

569-21-000006-Plng



Planning Department  
231 NE Fifth Street o McMinnville, OR 97128  
(503) 434-7311 Office o (503) 474-4955 Fax  
www.ci.mcminnville.or.us

<b>Office Use Only:</b>	
File No.	VR 1-21
Date Received	1-11-21
Fee	-
Receipt No.	-
Received by	SB

## Land Division Variance Application

### Applicant Information

Applicant is:  Property Owner    Contract Buyer    Option Holder    Agent    Other \_\_\_\_\_

Applicant Name Steve & Mary Allen Phone 971-237-1461

Contact Name \_\_\_\_\_ Phone \_\_\_\_\_  
*(If different than above)*

Address 835 SW Hilary st.

City, State, Zip McMinnville OR 97128

Contact Email lakes deli @ G mail . com

### Property Owner Information

Property Owner Name Same as above Phone "  
*(If different than above)*

Contact Name " Phone \_\_\_\_\_

Address "

City, State, Zip "

Contact Email "

### Site Location and Description

*(If metes and bounds description, indicate on separate sheet)*

Property Address 835 SW Hilary

Assessor Map No. R4 429-AB-01600 Total Site Area 7.22 acres

Subdivision \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

Comprehensive Plan Designation Res Zoning Designation R-2/FP

1. For which section of Chapter 17.53 (Land Division Standards) is this variance being requested? State in detail how this requirement would be varied 17.53.100 C. 1.

This Variance would ask to add a fourth lot onto a private driveway where three lots already exist.

2. What special conditions apply to the property which are not common to other properties in the same area? This section of our property is only accessible from Fellows street because of existing development and separated from the rest of our property by a flood plain and creek. The main entrance to our property is on Hilary st. Hilary street is reached by way of Brockwood ave.

3. What property right would be preserved by granting the variance? This variance would allow us to use this property as we see fit. To develop a residence, lease or sell. We believe these are the foundation or meaning of the term property rights

4. What extraordinary hardship would be avoided by granting the variance? Our income, comes from investment property. This is our only income in retirement due to the fact we were self employed, small business owners. developing this property would allow added income needed to keep up with increasing expenses. Taxes, Health care, ect.

5. Why would this request not be detrimental to the surrounding area or conflict with city plans or policies? The use of this property would be for a residential dwelling. This is common for this area. We were allowed to run natural gas, water, electric and cable from Fellows street to our property in 2001. This eliminates a major disruption to the existing properties, on the driveway. In fill is the purpose of this type of residential area and shouldn't be in conflict with city planning.

see attached page

Continue question 2.

After the development of Tall Oaks we were left a 33' right of way by the city of McMinnville from Fellows Street through our property in Block L. Our only access to this property is from Fellows Street.

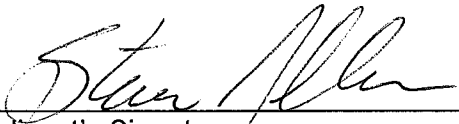
The property owners in Block F wanted to partition their property in order to sell a part of it for a residential lot in 1994. During the partitioning process they were made aware that in 1937 their family had built a garage and part of their home on this right of way. To avoid removing these buildings from the right of way, we agreed to a vacation of the right of way and an easement through their existing driveway to our property. We were told that their site (Block F) would have only two building sites because of the size of the property. Without our knowledge a third lot was approved leaving it necessary for a variance. Our only option now, to have a build able lot on this portion of our property is to ask for a variance.

6. Is the variance request the minimum variance which would alleviate the hardship? Explain. \_\_\_\_\_  
Yes. This variance would allow us to  
proceed with the process of partitioning  
our property.  
\_\_\_\_\_  
\_\_\_\_\_

In addition to this completed application, the applicant must provide the following:

- A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), indicating existing and proposed buildings, dimensions, and adjacent street(s), distances from property lines, access, and other information that would help substantiate or clarify your request.
- Payment of the applicable review fee, which can be found on the Planning Department web page.

