



City of McMinnville
Planning Department
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EXHIBIT 2 - STAFF REPORT

DATE: August 15, 2019
TO: Planning Commission
FROM: Tom Schauer, Senior Planner
SUBJECT: Application VR 1-19 for a Variance to Front Yard Setback

STRATEGIC PRIORITY & GOAL:



GROWTH & DEVELOPMENT CHARACTER

Guide growth & development strategically, responsively & responsibly to enhance our unique character.

OBJECTIVE/S: Strategically plan for short and long-term growth and development that will create enduring value for the community

Report in Brief:

This proceeding is a quasi-judicial public hearing of the Planning Commission to consider an application for a variance to the front yard setback for a new front porch for the existing residence to be setback 10 feet from the front property line and stairs to be setback approximately 5 feet from the property line, on a 5,375 square foot lot at 1032 NE Hembree Street (Tax Lot 12000, Section 16CD, T. 4 S., R. 4 W., W.M.).

The Planning Commission will make a final decision on the application. A final decision of the Planning Commission may be appealed to the City Council as provided in Section 17.72.180 of the Zoning Ordinance. The Planning Commission hearing is conducted in accordance with quasi-judicial hearing procedures, and the application is subject to the 120-day processing timeline. The application was deemed complete on July 15, 2019.

Background:

Subject Property & Request

The subject property is a 5,375 square foot lot on the SE corner of NE Hembree Street and NE 11th Street. **See Exhibit 1.** The existing residence was built in 1935 and is identified as a Class C historic resource. Class C resources do not require historic review for exterior alterations, but do require review if proposed for demolition or relocation.

The subject property and surrounding properties are zoned R-3. Predominant uses are single-family dwellings. Properties approximately a block to the north are zoned R-2, and properties approximately two blocks to the south are zoned R-4. Properties approximately a block to the east along the railroad

Attachments:

Attachment A: V 1-19 Decision Document

are zoned M-1 light industrial, and the area east of the railroad is within the NE Gateway Overlay District. **See Exhibit 2.**

The variance would authorize a reduction to the minimum 15-foot front yard setback of the R-3 zone on NE Hembree Street for a new porch and stairs. This variance would authorize reduction from 15 feet to 10 feet for the covered porch, would authorize encroachment of the eaves up to 30 inches, and would authorize the stairs to be approximately 5 feet from the property line. The zoning ordinance authorizes uncovered / unenclosed stairs to encroach up to 5 feet into a required front yard setback, so the stairs could be set back 10 feet without a variance, and 5 feet with the requested variance.

Exhibits 3A and 3B show the existing structure. **Exhibits 4A and 4B** show the plan view and elevation views of the proposed development.

Neighborhood Meeting

Before a variance application can be submitted, an applicant must hold a neighborhood meeting as specified in Chapter 17.72 of the Zoning Ordinance. The applicant conducted the required neighborhood meeting on June 7, 2019 in accordance with these requirements and submitted the necessary documentation of the neighborhood meeting with the application, including a list of attendees and meeting notes.

The neighborhood meeting notes indicate that, in addition to the applicant, two people attended the meeting. One attendee resides across Hembree Street from the subject property, and the other resides on Irvine Street behind the property, abutting the corner of the property. The meeting notes indicate both attendees were in favor of the project and were present to lend their support. The notes indicate no concerns were presented.

Discussion:

Summary of Criteria & Issues

The applicable criteria for a variance to front yard setback requirements are as follows:

- **Zoning Ordinance (Title 71 of the McMinnville Code):**
 - MMC Section 17.74.100. Variance – Planning Commission Authority;
 - MMC Section 17.74.100. Conditions for Granting Variance;
 - MMC Section 17.54.050. Yards, Subsection (H).
- **Comprehensive Plan:** The goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. “Proposals” specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

The criteria for a variance are generally intended to provide for equity in the application of general standards to a property with unique circumstances, given consideration of other properties which are similarly situated. The variance criteria are also intended to ensure that in granting a variance, the approval doesn't confer special rights to a property; the variance is the minimum necessary to address the unique circumstance; and granting the variance isn't detrimental to the City's policies or the public interest. Conditions may be imposed to protect the best interests of the surrounding property or neighborhood.

