



**KEIZER COMMUNITY DEVELOPMENT  
DEPARTMENT  
NOTICE OF DECISION  
Minor Variance Case 2019-07**

**I. REQUEST**

The following report reviews a land use application request for a Minor Variance to allow for the construction of an accessory structure on a parcel located within the RS (Residential Single Family) zone of 720 square feet in area where 600 square feet in area is the maximum size allowed by the Keizer Development Code. (Exhibit 1)

**II. BACKGROUND**

- A. **APPLICANT/OWNERS:** Sam and Cassie Leidig
- B. **PROPERTY LOCATION:** The subject property is located at 5065 Chehalis Dr N, Keizer. The Marion County Tax Assessor's map identifies the property as being located within Township 7 South; Range 3 West; Section 03AB; Tax Lot 02900. (Exhibit 2)
- D. **PARCEL SIZE:** The subject property is approximately 0.40 acres in area.
- E. **EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The property is developed with an existing single family dwelling and is served by public water and sewer.
- F. **ZONING:** The subject property is designated LDR (Low Density Residential) in the Comprehensive Plan and is zoned RS (Residential Single Family).
- G. **ADJACENT ZONING AND LAND USES:** The surrounding properties are zoned RS and are developed with single-family dwellings.

**III. COMMENTS**

**AGENCY COMMENTS:**

- A. Both the Keizer Public Works department and the Keizer Police Department responded they have reviewed the proposal and have no comments.
- B. No other comments were received regarding this proposal

#### IV. FINDINGS AND CONCLUSIONS

- A. The applicant is proposing to construct a residential accessory structure of 720 square feet in area where 600 square feet is the maximum size allowed. Therefore, variance approval is required as this proposal does not comply with requirements of the Keizer Development Code.
- B. The decision criteria for a Minor Variance are contained in Section 3.105.04 of the Keizer Development Code. The criteria and staff's findings are listed below:
- I.*
- a. The intent and purpose behind the specific provision sought to be varied is either clearly inapplicable under the circumstances of the particularly proposed development; or,*
  - b. The variance requested is consistent with the intent and purpose of the provision being varied; or*
  - c. The applicant in good faith is unable to comply with the standard without undue burden which is grossly disproportionate to the burden born by others affected by the specific provisions of the code sought to be varied.*

**FINDINGS:** The intent of this provision is to ensure the provision being varied is satisfied or that there is some unique burden that is borne by this property more than others that impact its ability to be developed. The property is developed with a single family home and is located within an existing single family neighborhood with single family dwellings located on all sides. The property is a deep lot (approximately 235'), regular in shape, and is approximately 0.40 acres in size. There are no slopes or other constraints due to natural features that affect development of the parcel. The issue at hand is the request of the applicant to be able to construct an accessory structure larger in size than what is permitted in the code.

The intent of the underlying RS zone is to allow the development of single family homes and uses determined to be consistent with the RS zone. Accessory structures are listed as a Special Permitted Use in the RS zone and must be consistent with the standards outlined in Section 2.313 of the Keizer Development Code (KDC). These standards have been established in order to ensure an overall development pattern that is consistent with residential neighborhoods and which will prevent the visual domination of neighborhoods by large accessory structures that might be best situated on farm parcels out in the county. The limit to structure size also helps to maintain adequate open space and regulate the amount of lot coverage on individual parcels. The size of residential accessory structures is limited to 600 square feet in area by Section 2.313.01.E. The applicant proposes to build an accessory structure of 720 square feet in area, which is an increase of 20% from this code standard.

The proposed building will be located in the rear yard. As a condition of approval, the setback requirements outlined in Section 2.313 regulating accessory structures

must be met and will be placed as a condition of building permit approval. The applicant indicates a 15 foot rear setback will be provided which exceeds the minimum standard. As a condition of variance approval, all requirements of Section 2.313 must be met. This will be regulated as a part of the building permit approval process.

The property is approximately 0.40 acres in size and is approximately 235' in depth, so the accessory structure will not dominate the visual landscape of the area, nor will it appear to be oversized or out of place in relation to the amount of open space around it. It should be noted that up to 20% of total yard area can be covered by an accessory structure by the standards in the Keizer Development Code. In this case, the structure proposed will cover far less than 20% of the yard. Therefore, even though the proposed structure is larger than what is allowed by code, it will not seem out of place in relation to the overall amount of open space provided on the property. The proposed building will be required to comply with the height provisions and will be located in the rear of the property, so it will not dominate the visual landscape of the property and will not seem out of place or inconsistent with the established development pattern of the neighborhood. At the time of building permit approval, the proposal will be reviewed to ensure the structure complies with all setback provisions and lot coverage requirements outlined in the development code.

Taking into consideration the size and depth of the parcel and the location of the proposed accessory building, staff feels this request demonstrates consistency with the intent and purpose of the accessory structure provisions outlined in the development code. With this condition, staff finds this request satisfies this criterion.

2. ***The impact of the development due specifically to the varied standards will not unreasonably impact adjacent existing or planned uses and development.***

***FINDINGS:*** The proposed accessory structure will be located in the rear yard area. While the overall height of the building is not known, Section 2.313 KDC prohibits an accessory structure being greater than 24 feet in height or taller than the existing residence. The building will require building permit approval, at which time it will be reviewed to ensure compliance with the provisions of the development code.