**I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.**

  
\_\_\_\_\_  
Applicant's Signature

1. 8. 2021  
\_\_\_\_\_  
Date

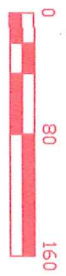
  
\_\_\_\_\_  
Property Owner's Signature

1. 8. 2021  
\_\_\_\_\_  
Date

# Tentative Partition Map for: Steve & Mary Allen

Location: NE 1/4 Section 29, T. 4 S., R. 4 W., WM.,  
Block L, Lot 3 of Block K, Lots 1 & 2 of Block M  
COZINE'S 3RD ADDITION  
City of McMinnville, Yamhill County, OR

Tax Lot: 4429AB - 1600  
Date: 5 NOVEMBER 2020



Scale: 1" = 80'

## Legend

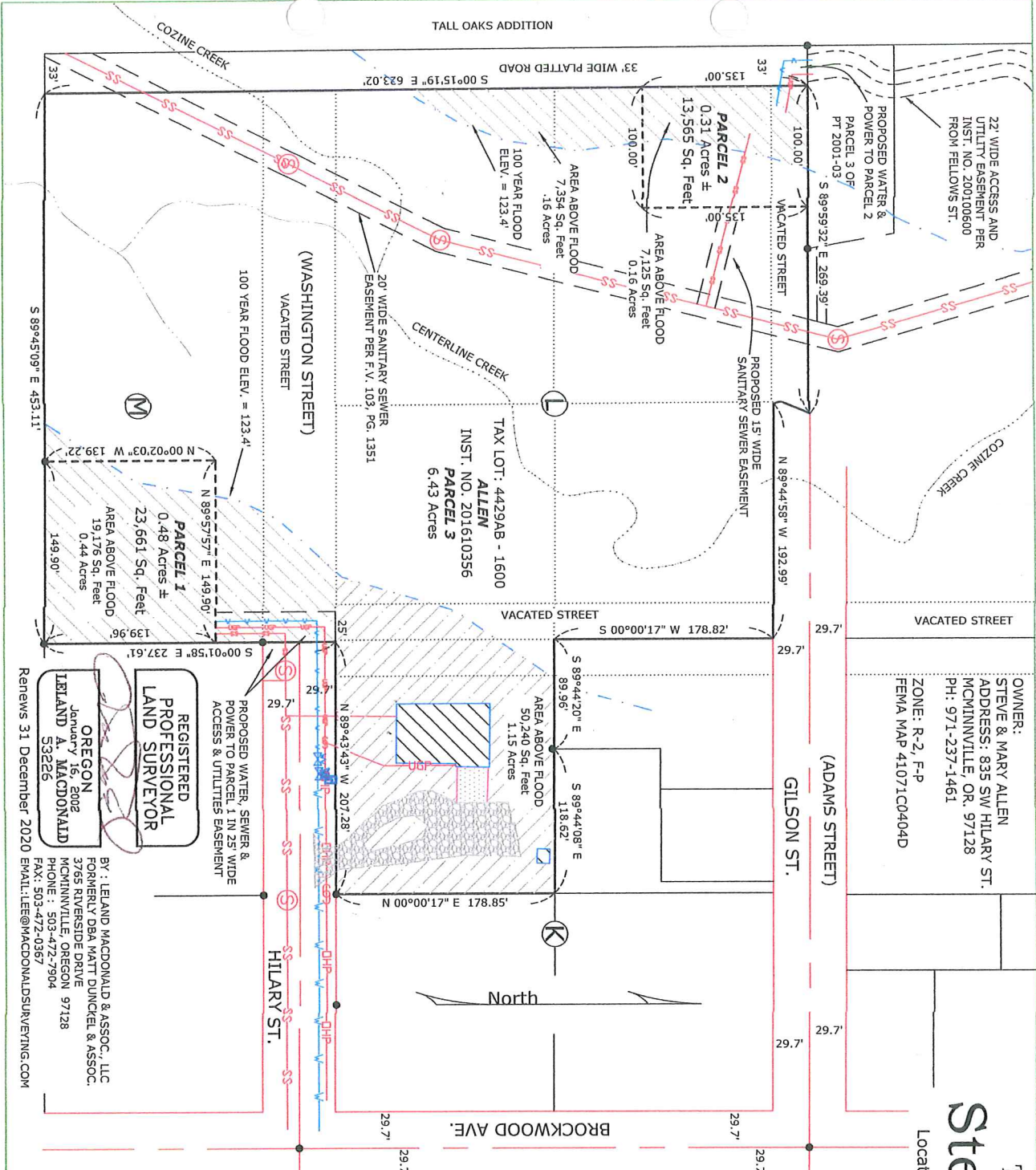
- = MONUMENT FOUND
- = WATER VALVE
- = WATER METER
- = FIRE HYDRANT
- = POWER POLE
- = GUY ANCHOR
- = SANITARY SEWER MANHOLE
- = PROPERTY LINE
- = PROPOSED PARCEL LINES
- = PUBLIC RIGHT-OF-WAY
- = OVERHEAD POWER
- = UNDERGROUND POWER
- = EDGE OF ROCK
- = SANITARY SEWER LINE
- = WATER LINE
- = EDGE OF PAVEMENT
- = 100 YEAR FLOOD LINE
- = CENTERLINE OF PUBLIC ROAD
- = PROPOSED EASEMENT
- = ASPHALT
- = BUILDING
- = AREA ABOVE FLOOD
- = GRAVEL

