

**STAFF REPORT  
JUNCTION CITY PLANNING COMMISSION  
MINOR VARIANCE (VAR-13-04), MOODY**

Application Received: December 2, 2013  
 Application Complete: February 4, 2014  
 Staff Report Date: April 7, 2014, 2014  
 Planning Commission: April 15, 2014

**ASSOCIATED FILES: MP-13-04 Minor Partition**

Referrals:

- City Administrator
- Public Works Director
- City Recorder
- Police Chief
- Building Official
- Fire District
- Junction City School District
- Lane County Land Management
- Lane Council of Governments
- Lane County Surveyor
- Lane County Clerk
- US Postal Service (Junction City Branch)
- Century Link
- Comcast
- Pacific Power & Light Co.
- Northwest Natural Gas
- Lane Transit District

**BASIC DATA**

Property Owner: John Moody  
 Surveyor: Roberts Surveying, Inc.  
 Assessors Map and Tax Lot: 15-04-32-23 Tax Lot 4101  
 Area: .11 Acres  
 Plan Designation: Commercial Residential  
 Zoning: Commercial Residential

**REQUEST**

The applicant is requesting a minor variance to the lot dimension standard for townhome lots in the Commercial/Residential Zoning District. The minor variance request is to reduce the minimum lot width from 25 feet to 24.94 feet and the minimum lot size from 2,500 square feet to 2,493.85 square feet. The request is less than 10% deviation from a property development standard and is being processed as a minor variance. On December 2, 2014, the applicant submitted a Minor Variance (Type I Administrative Procedure) application to the City of Junction City. The application was deemed complete on February 2, 2014. The City Administrator approved the Minor Variance and abutting property owners were notified of the

decision. The variance request was approved to reduce the townhome lot dimension standard. The applicant is requesting a less than one-inch variance to the minimum 25-foot lot-width and a less than one-inch reduction to the lot size in order to partition the lot into two 24.94 X 99.97 lots. The Minor Variance is necessary for the owner to partition the lot.

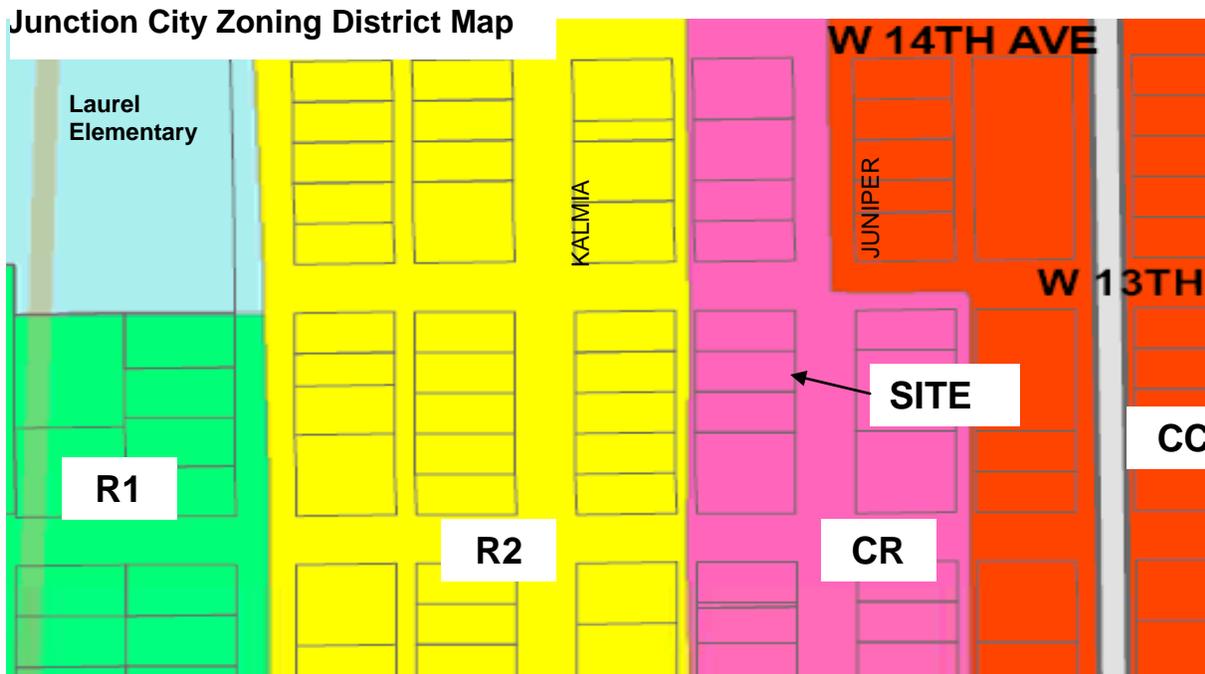
After receiving notice of the variance decision, as allowed under Junction City Municipal Code 17.140.030(C), neighboring property owners requested a public hearing before the Planning Commission.

**BACKGROUND**

A variance request for the subject property was previously granted by the Planning Commission on August 17, 2010 and valid for one year. The 2010 variance expired in August of 2011.

