

**CITY OF WILLAMINA**  
**411 NE C Street – P O Box 629**  
**Willamina, OR 97396**  
**503-876-2242 fax 503-876-1121**

**NOTICE OF PLANNING COMMISSION (PC) ACTION**

**DATE:** April 2012 (*See signature page for written decision date.*)

**I. BACKGROUND**

Owners/  
Applicants: Steven and Katherine Clyde  
Location: Yamhill County Assessor's Map and Tax Lot Numbers:  
6 7 01AC/8900 (See Attachment A.)  
Property Address: 547 "B" Street  
Size: 2,897 square feet  
Current Use: Single-family dwelling  
Comprehensive Plan/  
Zoning: Residential, Two-Family (R-2)  
(Willamina Development Code, Section 2.102)  
Variance Criteria: Willamina Development Code, Section 3.104.04

**II. REQUEST**

A major variance to Code Sections 2.102.05 K. (R-2 Development Standards), 2.203.05 A. (Residential Off-Street Parking) and 2.303.02 G. (Manufactured Dwellings) that require a garage and two on-site parking spaces for the placement of a single-family manufactured dwelling (See Attachment B.)

**III. CRITERIA – MAJOR VARIANCE**

According to the City of Willamina, Development Code, Section 3.101.04, the Planning Commission may allow a major variance from a requirement or standard of this Ordinance after conducting a public hearing conducted in accordance with the Type II review procedures. Commissioners consider the request based upon applicant indicating that the following circumstances exist to satisfy the required criteria.

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this ordinance, topography, or other circumstances over which the applicant has no control.

**Findings:** Staff concurs with the applicant in regards to the size of the lot being the "exceptional circumstance," and, therefore, this criterion is satisfied. (The applicant's full statement was presented in the Staff Report, Attachment B, page 4). Minimum lot size in an R-2 zone district is 6,000 square feet. The lot size of the subject property is 2,897 square feet. The current configuration was created prior to applicants purchasing the subject property.

(Please Note: Staff is not making a determination regarding the property as a "legal" lot. While a survey was prepared and recorded, there is no evidence that the relocation of the property lines was completed according to State and City requirements at the time of the survey.)

The applicants presented to the City several options for redevelopment of the property and made revisions to come closer to requirements with the City's current development standards.

B. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district.

**Findings:** The size of the current parcel is about half of the square footage of more standard sized lot within an R-2 zone district. The main structure—1,026 square feet in size—meets the required property line setbacks\*. A smaller lot has less usable area for constructing a garage and providing the two (2) required on-site parking spaces that is available to other property owners within the R-2 zone district and other properties in the area.

There is sufficient area to provide an on-site parking space at the northwest corner of the property for parking a small or compact car. The driveway is provided via a "roadway easement" granted by and on the abutting property to the north.

Note: The front porch may encroach into the front yard and it maintains the required limit on the encroachment. \*However, the rear porch needs to be changed at the time of building permit to maintain a minimum setback of ten (10) feet. (See Code, Section 2.402.06 C.)

C. The authorization of such variance will not be materially detrimental to the public health, safety or welfare or injurious to property in the vicinity or district in which property is located, or otherwise conflict with the objectives of any City plan or policy.

**Findings:** The current use of the subject property does not include a garage or on-site parking. The applicant's are proposing to include one (1) on-site parking space and to comply with required property line setbacks. Replacing the existing dwelling and complying with property line setbacks are improvements that help lessen detrimental health and life safety issues on the subject property and to other properties within the area.

D. That the special conditions and circumstances on which the application is based do not result from the negligent or knowing violation of this Ordinance by the applicant.

**Findings:** The property owners were not aware of all of the City's requirements prior to purchasing the property. There is not sufficient area after placing the selected manufactured dwelling to allow the construction of a garage or two on-site parking spaces.

E. The variance requested is the minimum variance which would alleviate the hardship.

**Findings:** Staff concurs with the applicant's response indicating that the not constructing a garage and reducing the parking space by one in number is the minimum variance to alleviate the hardship. See Staff Report, Attachment B, page4.

#### **IV. PLANNING COMMISSION DECISION - CONDITIONS OF APPROVAL**

The Planning Commission voted to approve a variance a major variance to Code Sections 2.102.05 K. (R-2 Development Standards), 2.203.05 A. (Residential Off-Street Parking) and 2.303.02 G. (Manufactured Dwellings), therefore not requiring the construction of a residential garage and reducing the number of required on-site parking spaces from two (2) to one (1) space

as part of a placement permit application for a single-family manufactured dwelling based upon the property owner owners complying with the following conditions of approval.

- A. Revising the site plan to reduce the size of the porch on the west side of the property to comply with the required property line setbacks.
- B. At the time of building permit, indicate the location of the one on-site parking space on the revised "plot plan" (Attachment C.)
- C. Prior to occupancy, the required parking space shall be surfaced as required, Willamina Development Code, Section 2.203.08.
- D. Complete the permit process(es) as required for the placement of the manufactured dwelling.

