



**KEIZER COMMUNITY DEVELOPMENT  
DEPARTMENT  
NOTICE OF DECISION  
Minor Variance Case No. 2017-03**

**I. REQUEST**

The following report reviews a land use application for a Minor Variance to reduce the front setback required for a manufactured home (located in a manufactured home park) to the sidewalk to 4 feet where a minimum of 5 feet to the sidewalk is required per Section 2.405.03.F(2) of the Keizer Development Code.

**II. BACKGROUND**

- A. APPLICANT/AGENT:** Sheri Allison
- B. PROPERTY OWNER:** Nirit Peer
- C. PROPERTY LOCATION:** The subject property is within a manufactured home park, and the home requesting variance approval is specifically addressed as 4783 Joyce St NE, Keizer, Oregon. The County Tax Assessor's map identifies the property as being located within Township 7 South; Range 3 West; Section 01B; Tax Lot # 01500. (See Exhibit '1')
- D. PARCEL SIZE:** The subject property is approximately 8.63 acres in area, but this variance request is specific to only one individual home and manufactured home space within the manufactured home park.
- E. EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The subject property is within an existing manufactured home park developed with manufactured dwellings and associated facilities.
- F. ZONING:** The subject property is designated Medium High Density Residential (MHDR) on the Comprehensive Plan Map and is zoned RM (Medium Density Residential).
- G. ADJACENT ZONING AND LAND USES:** The property abuts the Salem Parkway to the east. The property to the west is zoned Public and contains an elementary school. The properties to the south are zoned Limited Density Residential and contain duplexes and triplexes on individual parcels.
- H. PROPOSAL:** The applicant is requesting a Minor Variance to reduce the front setback required to a sidewalk for a manufactured home (located in a manufactured home park) to 4 feet where a minimum of 5 feet is required per Section 2.405.03.F(2) of the Keizer Development Code. (Exhibit '2')

### **III. AGENCY COMMENTS**

- A. The Keizer Public Works Department and Keizer Police Department reviewed the proposal and indicated they had no comments.

### **IV. DECISION AND APPEALS**

Notice is hereby given that the Community Development Director for the City of Keizer has **APPROVED** the Minor Variance subject to 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 February 21, 2017.

**Unless the decision is appealed this decision becomes final on February 22, 2017.**

### **V. FINDINGS AND CONCLUSIONS**

- A. The applicant is proposing to reduce the front setback required to a sidewalk for a manufactured home (located in a manufactured home park) to 4 feet where a minimum of 5 feet is required per Section 2.405.03.F(2). Therefore, variance approval is required as this proposal does not comply with requirements of the Keizer Development Code.
- B. The decision criteria for a Minor Variance are contained in Section 3.105.05 of the Keizer Development Code. The criteria and staff's findings are listed below:
1.
    - 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,*
    - b. *The variance requested is consistent with the intent and purpose of the provision being varied; or*
    - c. *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 have been established to assure 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, to allow for landscaped areas, and to provide adequate separation from the public right of way to protect the public safety.

The applicant is requesting variance approval to allow the placement of a manufactured home within an existing manufactured home park to be one foot closer to the existing private sidewalk improvements, than is currently allowed by the Keizer Development Code. The result will be that the proposed home will be located 4 feet from the edge of the sidewalk where 5 feet is required. Request for comments were sent out to all affected agencies and no safety concerns have been expressed regarding this variance request. The manufactured home park is developed with private street and sidewalk improvements that serve the existing development. The specific setback reduction being requested is not adjacent to any other property owner and therefore does not create any burden for others. The applicant has indicated the necessity for this request is born by the need to place a home that is slightly shorter, but wider on an existing space in order to provide adequate parking for the tenant. The applicant contends that by placing the home as proposed, it will improve the current problem of inadequate on-site parking, and that due to the fact the reduction is minimal, the placement of the home as proposed will not seem out of place aesthetically compared to other homes within the manufactured home park.

Taking into consideration the minimal reduction to the required setback, there are no safety concerns regarding the applicant's proposal, and that aesthetically it will appear similar to other homes within the park, staff feels that this request demonstrates consistency with the intent and purpose of the setback provision outlined in the development code. Additionally, due to the fact that there are no directly affected property owners, staff feels that this setback reduction will not result in a burden for any other adjacent property owner. As a condition of variance approval, the applicant will be limited to variance approval only for that which is proposed. In no case may the building be placed closer than 4 feet to the sidewalk and the development must substantially conform to what has been submitted with this application. Any future additions or redevelopment must comply with all provisions of the Keizer Development Code. With this condition, staff finds this request satisfies this criterion.

