



**CITY OF MCMINNVILLE  
PLANNING DEPARTMENT**  
231 NE FIFTH STREET  
MCMINNVILLE, OR 97128

503-434-7311

[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**DECISION, FINDINGS OF FACT, AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF AN ADMINISTRATIVE VARIANCE AT 2165 NW ST ANDREWS DRIVE**

- DOCKET:** AV 1-20 (Administrative Variance)
- REQUEST:** Approval of an administrative variance to reduce the required side yard setback for the proposed addition onto an existing single family dwelling building on the subject property from 10 feet to 9 feet 3 inches.
- LOCATION:** 2165 NW St. Andrews Drive (Lot 13, Block 5, Michelbook Second Addition; Tax Lot 3800, Section 17BD, T. 4 S., R. 4 W., W.M.)
- ZONING:** R-1 (Single Family Residential)
- APPLICANT:** Chris Brown, on behalf of property owners Mel & Wendy Blanchard
- STAFF:** Chuck Darnell, Senior Planner
- DATE DEEMED COMPLETE:** May 19, 2020
- DECISION MAKING BODY & ACTION:** McMinnville Planning Director is the final decision-making body.
- DECISION DATE & LOCATION:** June 15, 2020. Community Development Center, 231 NE 5<sup>th</sup> Street, McMinnville, Oregon.
- PROCEDURE:** An application for an Administrative Variance is processed in accordance with the procedures in Section 17.72.110 of the McMinnville Municipal Code for a Director's Review with Notification.
- CRITERIA:** The applicable criteria for an Administrative Variance are specified in Section 17.74.090 of the McMinnville Municipal Code. In addition, 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.
- APPEAL:** As specified in Section 17.72.170 of the McMinnville Municipal Code, the Planning Director's decision may be appealed to the Planning Commission within 15 (fifteen) calendar days of the date the written notice of the decision is mailed.

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*Attachments:*

Attachment 1 – Application and Attachments

**COMMENTS:** This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. Their comments are provided in this exhibit.

**DECISION**

Based on the findings and conclusionary findings, the Planning Director **APPROVES** the Administrative Variance (AV 1-20).

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**DECISION: APPROVAL**  
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Planning Department:   
Heather Richards, Planning Director

Date: June 15, 2020

**I. APPLICATION SUMMARY:**

***Subject Property & Request***

The subject property is located at 2165 NW St. Andrews Drive and is zoned R-1 (Single Family Residential). **See Exhibit 1: Vicinity Map and Exhibit 2: Zoning Map.**

The applicant has requested an administrative variance to reduce the required side yard setback for the proposed addition onto an existing single family dwelling building on the subject property. The request is to allow for the side yard setback to be reduced from 10 feet to 9 feet 3 inches, a reduction of 9 inches, or approximately 7.5 percent. **See Exhibit 3: Site Plan.**

