

DUNES CITY PLANNING COMMISSION

MEETING AGENDA

May 20, 2004

7:00 p.m.

- I. CALL TO ORDER
- II. ROLL CALL
- III. ANNOUNCEMENTS AND CORRESPONDENCE
 - A. Work-session regarding Ordinance Revision - Tuesday of every month
- IV. NEW BUSINESS
 - A. Bed and Breakfast. Council decision.
 - B. Request Change in Fees.
- V. OLD BUSINESS

None
- VI. PUBLIC HEARINGS
 - A. Morris Variance - Held over until June.
 - B. Mohler Variance
- VII. ADJOURNMENT

**DUNES CITY PLANNING COMMISSION
REGULAR MEETING
May 20, 2004**

I. CALL TO ORDER

Chair Lee Riechel called the meeting to order at 7:00 p.m.

II. ROLL CALL

Present: Chair Lee Riechel, Commissioners, Dick Anderson, John Scott, Duane Thompson, Les Zemlicka, and Planning Secretary Jeannie Cerda. There were two people in the audience at the beginning of the meeting.

III. ANNOUNCEMENTS AND CORRESPONDENCE

- A. Chair Riechel announced that the Morris Variance for a dock permit was postponed until June and is not a Variance but a Conditional Use Permit.
- B. Work-session regarding the ordinance revisions will be held on every Tuesday.
- C. The City of Florence Title 10 - PUD's, will be reviewed at the next Tuesday meeting.

IV. NEW BUSINESS

- A. The City Council decided that Bed & Breakfast' are not a permitted use since they are not addressed in the code. Chair Riechel directed Planning Secretary, Jeannie Cerda, to contact Gary Darnielle, City Attorney, to write a letter explaining the City's decision.
- B. Planning Secretary J. Cerda, requested the Planning Commission review and consider fee increase for all land use applications. The Planning Commission directed J. Cerda to prepare a report detailing the cost associated with processing a land use application.

V. OLD BUSINESS

None

VI. PUBLIC HEARINGS

A. VARIANCE-ROBERT L. MOHLER, APPLICANT

Chair Riechel, announced the hearing was for a Variance request by Robert L. Mohler, to add to a structure on a non-conforming lot, two-feet into the front property line setback

and three-feet into the side property line setback. The property is identified as Tax Lot 3600 on Map 19-12-26-21; the address is 83433 Spruce Lane, in Dunes City.

Chair Riechel noted that there were two people in the audience.

The public hearing rules and procedures were explained and the "raise it or waive it" rule was read. The Variance criteria were projected on the wall. Chair Riechel stated for the record that all commissioners had visited the property site. He stated that he and Road Commission Chair Robert Petersdorf visited the site. No discovery of any additional findings, ex-parte, or conflicts of interest was declared.

The introduction to the staff report was read. Typographical corrections were suggested as well as the addition of a comment received be added to the staff report.

Chair Riechel asked the applicant to address the criteria in his presentation and to state how the application meets that criterion:

Chair Riechel opened the public hearing at 7:29 p.m.

Robert L. Mohler, 83433 Spruce Lane, Florence Oregon 97439

Mr. Mohler stated that he lives on a small lot that's 100-feet wide, with a garage 25-feet from the property line. He would like to increase the size of his small garage instead of building a detached structure. By adding to the roofline it makes the construction more economical and more practical.

Commissioner Thompson asked, "will the roof line remain the same?"

Mr. Mohler responded that the 124 pitch would move up and over about one-foot.

Proponents

None

Opponents

None

Chair L. Riechel stated that the Road Commission reviewed the request and has no problem with the setback from the road and recommends the request of Mr. Mohler be approved.

It was noted that City Code allows for an overhang to encroach into the side property line seven-feet, three-feet from the property line. The proposed addition

to the garage would encroach the side property line three-feet, seven-feet from the property line.

Public Hearing was closed at 7:37.

Action

D. Anderson made a motion to accept the Staff Report and Findings of Facts with corrections. L. Zemlicka seconded the motion. The voting was unanimous and the motion carried.

5-Aye, 0-Nay

L. Zemlicka made a motion to add the Olson, response to the staff report. J. Scott seconded the motion. The voting was unanimous and the motion carried.

5-Aye, 0-Nay

The commissioners concurred on the following Conclusions of Law:

1. A literal interpretation and enforcement would result in both a practical difficulty, and unnecessary hardship by not allowing the addition to a structure on a nonconforming lot the applicant would not be allowed additional garage space which would provide the applicant with the parking and storage space not currently available.
2. Without the variance the applicant would not be able to add to his garage that would afford him the comforts allowed other properties in the area.
3. The granting of the variance would not interfere with adjacent property owners' privacy, water lines or septic drainfields.

Action:

J. Scott "I would like to make the motion that we recommend to the City Council that it approve the request of Robert L. Mohler, for a Variance, because having considered the evidence presented by those for the proposal as well as the evidence against the proposal, I find by the weight of the evidence 'for' that the proposal should be approved". D. Anderson seconded the motion. The voting was unanimous, the motion carried.

5-Aye, 0-Nay,

Chair Riechel announced that this application would be heard by the City Council on June 10, 2004, at 7:00 p.m.

VII. UNSCHEDULED ITEMS NOT LISTED ON AGENDA

None

VIII. ADJOURNMENT

Chair Riechel adjourned the meeting at 8:01 p.m.

CHAIR, LEE RIECHEL

PLANNING SECRETARY, J. CERDA

LES ZEMLICKA

RICHARD ANDERSON

JOHN SCOTT

DUANE THOMPSON