

MINUTES
SPECIAL PLANNING COMMISSION MEETING

MAY 28, 1985
7:00 p.m.

I. CALL TO ORDER

Chairman Appel called the special meeting to order at 7:00 p.m.

II. ROLL CALL

Commission Members Present: Chairman Leo Appel II, Vice Chairman Jim Izett, Commissioners Jean Hagen, Mary Jane Brimm, Elgin Gunderson.

Commission Members Absent: Commissioners Earl Breuer and Lonny Draheim.

Staff Present: Planning Director Chuck Rhodaback, Executive Secretary Donna Van Nest

III. PLANNING COMMISSION CHAIRMAN ANNOUNCEMENTS

A. Senate Bill 53

Chairman Appel explained to the Commission that the proposed Bill would involve a requirement that allows manufactured homes on single family lots, under provisions of the City Comprehensive Plan and implementing ordinances. Chairman Appel asked staff to give a status report on the Bill and Mr. Rhodaback indicated that the Bill was presently in the House of Representatives, Committee for house, environmental and energy issues. Chairman Appel directed staff to place the item on the agenda for the Planning Commission regular meeting of June 4, 1985.

B. Oregon Coast Zone Management Association Workshop

Chairman Appel mentioned to the Planning Commission members that the OCZMA staff will sponsor a workshop on Coastal Goals and Periodic Review and that the Commission members are welcome to attend the scheduled session on May 29, 1985 at 7:00 p.m. in the Gold Beach City Hall.

C. Rural Redevelopment Conference.

Chairman Appel mentioned to the Commission members that a Rural Redevelopment Conference was being held at Lin-Benton Community College on June 8, 1985.

D. Chairman Appel briefed the audience on the public hearing format of the meeting.

IV. PUBLIC HEARING - VARIANCE

VAR-1-85 FRANK & GLADYS CEMPELLIN

Tax Lot 319, Assessor's Parcel Map 41-13-6CD (replat of a portion of Zwagg Rock Acres Subdivision - Lot 10A); property is located on a private road extending South from Sandy Lane; request variance in a Residential Low Density Zone (R-LD) to allow required front yard setback to be reduced from 25 feet to 5 feet to allow for construction of a single family dwelling.

Chairman Appel opened the public hearing by asking Mr. Rhodaback, Planning Director, to give a staff report. Mr. Rhodaback briefly explained the proposed front yard setback variance request and outlined the land use decision criteria that needed to be addressed by the Planning Commission, by reading the entire report into the record. Based on preliminary review of the findings, the staff recommended to the Planning Commission that the request be approved.

Commissioner Gunderson asked the staff if the applicant and property owner met the provisions of criteria number one, in that the owner did and still does have control of the lot size and configuration. Mr. Rhodaback indicated that the owner did have control, but the Planning Commission and the City Council, by previous action, have been party to allowing the existing circumstances. Commissioner Gunderson asked staff if the owner built a 1400 square foot house, would they also have adequate land area to construct a double garage without another variance. Mr. Rhodaback indicated that the applicant would need to address that issue. Vice Chairman Izett asked staff why the owner needed a setback variance on a private road. Mr. Rhodaback stated that the zoning ordinance requires certain setbacks regardless of private road or public right-of-way. Sandy Coons, authorized agent, (James Realty, Inc.), P.O. Box 6615, Brookings, spoke in favor of the need for a 20 foot front yard variance and explained the problems involved with building on the lot. Sandy Coons also indicated that the owner would build a two-car garage and that there was ample land area, without an additional variance.

Chairman Appel asked Sandy Coons if access for Lot 10B was also provided for by the private road and Sandy Coons stated that Lot 10B would have easement access across the private road. Vice Chairman Izett asked if the past Planning Commission and City Council minutes had been reviewed with reference to the Zwagg Rock replat. Chairman Appel stated that staff had been requested to provide the Commission with copies; however, the record did not clarify the issue, so Chairman Appel asked the members that served during that time if they could shed some light on the issue, and they indicated that they could not, because the action was taken by the City four years ago.

Chairman Appel asked if anyone else wanted to speak for or against the request. Mr. William Cunningham, 325 Mill Beach Road, asked for the location of a 15 foot easement that extended through the property. The proponent indicated that the easement was adjacent to the West property line. Mr. Fred Hummel, 202 Alder Street, questioned the action by the City in approving the replat if the new lots needed variance approval to build on. Mr. Hummel suggested that a more acceptable solution would be the realignment of property lines versus granting a variance. Chairman Appel asked staff if the Planning Commission could undue the replat that had previously been approved. Mr. Rhodaback indicated that the City could not dictate to the property owner the replat of Zwagg Rock Acres Subdivision because the final plat has been approved and recorded. Mr. Rhodaback also explained that any Planning Commission action on the variance request requires findings of fact to support that decision.

Mr. Frank Cembellin, P.O. Box 6, stated that B & D Surveys requested the subdivision replat and nothing was said about the need for a variance at the time the City granted approval.

There being no further discussion, Chairman Appel closed the public hearing and called for a MOTION. Commissioner Hagen made a MOTION, seconded by Vice Chairman Izett, to approve the variance request; MOTION was approved by a vote of four ayes (Chairman Appel, Vice Chairman Izett, Commissioners Hagen and Brimm), and one nay (Commissioner Gunderson).

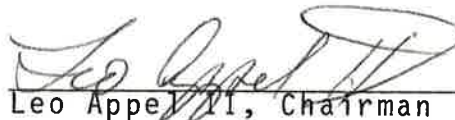
V. BUSINESS FROM MEMBERS OF THE PUBLIC

Mr. Fred Hummel, 202 Alder Street, informed the Planning Commission about a scheduled BLM public hearing in Gold Beach on June 19, 1985. Mr. Hummel explained that the purpose of the hearing was to consider classifying Zwagg Island as a wilderness area. Mr. Hummel requested the City Planning Commission involvement in the issue. Chairman Appel stated that the matter would be placed on the Regular Planning Commission meeting agenda, scheduled for June 4, 1985.

VI. ADJOURNMENT

There being no further business, Commissioner Brimm made a MOTION, seconded by Commissioner Hagen, to adjourn the meeting; MOTION carried unanimously.

Chairman Appel adjourned the meeting at 7:50 p.m.


Leo Appel, Chairman

ATTEST:


Judy Pectol, Recorder