OFFICIAL RECEIPT

# CITY OF HERMISTON

180 N.E. 2ND STREET
HERMISTON, OREGON 97838
(541) 567-5521

ACCT. NO. 19100 DATE 10-25
REC'D. FROM LONNIE SMITH

| CASH | CHECK | OTHER | AMOUNT |
|---|---|---|---|
| | 1045 | | $ 225.00 |

MINOR VARIANCE

PAID BY

| | | | |
|---|---|---|---|
| | TOTAL | 225 | 00 |

36824

REC'D. BY

MARTIN BUSINESS SYSTEMS - KENNEWICK, WA 99336 28593-AS

*Planning Department*
*180 N.E. 2nd Street*
*Hermiston, OR 97838-1860*
*Phone (541) 567-5521 • Fax (541) 567-5530*
*E-mail: planning@hermiston.or.us*

October 31, 2002

Lonnie Smith
1305 NE Madrona Drive
Hermiston, OR 97838

Re: Minor variance from the minimum rear yard setback requirement for property located at 1305 NE Madrona Drive

Dear Mr. Smith:

This is the city's official notification to you that your request for a minor variance from the minimum rear yard setback requirement has been granted for your property located at 1305 NE Madrona Drive. In reducing the rear yard setback from 15 feet to 13.5 feet, the following findings were made:

1. The proposed building is not out of character with the surrounding development as the proposed patio will be constructed of similar materials as the existing house.

2. The existing house, garage and proposed patio expansion cover approximately 33 percent of the lot. This is less than the 35 percent lot coverage allowed in the R-2 zone.

3. Staff has received statements from all property owners within 100 feet stating that there is no objection to the proposed minor variance.

4. The materials necessary to construct the patio were purchased in advance by a contractor who is no longer on the project. The cost of returning prefabricated trusses and then purchasing new trusses presents a substantial financial hardship to the applicant.

5. The proposed minor variance is the smallest variance possible which will result in a usable patio structure since the house is existing and there are no other locations available to construct a patio.

The variance permits you to construct a new patio attached to your existing single family dwelling. In granting the variance, staff has imposed the following condition on your request:

1. Should any further structures or additions be constructed on the property, the applicant shall be required to provide written calculations demonstrating that the total lot coverage does not exceed 35 percent.

You may now obtain the necessary permits to begin construction of your patio. Please remember that construction shall commence only after a building permit has been issued by the building department.

If you have any questions, please feel free to contact me at (541)567-5521.

Sincerely,

Clinton Spencer
City Planner

c: Brookshier
Ward

I:\PLANNING\VARIANCE\Smith 1305 NE Madrona\Approval.wpd

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*180 N.E. 2nd Street*
*Hermiston, OR 97838-1860*
*Phone (541) 567-5521 • Fax (541) 567-5530*
*E-mail: planning@hermiston.or.us*

**To:** All Interested Parties
**From:** Clinton Spencer, City Planner CS
**Subject:** Smith Minor Variance Request, 1305 NE Madrona Dr.
**Date:** October 31, 2002

## Background

Lonnie Smith has submitted a request for a minor variance from the rear yard setback requirement in the Duplex Residential (R-2) zone. Section 157.225(4)(a) of the Hermiston Code of Ordinances provides authorization for the city administration to grant a minor variance to deviate from a minimum property development standard by not more than 10 percent where it can be shown that, owing to special and unusual circumstances, strict application of the ordinance would cause an undue or unnecessary hardship. The applicant is requesting to reduce the 15 foot rear yard setback to 13.5 feet which is a 10 percent deviation from the minimum rear yard setback requirement.

The applicant's property is located at 1305 NE Madrona Drive and is described as 4N 28 12CA Tax Lot 1300. The site presently contains one single-family dwelling. The applicant proposes to construct a new patio attached to the rear of the house. The property lies within and is surrounded by R-2 zoned land.

## Findings

1. The proposed building is not out of character with the surrounding development as the proposed patio will be constructed of similar materials as the existing house.

2. The existing house, garage and proposed patio expansion cover approximately 33 percent of the lot. This is less than the 35 percent lot coverage allowed in the R-2 zone.

3. Staff has received statements from all property owners within 100 feet stating that there is no objection to the proposed minor variance.

4. The materials necessary to construct the patio were purchased in advance by a contractor who is no longer on the project. The cost of returning prefabricated trusses and then purchasing new trusses presents a substantial financial hardship to the applicant.

5. The proposed minor variance is the smallest variance possible which will result in a usable patio structure since the house is existing and there are no other locations available to construct a patio.

