

**PROPOSED 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 a 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: _____