

# MINUTES

**April 4, 2024  
Planning Commission  
Regular Meeting**

**6:30 pm  
Hybrid Meeting  
McMinnville, Oregon**

**Members Present:** Sidonie Winfield, Dan Tucholsky, Gary Langenwaller, Beth Rankin, Brian Randall, Rachel Flores, and Elena Mudrak

**Members Absent:** Sylla McClellan

**Staff Present:** Heather Richards – Community Development Director, Taylor Graybehl – Senior Planner, and Bill Kabeiseman – Bateman Seidel

---

## 1. Call to Order

Chair Winfield called the meeting to order at 6:30 p.m.

## 2. Minutes

- June 1, 2023

Commissioner Langenwaller moved to approve the June 1, 2023, minutes as presented. The motion was seconded by Commissioner Rankin and approved unanimously 7-0.

- June 15, 2023

Commissioner Langenwaller moved to approve the June 15, 2023, minutes as presented. The motion was seconded by Commissioner Rankin and approved 5-0-2 with Commissioners Winfield and Mudrak abstaining.

- July 6, 2023

Commissioner Tucholsky moved to approve the July 6, 2023, minutes as presented. The motion was seconded by Commissioner Langenwaller and approved 5-0-2 with Commissioner Mudrak and Flores abstaining.

- January 4, 2024

Commissioner Tucholsky moved to approve the January 4, 2024, minutes as presented. The motion was seconded by Commissioner Rankin and passed unanimously 7-0.

### 3. Citizen Comments

None.

### 4. Public Hearings

#### A. Quasi-Judicial Hearing: Administrative Variance (AV 1-24), for a covered, unenclosed patio on property at 1768 NW Woodland Drive, Map & Tax Lot R4418DB 2100

Request: Request for review and approval of an Administrative Variance (AV 1-24) for property located at 1768 NW Woodland Drive, to allow construction of a covered, unenclosed patio, part of which would be located nine feet from the rear property line, plus eaves extending no more than an additional 24 inches.

Section 17.54.020(D) of the Zoning Ordinance states, "An unenclosed covered patio or a covered deck enclosed only by railings may be placed in the rear yard of a residence provided that no part is closer than 10 (ten) feet to a rear property line; eaves may extend 24 inches into this setback..."

Section 17.74.090 of the Zoning Ordinance states, "The Planning Director may grant limited adjustments to the terms of this title as follows:...B. Setbacks: Maximum adjustment of 10 (ten) percent of the required setback."

Applicant: Marilu Hernandez, on behalf of property owner Hernandez Marilu 2012 Trust

Chair Winfield opened the public hearing and read the hearing statement. She asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none. She asked if any Commissioner had visited the site. Some of the Commission had.

Chair Winfield asked if any Commissioner needed to declare any contact prior to the hearing with the applicant or any party involved in the hearing or any other source of information outside of staff regarding the subject of this hearing. There was none.

Staff Presentation: Senior Planner Graybehl presented the request for an administrative variance to reduce the required rear yard setback by 10% and place an attached unenclosed covered patio within 9 feet of the rear property line. He discussed additional information received after the packet, public testimony and issues raised, residential accessory structures, staff/legal review, legal conclusion that the proposed project did not comply with the criteria and how changes to the findings and approval conditions were required. He then explained the subject site and nearby accessory structures, both attached and detached.

Community Development Director Richards noted the back building line was 20 feet from the property line and any structures past the back building line on both sides of the block were in the rear yard setback.

Senior Planner Graybehl continued by sharing information on the uniqueness of the property, proposed site plan, elevations, review criteria, unenclosed patio rear yard setback based on the new legal interpretation which was 20 feet for attached and 10 feet for detached, and 10% maximum reduction allowed for an administrative variance which made the proposed patio too close to the property line. He provided a response to the public testimony. Several of the items

were not identified as review criteria for an administrative variance and the others were addressed in the memo from the City Attorney. The Planning Commission could adopt conditions of approval to bring the proposal into compliance with MMC 17.54.020 Residential Accessory Standards, request staff to bring back revised findings to approve the placement of the proposed patio as a variance to the zoning ordinance, or deny the application.

Commission Questions: The Commission discussed examples of nearby outlying structures that were not in compliance and how examples could be found City-wide, how these were now grandfathered in, how this code should be amended since it was so widespread, Planning Commission decision options, and dimensions of the existing non-compliant structures.

Applicant's Testimony: David Martinez, McMinnville resident, explained how he wanted to improve his back yard. He was open to any decision.

Proponents: None

Opponents: Garald Ottoboni, McMinnville resident, thought the code had already been updated, but now it sounded like they were going to update the code to address large detached or attached patios. He was concerned that this was a back property adjacent to a side property where the neighbor's view would be blocked as well as light. He thought there should be some compromise in the design to accommodate the neighbor and be compatible with the neighborhood.

Patti Boge, McMinnville resident, said this would be a big change to the side of her house. She did not think it was right to approve structures that were not up to code. It was a big structure that would consume the west side of her home.

Rebuttal: Mr. Martinez was open to any changes recommended by the City. He wanted to be a good neighbor.

Commissioner Tucholsky moved to close the public hearing; Seconded by Commissioner Langenwalter. The motion passed unanimously 7-0.

Chair Winfield closed the public hearing.

The applicant waived the 7 day period for submitting final written arguments in support of the application.

Commission Deliberation: The Commission asked about the height allowed for canvas structures, height for landscaping, and noted that structures 12 feet or higher needed a building permit. They also asked about sizes of other patio structures in the neighborhood, setbacks for attached and detached structures, setbacks in newer developments, review criteria, decision options, if the roof of the patio would block light, and how there was logic for granting the variance that was equivalent to what had been allowed throughout the City, knowing the code would be updated. There was further deliberation on how the application could meet the variance criteria, how it was a 600 square foot structure which was larger than others in the neighborhood and concern about setting a precedence, allowing the setback variance to 9 feet but reducing the size of the structure, and if there was no need to restrict a smaller size on the project. It was suggested to add a condition that the cover shall exceed no more than 485 square feet and allow the applicant to revise the plan accordingly. Many of the

Commissioners did not think a condition was necessary as past interpretation of the code would have allowed this type of request, and the application met the variance criteria.

There was consensus for staff to draft a decision document and findings to show the application met the variance criteria as it was presented.

#### **5. Commissioner Comments**

There was consensus for staff to bring back revisions to the accessory structure code.

#### **6. Staff Comments**

None.

#### **7. Adjournment**

Chair Winfield adjourned the meeting at 8:18 p.m.