**REGISTERED PROFESSIONAL LAND SURVEYOR**  
OREGON  
January 15, 2002  
**LELAND A. MACDONALD**  
S3226

BY: LELAND MACDONALD & ASSOC, LLC  
FORMERLY DBA MATT DUNCKEL & ASSOC.  
3755 RIVERSIDE DRIVE  
MCMINNVILLE, OREGON 97128  
PHONE: 503-472-7904  
FAX: 503-472-0357

Renews 31 December 2020 EMAIL: LEE@MACDONALDSURVEYING.COM

#9144



**OWNER:**  
STEVE & MARY ALLEN  
ADDRESS: 835 SW HILARY ST.  
MCMINNVILLE, OR 97128  
PH: 971-237-1461  
ZONE: R-2, F-P  
FEMA MAP 41071C0404D

TAX LOT: 4429AB - 1600  
**ALLEN**  
INST. NO. 201610356  
**PARCEL 3**  
6.43 ACRES

**PARCEL 1**  
0.48 ACRES ±  
23,661 Sq. Feet  
19,176 Sq. Feet  
0.44 ACRES  
149.90'

**PARCEL 2**  
0.31 ACRES ±  
13,565 Sq. Feet  
100.00'

22' WIDE ACCESS AND  
UTILITY EASEMENT PER  
INST. NO. 200100600  
FROM FELLOWS ST.

PROPOSED WATER &  
POWER TO PARCEL 2  
PARCEL 3 OF  
PT 2001-03  
S 89°59'32" E 269.39'

20' WIDE SANITARY SEWER  
EASEMENT PER F.V. 105, PG. 1351

100 YEAR FLOOD ELEV. = 123.4'

S 89°45'09" E 453.11'

N 00°00'17" W 178.82'

N 89°57'57" E 149.90'

N 00°00'17" W 178.82'

S 00°01'58" E 237.61'

S 89°44'10" E 118.62'

S 89°43'43" W 207.28'

S 89°44'10" E 118.62'