## Decision

Based on the findings, the applicant's request to deviate from a minimum property development standard by not more than 10 percent is granted subject to the following condition:

1. Should any further structures or additions be constructed on the property, the applicant shall be required to provide written calculations demonstrating that the total lot coverage does not exceed 35 percent.

I:\PLANNING\VARIANCE\Smith 1305 NE Madrona\Staff Report.wpd

LIST ATNAMES SER.PROPID FULL.NAME ADDR2.CSZ ID-SUPP LBL-SPC LPTR 11:17:50 Oct 28 2002 1

| SERIAL PROPID | FULL.NAME | ADDRESS |
|---|---|---|
| 156563 R08014N2812CA01300 | SMITH LONNIE & LOUISE<br>(TRS)1/2 WURM ROBERT J & ALICIA 1/2 | 1305 NE MADRONA DR HERMISTON,<br>OR 97838 |
| 156564 R08014N2812CA01400 | PACIFIC WESTERN HOMES INC | 5526 NE 122ND AVE PORTLAND,<br>OR 97230 |
| 156565 R08014N2812CA01500 | PACIFIC WESTERN HOMES INC | 5526 NE 122ND AVE PORTLAND,<br>OR 97230 |
| 156566 R08014N2812CA01600 | PACIFIC WESTERN HOMES INC | 5526 NE 122ND AVE PORTLAND,<br>OR 97230 |
| 156555 R08014N2812CA00500 | PACIFIC WESTERN HOMES INC | 5526 NE 122ND AVE PORTLAND,<br>OR 97230 |
| 156556 R08014N2812CA00600 | PACIFIC WESTERN HOMES INC | 5526 NE 122ND AVE PORTLAND,<br>OR 97230 |
| 156557 R08014N2812CA00700 | PACIFIC WESTERN HOMES INC | 5526 NE 122ND AVE PORTLAND,<br>OR 97230 |
| 156558 R08014N2812CA00800 | PACIFIC WESTERN HOMES INC | 5526 NE 122ND AVE PORTLAND,<br>OR 97230 |

8 records listed

Lonnie Smith
1305 N E Madrona, Dr.
Hermiston, Or. 97838

October 25, 2002

City of Hermiston
Hermiston, Or. 97838

I am making application for a variance for building a porch in my back yard. I paid a contactor an up-front fee to purchase materials and was told that a porch could be built measuring out over the existing concrete which would set back twelve feet from the property line. I have now hired another contractor to do the job using the trusses that were purchased by the first contractor.

The city building inspector, Mr. Ward, says the set back in my back yard is fifteen feet. This will mean that the trusses that I have already paid for will not work. However with a 10% variance will allow for a thirteen foot six inch set back, the truss factory says the trusses can be modified to work.

If I am not allowed the variance I will be out completely the expense of the first contractor with nothing to show for it. With the variance with some additional expense over the original estimate I will be able to have the project completed.

Thank you,

Lonnie Smith

Lonnie Smith

To Whom it May Concern:

Please be advised that Pacific Western Homes Inc has No objection to or concern with the Granting of a Variance into the required rear yard Set-back to Facilitate the use of the existing Trusses!

Tom Sto / Secretary
Pacific Western Homes Inc

To whom it may concern:

Please be advised that Pacific Water Works has no objection to or concern with the granting of a license and the regional Water Board staff should immediate the issuance of the pending license.

Tom Ode | Secretary
Pacific Water Works Co.

LONNIE P. SMITH
LOUISE A. SMITH
1305 N.E. MADRONA DR.
HERMISTON, OR 97838
PH; 541-667-2626

1045

96-7030/3232
44

Date 10-25-02

Pay to the Order of City of Hermiston $ 225.00

Two hundred, twenty five & 00/100 Dollars

Security features are included. Details on back.

Klamath First
810 S. Hwy 395
Hermiston, OR 97838-2621
1-800-486-9440

PREMIER PLUS 50 ACCOUNT

For variance fee

Louise A. Smith

⑆323270300⑆ 44 7004907⑈ 1045

©Clarke American

OFFICIAL RECEIPT

**CITY OF HERMISTON**

180 N.E. 2ND STREET
HERMISTON, OREGON 97838
(541) 567-5521

ACCT. NO. 19100 DATE 10-25

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MARTIN BUSINESS SYSTEMS - KENNEWICK, WA 99336 28593-AS

# CITY OF HERMISTON

# APPLICATION FOR MINOR VARIANCE

§157.225 of the Hermiston Code of Ordinances provides for authorization to grant or deny minor variances. The City administration may grant a minor variance to the requirements of the ordinance where it can be shown that owing to special and unusual circumstances, strict application of the ordinance would cause an undue or unnecessary hardship. In granting a minor variance, conditions may be imposed which are necessary to protect the best interest of the surrounding property or vicinity or otherwise achieve the purpose of this ordinance.

