

CITY OF THE DALLES PLANNING COMMISSION MINUTES

Thursday, November 1, 2012

City Hall Council Chambers

313 Court Street

The Dalles, OR 97058

Conducted in a handicap accessible room

CALL TO ORDER:

Chair Lavier called the meeting to order at 6:01 PM.

BOARD MEMBERS PRESENT:

Bruce Lavier, Mark Poppoff, Jeff Stiles, Chris Zukin

BOARD MEMBERS ABSENT:

Robert Raschio, Mike Zingg, Dennis Whitehouse

STAFF MEMBERS PRESENT:

City Attorney Gene Parker, Director Richard Gassman, Administrative Secretary Carole Trautman

APPROVAL OF AGENDA:

It was moved by Stiles and seconded by Zukin to approve the agenda as submitted. The motion carried unanimously; Raschio, Zingg and Whitehouse were absent.

APPROVAL OF MINUTES:

It was moved by Stiles and seconded by Poppoff to approve the October 18, 2012 minutes as submitted. The motion carried unanimously; Raschio, Zingg and Whitehouse were absent.

PUBLIC COMMENT:

None.

QUASI-JUDICIAL HEARING:

Public Hearing Continuance

Application Number: VAR 120-12; **Brian and Gloria Tuck;** **Request:** To obtain approval for a carport with less than the required side yard setback. Property is located at 623 Sherman Drive, The Dalles, Oregon, and is further described as Township 1 North, Range 13 East, Map 1DB, tax lot 1600.

Chair Lavier called the public hearing to order at 6:03 PM.

Director Gassman reported that, at the previous hearing, staff was asked to work towards finding a possible resolution to the applicants' request. Gassman stated that he and City Attorney Parker could not find a solution. Gassman commented there could possibly be some construction solutions, but staff did not have enough expertise in construction to offer any kind of a solution.

Commissioner Zukin said that one solution that was offered at the previous hearing was to allow the construction of a 14 foot-wide carport instead of a 15 foot-wide carport. Zukin asked if that would help the City staff in regulating future variance requests of this nature. Director Gassman pointed out that there were no factors in this case that were unusual enough to make some sort of a distinction from

other properties and other variance requests. Gassman thought the staff would have trouble with future cases no matter what variance decision was made in this case.

Testimony

Proponents:

Brian and Gloria Tuck, 623 Sherman Drive, The Dalles, Oregon, stated that they appreciated the Commission's consideration, and they understood that the allowance of their variance request could set a precedent. Mr. Tuck said he needed some sort of relief from the setback requirements, 15 feet would be ideal, but he would be willing to accept a middle ground resolution on the setbacks. The Tucks presented some photographs and a scaled drawing of the carport area showing various setback footages that could be considered (*Exhibit #5*).

Chair Lavier asked Mr. Tuck if the carport could be constructed using three support posts instead of four. Mr. Tuck said it was not possible.

Commissioner Poppoff asked if it would be possible to partially roof the carport to cover a portion of the motor home rather than to extend the roof out to the fence line. Mr. Tuck did not believe that would work, because he would still have to climb up on the motor home to knock the snow off. Commissioner Poppoff asked the applicants if they had searched for another storage space. Mr. Tuck said there were no storage spaces large enough in The Dalles.

Mr. Tuck said the adjacent neighbor had no problem with the variance request, and Mr. Tuck would be willing to work with a 1.5 foot setback.

Chair Lavier closed the public hearing at 6:20 PM.

Deliberation:

It was moved by Commissioner Zukin to approve the request for VAR 120-12 using an 18 inch setback.

Zukin stated that the Planning Commission had always searched for a compromise. It was not a matter of allowing an enclosed building. It was a matter of allowing some support beams with no walls inside the standard setback area. Zukin suggested the Commission could review the Land Use and Development Ordinances (LUDO) in regards to setbacks for open carports as opposed to enclosed structures.

Chair Lavier called for a second to the motion. There was none. The motion died.

Commissioner Stiles said he was concerned about setting a precedent. He concurred with Zukin regarding reviewing the LUDO.

Chair Lavier said he was not opposed to changing the LUDO for carport setbacks, but he would have trouble voting in favor of something that was not currently allowed in LUDO.

City Attorney Parker advised that, if the Commission allowed the variance request, it would not necessarily set a precedent, because variance requests are reviewed on a case-by-case basis by the Planning Commission. One variance approval would not commit the Commission to allow future requests every time, Parker stated.

Commissioner Poppoff commented that he believed, in the long run, to allow the variance request would cause more problems that it would solve. However, he was not opposed to reviewing LUDO setback requirements for carports.

City Attorney Parker clarified that LUDO changes would require due process, including going before City Council. He advised that even to expedite a LUDO change request as quickly as possible could take the request before City Council in January 2013.

It was moved by Chair Lavier and seconded by Poppoff to deny VAR #120-12 based upon findings of fact and the staff's recommendation. Lavier, Poppoff and Stiles voted in favor, Zukin opposed; Raschio, Zingg and Whitehouse were absent. Motion carried.

Chair Lavier instructed staff to expedite LUDO changes for setbacks for covered carports, limited to structures that are three-sided with supporting posts and open on the side closest to the adjacent property.

RESOLUTION:

P.C. Resolution #526-12, APL #23-12

It was moved by Zukin and seconded by Stiles to approve P.C. Resolution #526-12 as presented. Lavier, Zukin and Stiles voted in favor, Poppoff opposed; Raschio, Zingg and Whitehouse were absent. Motion carried.

P.C. Resolution #528-12, ADJ #120-12

It was moved by Stiles and seconded by Poppoff to approve P.C. Resolution #528-12 as presented. Lavier, Poppoff and Stiles voted in favor, Zukin opposed; Raschio, Zingg and Whitehouse were absent. Motion carried.

STAFF COMMENTS:

Director Gassman reminded the Commissioners that Director Durow's retirement party was scheduled for Friday, November 2, 2012 at the Discovery Center.

City Attorney Parker advised that the Walmart legal issues were progressing, the latest hearing was rescheduled to January 2013. Representatives for Walmart advised that if there were no appeals to that hearing, Walmart could possibly move forward, Parker reported.

COMMISSIONER COMMENTS/QUESTIONS:

None.

NEXT MEETING:

November 15, 2012

ADJOURNMENT:

The meeting was adjourned at 6:45 PM.

Respectfully submitted by Carole J. Trautman, Administrative Secretary.



Bruce Lavier, Chairman

2 squares = 1 foot

EXHIBIT 5 - Pg 1

Side
garage
door

3'

Motor Home

9' 6" wide

Garage

fence line

5'

3'

2'

1'

Drive way. Brian + Gloria Tuck



1 foot from
property line

2 feet from
property line



3 feet from
property line



5 feet from
property line



