

RESOLUTION NO. P.C. 7-81

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF THE DALLES DENYING VARIANCE #11-81, A REQUEST TO VARY THE SIDE YARD SETBACK AREA FROM 10' TO 5' 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 April 16, 1981 conducted a public hearing to consider Variance #11-81 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, request a five (5) foot variance of the above mentioned setback requirement.

(E) 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:

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, does not, when coupled to existing setback requirements, cause this property to become unbuildable.

(c) The traingular shape of the property does not 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 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 is 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 five (5) foot 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 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 at 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