One variance may be granted by the city administration after a thorough examination and upon presentation of evidence by the applicant that the variance requested involves one of the three issues listed in the application.

Name of Applicant: LONNIE SMITH Phone:

Mailing Address: 1305 N E MADRONA DR, HERMISTON

Name of Owner (If Different): Phone:

Mailing Address:

Legal Description: Assessor's Map No: 12 CA Tax Lot No: 1300

Subdivision (If Applicable):

**Please Attach a Metes and Bounds Legal Description**

Street Address: 1305 N E MADRONA DR,

Current Zoning Designation: R-2

Variance Requested: BACK YARD SET BACK OF 10%

Please check those that apply and explain the special and unusual circumstances to justify the request. Attach additional sheets if necessary.

☒ Deviation from a minimum property development standard by not more than ten percent.

SEE ATTACHED LETTER

APPLICATION FOR VARIANCE - PAGE 2

☐ Expansion of a conditional or nonconforming use by not more than ten percent of the gross building volume. _____

☐ Extension or restoration of a nonconforming structure. _____

**ADDITIONAL INFORMATION TO BE FURNISHED & ATTACHED TO APPLICATION:**

1. Evidence that applicant is owner or purchaser of the property or has written permission of such owner to make an application for the variance.
2. Two copies of a site plan (11"x17") drawn to scale, showing the location of the property concerned with all proposed or existing building(s), and the location of all highways, streets and alleys.

The above statements are true to the best of my belief and knowledge.

I am the X owner/ ____ owner's authorized representative.
If authorized representative, please attach letter signed by owner.

Lonnie [illegible] Smith 10/25/02
Signature of Applicant Date

PROCEDURE: Upon receipt of the application form and payment of the application fee, the city administration shall render a decision within five working days, or the decision may be deferred to the planning commission. Additional information may be requested to arrive at a decision; and, if

APPLICATION FOR VARIANCE - PAGE 3

so, the decision shall be rendered within five working days following the submission of such information.

Should a minor variance be granted by administrative action, a notice of the variance decision and reasoning shall be mailed to all property owners abutting the subject property, exclusive of any public rights-of-way, soliciting comments or objections. If any written objections to the proposed variance are received within ten days of the mailing, a public hearing shall be required in accordance with §157.230 of the Hermiston Code of Ordinances. Should a hearing become necessary, the applicant will be responsible for publication and out-of-pocket costs. If no objections to the minor variance are received within the ten-day period, the variance shall then become effective.

If you have any questions about completing the application or the procedure, please feel free to contact the planning department at the Hermiston City Hall, 180 N.E. 2nd Street, Hermiston, Oregon 97838, or telephone (541)567-5521. The City's fax number is (541)567-5530.

