



**KEIZER COMMUNITY DEVELOPMENT
DEPARTMENT
NOTICE OF DECISION
Minor Variance Case No. 2018-14**

I. REQUEST

The following report reviews a land use application for a Minor Variance to reduce the rear yard setback to 16 feet where a minimum of 20 feet is required per Section 2.102.05.B of the Keizer Development Code.

II. BACKGROUND

- A. **APPLICANT/AGENT:** Peter Strauhal. PURE Architecture AAI
- B. **PROPERTY OWNER:** Tracy Corbin
- C. **PROPERTY LOCATION:** The subject property is located at 2134 Heather Stone Ct NE, Keizer, Oregon. The County Tax Assessor's map identifies the property as being located within Township 6 South; Range 3 West; Section 25CC; Tax Lot 12100. (See Exhibit 1)
- D. **PARCEL SIZE:** The subject property is approximately 6,300 sq. ft. in area.
- E. **EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The subject property is developed with a single family dwelling and is served by both public sewer and water.
- F. **ZONING:** The subject property is designated Low Density Residential (LDR) on the Comprehensive Plan Map and is zoned RS (Single Family Residential).
- G. **ADJACENT ZONING AND LAND USES:** Surrounding properties are zoned RS (Single Family Residential) and are developed with single family dwellings.
- H. **PROPOSAL:** The applicant is requesting a Minor Variance to reduce the rear yard setback to 16 feet where 20 feet is required by Section 2.102.05.B of the Keizer Development Code in order to allow for an addition onto the existing home. (Exhibit 2)

III. AGENCY COMMENTS

- A. The Keizer Public Works Department submitted comments regarding new storm water runoff. (Exhibit 3)
- B. No other comments were received regarding this request.

IV. DECISION AND APPEALS

Notice is hereby given that the Community Development Director for the City of Keizer has **APPROVED** the Minor Variance application subject to certain conditions and requirements. Findings in support of this decision are found in Section V. of this decision.

Any interested person, including the applicant, who disagrees with this decision, may request that the application be appealed to the Keizer Hearings Officer and be heard at a public hearing. The appeal is subject to the appellant paying a \$250.00 fee. This fee may be refunded if the appeal is upheld.

Requests for appeal to the Hearings Officer must be in writing, on a form provided by the City, and be received in the Keizer Community Development Department, 930 Chemawa Road NE, Keizer by **5:00 p.m. on May 14, 2018.**

Unless the decision is appealed this decision becomes final on <u>May 15, 2018.</u>
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V. FINDINGS AND CONCLUSIONS

The applicant is proposing to reduce the minimum rear yard setback in an RS zone to 16 feet to a proposed home addition where 20 feet is required. Therefore, variance approval is required as this proposal does not comply with requirements of the Keizer Development Code.

- A. *The intent and purpose behind the specific provision sought to be varied is either clearly inapplicable under the circumstances of the particularly proposed development; or, the variance requested is consistent with the intent and purpose of the provision being varied; or the applicant in good faith is unable to comply with the standard without undue burden which is grossly disproportionate to the burden born by others affected by the specific provisions of the code sought to be varied.*

FINDINGS: Setback requirements in the RS zone have been established to assure residential development adheres to the minimum requirements of the underlying zoning designation. These minimum requirements are established in order to provide adequate building separation, open space between adjacent uses, to ensure an overall aesthetically consistent and pleasing pattern of development in residential

neighborhoods, and to allow for landscaped areas and open space around residences for personal use.

The applicant is requesting variance approval to allow for an addition to the existing home. Based upon the applicant's site plan and written statement, the proposed addition would encroach into the required setback area four feet, allowing 16 feet for the rear yard setback for the length of the addition (approximately 13 feet 4 inches), as opposed to the 20 feet required by the Keizer Development Code. This setback encroachment encompasses approximately 30% of the overall building façade of the home. The other 70% of the building façade is setback 28 feet 9 inches from the existing property line, which is in excess of the minimum 20 foot requirement, and provides for additional aesthetic relief along the remainder of the home. The area of the proposed setback encroachment is approximately 53 square feet (4' wide by 13'4" long), while the area of additional setback relief is approximately 273 square feet in area (8'9" wide by 31'2.5" long).

