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## **DECISION OF THE JUNCTION CITY ADMINISTRATION:**

ADMINISTRATIVE VARIANCE to 17.95.020 Fence Height in Residential Zones and for Residential Uses (VAR-23-40)

**Application Summary:** Administrative Variance to allow a deviation of 8 inches of height (less than 10%) from the 7-foot fence height maximum in the Commercial/Residential Zone JCMC 17.40.040.

**Owner(s):** Matt Traxler, 3003 West 11<sup>th</sup>, #284, Junction City, OR

**Applicant(s):** Wes Trunnell, 209 Waukeena Way, Cottage Grove, OR 97424

**Staff Contact:** Chloe Trifilio, City Planner, Junction City Planning Department, (541) 682-4247

**Subject Property/Zoning/Location:** Tax Lot 02100 of Lane County Assessor's Map 15-04-32-23, Zoned C/R, Commercial/Residential, 1144 Juniper Street.

**Relevant Dates:** N/A.

**Associated Files:** N/A

## **REQUEST**

The applicant is proposing to increase the size of an existing fence to 7' 8" tall on the rear yard property line. The maximum fence height allowed in the rear yard for a residential property is seven (7) feet (Junction City Municipal Code 17.95.020(A)). The applicant is requesting a variance of eight (8) additional inches, which is an 8.7% deviation from the standard, and qualifies for a minor variation application.

## **GENERAL PROPERTY INFORMATION:**

The applicant submitted a land use application for a minor variance in fence height allowances at 1144 Juniper Street, which is primarily developed with a 1951 single-family dwelling in the Commercial/Residential zone. It is designated Commercial/Residential on the City's Comprehensive Plan. The subject property is surrounded by the Commercial/Residential Zone to the north, south and west and the General Commercial Zone to the east. There are primarily residential uses to the west and north of the subject property. Directly to the east is a restaurant called the Viking Inn, which is separated by an alley. To the south is a parking lot. The subject site encompasses 0.14 acres of land and is the northern 10 feet and all of Lot 8 of Block 101 of the Original Plat of Junction City.

The subject property takes access off of Juniper Street. There is a north-south alley to the east that separates the subject property from the commercial property to the east. Public utilities are available to the subject site. Emergency response vehicles can access the site via Juniper Street. A records search did not locate any easements on the property nor did the applicant indicate such in their submittal materials. There are no mapped floodplain or wetlands mapped on the subject site.

The applicant states that there is an existing fence of six feet in height. The proposal is only to increase the height of the fence along the rear property line (east property line along the alley).

**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.**

Finding 1: Staff finds the presence of a commercial restaurant and public alley directly adjacent to the primary residential use of the subject site to be an unusual circumstance where privacy is maintained with the allowance of a fence height variance. No conditions are proposed.

**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;**

Finding 2: The maximum fence height allowed in the rear yard, or along the rear property line, for a residential property is seven (7) feet (Junction City Municipal Code 17.95.020(A)). The applicant is requesting a variance of eight (8) additional inches, which is an 8.7% deviation from the standard, and qualifies for a minor variation application.

**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 3: Notice to adjacent property owners will be mailed on the date of the decision 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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November 22, 2023