The findings in the Decision Document provide more detailed discussion about the interpretation of the variance criteria, as well as the unique situation that exists for the property as well as the neighborhood

Attachments:

Attachment A: VR 1-19 Decision Document

and vicinity. The area was predominantly platted and developed in the late 1800s and early to mid-1900s. When the R-3 zoning was later applied to the area, it made most of the existing properties nonconforming in respect to lot size, and in respect to setbacks for many properties. There are numerous properties in the area with existing structures which do not meet the front yard setbacks of the R-3 zone. This differs from other areas with R-3 zoning, which were zoned R-3 at the time of development, and developed in accordance with the R-3 standards. The City doesn't have a separate residential zoning district with standards that approximate the historic "small lot single-family" development pattern that occurred in the subject neighborhood and vicinity.

The applicant has provided documentation of several such structures in the immediate vicinity, including one on an adjacent block which is very similar to what is proposed on the subject property. The requested variance would allow for a functional front porch on the existing residence built in 1935, comparable to other historic structures in the vicinity. The applicant has demonstrated the proposal wouldn't create a visual obstruction within the vision clearance triangle.

While there are some provisions built into the Zoning Ordinance to allow exceptions to front yard setbacks, they would not accommodate the proposed development, and the requested variance is the appropriate application to seek the relief requested. This is discussed further in the Decision Document.

The proposal is not in conflict with goals and policies of the Comprehensive Plan. Applicable goals and policies include those in Chapter III: Historic Preservation, Chapter V: Housing and Residential Development, and Chapter IX: Urbanization, pertaining to Great Neighborhood Principles. These pertain to the character of historic neighborhoods, efficient use of residential lands, neighborhoods with a variety of housing types and densities, and human-scaled design that promotes inclusion and interaction with the public right of way.

Public Comments

Notice of the proposed application was mailed to property owners and published in the newspaper. As of the date of this Staff Report, no public comments were received.

Agency Comments

Notice of the proposed application was sent to affected agencies and departments. The McMinnville Engineering Department and McMinnville Water and Light responded that they had no comments.

Planning Commission Options (for Quasi-Judicial Hearing):

- 1) **APPROVE** of the application as proposed by the applicant with the conditions recommended in the attached Decision Document, per the decision document provided which includes the findings of fact.
- 2) **CONTINUE** the public hearing to a specific date and time.
- 3) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial, specifying which criteria are not satisfied, or specifying how the applicant has failed to meet the burden of proof to demonstrate all criteria are satisfied, in the motion to deny.

Staff Recommendation:

Staff has reviewed the proposal for consistency with the applicable criteria. Absent any new evidence or findings to the contrary presented during the hearing, staff finds that, subject to the recommended

Attachments:

Attachment A: VR 1-19 Decision Document

conditions specified in the attached Decision Document, the application submitted by the applicant and the record contain sufficient evidence to find the applicable criteria are satisfied.

Staff **RECOMMENDS APPROVAL** of the application, subject to the conditions specified in the attached Decision Document.

Suggested Motions:

BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, THE MATERIALS SUBMITTED BY THE APPLICANT, AND EVIDENCE IN THE RECORD, I MOVE THAT THE PLANNING COMMISSION APPROVE THE DECISION DOCUMENT AND APPROVE THE VARIANCE APPLICATION VR 1-19 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT.