Staff feels that due to the orientation and location of the existing home and home on the adjacent property to the rear, as well as the minimal encroachment, this proposal provides for adequate building separation and open space between the homes.

As a condition of variance approval, the addition must substantially conform to the applicant's proposal, which is to encroach into the required setback area for a distance of approximately 13' 4" in length. In no case, may the addition encroach into the required setback more than 4 feet. Therefore, a 16 foot minimum setback must be provided and will be regulated through the building permit review and approval process. The applicant will be limited to variance approval only for that which is proposed. Taking into consideration the location of the existing home and the effected neighboring home, staff feels that this request demonstrates consistency with the intent and purpose of the setback provision outlined in the development code. Staff finds this request satisfies this criterion.

B. The impact of the development due specifically to the varied standards will not unreasonably impact adjacent existing or planned uses and development.

FINDINGS: The homes in this neighborhood were built with rear yards that exceed the maximum. Measurement from home to home will be approximately 68 feet. Staff feels this impact will be minimal.

The proximity of the structures does not pose any adverse impacts in relation to fire, life, or safety issues and exceeds the minimum building code requirements which govern new residential construction. As a condition of variance approval, a building permit must be obtained to ensure the actual construction of the addition complies with fire, life, and safety requirements outlined in the building code. The Department of Public Works submitted comments (Exhibit 3) to ensure the proposed addition does not adversely impact the public storm drainage system or utilities. Public Works is requiring new storm water runoff from the proposed structure to be kept on-site and not directed to the existing street storm drain

system. The applicant will be required to furnish a drainage plan to show how the subsurface drainage will be treated and disposed. The applicant will also be required to furnish evidence that the proposed building will not encroach on any existing utility or drainage easements. These requirements will be placed as conditions of variance approval and will be regulated as a part of the building permit review and approval process.

Taking all of these factors into consideration, staff finds the proposal will not unreasonably impact adjacent existing or planned uses. Therefore, this request satisfies this criterion.

- C. The minor variance does not expand or reduce a quantifiable standard by more than 20 percent and is the minimum necessary to achieve the purpose of the minor variance.***

FINDINGS: The required rear yard setback for a dwelling is 20 feet for a two-story home. A 20 percent reduction to this standard is equal to 4 feet. The applicant is asking for a 4 foot variance from this standard, which is a 20 percent reduction, therefore minor variance approval is requested and staff finds that it is the minimum necessary to allow for this proposal. As a condition of variance approval, the proposed addition must provide a minimum setback of 16 feet. This requirement will be regulated as part of the building permit review and approval process. Staff finds this request satisfies this criterion.

- D. There has not been a previous land use action approved on the basis that a minor variance would not be allowed.***

FINDINGS: There are no other previous land use actions that would not allow this particular variance. Staff therefore finds this request satisfies this criterion.

The proposed Minor Variance conforms to Section 3.105 of the Keizer Development Code. Based on the above findings, staff concludes the proposal complies with the applicable decision criteria and recommends approval of the proposal subject to conditions outlined on the following page.

VI. CONDITIONS AND REQUIREMENTS

This decision does not include approval of a building permit.

