comments regarding this application or to attend the public meeting of the Planning Commission where this request will be reviewed and a public hearing will be held. Please contact Tom Schauer with any questions at 503-474-5108, or [tom.schauer@mcminnvilleoregon.gov](mailto:tom.schauer@mcminnvilleoregon.gov).

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**DOCKET NUMBER:** VR 1-19  
**REQUEST:** Variance to the front yard setback for a new front porch  
**APPLICANT:** Hans Van Dale  
**SITE LOCATION(S):** 1032 NE Hembree Street (see attached map)  
**MAP & TAX LOT(S):** R4416CD12000  
**ZONE(S):** R-3 (Two-Family Residential)  
**MMC REQUIREMENTS:** McMinnville Municipal Code (MMC) Title 17 (Zoning Ordinance): Section 17.74.100. Variance – Planning Commission Authority; Section 17.74.110. Conditions for Granting Variance; Section 17.54.050. Yards, Subsection (H); Comprehensive Plan Goals and Policies (see reverse side for specific review criteria)  
**NOTICE DATE:** July 23, 2019  
**PUBLIC HEARING DATE:** August 15, 2019 at 6:30 P.M.  
**HEARING LOCATION:** McMinnville Civic Hall Building  
200 NE 2<sup>nd</sup> Street, McMinnville, OR, 97128

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**Proceedings:** A staff report will be provided at least seven days before the public hearing. The Planning Commission will conduct a public hearing, take testimony, and then make a decision to approve, approve with conditions, or deny the application.

Persons are hereby invited to attend the McMinnville Planning Commission hearing to observe the proceedings, and to register any statements in person, by attorney, or by mail to assist the McMinnville Planning Commission and City Council in making a decision. Should you wish to submit comments or testimony on this application prior to the public meeting, please call the Planning Department office at (503) 434-7311, forward them by mail to 231 NE 5<sup>th</sup> Street, McMinnville, OR 97128, or by email to [tom.schauer@mcminnvilleoregon.gov](mailto:tom.schauer@mcminnvilleoregon.gov).

The decision-making criteria, application, and records concerning this matter are available in the McMinnville Planning Department office at 231 NE 5<sup>th</sup> Street, McMinnville, Oregon during working hours and on the Planning Department's portion of the City of McMinnville webpage at [www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov).

**Appeal:** Failure to raise an issue in person or by letter prior to the close of the public hearing with sufficient specificity precludes appeal to the Land Use Board of Appeals (LUBA) on that issue.

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the Commission to respond to the issue precludes an action for damages in circuit court.

The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting the City Manager (503) 434-7405 – 1-800-735-1232 for voice, or TDY 1-800-735-2900.

## **REVIEW CRITERIA:**

### **MMC Section 17.74.100. Variance – Planning Commission Authority**

The Planning Commission may authorize variances from the requirements of this title where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this title would cause an undue or unnecessary hardship, except that no variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, 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 this title.

### **MMC Section 17.74.110. Conditions for Granting Variance**

A variance may be granted only in the event that the following circumstances substantially exist:

- A. Exceptional 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 existing prior to the date of the ordinance codified in this title, topography, or other circumstance over which the applicant has no control;
- B. The variance 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;
- C. The variance would not be materially detrimental to the purposes of this title, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy;
- D. The variance requested is the minimum variance which would alleviate the hardship.