Exhibit 1. Vicinity Map & Aerial Photo

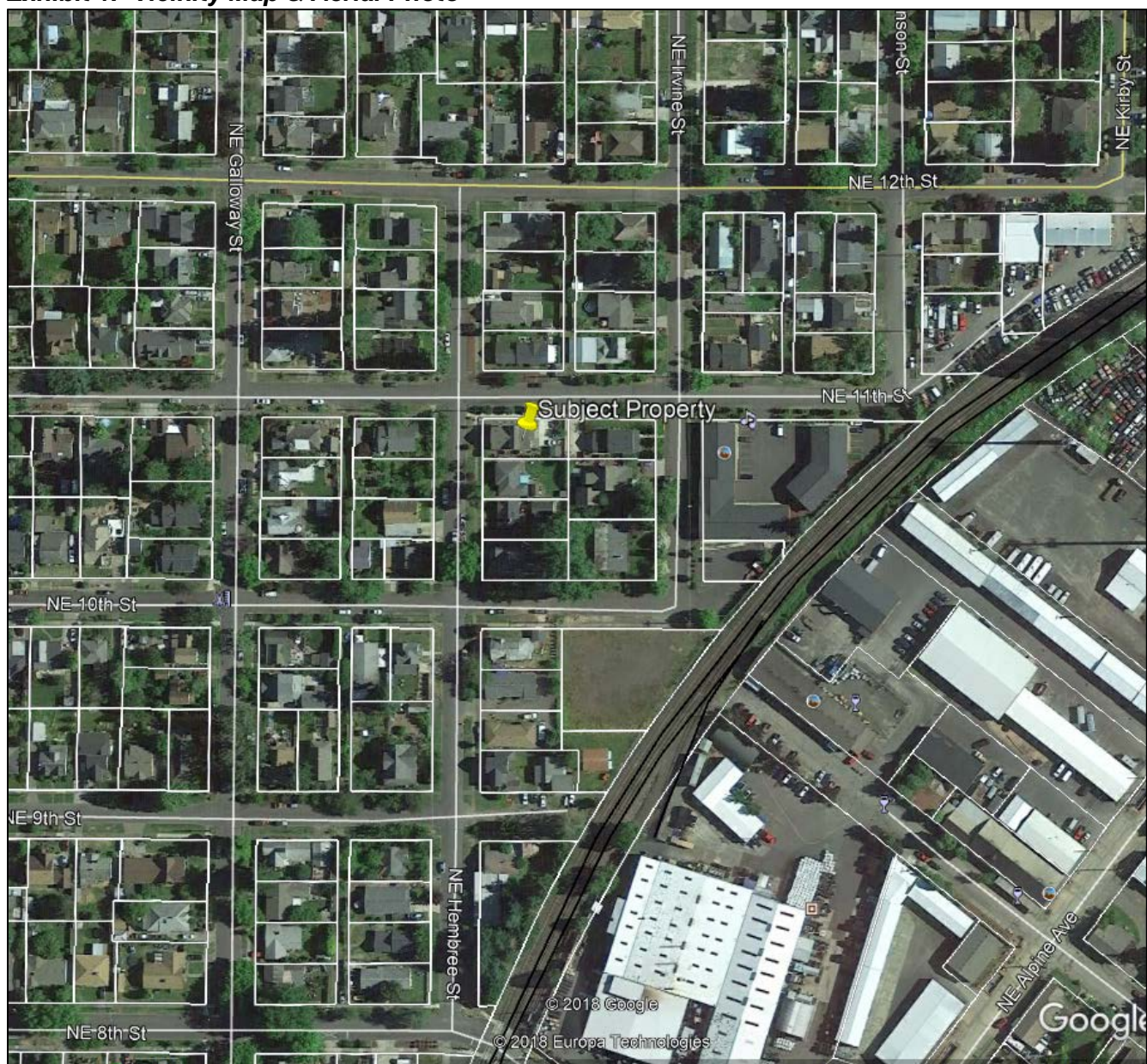


Exhibit 2. Zoning Map