**V. DECISION AND APPEAL DATES**

APPROVED BY A UNANIMOUS VOTE OF THE PLANNING COMMISSION (oral decision) ON THE 3rd DAY OF April, 2012, to GRANT a major variance and, therefore, not require the construction of a residential garage and to reduce the number of required on-site parking spaces from two (2) to one (1) space for property addressed as 547 "B" Street.

DATED at Willamina, Oregon, this 6 day of April, 2012.

ATTEST:	 Loyal Hamilton, Commission Chairperson	<u>4-6-12</u> Date
ATTEST:	 Debbie Bernard, Planning Secretary	<u>4-6-12</u> Date

The decision becomes final at the conclusion of the appeal period.

THIS DECISION MAY BE **APPEALED** TO THE WILLAMINA CITY COUNCIL IN WRITING WITHIN FOURTEEN (14) CALENDAR DAYS OF THE NOTICE OF WRITTEN DECISION (Code, subsection 3.205.01) and based upon the written decision--signature date.

If there are questions regarding this application or the appeal process, please contact the City of Willamina at **503-876-2242**.

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

SW 1/4 NE 1/4 SEC 1 T6S R7W W.M.  
YAMHILL COUNTY

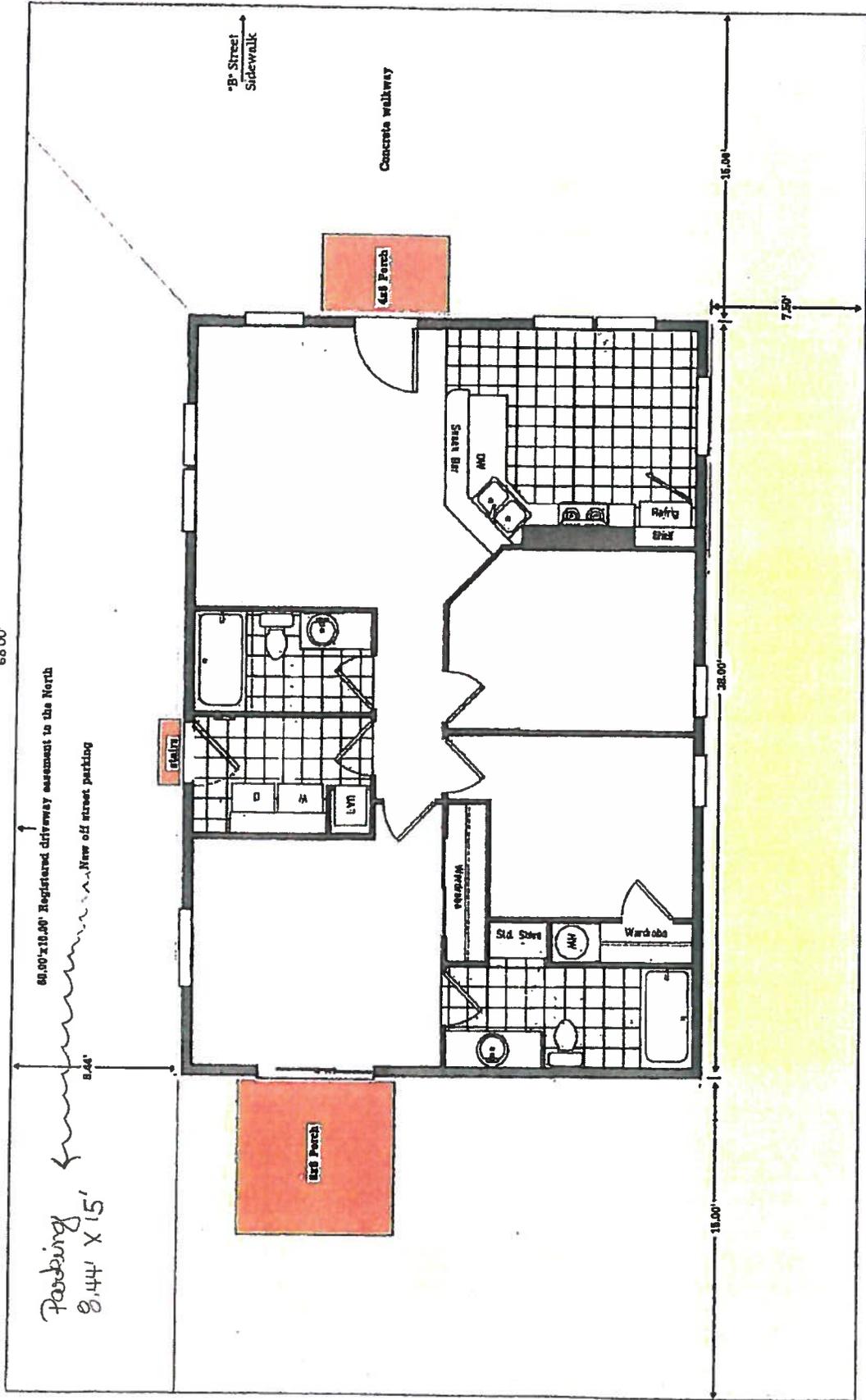


SUBJECT  
PROPERTY  
TL 8900

ATTACHMENT *A*

6 7 OIAC  
WILLAMINA

02-03-76 10:27:49



# ATTACHMENT B