



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

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**NOTICE OF PENDING ADMINISTRATIVE DECISION  
ADMINISTRATIVE VARIANCE  
2501 NE EVANS STREET**

NOTICE IS HEREBY GIVEN that an application for an administrative variance has been submitted to the McMinnville Planning Department. The purpose of this notice is to provide an opportunity for surrounding property owners to submit comment regarding this application prior to a decision by the Planning Director. Please contact Chuck Darnell with any questions at (503) 434-7311.

Please note that this is an administrative variance for a built project. The setback for the development was 21 feet from the west (rear) property line adjacent to Baker Street. When the project was built some of the architectural elements (building patios and balconies) have encroached on that setback by 1.45 and 1.82 feet respectively. The City's Zoning Ordinance allows for minor building architectural projections in to the setbacks per Section 17.54.050(C) that is provided on the back of this flyer, however the applicant would like to secure an administrative variance for financing purposes.

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**DOCKET NUMBER:** AV 2-20 (Administrative Variance)

**REQUEST:** Approval of an administrative variance to allow for a less than 10 percent reduction in the required rear yard setback for two existing buildings on the subject site. The requested reduction in the rear yard setback would result in portions of the buildings' walls that make up the patios and balconies for some dwelling units being 19.55 and 19.18 feet from the west (rear) property line adjacent to Baker Street as opposed to 21 feet.

**APPLICANT:** Ben Altman, on behalf of property owner KWDS, LLC

**SITE LOCATION(S):** 2501 NE Evans Street (see attached map)

**MAP & TAX LOT(S):** R4416BC03200

**ZONE(S):** R-4 (Multiple Family Residential)

**MMC REQUIREMENTS:** McMinnville Municipal Code (MMC), Sections 17.21.040, 17.74.080, and 17.74.090 (see reverse side for specific review criteria)

**NOTICE DATE:** July 31, 2020

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Persons are invited to register any statement in person, by attorney, or by mail to the McMinnville Planning Department to assist the Planning Director in making a decision on this

application. Should you wish to submit comments or testimony on this application, please call the Planning Department office at (503) 434-7311, or forward them by mail to 231 NE Fifth Street, McMinnville, OR 97128, or by email to [chuck.darnell@mcminnvilleoregon.gov](mailto:chuck.darnell@mcminnvilleoregon.gov).

Alternatively, you may request that the application be considered at a public hearing before the McMinnville Planning Commission. A request for hearing must state the basis for the request. (Please see MMC Section 17.72.120).

Appeals of the Planning Director decision need to be made to the Planning Commission. Failure to raise an issue in person or by letter precludes appeals to the Planning Commission on this issue. (Please see MMC Section 17.72.170)

**COMMENTS OR REQUESTS FOR HEARING MUST BE RECIVED NO LATER THAN  
5:00 pm, AUGUST 14, 2020**

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).

**REVIEW CRITERIA:**

MMC Chapter 17.21 (Multiple Family Residential Zone):

Section 17.12.040 Yard requirements. In an R-4 zone, each lot shall have yards of the following size unless otherwise provided for in Section 17.54.050:

- A. A front yard shall not be less than fifteen feet;
- B. A side yard shall not be less than six feet, except an exterior side yard shall not be less than fifteen feet;
- C. A rear yard shall not be less than twenty feet;
- D. Whether attached to a residence or as a separate building, a covered storage facility for a vehicle on which the main opening is toward a street shall be located not less than twenty feet to the property line bordering the street;
- E. All yards shall be increased, over the requirements of this section, one foot for each two feet of building height over thirty-five feet.

MMC Section 17.54.050 (Yards):

Projections into yards. Architectural features such as cornices, canopies, sunshades, windows, chimneys, and flues shall not project more than 18 (eighteen) inches into a required yard. Eaves may extend a distance not to exceed 30 (thirty) inches into a required yard. Stairs may encroach up to five (5) feet into a required front yard provided that the stairs are not covered or enclosed, except for an eave not exceeding the 30 (thirty) inch encroachment as noted above.

MMC Chapter 17.74 (Review Criteria):

Section 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.