- A. **CONDITIONS:** The following conditions must be met before a building permit can be obtained or must be continually met as a condition of the particular land use:
1. Unless otherwise specifically modified by this decision, development of the property shall comply with remaining requirements of the Keizer Development Code and all building code requirements must be met.
 2. The applicant shall be limited to variance approval for only what is indicated on the submitted site plan. The addition must substantially conform to what is proposed. A minimum setback of 16 feet must be provided from the rear property line to the proposed addition, which is to substantially conform to what is proposed. This provides for an encroachment of approximately 13'4" in length along the south west corner of the home.
 3. Approval of the variance shall be valid for 1 year. Construction of the proposed addition must be completed within 1 year from the final date of approval of this variance. The addition must be completed by May 15, 2019. A one-time request for extension may be granted, subject to approval by the Community Development Director.
 4. The applicant will be required to furnish evidence that the proposed building will not encroach on any existing utility or drainage easements to the Public Works Department.
 5. New storm water runoff from the proposed structure will be required to be kept on-site and not directed to the existing street storm drain system. The applicant will be required to furnish a drainage plan to show how the subsurface drainage will be treated and disposed to the Public Works Department.
- B. **TRANSFER OF VARIANCE:** This variance request shall automatically transfer to any new owner or occupant subject to all conditions of approval. It is the responsibility of the applicant and property owner to provide information to any new property owner(s) regarding this variance request and any conditions of approval.

- C. OTHER PERMITS AND RESTRICTIONS: This approval does not remove or affect any covenants or restrictions imposed on the subject property by deed or other instrument. The proposed use may require permits from other local, State or Federal agencies. This decision does not take the place of, or relieve the responsibility for obtaining other permits or satisfying any restrictions or conditions thereon.

If you have any question about this application or the decision please call (503)856-3441 or visit the Community Development Department at 930 Chemawa Rd NE, Keizer, Oregon.

REPORT PREPARED BY: Dina Russell, Assistant Planner

APPROVED BY:



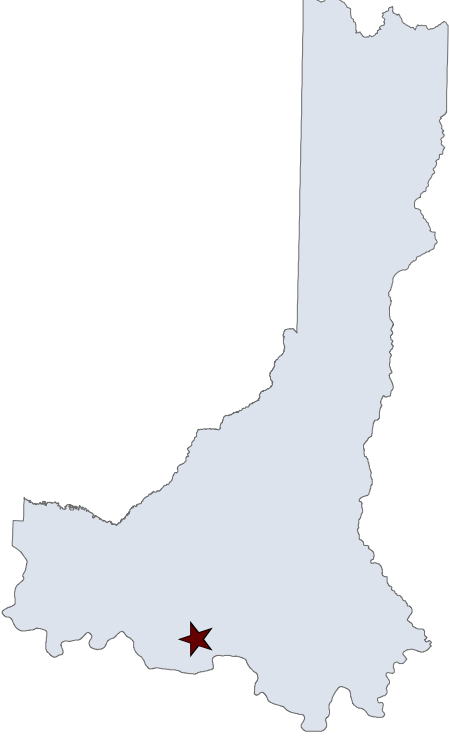
Date: May 4, 2018

Nate Brown, Community Development Director

06 3W 25CC

06 3W 25CC

KEIZER



MARION COUNTY, OREGON
SW1/4 SW1/4 SEC25 T6S R3W W.M.
SCALE 1" = 100'

LEGEND

- LINE TYPES**
- Taxlot Boundary
 - Road Right-of-Way
 - Railroad Right-of-Way
 - Private Road ROW
 - Subdivision/Plat Bndry
 - Waterline - Taxlot Bndry
 - Waterline - Non Bndry
- CORNER TYPES**
- + 1/16TH Section Cor.
 - ⊕ 1/4 Section Cor.
 - ⊙ D/LC Corner
 - ⊕ 16.15 Section Corner
 - ⊕ 21.22 Section Corner
- NUMBERS**
- Tax Code Number
- 000 00 00 0
- Acreage
- 0.25 AC
- All acres listed are Net Acres, excluding any portions of the taxlot within public ROWs
- NOTES**
- Tick Marks: A tick mark in the road indicates that the labeled dimension extends into the public ROW

CORNER TYPES

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- ⊕ 1/4 Section Cor.
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- ⊕ 16.15 Section Corner
- ⊕ 21.22 Section Corner

