

RESOLUTION NO. P.C. 94-87

A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF THE DALLES APPROVING VARIANCE
#36-87, A REQUEST TO REDUCE THE FRONT YARD
SETBACK FROM 20 FEET TO 13 FEET FOR A NEW
LOT ON FAIRVIEW

I. Recitals.

- (A) The Planning Commission of the City of The Dalles has heretofore, on April 23, 1987, conducted a public hearing to consider Variance No. 36-87 relating to the following described property:

Tax Lot 5000, Township 1N, Range 13, Section 10BA

- (B) Said property is located in the R-1 zoning district, where the front yard setback requirement is 20 feet.
- (C) The applicant, Richard A. Miller, requests a variance to reduce the front yard setback to 13 feet for a new home. Most of the home will have a 15 foot setback.
- (D) Notice of public hearing was made pursuant to The Dalles Zoning Ordinance.
- (E) Section 32 (Variances) of The Dalles Zoning Ordinance requires that the Commission review the Variance application with respect to specific circumstances for approval.

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 a variance is hereby approved for the following reasons:

- (1) There are special circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply to other property in the same vicinity and zone.

There are unusual conditions including lot shape and topography. The property was originally subdivided without the required minimum 100' depth requirement due to steep topographical limitations on north part of lot. Evidence indicates that approval of the front yard variance will eliminate impact on the steep slope to the rear of the proposed house. The area between the front property line and bluff line is only 48 feet at the widest location.

- (2) Difficulties and unnecessary hardships will be created by the strict application of the Ordinance (the difficulties or hardships are due to special circumstances or exceptional characteristics of the property).

The house would require cantilever type construction extending over the edge of the bluff.

- (3) The variance would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the property is located.

This is a very unusual situation due to street layout, linear shape of lot, and topography. Adjacent properties have a 15' or less setback.

Another residential zone (R-3") permits a 15' setback.

- (4) Approval of the variance would not be detrimental to public health and welfare and be contrary to the Ordinance.

The intent of the variance is to avoid disturbing the steep slope.

A soils engineer determined that "the house site is stable and suitable for normal construction methods" (2/3/87 correspondence from John McDonald). Mr Miller's architect has indicated in a letter that five items will be incorporated into the design and construction to avoid soil erosion.

- (C) The Secretary of the Planning 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.


ADOPTED AND APPROVED THIS 7TH DAY OF MAY, 1987.

/s/ Joe Byrne
CHAIRMAN, PLANNING COMMISSION

I, Jack Lesch, Secretary to the Planning Commission of the City of The Dalles, hereby certify that the foregoing Resolution was adopted at a Regular Meeting of the Planning Commission of the City of The Dalles, held on the 7th day of May, 1987.

AYES: COMMISSIONERS: Terry Turner, Shirley Walker, Bud Earl
Ken Farner, Joe Byrne and Carol Cutler.
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS: Bob Peickert
ABSTAIN: COMMISSIONERS:

ATTEST: _____


Secretary, Planning Commission