

Canby Planning Commission  
Regular Meeting  
March 28, 1973

Present: Chariman Gordon Ross, Commissioners Hulbert, Shaw, Cutsforth, Edgerton and Council Rep. Tony Gerber. Absent, Commissioner Johnson. DiTommaso arrived at 8:16 Pm.

Also Present: Consultant Eldon Edwards and Acting Supt. John Whiteside

The meeting was called to order at 8:10 P.M.

Minutes of the March 14th meeting were read and approved with 2 corrections. One being the addition of Commissioner Edgerton to the list of those present. The other was in paragraph 5 regarding O-ME-CO., Inc. #3, line 2. The amount of acres should read 7 acres instead of 5 acres.

There being no correspondence, we moved to the first item of business, a building permit request for Mr. Zuniga. Due to a fire, a building permit was issued to rebuild the destroyed area. Now a request for a building permit to add another room was requested. Previous to the fire, the house did not conform to the zoning ordinance. After discussion a motion was made by Hulbert to concur with Acting Supt. of Public Works, John Whiteside, not to issue the permit, quoting section 22 of the Ordinance #558.

Ordinance #558, Section 22: CONTINUATION OF NONCONFORMING USE OR STRUCTURE

Subject to the provisions of Sections 23 to 27 a nonconforming structure or use may be continued but shall not be altered or extended.

Seconded by Di Tommaso, motion carried unanimously.

Next a public hearing was opened regarding an application for zone variance by Mr. James Blanton. A Minor Land Partition was previously granted provided the property was divided into two (2) equal parts. Proponents were called. Mr. Blanton spoke on his behalf stating his desire to build a home on said property. There being no opponents present, the hearing was closed. Motion was made by Shaw that the zone variance applied for by Mr. Blanton be approved with a 9 foot rear yard set back and a sub-standard lot area size approx. 5,900 sq. ft. Seconded by DiTommaso and carried unanimously. The secretary was directed to write a letter to Mr. Blanton stating the action taken by the Planning Commission.

Planning Consultant Edwards remarked about the zoning notice read at the last meeting. The Planning Commission should continue as they have been until the matter has been checked into further.

A public hearing was opened regarding a zone variance application by Mr. Tom Kateley pertaining to a carport in violation of the City Ordinance. A slide review of said carport was shown by Edwards. Proponents were called. Mr. Kateley spoke on his behalf stating he needed to include the garage area into livable space and therefore purchased material and built the carport. Opponents were called. A Mr. Scott Burford, 640 Dahlia Place, stated he was concerned about the next violation and the next, if the variance was approved. His concern was in setting a precedence for future violators. The hearing was closed. Consultant Edwards stated a precedence is the item of issue, that no building permit was applied for.

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Chairman Ross sited a similar violation and action of a Mr. Robert Rathbun pertaining to a carport build in violation which was eventually removed. Commissioner Hulbert stated section 29, of the Ordinance which lists Conditions for Granting a Variance. Chairman Ross read Sec. 29 for the benefit of those present. Motion was made by Di Tomaso to deny the zone variance application to Mr. Kateley, seconded by Hulbert, carried unanimously. The secretary was directed to write a letter to Mr. Kateley stating the action taken by the Planning Commission. Chairman Ross informed Mr. Kateley he has 15 days to appeal the decision of the Planning Commission to the City Council.

Next on the agenda was a Public Hearing in consideration of a zone variance application by Mr. Centoni of 860 N.E. Evelyn Ave. A deck was built on the side of the house. A slide review of said house was shown by Edwards. Proponents were called. Mr. Steve Centoni was present, being a partner of the builder, he spoke in their behalf. Acting Supt. John Whiteside stated the deck was not shown on the building permit but was shown on the elevation plans, It was somehow missed. Opponents were called. There being none present, the hearing was closed. After much discussion a motion was made by Shaw that the variance be approved on one (1) condition. Neither the rail or the stairs project any further into the side yard than the existing deck. Seconded by Edgerton, motion carried unanimously. The secretary was directed to write a letter to Mr. Centoni advising him of the decision of the Planning Commission and to add a footnote pertaining to the granting of this variance. Said footnote: Granting of this variance was granted due to an oversight between the plot plan drawing and the building plan. Builders and builders designers shall be responsible for plans and drawings submitted to conform to the Ordinance. Variance does not constitute a precedence.

Next on the agenda was a second street deed by Mr. Al Seida - Almax Mobile Villa. Mr. Ronald Tatone and Mr. Condray represented Mr. Seida. Mr. Tatone gave a resume of past proceeding up to the present. After much discussion a motion was made by Cutsforth to amend the original letter of agreement dated September 25, 1972, and signed by Albert A. Seida, to strike paragraph 3 which should read: To meet the condition as established by the Planning Commission, I am willing to deed to the City of Canby a 40' strip of land to be used for street purposes. Such deed to be conveyed to the City at such time as a change of use other than the existing Mobile Home Park <sup>sew</sup>. A deed restriction shall be recorded so as to follow the property. This strip of land is to be the Easterly extension of S.E. Second Avenue and extend easterly to the west boundry of Canby Manor Mobile Court. Seconded by Edgerton, motioned passed unanimously.

Next on the agenda, a violation by Terry Laxton, concerning property on Territorial Rd. After much discussion, a motion was made by Edgerton to allow a building permit subject to receipt of Right-of-Way on Territorial Rd. as established thru minor land partitioning by Terry Laxton on November 2, 1972. Seconded by DiTommaso. Ayes 3 Nays 2. Motion carried.

Meeting adjourned at 11:30 P.M.

Respectfully Submitted,

*Thelma Austin*

Thelma Austin  
Secretary