

JUNCTION CITY PLANNING COMMISSION

AGENDA ITEM SUMMARY



Variance Extension Request

Meeting Date: April 15, 2015
Department: Planning
www.junctioncityoregon.gov

Agenda Item Number: 5c
Staff Contact: Jordan Cogburn
Contact Telephone Number: 541-998-4763

ISSUE STATEMENT

Mr. John Moody is requesting a one-year extension on the Variance, file No. VAR-13-04 (Variance from lot line requirements). The variance was approved by the Planning Commission on April 15, 2014. This request was submitted on March 20, 2015.

BACKGROUND

The Final Order stipulates that the Variance shall be null and void after one year if no substantial construction has taken place. However the Planning Commission may grant two one-year extensions upon determination that the applicant is pursuing the completion of the project and that no material changes of the surrounding land uses or designation has occurred. If approved, the variance would extend one (1) year, until April 15, 2016.

RELATED CITY POLICIES

17.150.140 Time limit on a permit for a conditional use or a variance.

All land use decisions and approvals shall be based upon findings of fact. In order to assure that these decisions remain valid, all land use approvals shall be void after one year if no substantial construction has taken place. However, the planning commission may grant two one-year extensions upon a determination that the applicant is pursuing the completion of the project and that no material changes of surrounding land uses or designation has occurred

PLANNING COMMISSION OPTIONS

The Commission may:

- a. Approve the request for an extension on VAR-13-04
- b. Deny the request for an extension on VAR-13-04
- c. Request additional information, if needed.

Example:

1. Approve the Request – MOTION: “I make a motion to approve the request for an extension of the Moody Variance, file #VAR-13-04) for one year with a new expiration date of April 15, 2016.
2. Deny the Request – MOTION: “I make a motion to deny the request for an extension of the Moody Variance, file # VAR-13-04.”

3. Take no action. No Motion needed.

ATTACHMENTS

- A. Request submitted by Mr. John Moody
- B. Copy of Final Order VAR-13-04

FOR MORE INFORMATION

Staff Contact: Jordan Cogburn
Telephone: 541-998-4763
Staff E-Mail: jcogburn@ci.junction-city.or.us

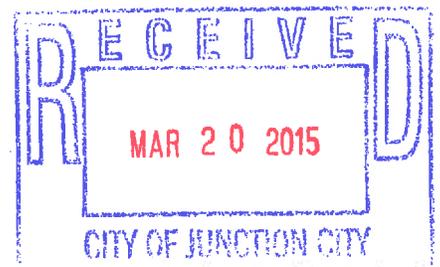
3/22/15

To whom it may concern

This letter is a letter of explanation on why we haven't started building our town house. We knew that the permit was going to cost us \$25,000 dollars which we did not have, my mother had gifted us \$20,000 but my company was slow on work so we were forced to use part of that just for living expenses. We have always wanted to build so we put our house on the market, it took 9 months but it sold in December.

We now have the money to build the town houses. The final order of the J.C. Planning commission minor partition (MP-13-03) Moody states that there could be a one year extension, we would like to ask for this extension now that we have the money and would like to apply for the building permit and start construction as soon as all of the paper work is completed with the land use application.

Thank You
John Moody

A black rectangular redaction box covers the signature area. To the left of the box, there are some faint, handwritten scribbles.

**FINAL ORDER OF THE
JUNCTION CITY PLANNING COMMISSION
VARIANCE (VAR-13-04), MOODY**

A. The Junction City Planning Commission finds the following:

- a. The applicant has submitted the information necessary for the Planning Commission to understand the proposal use as required by Junction City Municipal Code Section 17.140.020.
- b. The Junction City Planning Commission held a public hearing on April 15, 2014 after giving the required notice per Junction City Municipal Code Section 17.150.080.
- c. The Junction City Planning Commission has reviewed all material relevant to the Variance that have been submitted or presented by the applicant, staff, and the public regarding this matter.
- d. The Junction City Planning Commission followed the required procedure and standards of approving variances as required by Junction City Municipal Code Section 17.140.020.
- e. The requested variance is less than 10% of a development standard and can be processed as a Minor Variance.

B. Conditions of Approval:

Compliance with conditions is required. Any departure from the approved application and conditions constitutes a violation of the Zoning Code.

1. Variance shall be null and void after one year if no substantial construction has taken place. However, the Planning Commission may grant two one-year extensions upon a determination that the applicant is pursuing the completion of the project and that no material changes of surrounding land uses or designation has occurred.
2. The applicant is required to submit for Development Review and receive approval prior to submitting for building permits.

C. IT IS HEREBY ORDERED THAT the Junction City Planning Commission approves the following lot dimension variance in the Commercial Residential Zoning District to allow the minimum lot width to be reduced from 25 feet to 24.94 feet and lot square footage from 2,500 to 2,493.85 in order to allow the applicant to partition the lot into 2 individual townhouse lots.

This variance is based on the following findings of fact:

(Applicable criteria from JCMC 17.140.030 are listed in italics and findings are highlighted with bold font.)

17.140.030

“...where it can be shown that owing to special and unusual circumstances, strict application of this title would cause an undue or unnecessary hardship.”

Finding: The Assessor’s map and Original plat of Junction City show the lot as 50-ft X 100-ft. the actual dimensions of the lot were not discovered until the applicant had a survey completed. Without the variance, an otherwise lawful division of the property that was purported to be possible could not take place.

17.140.030 (A)(1). Deviation from a minimum property development standard by not more than 10 percent;

Finding: The applicant requests a variance from the lot dimension standard as stated in JCMC 17.40.030 (F).The minimum lot standard for townhomes in the Commercial Residential Zoning District is 25 feet in width and 2,500 square feet in size. The requested variance is less than 10% of the development standard and therefore complies with 17.140.030 (A) (1).

D. This approval shall become final on the date this decision and supporting findings of fact are signed by the Chairperson of the Junction City Planning Commission. An appeal of the Planning Commission’s decision must be submitted to the City Council within 12 days of this Final Order being mailed to all opponents. Appeals may be made by filing written notice with the City and paying the fee equal to the average cost as prescribed by the City Council and cost of the written transcripts up to \$500, plus one-half the cost over \$500. If no appeal is taken within the 12-day period, the decision of the Planning Commission shall be final. An appeal of the City Council’s decision must be submitted to the Land Use Board of Appeals within 21 days of the Council’s decision becoming final.

Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the City to respond to the issue precludes an action for damages in circuit court.

Signature: _____
Jason Thiesfeld, Junction City Planning Commission Chair

Approval Date: _____