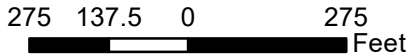
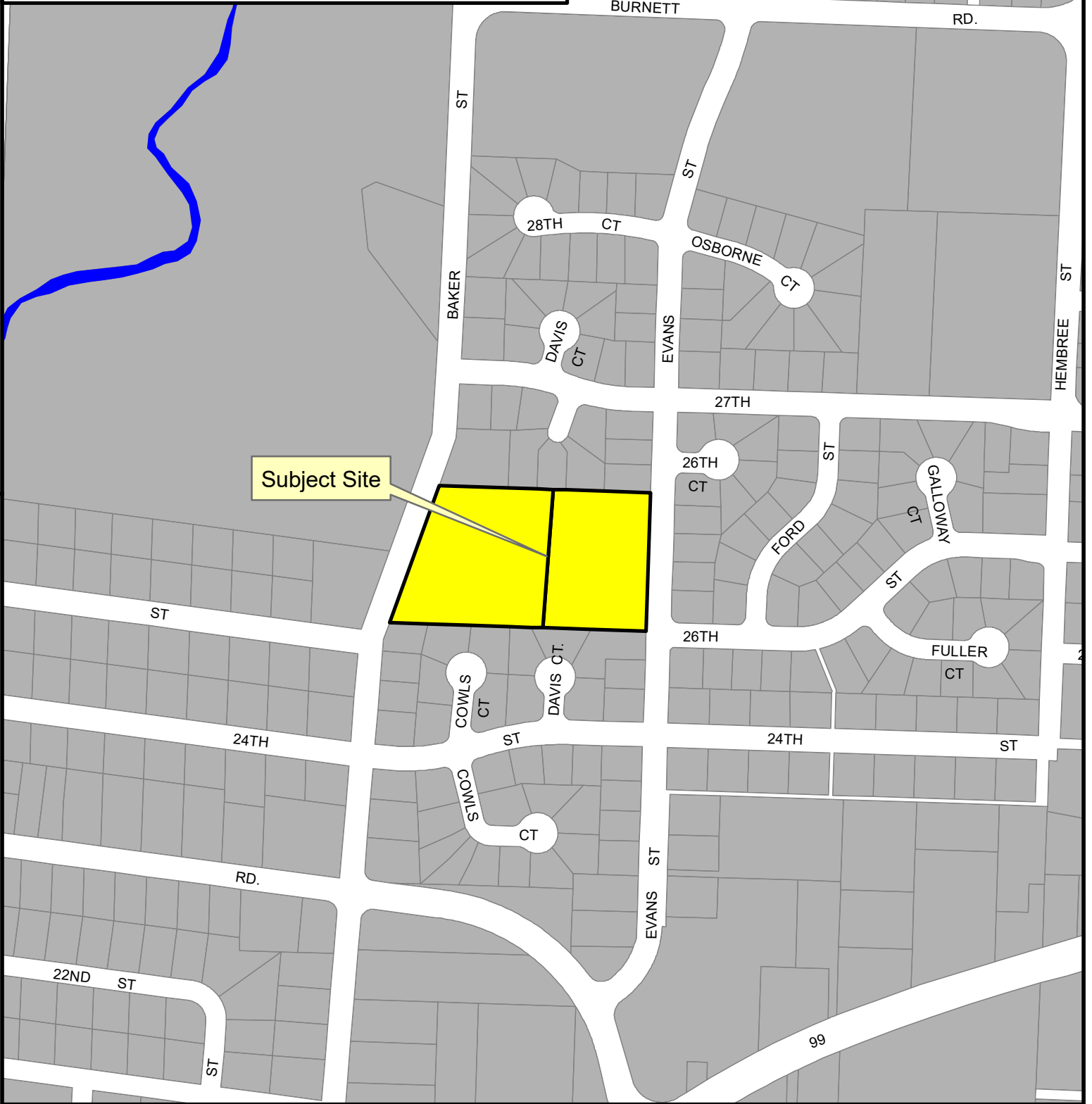
Section 17.74.090 Administrative Variance-Review Criteria. The Planning Director may grant limited adjustments to the terms of this title as follows:

- 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.



# Vicinity Map



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