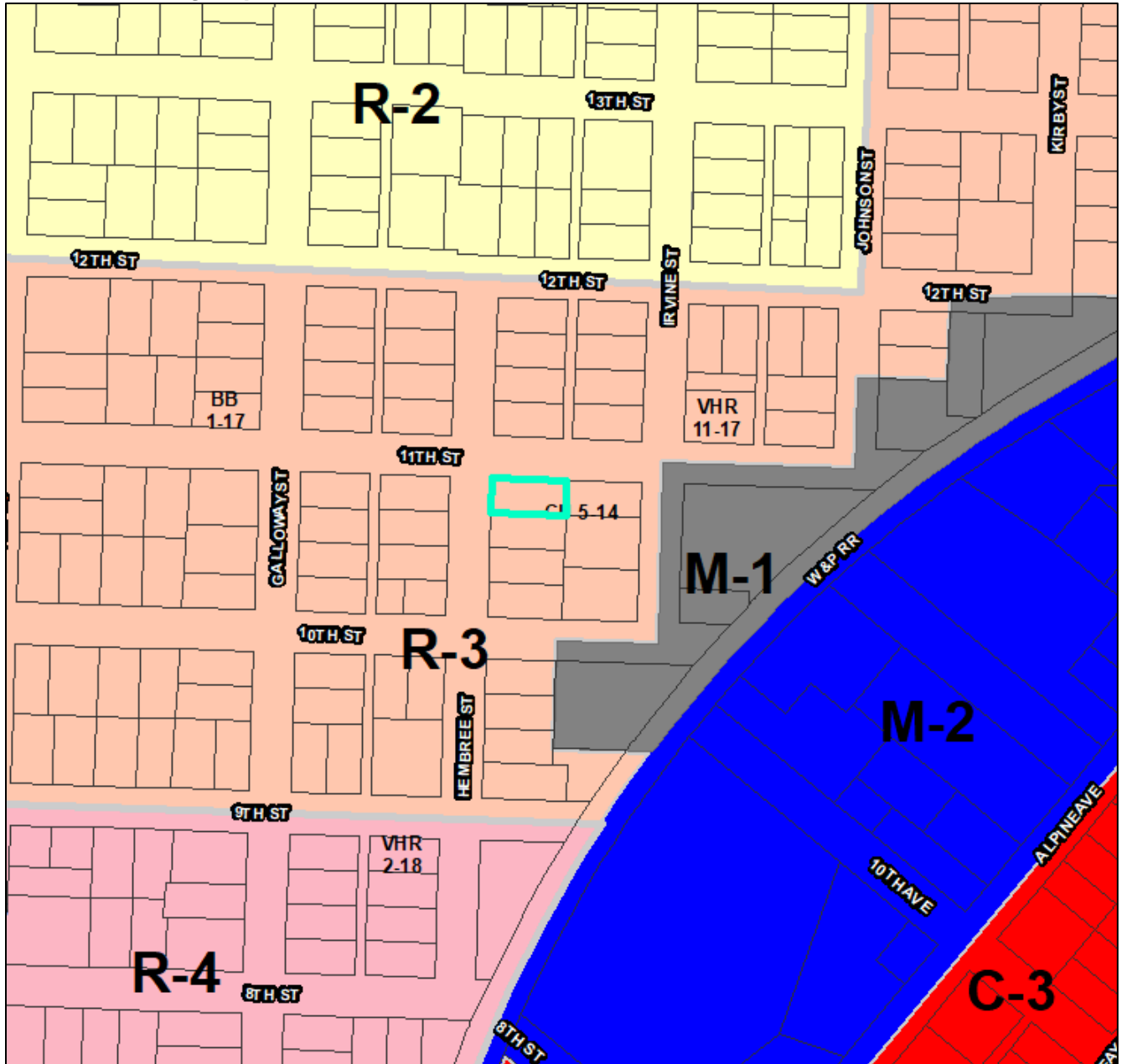


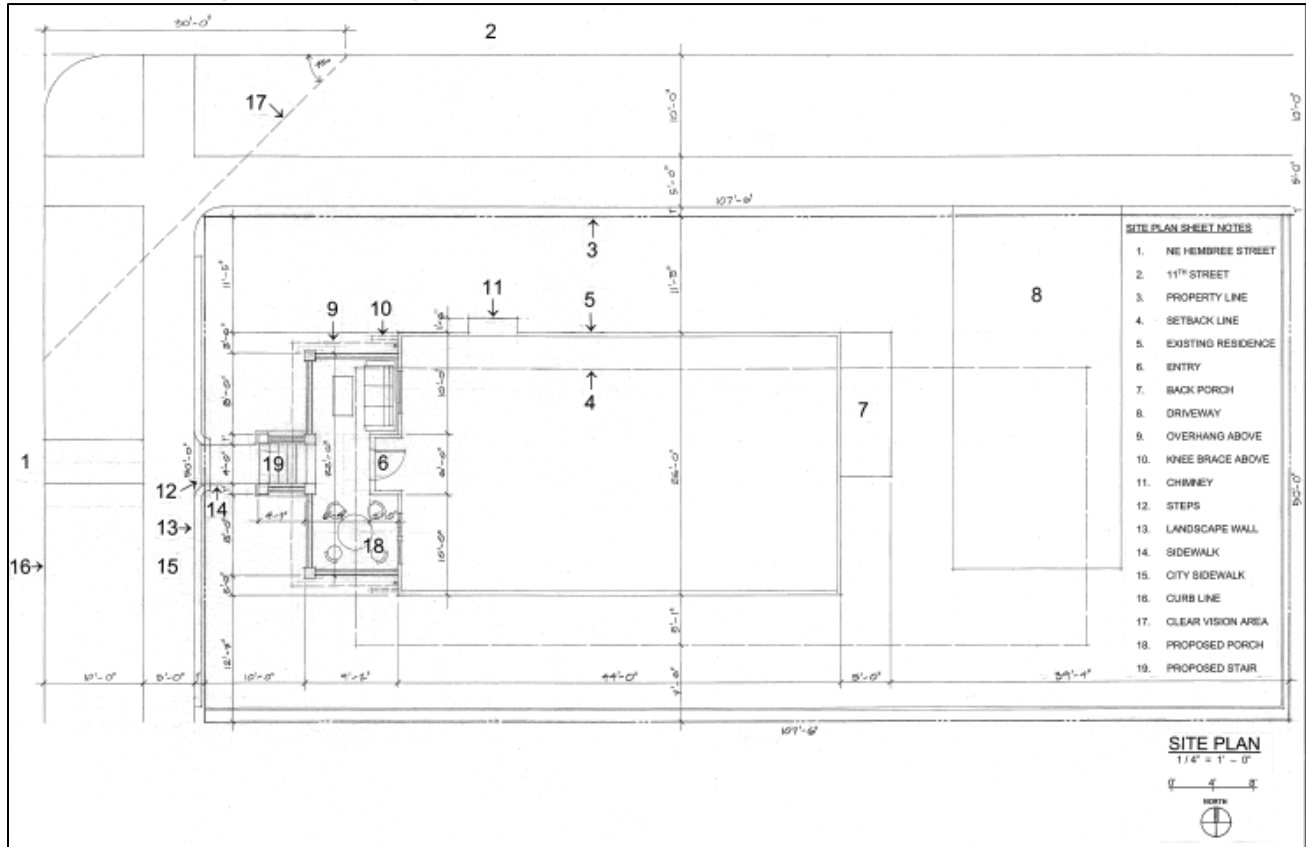
Exhibit 3A. Existing Development – West Elevation (Hembree)