NUMBERS

Tax Code Number

000 00 00 0

Acreage

0.25 AC

All acres listed are Net Acres, excluding any portions of the taxlot within public ROWs

NOTES

Tick Marks: A tick mark in the road indicates that the labeled dimension extends into the public ROW

CANCELLED NUMBERS

5000
5001
5005
5600
6500
10800
10900
11000
11001
11002
13900
14400
14502
14504
14506
14700
15701

EXHIBIT 1

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



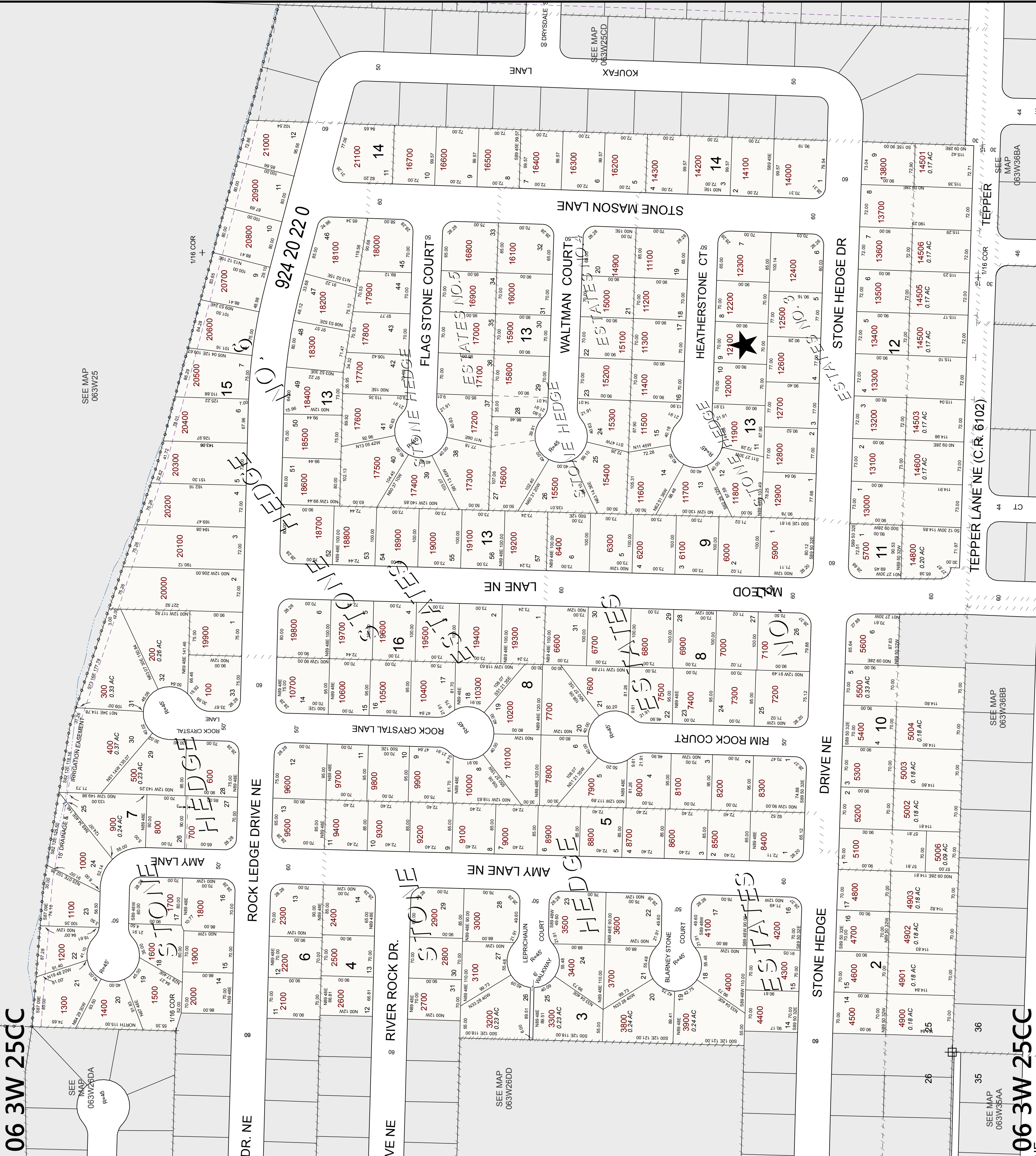
FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT www.co.marion.or.us