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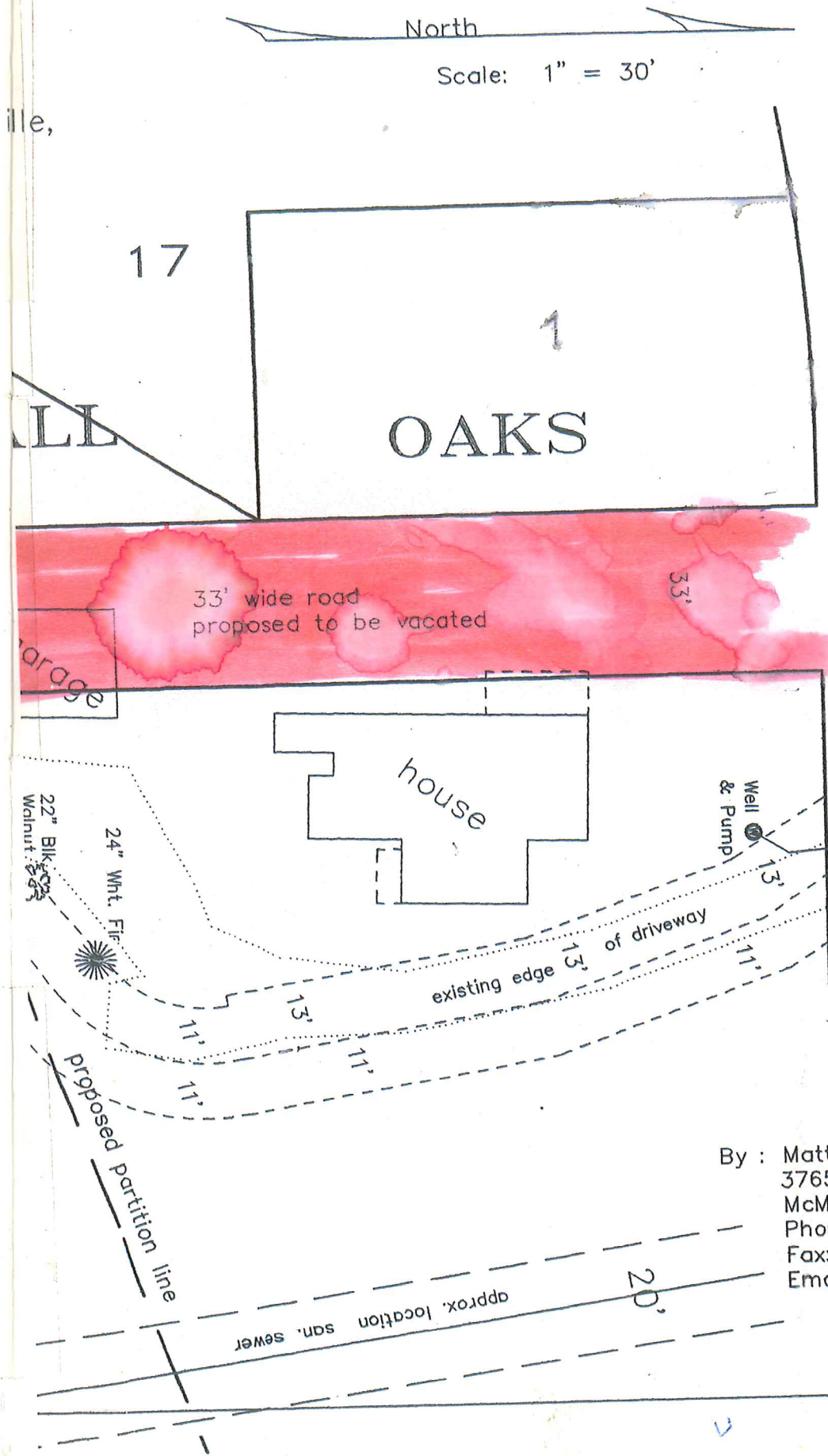
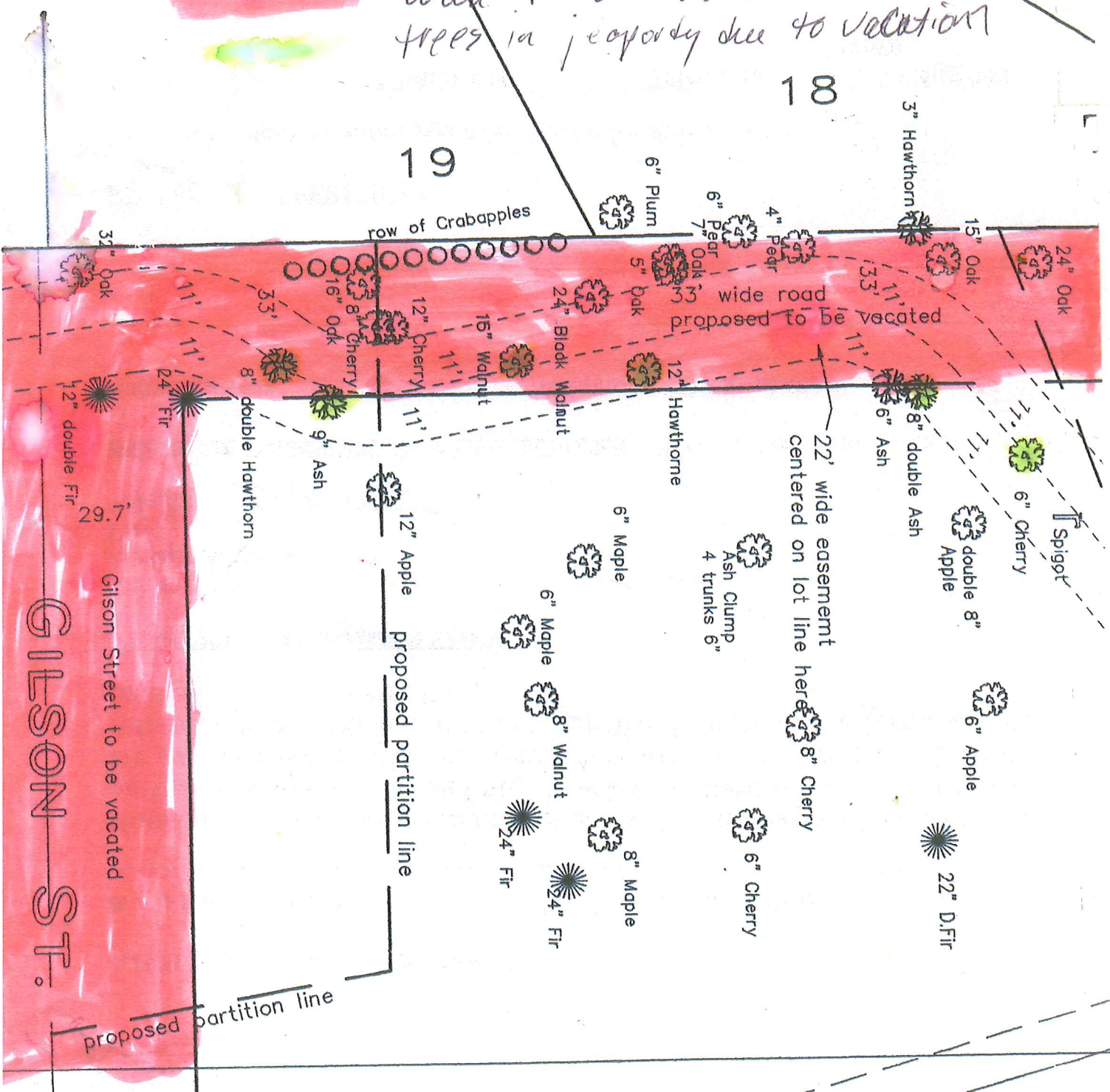
S 89°44'10" E 118.62'