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

**FINDINGS:** Since the setback requested to be varied is along a private street and sidewalk system and not an adjacent property owner, there really is no measurable impact created by this variance proposal. The argument could be made that due to the building being located closer to the private sidewalk, an impact is generally felt by the residents of the manufactured home park. However, staff feels that this impact will be negligible and will go mostly unnoticed by the general public. Especially when taking into

consideration the structure (as proposed) is only closer than 5 feet to the sidewalk for a short distance adjacent to the home, due to the bulb type turnaround area provided for vehicle maneuverability. As a condition of variance approval, the proposed addition will be required to meet the applicable design standards in the development code which will be regulated as a part of the building permit review and approval process.

The proximity of the proposed structure does not pose any adverse impacts in relation to fire, life, or safety issues and exceeds the minimum building code requirements which govern construction. The applicant has indicated they are dedicated to providing quality, affordable housing and without the requested variance; the cost to modify the proposed home would result in additional costs that would ultimately be borne by the tenants within the park. It should be noted that prior to development, all appropriate permits must be obtained. This will be placed as a condition of variance approval.

Taking all of these factors into consideration, staff finds the proposal will not unreasonably impact adjacent existing or planned uses. Staff feels the impact felt by the general public for this particular variance request will be minimal, if at all. Therefore, this request satisfies this criterion.

3. ***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 front setback to a sidewalk within a manufactured home park is 5 feet. A 20 percent reduction to this standard is equal to 1 foot. The applicant is asking for a variance from this standard to allow the building to be placed 4 feet from the sidewalk, which is equal to a 20 percent reduction, and therefore satisfies this criterion. The purpose of the variance is to allow for the placement of a manufactured home in an existing manufactured home park, which is consistent with the comprehensive plan, zoning designation, and development pattern established on the property. Therefore, staff finds that it is the minimum necessary to allow for this proposal. Staff finds this request satisfies this criterion.

4. ***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.

- C. 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 below:

## 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 land use approval:
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. This requires a minimum setback of 4 feet to the existing private sidewalk. All other applicable development requirements will be regulated through the building permit review and approval process.
  3. Building permits must be obtained within one year of the final date of this decision. This approval is only valid when building permit approval is received by February 22, 2018.
- 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: Shane Witham, Senior Planner

APPROVED BY:



Date: February 9, 2017

Nate Brown, Community Development Director



07 3W 01B

924 20 22 0

924 20 22 0

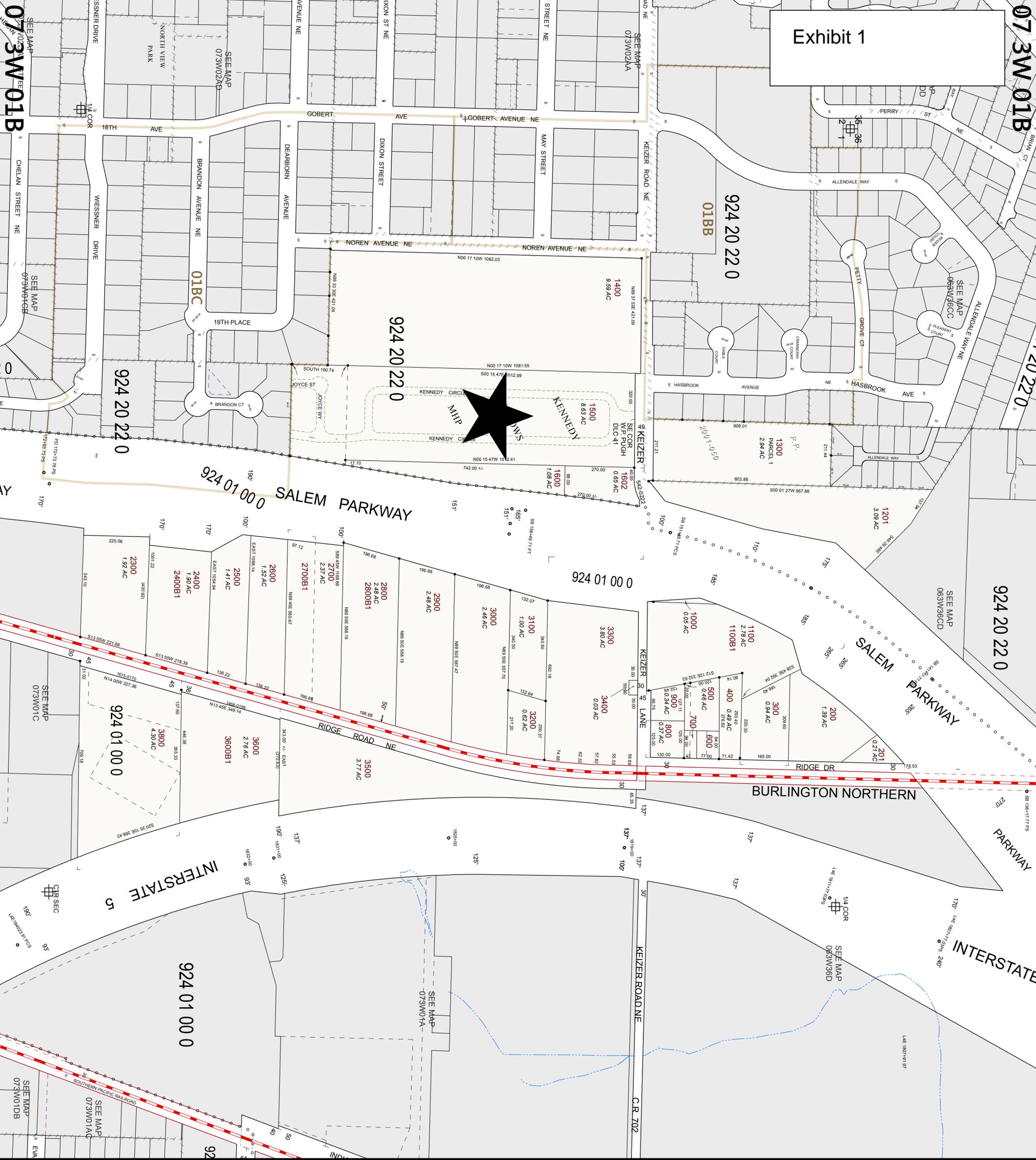
PARKWAY

INTERSTATE

07 3W 01B

KEIZER

Exhibit 1



**MARION COUNTY, OREGON**  
 NW1/4 SEC1 T7S R3W W.M.  
 SCALE 1" = 200'

**LEGEND**

- LINE TYPES**
- Taxlot Boundary
  - Road Boundary
  - Road Right-of-Way
  - Railroad Right-of-Way
  - Private Road ROW
  - Subdivision/Plat Bndry
  - Waterline - Taxlot Bndry
  - Waterline - Non Bndry
  - Historical Boundary
  - Easement
  - Railroad Centerline
  - Taxcode Line
  - Map Boundary
- SYMBOL TYPES**
- Survey Monument
  - Road Station
  - DLC Corner
  - 1/16TH section Cor.
  - 1/4 Section Cor.
  - 16.15 Section Corner
  - 21.22 Section Corner

**NUMBERS**  
 Tax Code Number  
 000 00 00 0

**NOTES**  
 Tick Marks: If a tick mark is indicated on the end of a line, then the dimension goes to the tick mark. This is used when dimensions extend into public right-of-ways.



CANCELLED NUMBERS
1200
1301
1601
1700
1800
1900
2000
2100
2199
2200
2201
2300B1
3000
3300B1
3800A1
3800A2
3900

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT [www.comarion.or.us](http://www.comarion.or.us)

PLOT DATE: 10/7/2015

**KEIZER**  
 07 3W 01B

KENNEDY MARSHES AND HOME PARK

KEIZER, OREGON

COMPILED FROM RECORDS FILED IN MARSH SECURITY

DEPT. OF PUBLIC SAFETY

SCALE 1" = 100'

WATER SOURCE AS SHOWN ON MAP. CB - OTHER SOURCE

RECEIVED  
FEB 10 1964  
FBI - PORTLAND

Exhibit 2