PLOT DATE: 1/23/2018

KEIZER

06 3W 25CC

06 3W 25CC



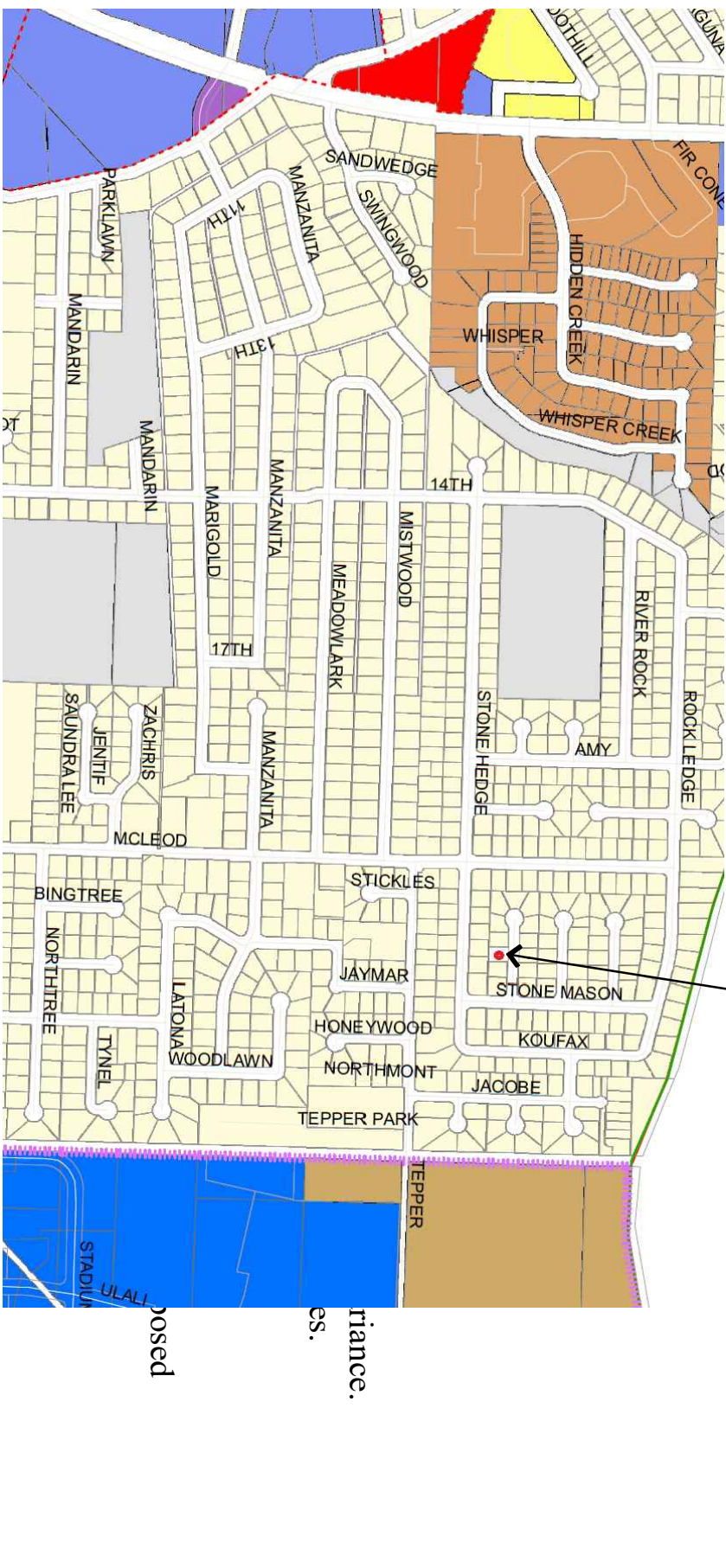
ZONE CODE SUMMARY

PROJECT/SITE INFORMATION:

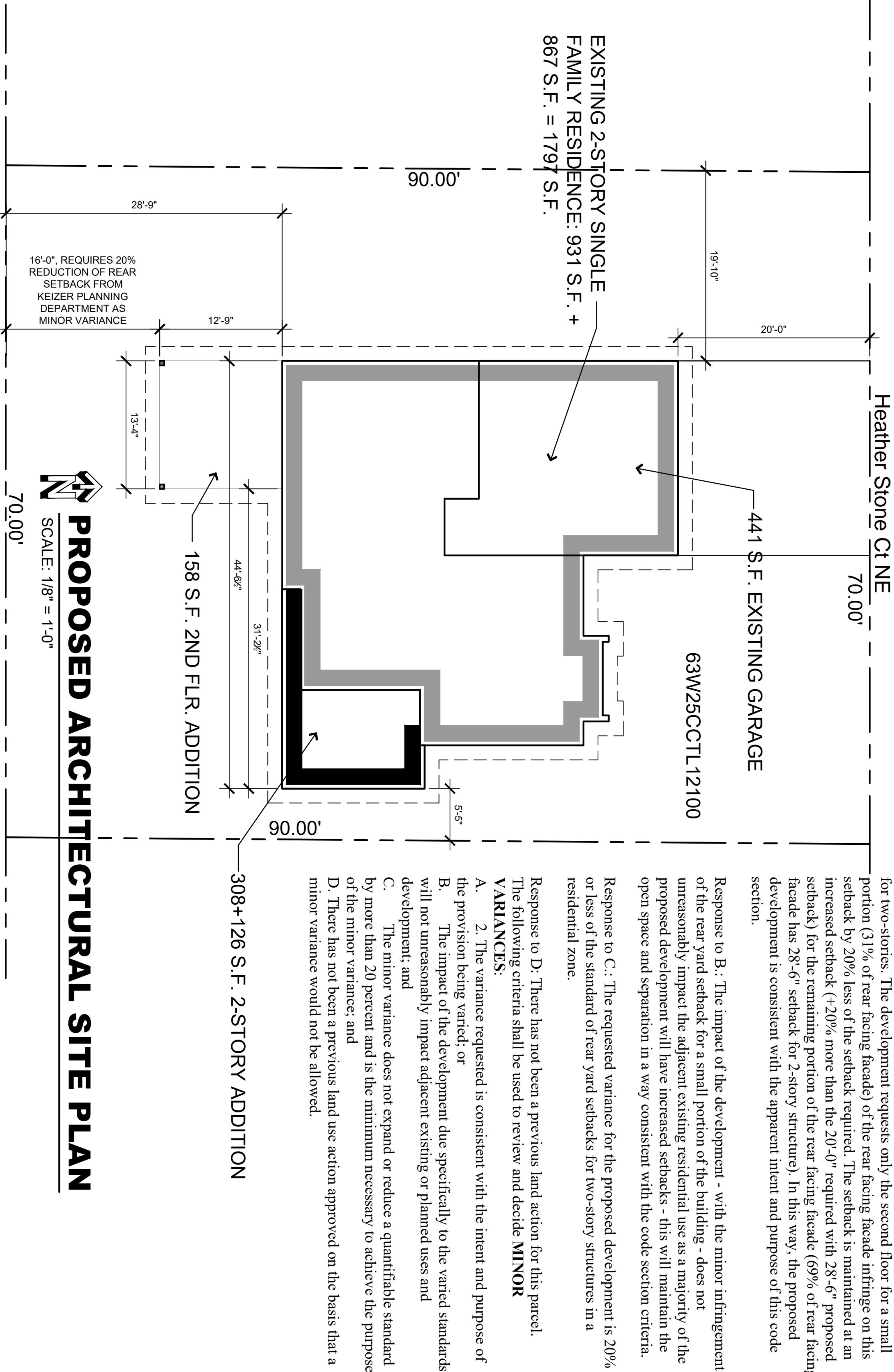
- | | | | |
|-----|-----------------------|---|--|
| 1.) | GOVERNING AGENCY: | CITY OF KEIZER | |
| 2.) | BUILDING ZONE: | RS (SINGLE FAMILY RESIDENTIAL) | |
| | SITE ADDRESS: | 2134 HEATHER STONE CT NE KEIZER, OR 97303 | |
| | TAX LOT #: | 63W23C01L2100 | |
| 3.) | PERMITTED USE: | SINGLE-FAMILY DWELLING | |
| | SETBACKS: | REAR - SOUTH YARD: 16'-0" (ADMIN ADJ. OF 20% REQUESTED)
FRONT - NORTH YARD: 20'-0" (EXISTING TO REMAIN)
SIDE - WEST YARD: 19'-10" (EXISTING TO REMAIN)
SIDE - EAST YARD: 5'-5" | |
| 5.) | TOTAL SITE AREA: | 6,300 S.F. (0.144 AC.) | |
| 5.) | BUILDING AREA: | BUILDING AREA:

EXISTING AREAS:
1ST FLR: 930 SF
2ND FLR: 867 SF
EXIST. LIVING AREA: 1,797 SF
GARAGE: 441 SF

TOTAL BLDG. AREA: 2,401 S.F.
TOTAL FOOTPRINT 2,208 S.F.
TOTAL BUILDING COVERAGE: 2,026 S.F. (INCLUDES EAVES) | ADDITION AREAS:
1ST FLR (KITCHEN): 306 SF
2ND FLR (BEDRM #3): 126 SF
2ND FLR (OFFICE): 158 SF
2ND FLR (M BATH): 12 SF
NEW LIVING AREA: 604 SF |
| 6.) | STREET FACING FACADE: | N/A | |
| 7.) | ACCESSORY STRUCTURES: | N/A | |
| 8.) | BUILDING HEIGHT: | 35'-0" ALLOWED (20'-0" TO MID-POINT OF HIGHEST SLOPED ROOF) | |
| 9.) | SEPTIC AUTHORIZATION: | N/A | |



HEATHER STONE CTN



WRITTEN STATEMENT:

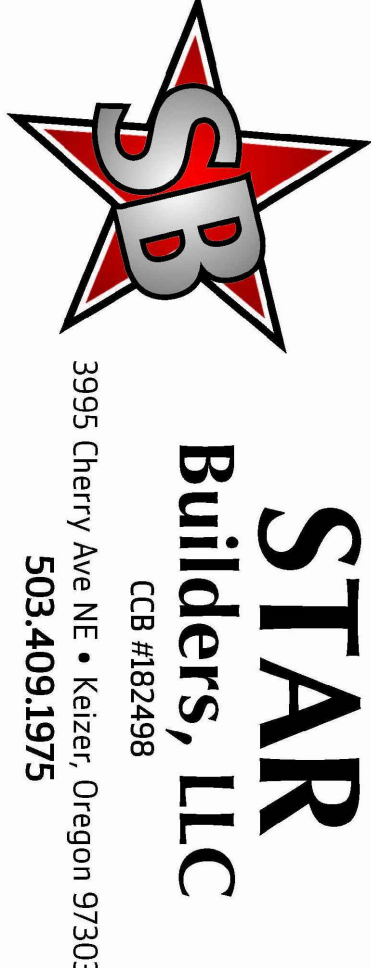
A written statement explaining the reasons for the proposed variance and how the proposed variance conforms to City of Keizer review criteria as specified on the following page.