# Map for: Delane Smith

Location: SW 1/4 Section 20, T. 4 S., R. 4 W., WM Block F, COZINE'S THIRD ADDITION to the Town of McMinnville, Samuel Cozine DLC #56, Yamhill County, OR

Lot: 4420CD - 2300 Date: 13 Nov. 2000

*Area to be vacated  
trees in jeopardy due to relocation*



North  
Scale: 1" = 30'

FELLOWS

ST.

4774-3514

By : Matt Dunckel & Assoc.  
3765 Riverside Drive  
McMinnville, Oregon 97128  
Phone : 503-472-7904  
Fax: 503-472-0367  
Email: dunckel@spessart.com

Summary of Neighborhood Meeting  
March 31, 2021 6 - 7:30 p.m. McMinnville Library Plaza

Land use Application Variance for 4<sup>th</sup> lot on driveway  
Mary & Steve Allen

This is a summary of a neighborhood meeting concerning a variance request for the allowance of a 4<sup>th</sup> residential lot on a driveway that now services 3 residential lots.

The meeting was held outside at the McMinnville library plaza, observing Covid-19 protocol, on March 31, 2021. Meeting started at 6 p.m. and ended by 7:30 p.m.. On March 10<sup>th</sup>, letters to surrounding properties were mailed as well as the 18X24 waterproof sign for the meeting was posted on the easement at required location. (Picture of sign included)

Approximately 20 neighbors attended. List of attendees and their addresses are included. We explained the reason a variance is necessary. We answered questions, displayed maps and identified where the property is located.

A mix of comments were expressed.

On the positive side. . .

- \* Neighbors were supportive of this project, stating that they believe we will be reasonable and responsible
- \* We received a letter that they did not have any concerns about our project
- \* A neighbor who is a former builder said it is a great use for the area

On the "strongly opposed" side the concerns that were voiced were . . .

- \* concerned about noise during construction of home
- \* worried that project will affect the deer habitat
- \* trees being cut down
- \* extra traffic and noise on narrow driveway
- \* extra yard work noise
- \* concerned someone will be living behind them

Suggested remedies . . .

