

RESOLUTION NO. P.C. 8-81

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF THE DALLES APPROVING VARIANCE #12-81, A REQUEST TO VARY THE SIDE YARD SETBACK AREA ALONG JORDAN STREET FROM 10' TO 0' AT 901 WEST 19TH STREET IN THE R-1 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT.

I. Recitals:

- (A) The Planning Commission of the City of The Dalles has heretofore, on June 18, 1981 conducted a public hearing to consider Variance #12-81 relating to the following described property:  
  
1N-13-4CA Tax Lot 8400
- (B) Said property is located within the R-1 (Single Family Residential) zoning district.
- (C) Said R-1 zoning district regulations require a ten (10) foot sideyard setback area on the street side of a corner lot.
- (D) The applicants, Leo & Diane Keilman, have requested to construct a single family residential structure with no setback along Jordan Street.
- (E) The property has an existing sanitary sewer trunk line running through the property.
- (F) Said sanitary sewer was constructed in 1955 in conjunction with a subdivision located to the Southwest of the property.
- (G) Survey information indicates that the sanitary sewer is not located in the described utility easement.
- (H) Topography of the property makes it difficult to construct a house in any other location.
- (I) The proposed residential structure will be of a solar design which requires an orientation of the structure toward the South.
- (J) The request is to allow one corner of the structure to extend to the lot line and for the side wall of the garage to be setback five feet (5').
- (K) Section 19.000 (Variances) of The Dalles Zoning Code 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 a side yard setback area is hereby approved for the following reasons:

1. Unusual circumstances apply to this property which do not apply generally to other properties in the same zoning district or vicinity resulting from the following circumstances over which the applicant has no control:

Triangular shaped lot with steep topography, and a City sewer located on the westerly portion which prevents construction of a house compatible with the lot, unless the house can be moved easterly, away from sewer, to a point on existing westerly boundary of Jordan Street.

2. The Variance is necessary to achieve the preservation of a property right which is substantially the same as that which the owners of other property possess in the same zoning district or vicinity inasmuch as:

Other property in the vicinity does not have imposed upon it the placement of a City sewer which prohibits the full utilization of the lot. By granting the variance, the applicants will have an equal status with other property owners.

3. The Variance will not be materially detrimental to the purposes of the Zoning Ordinance, or to the property in the zoning district or vicinity in which the property is located in that:

The strict application of the setback required by the Zoning Ordinance would create a unique hardship on the applicants as indicated in the previous findings and this would be unnecessary within the intent and purpose of the Ordinance, whose purpose is to create uniformity on streets; there is only one other buildable lot in the vicinity on Jordan Street, which is across the street from this lot, and the Variance would not have a detrimental effect. The only intersection in the vicinity is an underdeveloped alley 50 feet to the North of the corner of the applicant's home which would touch the westerly boundary of Jordan Street. The applicants own the house to the North of the alley. The only other buildable lot is across Jordan St. from the subject property, having a much higher elevation. If Jordan Street is improved, the cut for it will not be deep enough to create a danger to the proposed house, due to the depth of the sewer that crosses Jordan Street on line of said alley. The Variance will allow for less slope for vehicular entry to the premises from the alley.

4. The Variance would not conflict with the objectives of the Comprehensive Plan for the following reasons:

Adequate light, air and open space will not be reduced to others or to the applicants. The house has a solar wall facing south and parking area and walkways on the other exposure to Jordan. There is adequate protection from dust, fumes and noise of traffic; sight distances are more than adequate with this Variance, as has been previously indicated. Further, the Variance is consistent with the Comprehensive Plan since it promotes development of this buildable area; of which areas are in short supply; it promotes

the most efficient use of a land resource, it promotes building, in a tight housing market. It promotes use of available resources to maximum capacity; it promotes housing complementary with environment and surrounding land uses through individual site selection and design. Promotes natural landscaping. Makes provision for development on buildable but substandard sized lot (due to City sewer); the position of the proposed house utilizes conservation of energy through solar heat.

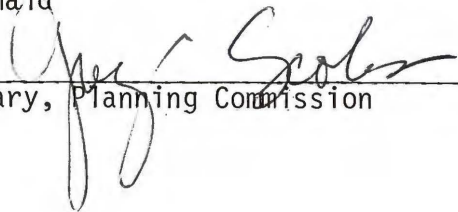
5. Based on the other findings of fact, it is apparent that this request is the minimum variance that would alleviate the hardship.
- C. The Secretary of the Commission shall (a) certify to the adoption of the Resolution and (b) forthwith transmit a copy of the said Resolution to the City Council of the City of The Dalles.