Response to 1: The intent and purpose of the Keizer city code rear yard setback appears to be to allow for open space and separation from neighboring properties and their buildings. The proposed development infringes in a very minor way, into the separation of the neighboring property to the rear - and meets the intent of separation called for on 1-story buildings, just not explicitly for two-stories. The development requests only the second floor for a small portion (3%) of rear facing facade) of the rear facing facade infringe on this setback by 20% less of the setback required. The setback is maintained at an increased setback (+20% more than the 20'-0" required with 28'-6" proposed setback) for the remaining portion of the rear facing facade (69% of rear facing facade has 28'-6" setback for 2-story structure). In this way, the proposed development is consistent with the apparent intent and purpose of this code section.

Response to B.: The impact of the development - with the minor infringement of the rear yard setback for a small portion of the building - does not unreasonably impact the adjacent existing residential use as a majority of the proposed development will have increased setbacks - this will maintain the open space and separation in a way consistent with the code section criteria.

Response to D. There has not been a previous land action for this parcel. The following criteria shall be used to review and decide **MINOR VARIANCES**:

- A. 2. The variance requested is consistent with the intent and purpose of the provision being varied; or
- B. The impact of the development due specifically to the varied standards will not unreasonably impact adjacent existing or planned uses and development; and
- C. The minor variance does not expand or reduce a quantifiable standard by more than 20 percent and is the minimum necessary to achieve the purpose of the minor variance; and
- D. There has not been a previous land use action approved on the basis that a minor variance would not be allowed.




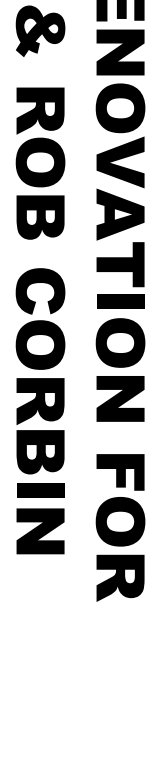
	<h1>A NEW RENOVATION FOR TRACY & ROB CORBIN</h1>	
	<p>PROJECT ADDRESS: 2134 HEATHER STONE CT NE KEIZER, OR 97303</p>	<p>PURE architecture, AIA Peter Lyle Stramhali, AIA, Lead AP 6885 Church St NE #100, Salem, OR 97301 ph: 503.763.9641, fax: 267.392.7157</p>
		
<h1>A1.0</h1>		
<p>SITE PLAN</p>		
<p>PROJ # : 17107</p>		
<p>DATE: 03-15-18</p>		

EXHIBIT 3

TO: SHANE WITHAM, SENIOR PLANNER
FROM: CITY OF KEIZER PUBLIC WORKS DEPARTMENT
SUBJECT: MINOR VARIANCE CASE NO. 2018-14

APPLICANT – Peter Strauhal
ADDRESS – 2134 Heather Stone Ct. NE

PUBLIC WORKS DEPARTMENT REQUIREMENTS

The application is to reduce the rear yard setback from 20 feet to 16 feet.

STREET AND DRAINAGE IMPROVEMENTS:

All previous land use decisions that apply to the parcel will still be in effect. No street and storm drain plans are being required by the Department of Public Works but the new storm water runoff from the proposed structure will be required to be kept on-site and not directed to the existing street storm drain system. The applicant will be required to furnish a drainage plan to show how the subsurface drainage will be treated and disposed.

The building shall conform to the Keizer Development Code setback requirements with exception to the proposed variance. The applicant will be required to furnish evidence that the proposed building will not encroach on any existing utility or drainage easements.

It is anticipated that the existing driveway will remain the same as currently constructed.