

Canby Planning Commission
Regular Meeting
October 13, 1982

MEMBERS PRESENT: Chairman Kahut, Commissioners Baller, Davis, Shinn, Cutsforth, Schrader and MacKenzie.

OTHERS PRESENT: Deputy City Attorney Jennifer James, City Planner Bud Atwood and Floyd Kuehn.

The Chairman opened the regular meeting at 7:30 p.m.

The minutes of the Planning Commission meeting of September 27, 1982, were approved as distributed.

Commissioner Shinn declared a conflict of interest on the two items scheduled for the meeting and was excused to the audience for the meeting.

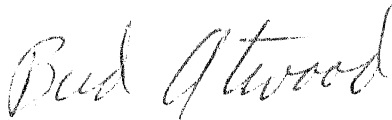
Item No. 1: Request for a Variance to allow an addition to the front of the existing residence which is six (6) feet from the east property line. The residence is located at 364 N.E. 9th Avenue and the property is described as Tax Lot 700, Section 33BD, T3S, R1E. The applicant is Gladys V. Gibson, represented by Floyd Kuehn. City Planner Atwood reviewed the application of variance for the side yard setback, necessitated for construction of an addition to the face of the dwelling on subject property, noting it will be within six (6) feet of the east property line. Mr. Kuehn, representing Gladys V. Gibson, addressed the Commission and explained the front yard setback was well within the requirements. Chairman Kahut opened the Public Hearing, neither opponents or proponents expressed testimony, the Public Hearing was closed. Chairman Kahut expressed that the following findings have been met: 1) exceptional circumstances apply to the subject property which do not apply generally to other properties in the same vicinity, which are tract size, topography, shape or other circumstances which the owners have no control; 2) variance is necessary for the preservation of a property right of applicant substantially the same as owners of other property in the same vicinity; 3) variance would not be materially detrimental to Ordinance No. 690, or other properties in the vicinity and would not conflict with objectives of the city plan or policy; 4) variance requested is minimum variance and would alleviate the hardship; and 5) exceptional or unique conditions of the property which necessitate the variance were not caused by the applicant, his employees, or relatives acting in deliberate violation of these or other city regulations. **Commissioner Davis moved to approve the variance of Gladys V. Gibson, 364 N.E. 9th Avenue, for a variance to the side yard setback requirements based upon the aforementioned five (5) findings of fact and with the following conditions: 1) the proposed addition to be a minimum of six (6) feet from the east property line and twenty (20) feet from the front property line; and 2) proposed addition to be designed and constructed to meet all other applicable city codes and regulations. Motion seconded by Commissioner Baller and approved unanimously.

Item 2: Request for a Variance to allow a two (2) foot addition to the south side of the existing dwelling unit which will be within 4.5 feet of the south property line. The residence is located at 402 S. Locust Street and described as Tax Lot 1400, Section 33DD, T3S, R1E. Applicant, Craig and Kathy Shinn. City Planner Atwood briefly reviewed the application explaining that the subject property borders newer homes on the north side and rear, to the south there is a duplex with a six foot sideyard, and on-site inspection reveals nothing that would be detrimental to the surrounding properties. Commissioner Baller questioned how far apart buildings would be on the south. Mr. Atwood explained there would be ten (10) feet and there are existing buildings in the area which are as close or closer. Craig Shinn, applicant, addressed the Commission and explained that the addition would extend one (1) foot further than the existing overhang. Chairman Kahut opened the Public Hearing and hearing no testimony, either pro or con, closed the Public Hearing. Chairman Kahut expressed that the same five (5) required findings as in Item No. 1 have been met. **Commissioner MacKenzie moved to grant the application of variance by Craig and Kathy Shinn, for a two (2) foot addition for a total length of twelve (12) feet on the south side of the dwelling at 402 S. Locust Street and the five (5) required findings, as addressed in Item No. 1, have been met with the following conditions of approval: 1) the proposed addition to be a minimum of four (4) feet from the south property line; and 2) proposed addition to be designed and constructed to meet all other applicable city codes and regulations. Motion seconded by Commissioner Schrader and approved unanimously.

City Planner Atwood informed the Commission that Mr. Hinckley would probably be requesting a conditional use for property on 309 S.E. First Avenue in compliance with Ordinance No. 690.

Chairman Kahut adjourned the meeting at 8:05 p.m.

This meeting has been tape recorded.



Bud Atwood
Canby City Planner