The property owner would like to divide one existing lot into two equal size lots in order to construct a townhome (1 building with 2-attached dwelling units). The property is zoned Commercial Residential (C/R) and is currently vacant. The property is located south of the intersection of Juniper Street and West 13<sup>th</sup> Avenue and fronts on the west side of Juniper Street and an alley to the rear.

Adjacent properties to the north and south are zoned Commercial/Residential. Properties to the west, across the alley are zoned Duplex Residential. All properties abutting the site are developed with single-family dwellings.





Townhomes are an outright permitted use in the Commercial Residential Zoning District. The minimum required lot dimension for a townhome in the C/R District is 25 feet in width and 2,500 square feet in size (17.40.030 (F)).

The subject lot is part of the Original Plat of Junction City, platted in 1872. The dimensions of the lot as depicted on the original plat are 50' x 100'. The survey submitted by the applicant show the subject lot dimensions to be 24.94' x 99.97' therefore preventing the owner from creating two 25-foot wide lots. To remedy this, the applicant submitted a Minor Variance application to the City for review.

The Minor Variance procedure is a Type I (Administrative Review) process unless notified property owners request a public hearing. The City Administrator approved the Minor Variance, abutting property owners were notified of the decision, and they requested a public hearing before the Planning Commission. Surrounding property owners also requested a public hearing on a separate land use application for a minor partition of the subject property (see Exhibit V).

The Minor Variance notice of decision is attached to this report as Exhibit V and a proposed Final Order for the Variance is attached as Exhibit VI for Planning Commission consideration. If the Planning Commission approves the Minor Variance, the applicant can proceed with the minor Partition application (see Exhibits VII & VIII).

**AUTHORIZATION FOR APPROVAL*****17.140.030 Authorization to grant or deny minor variances.***

*The city administration may grant a minor variance to the requirements of this title where it can be shown that owing to special and unusual circumstances, strict application of this title 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 title.*

*A. Minor variances. One variance involving the following may be granted by the city administration after a thorough examination and upon presentation of evidence that the variance requested involves one of the issues listed below:*

- 1. Deviation from a minimum property development standard by not more than 10 percent;*
- 2. Expansion of a conditional or nonconforming use by not more than 15 percent of the gross building volume; and*
- 3. Extension or restoration of a nonconforming structure.*

**AGENCY COMMENTS**

Referrals were sent out to all affected agencies. Comments received are attached as Exhibit IV and have been incorporated into the Findings and Conditions contained in the proposed Final Order where appropriate.

**PUBLIC COMMENTS**

Notice was sent to property owners regarding the Minor Variance on February 27, 2014. Written comments were received from residents list below. Written comments are attached as Exhibit V.

Kenneth D. & Mary Jamieson	1250 Kalmia Street
Kenny & Denise Jamieson	1262 Kalmia Street
Debra & Carl Caswell	1247 Juniper Street
Darrel & Marion Dorman	1221 Juniper Street
Doug Hazelton	1220 Juniper Street
T. Curtis	1287 Juniper Street

Written comments expressed concerns about impacts to an established neighborhood in an older section of town. Commenters noted a townhome would increase noise, traffic and parking both on the street and in the alley. Neighboring residents felt the lot was not large enough to accommodate a two-unit townhome.

The lot is zoned Commercial Residential and townhomes are a permitted use in the Commercial/Residential zone (JCMC 17.40.010 (A)) Single Family homes are not a permitted use. In order to ensure compliance with the City's Zoning Code the owner is required to submit a Development Review application to the City for review and approval prior to submitting an application for a building permit. The city will review the proposal to ensure compliance with

on-site parking, alley access, building height, setbacks, lot coverage and townhome design standards.

**STAFF RECOMMENDATION**

Based on the findings and conditions stated in the Proposed Final Order (VAR-13-04) staff recommends conditional approval of the Minor Variance request.

**POSSIBLE ACTIONS BY THE PLANNING COMMISSION**

**Variance**

According to JCMC 17.140.030, the Planning Commission may authorize variances where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of this ordinance would cause an undue or unnecessary hardship, except that no variance shall be granted to allow the use of the property for purposes not authorized within the zone in which the proposed use would be located. In granting a variance, the Planning Commission may attach conditions, which it finds necessary to protect the best interests of the surrounding property or neighborhood and to achieve the purpose of this ordinance.

**Planning Commission Possible Options:**

- a. Approve the Variance with the recommended conditions based on findings in the proposed Final Orders (VAR-13-04)
- b. Approve the variance with changes to the conditions of approval and/or changes to the findings in the proposed Final Order (VAR-13-04).
- c. Deny the variance with findings supporting the denial.
- d. Continue the discussion of the proposed variance if more information is needed.

**EXHIBITS**

- I. Proposed Partition Plat
- II. Application packet
- III. Commercial Residential Zoning District Code (w/R3 Code reference)
- IV. Referral Comments
- V. Letter of Decision and Public Comments Received
- VI. Proposed Final Order Variance (VAR-13-04)
- VII. Staff Report Minor Partition (MP-13-03)
- VIII. Proposed Final Order Minor Partition (MP-13-03)