

RESOLUTION NO. P.C. 74-85

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF THE DALLES APPROVING VARIANCE #28-85, A REQUEST TO VARY THE SIDE AND REAR YARD SETBACKS FOR EXISTING BUILDINGS IN A PROPOSED LAND PARTITION.

I. Recitals:

- (A) The Planning Commission of the City of The Dalles has heretofore, on July 11, 1985, conducted a public hearing to consider Variance No. 28-85 relating to the following described property:

Tax Lot 900, T,2N, R.13, Sec. 29 (south side of Hostetler between West 8th and West 10th)

- (B) Said property is located in the CN zoning district, where the minimum side and rear yard setback requirement is five feet.
- (C) The applicants, Kenneth and Violet Sauter, propose a land partition and new property line which would result in one foot side yard setbacks and a two foot rear yard setback for existing buildings.
- (D) Notice of public hearing was made pursuant to The Dalles Zoning Ordinance. No one testified in either opposition or support of the request other than the applicant.
- (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 of side and rear yard setback standards is hereby approved, with a condition, for the following reasons:
- (1) There are special circumstances or conditions applicable to the property involved or to the intended use of this property that do not apply to other property in the same vicinity and zone.

Variance is necessary to separate property for sale. This request separates the mini-storage portion from the truck shop portion. The applicant's site plan represents the only reasonable method of separation.

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

Proposed partition would not be possible without variance.

- (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.

There is a unique situation in that the two proposed parcels have pre existing uses. There is no possibility of conformance to the setbacks in the proposed land partition.

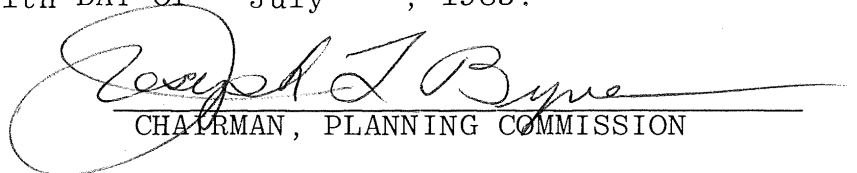
- (4) Approval of the variance would not be detrimental to public health and welfare and be contrary to the intent of the Ordinance.

It merely allows change in ownership. There will be a compliance with one hour firewall protection on both walls adjacent to each other on buildings A & B on site plan and rear wall on building B.

- (C) The Planning Commission grants the variance subject to compliance with building code requirements for firewall protection.

- (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.

ADOPTED AND APPROVED THIS 11th DAY OF July , 1985.

  
CHAIRMAN, PLANNING COMMISSION

I, Jack Lesch, Secretary to the Planning Commission of the City of The Dalles, do hereby certify that the foregoing Resolution was passed at a Regular Meeting of the Planning Commission of the City of The Dalles, held on the 11th day of July , 1985.


AYES: COMMISSIONERS: Byrne, Zukin, Hawkins, Donnell,  
O'Herron, Walker.

NOES: COMMISSIONERS: none.

ABSENT: COMMISSIONERS: Northrop.

ABSTAIN: COMMISSIONERS: none.

ATTEST:

  
Secretary, Planning Commission