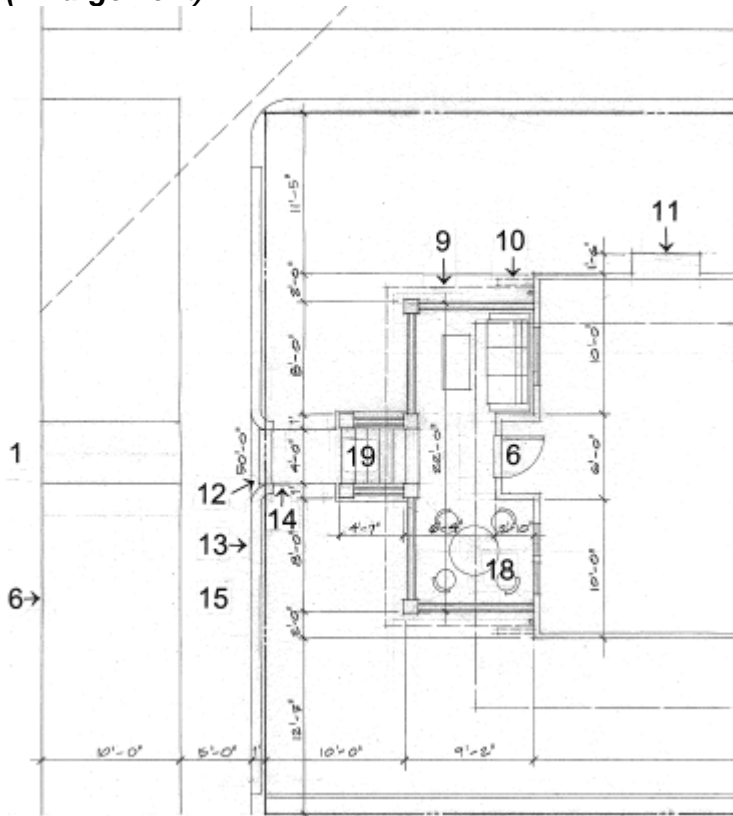
Exhibit 3B. North Elevation (11th)



Exhibit 4A. Proposed Development – Plan View



(Enlargement)



- SITE PLAN SHEET NOTES**
1. NE HEMBREE STREET
 2. 11TH STREET
 3. PROPERTY LINE
 4. SETBACK LINE
 5. EXISTING RESIDENCE
 6. ENTRY
 7. BACK PORCH
 8. DRIVEWAY
 9. OVERHANG ABOVE
 10. KNEE BRACE ABOVE
 11. CHIMNEY
 12. STEPS
 13. LANDSCAPE WALL
 14. SIDEWALK
 15. CITY SIDEWALK
 16. CURB LINE
 17. CLEAR VISION AREA
 18. PROPOSED PORCH
 19. PROPOSED STAIR

Exhibit 4B. Proposed Development - Elevations

MATERIALS AND FINISHES

1. ASPHALT SHINGLES, BROWN
2. FASCIA AND TRIM, WHITE
3. DOORS AND WINDOWS, WHITE
4. WOOD COLUMN AND NEWELL POSTS, WHITE
5. PICKETT GUARDS AND RAILINGS, WHITE
6. KNEE BRACE, WHITE
7. GUTTER AND DOWNSPOUT, WHITE
8. CLAPBOARD SIDING, WHEAT
9. BOARD AND BATT SIDING, WHEAT
10. STUCCO FINISH, WHEAT
11. STAIRS, BROWN

EAST ELEVATION, REAR YARD

NORTH ELEVATION, 11TH STREET

WEST ELEVATION, NE HEMBREE STREET

EXISTING PROPOSED

TS:sjs