- \* We would only cut necessary trees for construction. We feel the appeal of the area are the trees
- \* We would landscape or add a fence to visually separate the area for privacy

Steve & Mary Allen  
835 SW Hilary Street  
McMinnville, OR 97128



March 8, 2021

Hello Neighbor,

Steve and Mary Allen would like to invite you to an informational neighborhood meeting that will be held under the covered area "the Plaza" at the public library on March 31<sup>th</sup> at 6 p.m.. 225 NE Adams St, McMinnville, OR 97128

We are holding this meeting to discuss a variance required by the city that would allow us to have a build able lot on our property. This lot would need a variance due to the fact that our lot will be the fourth lot on a driveway which at this time services 3 lots.

This meeting will give you the opportunity to voice any concerns you may have. We have included with this letter a map showing where our lot is located as well as a site plan of the lot. We look forward to answering any questions .

Regards,

Steve Allen , Mary Allen



Map No.	Tax Lot	Site Address	Owner
1	R4420CD01800	827 SW GILSON ST	PAUDA FRANCISCO
2	R4420CD02301	924 SW FELLOWS ST	MACY STEVEN D
3	R4420CD02302	932 SW FELLOWS ST	MACY STEVEN D
4	R4420CD02400	910 SW FELLOWS ST	STRODE THOMAS
5	R4420CD06900	1100 SW TALL OAKS DR	ANDERSON EARL H
6	R4429 03200		MCMINNVILLE CITY OF
7	R4429AB00900	822 SW GILSON ST	JACKSON SETH H
8	R4429AB01000	1125 SW BROCKWOOD AVE 1-3	WILLAMETTE RENTALS LLC
9	R4429AB01100	1129 SW BROCKWOOD AVE	HARRIS JOHN
10	R4429AB01101	1137 SW BROCKWOOD AVE	YU YANYI
11	R4429AB01200	825 SW HILARY ST	SCHMIDT MICHAEL D
12	R4429AB01201	1149 SW BROCKWOOD AVE	FENDALL LONNY &
13	R4429AB01300	826 SW GILSON ST	MORTON RONNIE G & PRISCILLA R TRUSTEES
14	R4429AB01400		SKOWRUP NANCY
15	R4429AB01500	828 SW GILSON ST	CUMMINS LORETTA R
16	R4429AB01600	835 SW HILARY ST	ALLEN STEVEN D TRUSTEE
17	R4429AB01800	1207 SW BROCKWOOD AVE	HARMON ANNABELL S TRUSTEE FOR
18	R4429AB01900		VOLL PROPERTIES LLC
19	R4429AB02100	840 SW HILARY ST	VOLL PROPERTIES LLC
20	R4429AB02101	820 SW HILARY ST 1-8	VOLL PROPERTIES LLC
21	R4429AB02102	820 SW HILARY ST 9-16	VOLL PROPERTIES LLC
22	R4429AB02201		VALLEY CREEK INVESTMENTS LLC
23	R4429BA00100	1110 SW TALL OAKS DR	HANSEN CAROLE T TRUST
24	R4429BA00200	1120 SW TALL OAKS DR	EASON WARD R & ANNA M TRUSTEES FOR
25	R4429BA00300	1130 SW TALL OAKS DR	LAMBRIGHT JAMES M
26	R4429BA00400	1140 SW TALL OAKS DR	KINION SANDRA L
27	R4429BA00500	1150 SW TALL OAKS DR	ROBISON BRADLEY P & SHIRLEY K TRUSTEES
28	R4429BA14190		THE PUBLIC
			CITY OF MCMINNVILLE