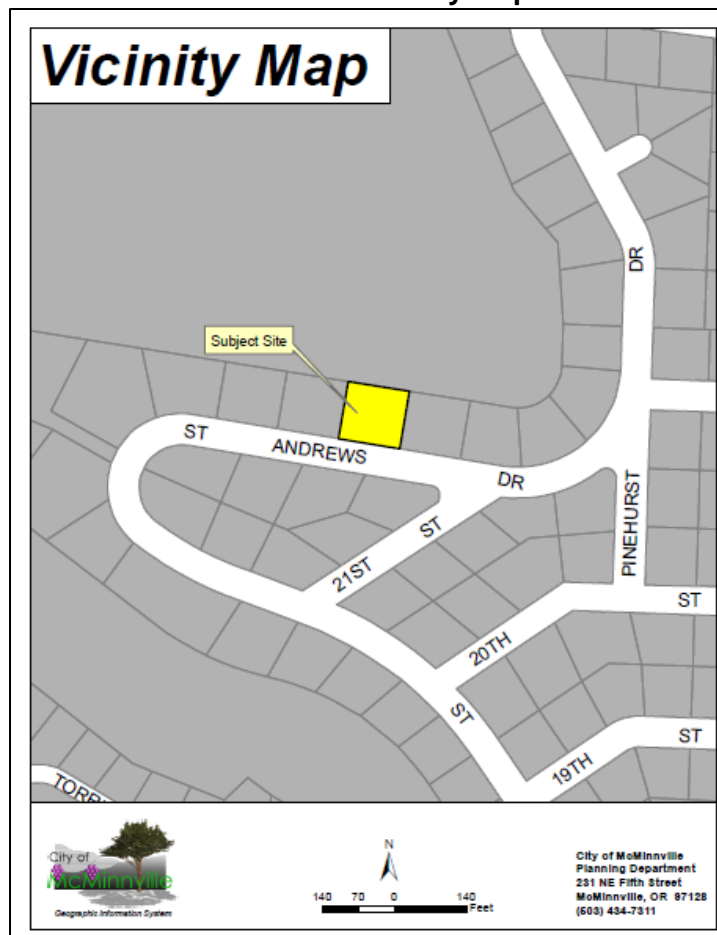
***Summary of Criteria & Issues***

The requested reduction is within the ten (10) percent reduction that is allowable through the administrative variance process.

The subject site is zoned R-1, and the proposed development, an expansion of an existing single family dwelling, is a permitted use. The R-1 zone requires a 10 foot minimum side yard. The application indicates that the proposed reduction of the side yard setback would provide flexibility in the design and layout and internal floor plan for the new addition, which is proposed to surround the existing garage.

The properties surrounding the subject site are all also zoned R-1, and are parcels within the Michelbook Second Addition subdivision. The surrounding properties are primarily developed with single story single family dwellings.

