



**City of Junction City Public Works**

**Planning Office**

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**DECISION OF THE JUNCTION CITY ADMINISTRATION:**

ADMINISTRATIVE VARIANCE to 17.20.090 Building Height Transition under JCMC 17.145.030.3 (VAR-23-36)

**Application Summary:** Administrative Variance to allow a 5.41-foot deviation from the building height transition requirement under JCMC 17.20.090.

**Owner(s)/Applicant(s):** Darrell & Connie Madsen, 92540 Chardonnay Way, Cheshire, OR 97419

**Staff Contact:** Chloe Trifilio, City Planner, Junction City Planning Department, (541) 998-3125

**Subject Property/Zoning/Location:** Tax Lot 01500 of Lane County Assessor's Map 15-04-32-22, Zoned GC, General Commercial, 1520 Juniper Street.

**Relevant Dates:** Planning Commission approval August 16, 2023.

**Associated Files:** CUP-23-29

**REQUEST**

The applicants/owners seek to replace the existing attached garage with a larger garage and add a second-story residence above. The proposed expansion is on the east side of the subject property, in the side yard.

The addition will exceed one story. The property to the north contains an existing, one-story single-family detached dwelling. The foundation of the proposed building expansion is 21 feet and 4 inches from the north property line. The proposed structure will be 26.9 feet tall. Per Junction City Municipal Code 17.20.090, the setback from the north property line should also be 26.9 feet. The variance request is to allow a 21.34 setback from the north property line.

**GENERAL PROPERTY INFORMATION:**

The applicant submitted a land use application for a proposed dwelling expansion at 1520 Juniper Street, in the General Commercial zone. Single family dwellings are not permitted in the General Commercial zone (JCMC 17.35.010). According to the Lane County Tax Assessor's database, the home was constructed in 1925. The Junction City zoning code was established in 1940. Thus, the home pre-dates the zoning code and is a legal nonconforming structure. As a legal nonconforming structure, the proposal needed to be reviewed as a conditional use at a public hearing before the Planning Commission. That public hearing took place on August 16, 2023.

The subject site is designated Commercial on the City's Comprehensive Plan Designation Map. Properties to the north, south, west, and east are also designated Commercial, and zoned General Commercial (GC). The surrounding properties are developed with single-family homes occupying properties to the north, east, and west of the subject site. The subject site encompasses .17 acres of land and is Lot 6 & half Lot 7, Block 105, of the Original Plat of Junction City. The existing single-family dwelling was built in 1925 according to the Regional Land Information Database.

The subject property takes access off 15<sup>th</sup> Avenue. 15<sup>th</sup> Avenue is listed as a Local Street in the City's 2016 Transportation System Plan. There is an alley that runs along the eastern side of the subject property.

Public utilities are available to the subject site. Emergency response vehicles can access the site via 15<sup>th</sup> Avenue. A records search did not locate any easements on the property nor did the applicant indicate such in their submittal materials.

**JCMC 17.140 - VARIANCES**

**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:**

**3. Extension or restoration of a nonconforming structure.**

Finding #1: At the August 16, 2023 Planning Commission public hearing for CUP-23-29, compliance under JCMC 17.20.090 was not met as proposed. The applicant proposed a setback of 21.34 feet. JCMC 17.20.090 required a setback of 26.9 feet, a difference of 5.41 feet. The Commission remedied compliance under 17.20.090 by means of an administrative variance approval under 17.140.030.3, Extension of a Nonconforming Structure.

**C. Notice. Should a minor variance be granted by administrative action, a notice of the variance decision and reasoning shall be mailed to all property owners abutting the subject property, exclusive of any public rights-of-way, soliciting comments or objections. If any written objections to the proposed variance are received within 10 days of the mailing, a public hearing shall be required in accordance with this chapter. If no objections to the variance are received within the 10-day period, the variance shall become effective at the end of that period. In addition to notice to abutting property owners, the planning commission shall be notified of all minor variances granted by administrative variance. [Ord. 950 § 106, 1991.]**

Finding #2: Notice to adjacent property owners was mailed on August 17, 2023, in compliance with the above standard.

**DECISION**

Junction City Administration granted approval to extend a nonconforming structure based on the findings as stated above.

Signature:

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Jason F. Knope, City Administrator

Date:

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August 17, 2023