<b>Attn:</b>	<b>Mailing Address</b>	<b>City</b>	<b>State</b>	<b>Zip</b>
PAUDA MARA	827 SW GILSON ST	MCMINNVILLE	OR	97128
MACY JACELAINE	924 SW FELLOWS ST	MCMINNVILLE	OR	97128
MACY JACELAINE	924 SW FELLOWS ST	MCMINNVILLE	OR	97128
STRODE PAMELA	910 SW FELLOWS ST	MCMINNVILLE	OR	97128
	1100 SW TALL OAKS DR	MCMINNVILLE	OR	97128
	230 NE 2ND ST	MCMINNVILLE	OR	97128
SUZANNE REBECCA	822 SW GILSON ST	MCMINNVILLE	OR	97128
	PO BOX 280	DAYTON	OR	97114
HARRIS LISA	1129 SW BROCKWOOD AVE	MCMINNVILLE	OR	97128
YU BO	1137 SW BROCKWOOD AVE	MCMINNVILLE	OR	97128
SCHMIDT TERRY E	825 SW HILARY ST	MCMINNVILLE	OR	97128
FENDALL RAELENE	120 MELODY LAND LN	NEWBERG	OR	97132
MORTON FAMILY TRUST	5401 SE RICE LN	AMITY	OR	97101
	301 SW VALLEYS EDGE ST	MCMINNVILLE	OR	97128
	PO BOX 1485	MCMINNVILLE	OR	97128
ALLEN MARY B TRUSTEE	835 SW HILARY ST	MCMINNVILLE	OR	97128
HARMON ANNABELL S LIVING TRUST	1207 SW BROCKWOOD AVE	MCMINNVILLE	OR	97128
	PO BOX 164	LAFAYETTE	OR	97127
	PO BOX 164	LAFAYETTE	OR	97127
	PO BOX 164	LAFAYETTE	OR	97127
	PO BOX 164	LAFAYETTE	OR	97127
	111 NW 29TH ST	CORVALLIS	OR	97330
HANSEN CAROLE T TRUSTEE	1110 SW TALL OAKS DR	MCMINNVILLE	OR	97128
EASON FAMILY TRUST	1910 NW WALLACE RD	MCMINNVILLE	OR	97128
LAMBRIGHT CHERYL A	1130 SW TALL OAKS DR	MCMINNVILLE	OR	97128
	1140 SW TALL OAKS DR	MCMINNVILLE	OR	97128
ROBISON FAMILY REVOCABLE LIVING TRUST	1150 SW TALL OAKS DR	MCMINNVILLE	OR	97128
	230 NE 2ND ST	MCMINNVILLE	OR	97128
PLANNING DEPARTMENT	231 NE 5TH ST	MCMINNVILLE	OR	97128

## Attendee list from the neighborhood meeting

March 31, 2021 at 6 pm McMinnville Library Plaza

Land use Application Variance for new lot on driveway for Mary & Steve Allen

Bryant Leathers  
Voll Property 820 SW Hilary St

JacE & Steve Macy  
924 SW Fellows Street

Earl Anderson  
1100 SW Tall oaks

Brad & Shirley Robison  
1150 SW Tall Oaks

Carole Hansen  
1110 SW Tall Oaks DR

Rich & Ann Custer  
1230 SW Tall Oaks Dr

Nancy Skowrup  
Gilson St

Matthew Eagar

Ryan & Tricia Harris  
1120 SW Tall Oaks Drive

Cheryl & James Lambright  
1130 SW Tall Oaks Dr

Regu & Susan Perez  
1080 SW Tall Oaks Dr

copy of letter from  
Francisco & Mara Pauda  
825 SW Gilson

OVER

Address Search by House number:

t:  
Mainlines  
Manholes  
Names

Plats  
Zones

Streets  
Schools  
Utilities

It always be identified.  
Additional Layers to identify.

