

RESOLUTION NO. P.C. 121-90

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF THE DALLES DENYING VARIANCE NO. 60-90
FOR A VARIANCE TO THE HEIGHT LIMITATION FOR
ACCESSORY BUILDINGS IN THE R-3 ZONE

I. **RECITALS:**

- A. The Planning Commission of the City of The Dalles has heretofore, on May 3, 1990, conducted a public hearing to consider Variance No. 60-90 relating to the following described property:

322 West 9th Street; Township 1 North, Range 13 East, Section 4AD, tax lot number 15600.

- B. Said property is located in the Multiple Family Residential (R-3) District and existing use of the property is a single family residence.
- C. Section 32 (Variances) of The Dalles Zoning Ordinance establishes the criteria for approving or denying variance applications.

II. **RESOLUTION:** Now, therefore, be it FOUND, DETERMINED, and RESOLVED by the Planning Commission of the City of The Dalles, as follows:

- A. In all respects as set forth in Recitals, Part "I" of this Resolution.
- B. The application requesting approval of Variance No. 60-90 for a variance to the height limitation of 15 feet for an accessory building in the R-3 District is hereby denied based upon the following Findings of Fact and Conclusions of Law:
1. Zoning Ordinance: Section 32 of The Dalles Zoning Ordinance allows for variances subject to meeting the criteria listed below:
 - a. That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other

properties in the vicinity and district in which the subject property is situated.

- b. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

2. Findings:

- a. The height limitation standard for accessory buildings in the Zoning Ordinance makes no provision for additional height based on proportion with the primary structure.
- b. A building permit was approved by the Planning Department February 14, 1990, approving construction of a 35' x 20' x 14' garage building with a 6-12 pitch. The existing building exceeds the 14' height by nearly 9 feet.
- c. The Commission finds that to allow an approximate nine foot variance would be granting of a special privilege to the applicant, not enjoyed by other properties in the vicinity and under identical zone classification.
- d. The Commission finds that strict application of the Zoning Ordinance will not deprive the applicant from constructing a garage similar to others in the vicinity.
- e. Affected property owners protested the granting of the variance and indicated the building would not be an integral part of the neighborhood because of it's height.

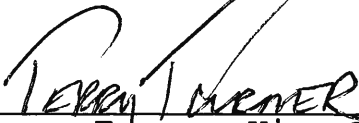
3. Conclusion: The variance application fails to meet the criteria for granting of a variance as listed in Section 32 of The Dalles Zoning Ordinance.

- C. Based upon the above Findings of Fact and Conclusions of Law, the Planning Commission for the City of The Dalles hereby denies Variance application No. 60-90 to

allow an accessory building to be constructed higher than the 15 foot limitation of the R-3 District.

- D. The Secretary of the Commission shall (a) certify to the adoption of the Resolution and (b) forthwith transmit a copy of the said Resolution to the City Council of the City of The Dalles.

APPROVED AND ADOPTED THIS 17TH DAY OF MAY, 1990.



Terry Turner, Vice-Chairman
Planning Commission

I, Frank Kaminski, Secretary to the Planning Commission of the City of The Dalles, hereby certify that the foregoing Resolution was adopted at the Regular Meeting of the Planning Commission of the City of The Dalles held on the 17th day of May, 1990.

AYES: Terry Turner, Ken Farner, Carol Cutler, Carri Ramsey, Rod Runyon

NO'S: None

ABSENT: None

ABSTAIN: None

ATTEST: 

Secretary, Planning Commission