**Office Use Only**

Date Filed:_____ Received By:_____ Meeting Date:_____

Fee: $225.00 Date Paid:_____ Receipt No:_____

Lonnie Smith
1305 N E Madrona, Dr.
Hermiston, Or. 97838

October 25, 2002

City of Hermiston
Hermiston, Or. 97838

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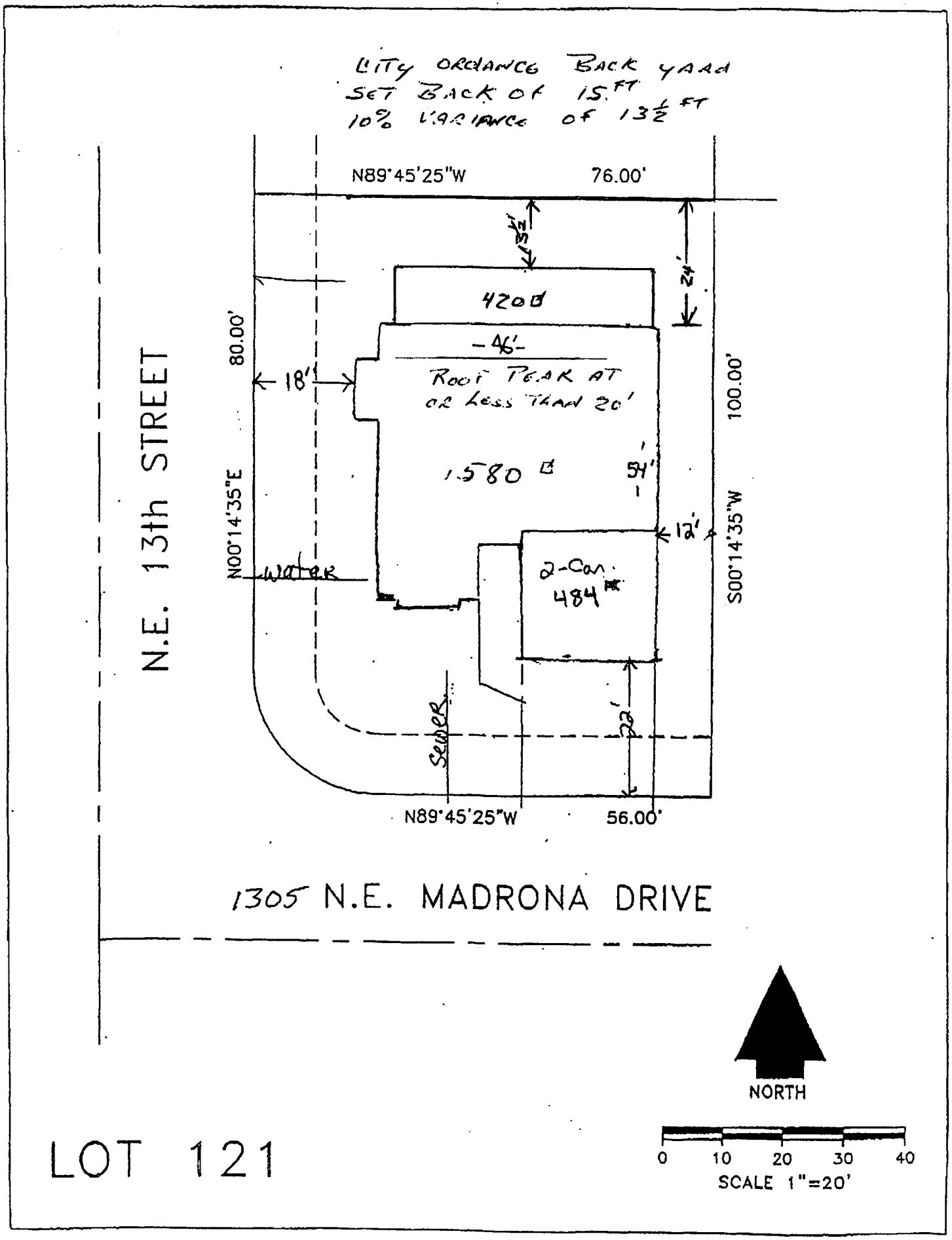
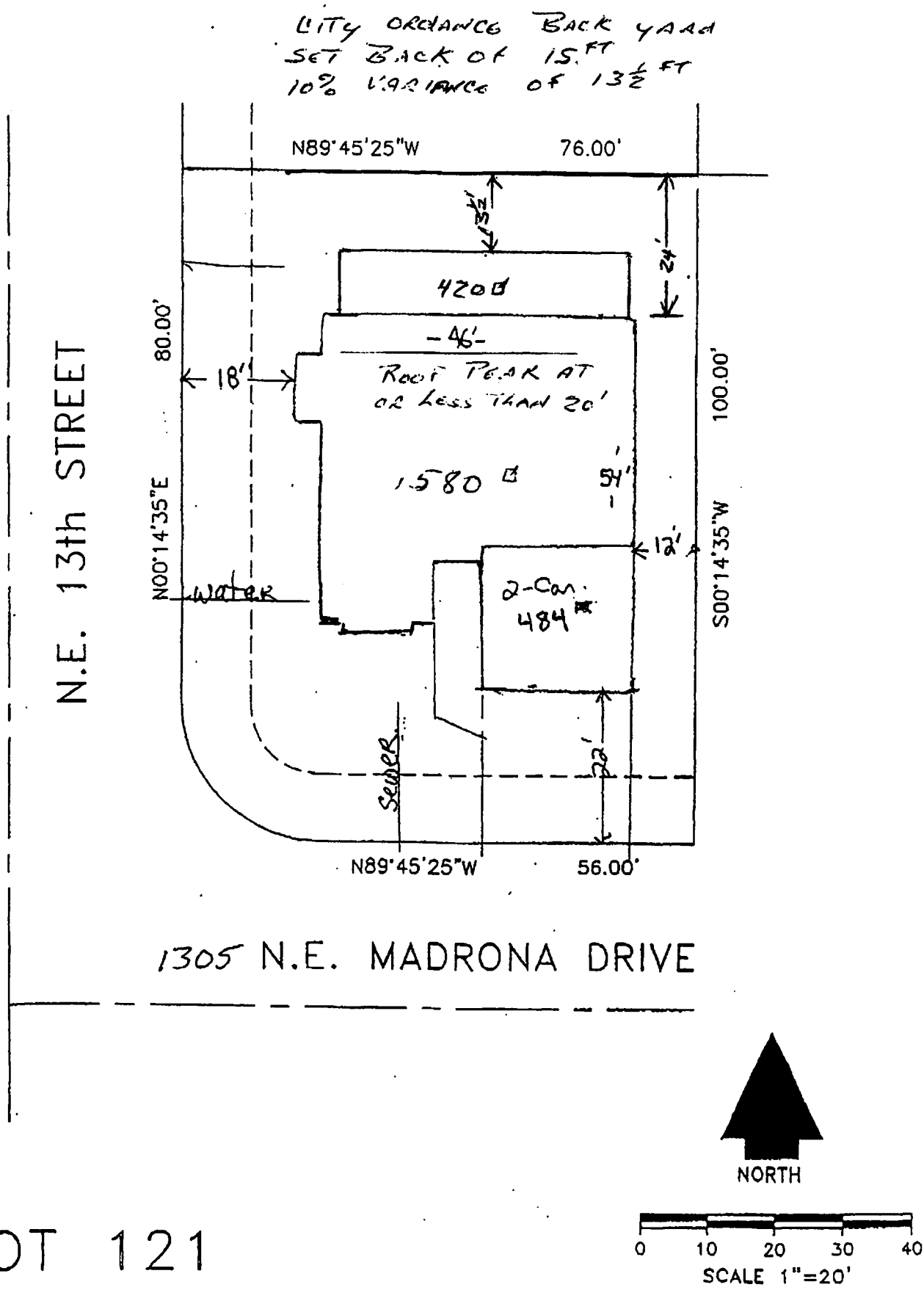
Thank you,