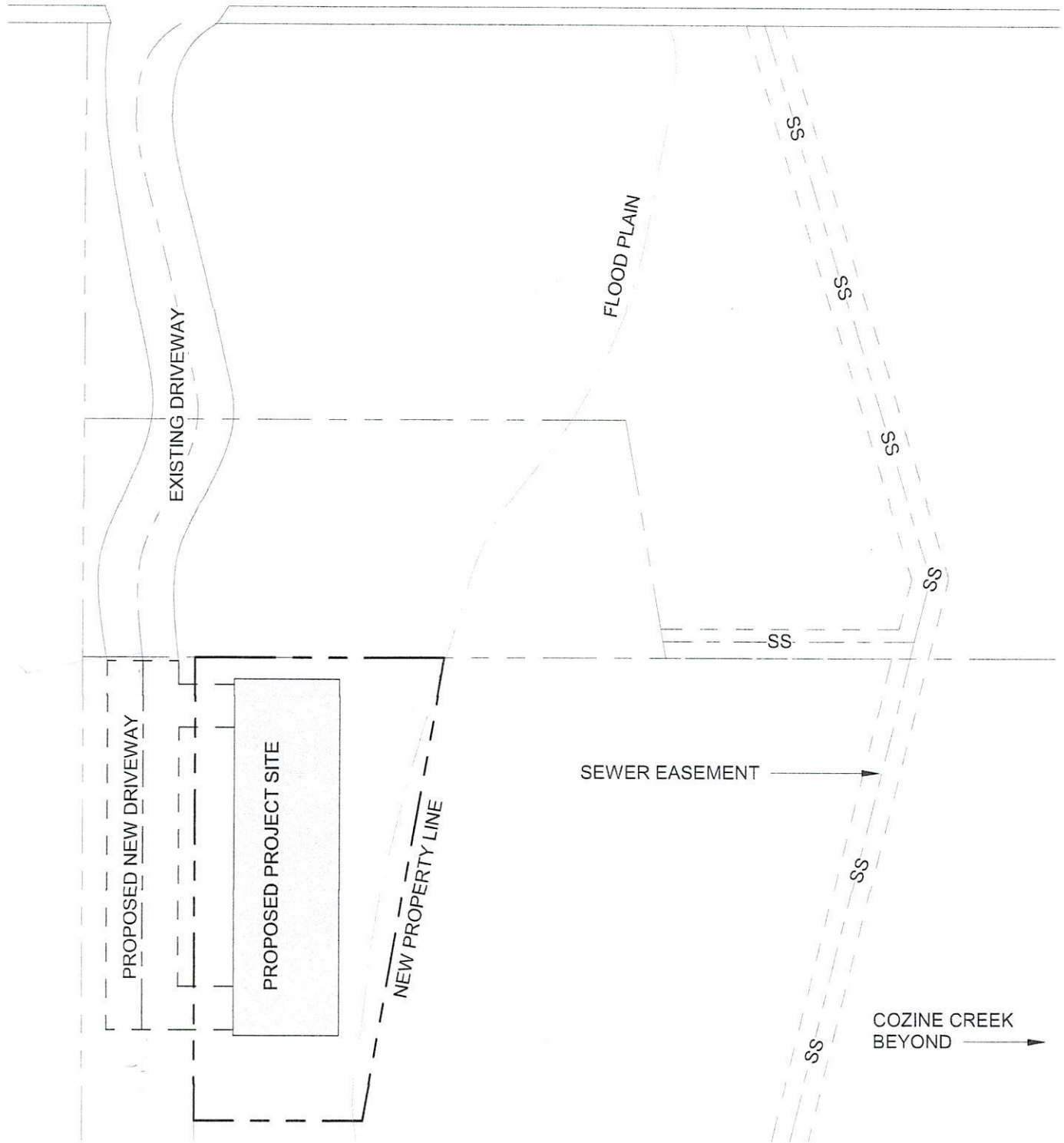
Line Inspections  
Zoning Plats  
Plats  
Streets  
Code Maps  
Schools

Identifier:  
for any suggestions?

Suggestions

Roll your mouse wheel while over the map to zoom in and out.  
Choose the "Zoom In" button then hold the left mouse button down and drag a rectangle over the map to zoom in.

SW FELLOWS STREET



5000



# CONCEPTUAL SITE PLAN

1" = 40'-0"

SITE PLAN

## A 100

PROJECT # 20-001  
 DATE: 03/09/2021  
 DRAWN BY: RMA  
 CHECKED BY: MBA

MARY & STEVE ALLEN

GILSON DUPLEX



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PRINT SIZE: 8.5"x11"

# NEIGHBORHOOD MEETING

March 31, 2021

6 p.m.

City Library Plaza

OPEN TO THE PUBLIC

Land use Application  
Variance for new lot on  
driveway

STEVE AND MARY ALLEN



3/28/2021

Dear Mr. and Mrs. Allen

Thank you for sending out the invitations for the neighborhood meeting. My wife and I won't be able to make it. We do not have any concerns about your project.

Best regards,

Francisco and Mara Pauda

P.S. Contracting Ross Allen Design was a nice touch.

PORTLAND OR 972  
29 MAR 2021PM 6 L

Steve & Mary Allen  
895 SW Hilary St.  
McMinnville, OR 97128

Pauda  
827 SW Gillson St.  
McMinnville, OR 97128

received  
3/30/20

**NEIGHBORHOOD MEETING**  
March 31, 6pm

City Library Plaza  
225 NE Adams St

**OPEN TO THE PUBLIC**

•  
Land use application  
Variance for new lot on driveway