ADOPTED AND APPROVED THIS 2nd DAY OF July, 1981.

  
Chairman, Planning Commission

I, Greg Scoles, Secretary to the Planning Commission of the City of The Dalles, do hereby certify that the foregoing Resolution was passed as a Regular Meeting of the Planning Commission of the City of The Dalles, held on the 2nd day of July, 1981, by the following vote:

AYES: COMMISSIONERS: Joe Byrne and Wendy Donnell  
NOES: COMMISSIONERS:  
ABSENT: COMMISSIONERS: Jim Kelly, Bill Matthew and Dale Elliott  
ABSTAIN: COMMISSIONERS: Gary HonaId

ATTEST:   
Secretary, Planning Commission

RESOLUTION NO. P.C.8-81

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF THE DALLES DENYING VARIANCE #12-81, A REQUEST TO VARY THE SIDE YARD SETBACK AREA ALONG JORDAN ST. FROM 10' TO 0' AT 901 W. 19th STREET IN THE R-1 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT.

I. Recitals:

- (A) The Planning Commission of the City of The Dalles has heretofore, on June 18, 1981 conducted a public hearing to consider Variance #12-81 relating to the following described property:  
  
1N-13-4CA Tax Lot 8400
- (B) Said property is located within the R-1 (Single Family Residential) zoning district.
- (C) Said R-1 zoning district regulations require a ten (10) foot sideyard setback area on the street side of a corner lot.
- (D) The applicants, Leo & Diane Keilman, have requested to construct a single family residential structure with no setback along Jordan Street.
- (E) The property has an existing sanitary sewer trunk line running through the property.
- (F) Said sanitary sewer was constructed in 1955 in conjunction with a subdivision located to the Southwest of the property.
- (G) Survey information indicates that the sanitary sewer is not located in the described utility easement.
- (H) Section 19.000 (Variances) of The Dalles Zoning Code 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 applicant requesting approval of a Variance of a side yard setback area is hereby denied for the following reasons:

*- not approved;*

*redrafted see P.C. 8-81*

1. Failure of the applicant to prove to the Commission that unusual circumstances apply to this property which do not apply generally to other properties in the same zoning district or vicinity resulting from the size or shape, the topography, or other circumstances over which the applicant has no control in that:
  - (a) Other properties in the same zoning district and vicinity have similar size, shape and topographical features.
  - (b) Placement of the existing sewer line, which was constructed in 1955, although it is not located in the recorded easement, does not, when coupled with existing setback requirements, cause this property to become unbuildable.
  - (c) The triangular shape of the property does not sufficiently justify the compromise of the City's setback standards.
2. Failure of the applicant to prove that the Variance is necessary to achieve the preservation of a property right which is substantially the same as that which the owners of other property possess in the same zoning district or vicinity inasmuch as:
  - (a) All other properties in the same general vicinity have been required to comply with adopted setback requirements.
  - (b) The property can be developed under the current residential zoning standards.
3. Failure of the applicant to prove that the Variance would not be materially detrimental to the purposes of the zoning ordinance, or to the property in the zoning district or vicinity in which the property is located in that:
  - (a) Approval of this request may set precedence for future development in the general vicinity and will not maintain uniformity for neighborhood aesthetics.
  - (b) Reduction of the setback requirement may increase the potential for instability of the structure during future street and sidewalk excavation.

- 4. Failure of the applicant to prove that the Variance would not conflict with the objectives of the Comprehensive Plan which in this case are to establish setbacks to assure that development of residential areas include adequate light, air and open space. Further, yards should be required to protect residents from dust, fumes and noise of traffic, and to provide adequate sight distances for traffic safety at intersections.
  - 5. Failure of the applicant to prove that the Variance request is the minimum variance which would alleviate the preceived hardship.
- C. The Secretary of the Commission shall (a) certify to the adoption of this 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                      DAY OF                      , 1981.

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Chairman, Planning Commission

I, Greg Scoles, Secretary to the Planning Commission of the City of The Dalles, do hereby certify that the foregoing Resolution was passed as a Regular Meeting of the Planning Commission of the City of The Dalles, held on the                      day of                      , 1981, by the following vote:

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:
ABSTAIN:	COMMISSIONERS:

ATTEST: \_\_\_\_\_  
Secretary, Planning Commission