Lonnie Smith

Lonnie Smith


CITY ORDANCE BACK YARD
SET BACK OF 15 FT
10% VARIANCE OF 13½ FT
N89°45'25"W
76.00'
3½'
24'
4200
46'
ROOF PEAK AT
OR LESS THAN 20'
18'
80.00'
100.00'
1580
54'
12'
N00°14'35"E
S00°14'35"W
WATER
2-CAR
484
SEWER
32'
N89°45'25"W
56.00'
N.E. 13th STREET
1305 N.E. MADRONA DRIVE
NORTH
0 10 20 30 40
SCALE 1"=20'
LOT 121


CITY ORDANCE BACK YARD
SET BACK OF 15 FT
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OR LESS THAN 20'
18'
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100.00'
1580
54'
12'
N00°14'35"E
S00°14'35"W
WATER
2-CAR
484
SEWER
32'
N89°45'25"W
56.00'
N.E. 13th STREET
1305 N.E. MADRONA DRIVE
NORTH
0 10 20 30 40
SCALE 1"=20'

LOT 121

# WARRANTY DEED

RECEIVED
SEP 06 2001
UMATILLA COUNTY RECORDS

PACIFIC WESTERN HOMES, INC.,
Grantor(s) hereby grant, barqain, sell, warrant and convey to:
LONNIE P. SMITH and LOUISE A. SMITH, husband and wife
Grantee(s) and grantee's heirs, successors and assigns the following described real property, free of encumbrances except as specifically set forth herein in the County of **UMATILLA** and State of Oregon, to wit:

Lot 121, HIGHLAND SUMMIT, PHASE 4, located in the City of Hermiston County of Umatilla, and State of Oregon.

SUBJECT TO: all those items of record and those apparent upon the land, if any, as of the date of this deed and those shown below, if any:
and the grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true and actual consideration for this conveyance is $135,795.00

Until a change is requested, all tax statements shall be sent to Grantee at the following address: 1305 NE Madrona Drive, **HERMISTON, OR 97838**

Dated this 5th day of April, 2001.

PACIFIC WESTERN HOMES, INC.
BY: Tom C Skaar
TOM C. SKAAR, SECRETARY

2001-3960593 1 of 1

State of Oregon
County of ~~UMATILLA~~ Multnomah
Kiu

This instrument was acknowledged before me on April 5, 2001 by TOM C. SKAAR AS SECRETARY OF PACIFIC WESTERN HOMES, INC..

Kathy Anne Sepich
(Notary Public for Oregon)

My commission expires 3-14-2002

ESCROW NO. HT- 42663H

Return to:
Lonnie P. and Louise A. Smith
1305 NE Madrona Drive
Hermiston, Oregon 97838

OFFICIAL SEAL
KATHY ANNE SEPICH
NOTARY PUBLIC-OREGON
COMMISSION NO A310501
MY COMMISSION EXPIRES MAR 14, 2002

AmeriTitle 42663H