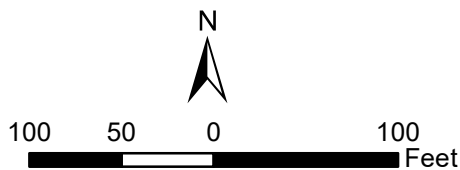
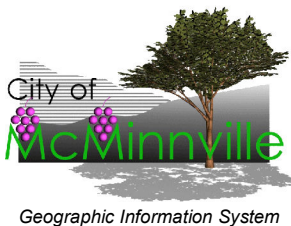
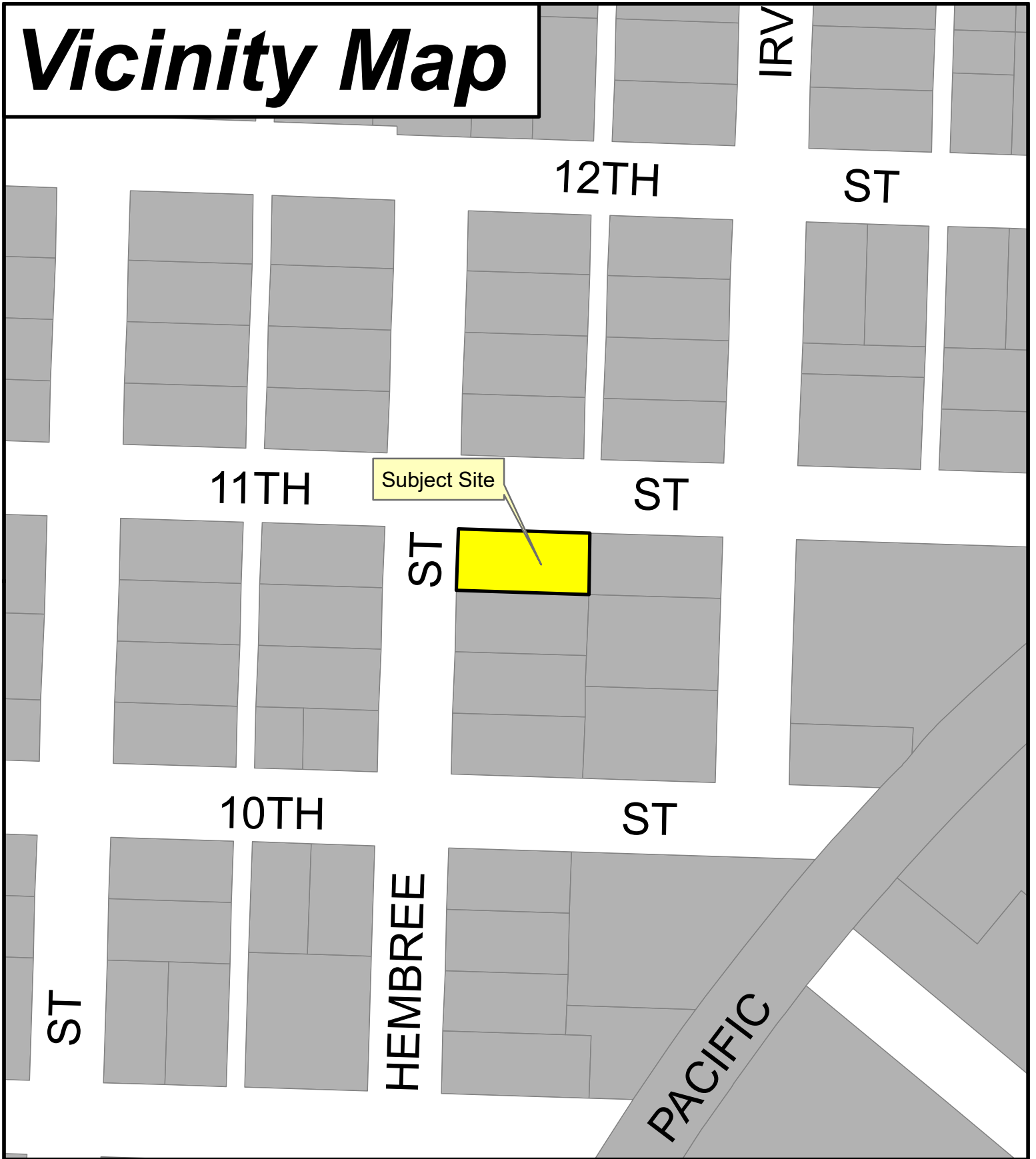
### **MMC Section 17.54.050. Yards, Subsection (H)**

- H. Setback variance requests shall be processed under the provisions of Chapters 17.72 (Applications and Review Process) and 17.74 (Review Criteria), except that:
  1. The applicant must prove that the vision of motorists, bicyclists, and pedestrians will not be blocked or adversely affected as a result of the variance.
  2. Variances to the requirements of this section which do not involve building setbacks must comply with Section 17.54.060(H)(1) above, but need not comply with Section 17.74.110. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

### **Comprehensive Plan Goals and Policies:**

All applicable goals and policies apply to this request.

# Vicinity Map



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Planning Department  
231 NE Fifth Street  
McMinnville, OR 97128  
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