**Exhibit 1 - Vicinity Map**



***Attachments:***

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Exhibit 2 - Zoning Map

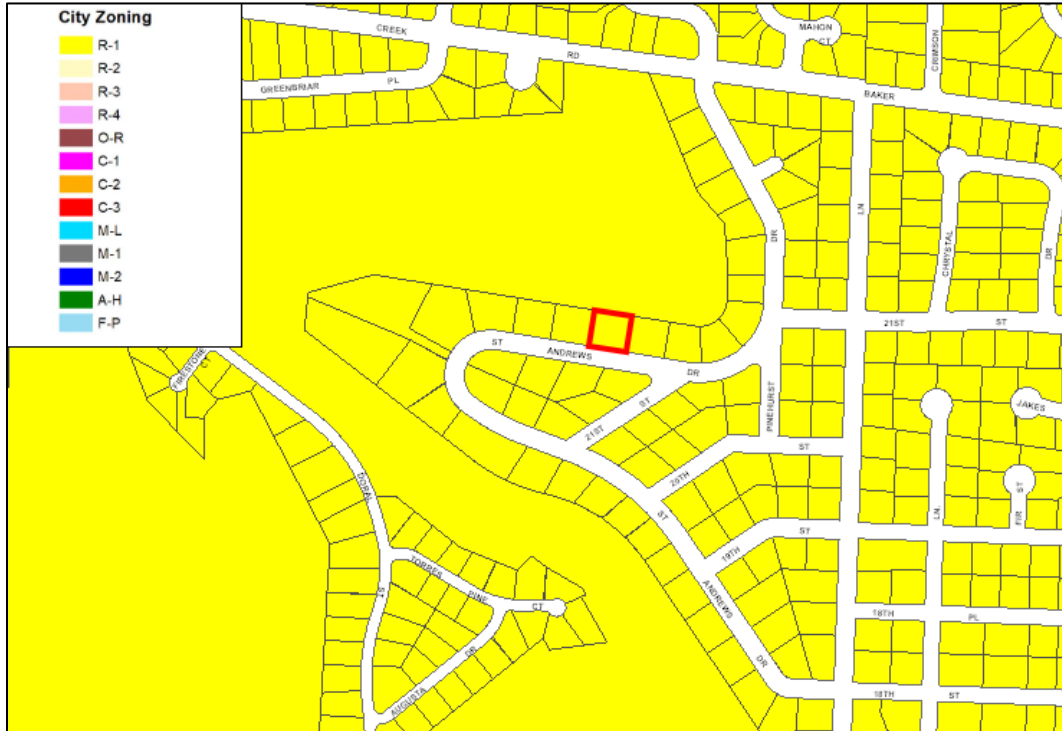
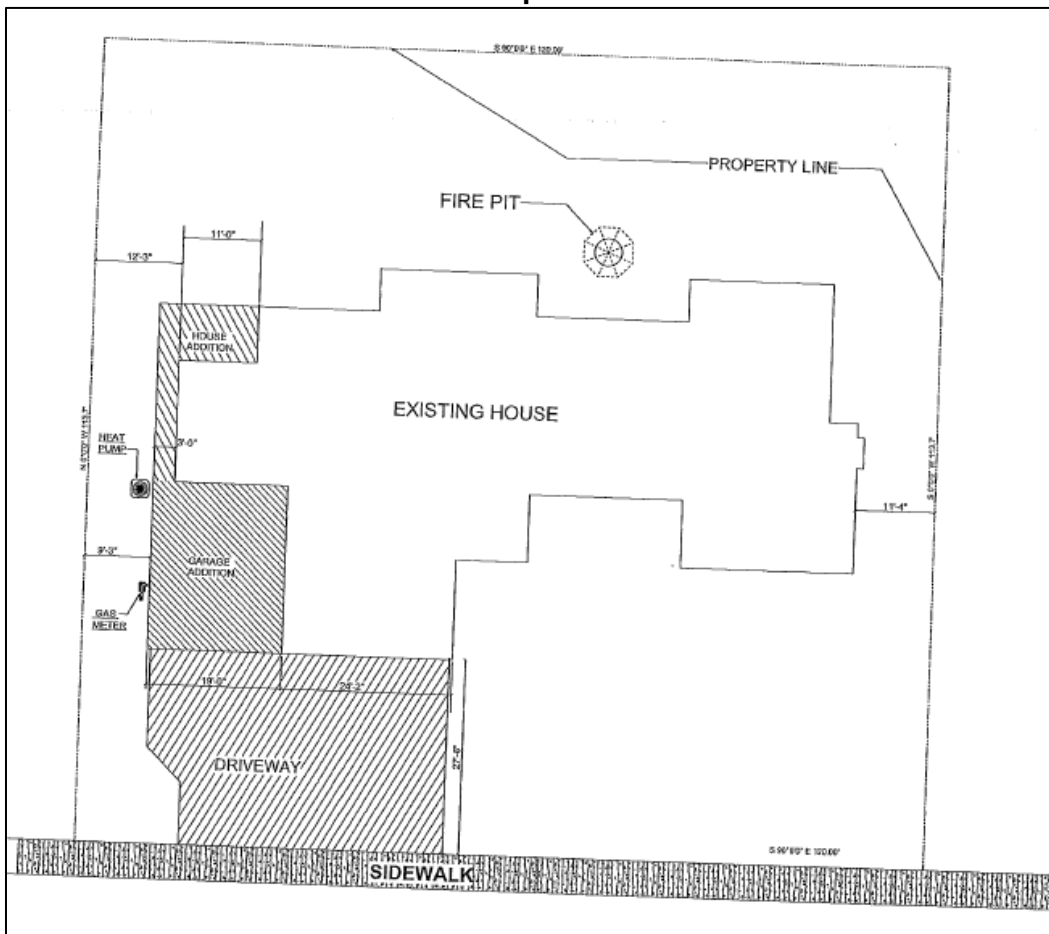


Exhibit 3 - Proposed Site Plan



Attachments:

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**II. CONDITIONS OF APPROVAL:**

None.

**III. ATTACHMENTS:**

1. Application and Attachments (on file with the Planning Department)

**IV. COMMENTS:****Agency Comments**

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The following comments have been received.

- McMinnville Engineering Department  
No comments.
- McMinnville Engineering Department  
We have no issues with this request.
- McMinnville Water & Light  
MW&L has no comments on this administrative variance.

**Public Comments**

Notice of the application was provided by the McMinnville Planning Department to property owners within 100 feet of the subject site, consistent with Section 17.72.110 of the McMinnville Zoning Ordinance. No public comments were received by the Planning Department.

