

City of Stayton

MEMORANDUM

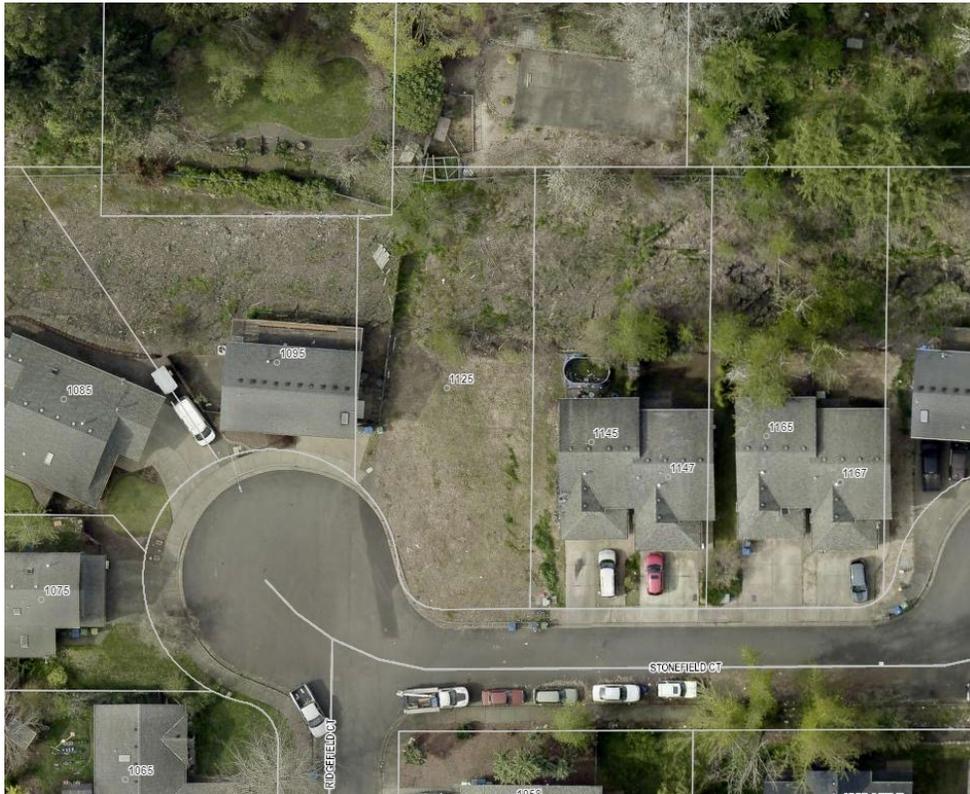
TO: Chairperson Larry McKinley and Planning Commission Members
FROM: Jennifer Siciliano, Director of Community and Economic Development
DATE: March 18, 2024
SUBJECT: Variance Application of Roy Stutzman for 1125 Stonefield Court
120 DAYS ENDS: Application has not been deemed complete.

ISSUE

The issue before the Planning Commission is a public hearing on an application for a front yard setback variance to a garage entrance.

BACKGROUND

The applicant is proposing to build a new duplex on a vacant lot at 1125 Stonefield Court, which is one of the last vacant lots in Ridgefield Planned Unit Developments (PUD). The PUD was approved on September 17, 1997 (LU #15-05/97) by the Stayton Planning Commission. A 2023 aerial photo of the property is below:



There were no specific reductions in setbacks explicitly stated in the Planning Commission’s Order of Approval. Yet, some of the parcels nearby this lot (1125 Stonefield Ct – Lot 8) in the PUD were given flexibility in setbacks due to steep slopes in the development. Back in 2000, there was a process for staff to provide a “minor amendment” approval to the current PUD restrictions to garage and side yard setback requirements. There is a letter dated August 28, 2000, from the City Planner at the time which provided approval to allow modifications to change the setbacks specifically to

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Lot 7 (next to Lot 8) and Lot 11. Lot 7 has the address of 1095 Ridgefield Court and Lot 11 is 1235 Stonefield Court. See attachments.

The Stayton Land Use and Development Code Title 17 has been amended so that there is no longer a process for staff to approve minor modifications to setbacks in a PUD. The process is now for a variance to be obtained from the Planning Commission.

ANALYSIS

This report presents the Planning Staff's summary and analysis concerning this application. Attached is an application for a variance from the minimum front yard setback requirement to a garage entrance. The application consists of the application form, a tax map of the subdivision, an up-close parcel layout, and a drawn site plan.

The Code, requires a minimum 25-foot setback to the garage entrance from the front property line in the Medium Density (MD) Residential zone. At least, some of the parcels were approved for modified front yard setbacks and at least, some of the dwellings have less than the required 20 foot front yard setback and the 25 foot setback requirement to the garage entrance.

The Code, in Sections 17.12.070.2 and 17.12.070.3, establishes it is the applicant's responsibility to provide adequate information to the Planning Commission that all the approval criteria have been or will be met. Currently, as of this report, some of the information is lacking in the application.

The Code establishes seven criteria for the approval of a variance. Criterion b is that the variance is necessary to preserve a property right of the applicant. As of yet, the applicant has not provided information regarding these criteria.

RECOMMENDATION

The staff recommendation is to provide time for the applicant to submit the necessary information that addresses variance decision criteria.

It may be that the applicant presents information adequate to address criteria either before or at the public hearing that results in a new recommendation. Also, 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 fourth option.

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

I move the Stayton Planning Commission approve the application for a variance of Roy Statzman (Land Use File #6-02/24) 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 Roy Statzman (Land Use File #6-02/24) and adopt the draft order with the following changes...

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

I move the Stayton Planning Commission deny the application for a variance of Roy Statzman (Land Use File #6-02/24) 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 29, 2024, meeting.

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4. Continue the hearing until April 29, 2024.

I move the Stayton Planning Commission continue the public hearing on the application for a variance of Roy Statzman (Land Use File #6-02/24) until April 29, 2024.

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 Roy Statzman (Land Use File #6-02/24) but maintain the record open to submissions by the applicant until April 8, 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 29, 2024.

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 Roy Statzman (Land Use File #6-02/24) until April 29, 2024.