

# City of Stayton

## MEMORANDUM

**TO:** Chairperson Larry McKinley and Planning Commission Members

**FROM:** Jennifer Siciliano, Director of Community and Economic Development

**DATE:** March 30, 2026

**SUBJECT:** Variance Application of Tim Zerkel for 2250 Springbreeze Court

**120 DAYS ENDS:** June 25, 2026

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### ISSUE

The issue before the Planning Commission is a public hearing on an application for a variance to the rear yard setback requirements in the Low Density (LD) Residential zone, associated with a proposed 300-square-foot home renovation.

### BACKGROUND

The subject property is located at 2250 Springbreeze Court and is identified as Tax Lot 091W03DC07200. The property is zoned Low Density (LD) Residential and is developed with an existing single-family dwelling.

The surrounding properties are zoned Low Density Residential to the south and east and Public (P) to the north and west, where Santiam Park is located.

The property is approximately 10,890 square feet in size with approximately 44.22 feet of frontage on Spring Breeze Court. The existing dwelling is approximately 1,960 square feet.

The applicant is proposing to construct a 300-square-foot addition to the existing home to be used as a home office. The addition is proposed with a 7-foot rear yard setback, where the Stayton Municipal Code requires a minimum 20-foot rear yard setback in the LD zone. A 2025 aerial photo of the property is below:



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## ANALYSIS

This report presents the staff's evaluation of the requested variance to the rear yard setback requirement in the Low Density (LD) Residential zone. The applicant proposes a 300-square-foot addition to the existing single-family dwelling, which would encroach into the required 20-foot rear setback by allowing a reduced setback of 7 feet. Variance requests are evaluated against the criteria in Stayton Municipal Code (SMC) 17.12.200.6, which require demonstration of special circumstances and that the request represents the minimum necessary relief.

The subject property exhibits an irregular lot configuration, including an angled corner that limits the buildable area within standard setback requirements. This condition constrains the placement of additions and is not typical of surrounding properties in the same zoning district. These site characteristics were not created by the applicant and constitute an exceptional circumstance applicable to the variance criteria.

The proposed home office addition is a permitted residential use within the LD zone, and the variance is necessary to allow reasonable use of the property consistent with other similarly situated properties. Without the variance, the applicant would be limited in the ability to expand the dwelling. Additionally, due to the physical constraints of the lot, alternative locations for the addition would likely result in similar setback conflicts.

The proposed setback reduction is not expected to create adverse impacts on surrounding properties or the public. The area immediately adjacent to the rear setback is Santiam Park, which includes a walking trail, and the addition is not anticipated to interfere with neighboring uses or public facilities. Furthermore, the request is consistent with the intent of the zoning regulations and does not conflict with applicable Comprehensive Plan policies.

No agency comments or public testimony were received indicating concern with the proposal. Based on the information provided and the analysis of the applicable criteria, staff finds that the variance request satisfies the approval standards outlined in SMC 17.12.200.6.

## RECOMMENDATION

The staff recommendation for approval is reflected in the draft order that is attached to the staff report.

There may be testimony at the public hearing that requires the draft order be modified to reflect that testimony.

## OPTIONS AND SUGGESTED MOTIONS

Staff has provided the Planning Commission with a number of options, each with an appropriate motion. The Planning Department recommends the first option.

### **1. Approve the application, adopting the draft order as presented.**

I move the Stayton Planning Commission approve the application for a variance of Tim Zerkel (Land Use File #1-01/26) and adopt the draft order presented by Staff.

### **2. Approve the application, adopting modifications to the draft order.**

I move the Stayton Planning Commission approve the application for a variance of Tim Zerkel (Land Use File #1-01/26) and adopt the draft order with the following changes...

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**3. Deny the application, directing staff to modify the draft order.**

I move the Stayton Planning Commission deny the application for a variance of Tim Zerkel (Land Use File #1-01/26) and direct staff to modify the draft order to reflect the Planning Commission's discussion and bring a revised draft order for Planning Commission approval at the April 27, 2026, meeting.

**4. Continue the hearing until April 27, 2026.**

I move the Stayton Planning Commission continue the public hearing on the application for a variance of Tim Zerkel (Land Use File #1-01/26) until April 27, 2026.

**5. Close the hearing but keep the record open for submission of written testimony.**

I move the Stayton Planning Commission close the hearing on the application for a variance of Tim Zerkel (Land Use File #1-01/26) but maintain the record open to submissions by the applicant until April 6, allowing 7 days for review and rebuttal and then an additional 7 days for the applicant to reply, with final closure of the record on April 27, 2026.

**6. Close the hearing and record, and continue the deliberation to the next meeting.**

I move the Stayton Planning Commission continue the deliberation on the application for a variance of Tim Zerkel (Land Use File #1-01/26) until April 27, 2026.