**V - FINDINGS OF FACT – PROCEDURAL FINDINGS**

1. The applicant submitted the Administrative Variance application (AV 1-20) on May 11, 2020.
2. Based on the application submittal, the application was deemed complete on May 19, 2020. Based on that date, the 120 day land use decision time limit expires on September 16, 2020.
3. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. Comments received from agencies are addressed in the Decision Document.
4. Notice of the application was provided by the McMinnville Planning Department to property owners within 100 feet of the subject site, consistent with Section 17.72.110 of the McMinnville Zoning Ordinance. No public comments were received by the Planning Department.

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## **VI. FINDINGS OF FACT - GENERAL FINDINGS**

1. **Location:** 2165 NW St. Andrews Drive (Lot 13, Block 5, Michelbook Second Addition; Tax Lot 3800, Section 17BD, T. 4 S., R. 4 W., W.M.)
2. **Size:** Approximately 13,644 square feet
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-1 (Single Family Residential)
5. **Overlay Zones/Special Districts:** None
6. **Current Use:** Single Family Dwelling
7. **Inventoried Significant Resources:**
  - a. **Natural Resources:** None
  - b. **Other:** None Identified
8. **Other Features:** Generally level site slightly sloping north to south towards NW St Andrews Drive. Easements run along the west, north, and east property lines, as identified in the Michelbook Second Addition subdivision plat. Numerous larger, mature trees are located in the front and rear yard of the property.
9. **Utilities:**
  - a. **Water:** Water service is available to the subject site.
  - b. **Electric:** Power service is available to the subject site.
  - c. **Sewer:** Sanitary sewer service is available to the subject site.
  - d. **Stormwater:** Storm sewer service is available to the subject site.
  - e. **Other Services:** Other utility services are available to the property. Northwest Natural Gas and Comcast are both available to serve the site.
10. **Transportation:** NW St Andrews Drive is identified as a Local Residential street in the 2010 McMinnville Transportation System Plan (TSP). NW St Andrews Drive has a 36 foot wide street improvement within a 60 foot right-of-way, curb and gutter, and curb-tight sidewalks.

## **VII. CONCLUSIONARY FINDINGS**

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for an Administrative Variance are specified in 17.74.090 of the Zoning Ordinance, which include consistency with the Comprehensive Plan.

### **Comprehensive Plan Volume II:**

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they apply to this application.

The following additional findings are made relating to specific Goals and Policies:

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#### *Attachments:*

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**GOAL X 1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF MCMINNVILLE.**

*Policy 188.00: The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Planning Director’s review of the request. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

**McMinnville Municipal Code**

The following Sections of the McMinnville Municipal Code (MMC) provide criteria applicable to the request:

**Chapter 17.74. Review Criteria**

**17.74.080 Administrative Variance Limitations.** Limitations for an administrative variance are outlined in Section 17.74.090. A request for an administrative variance beyond these limitations shall be submitted and processed as a variance application.

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The administrative variance requested is within the limitations outlined in Section 17.74.090, as described in more detail below.

**17.74.090 Administrative Variance-Review Criteria.** The Planning Director may grant limited adjustments to the terms of this title as follows:

- A. Lot area: Maximum possible adjustment of one percent of the minimum lot area, but not more than 90 (ninety) square feet;
- B. Setbacks: Maximum adjustment of 10 (ten) percent of the required setback.
- C. These provisions shall be used sparingly and shall not be exceeded except by regular referral to the Planning Commission.
- D. Special conditions may be attached to adjustments if such conditions relate directly to the adjustments.

Subjects not allowable for adjustment are: number of dwelling units permitted, parking requirements, height of building, vision clearance area, density or use of property.

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The subject site is zoned R-1, and the proposed development, an expansion of an existing single family dwelling, is a permitted use. The R-1 zone requires a 10 foot minimum side yard. The applicant has requested an administrative variance to reduce the required side yard setback for the proposed addition onto an existing single family dwelling building on the subject property. The application indicates that the proposed reduction of the side yard setback would provide flexibility in the design and layout of the internal floor plan for the new addition, which is proposed to surround the existing garage. The request is to allow for the side yard setback to be reduced from 10 feet to 9 feet 3 inches, a reduction of 9 inches, or

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approximately 7.5 percent. The requested 7.5 percent adjustment is less than the maximum adjustment of 10 (ten) percent allowed by Administrative Variance procedure.

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