The subject property is quite large by residential subdivision standards (approximately 0.40 acres). However, due to the orientation and location of the existing home and adjacent properties, along with limited accessibility, it has limited ability to partition or redevelop the property with additional residential lots, unless neighboring properties were to join in to create an adequate method for access. The applicant is proposing to locate the building in the rear of the property leaving a large area in between the existing single family home and proposed shop, which could theoretically be redeveloped in the future. Therefore, staff finds this variance approval will not have a detrimental impact on future development potential of the subject property.

The existing landscaping will help mitigate the impact of the structure to adjacent properties. In addition, the applicant indicates the location of the building will exceed the minimum building setbacks. Therefore, the proposed structure will not pose any adverse impacts in relation to fire, life, or safety issues to any adjacent property. As a condition of variance approval, the structure shall be located substantially as shown. This will be regulated through the building permit approval process.

Building permits must be obtained to ensure the new construction complies with the provisions of the building code. The applicant is only requesting a variance to allow the size of the structure to be increased. All other design requirements of the development code relating to aesthetics, location, height, property setbacks, building separation, and exterior finish must be followed and will be regulated as a part of the building permit review which will require it to be constructed consistent with the city design provisions. Taking all of these factors into consideration, staff finds the proposal will not unreasonably impact adjacent existing or planned uses. Therefore, this request satisfies this criterion.

3. ***The minor variance does not expand or reduce a quantifiable standard by more than 20 percent and is the minimum necessary to achieve the purpose of the minor variance.***

**FINDINGS:** The maximum size allowed for a residential accessory structure is 600 square feet in area. A 20 percent increase to this standard is equal to 720 square feet. The applicant is asking variance approval to allow the construction of a 720 square foot accessory building, and therefore satisfies this criterion. As a condition of approval, the proposed structure must be built consistent with the applicant's proposal and will be limited to 720 square feet in area. This will be placed as a condition of approval and will be regulated through the building permit review and approval process. Therefore this variance request is necessary to achieve the purpose of the variance request. Staff finds this request satisfies this criterion.

4. ***There has not been a previous land use action approved on the basis that a minor variance would not be allowed.***

**FINDINGS:** There are no other previous land use actions affecting this property that would not allow this particular variance. Staff therefore finds this request satisfies this criterion.

The proposed Minor Variance conforms to Section 3.105 of the Keizer Development Code. Based on the above findings, staff concludes the proposal complies with the applicable decision criteria and recommends approval of the proposal subject to conditions outlined below:

## V. DECISION

Notice is hereby given that the Zoning Administrator for the City of Keizer has **APPROVED** the Minor Variance application subject to the conditions and requirements found in Section VI. of this report. Findings in support of this decision are found in Section IV. of this decision.

Any interested person, including the applicant, who disagrees with this decision, may request that the application be appealed to the Keizer Hearings Officer at a public hearing. The appeal is subject to the appellant paying a \$250.00 fee. This fee will be refunded if the appeal is upheld. Requests for appeal to the Hearings Officer must be in writing and be received in the Keizer Community Development Department, 930 Chemawa Road NE, Keizer by 5:00pm on April 26, 2019.

<b>Unless this decision is appealed it becomes final on April 27, 2019</b>
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## VI. CONDITIONS AND REQUIREMENTS

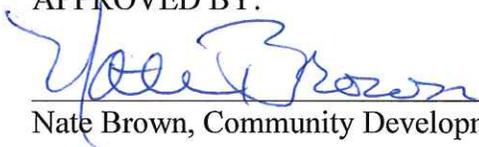
### **This decision does not include approval of a building permit.**

- A. **CONDITIONS:** The following conditions must be met before a building permit can be obtained or must be continually met as a condition of the particular land use:
1. The accessory structure is approved to be a maximum of 720 square feet in size and shall be located substantially as shown on the applicant's site plan. All other setbacks must comply with Section 2.313 of the Keizer Development Code.
  2. The accessory structure must comply with the standards in Section 2.313 of the Keizer Development Code relating to location, height, building separation, and exterior finish requirements for accessory structures.
  3. A driveway must be built to serve the accessory building since it is being designed to accommodate a vehicle. Driveway location must be approved by the Public Works Department.
  4. The applicant shall comply with the requirements of the Marion County Building Inspection Division and with all applicable development standards of the Keizer Development Code related to the construction of an accessory structure.
- B. **OTHER PERMITS AND RESTRICTIONS:** This approval does not remove or affect any covenants or restrictions imposed on the subject property by deed or other instrument. The proposed use may require permits such as a storm water permit for example, from other local, State or Federal agencies. This decision does not take the place of, or relieve the responsibility for obtaining other permits or satisfying any restrictions or conditions thereon.

- C. TRANSFER OF VARIANCE: This variance request shall automatically transfer to any new owner or occupant subject to all conditions of approval. It is the responsibility of the applicant and property owner to provide information to any new property owner(s) regarding this variance request and any conditions of approval.

The proposed development meets the purpose and intent of the standards set forth within Section 2.102 Residential Single Family zone of the Keizer Development Code and complies with Section 3.105 *Variations – Minor and Major* of the Keizer Development Code. Therefore, the above request for a Minor Variance request for property located at 5065 Chehalis Dr N is approved.

If you have any question about this application or the decision, please call (503) 856-3441 or visit the Community Development Department at the above address.

REPORT PREPARED BY: Shane Witham, Senior Planner	
APPROVED BY:	
	Date: <u>4/12/19</u>
Nate Brown, Community Development Director	

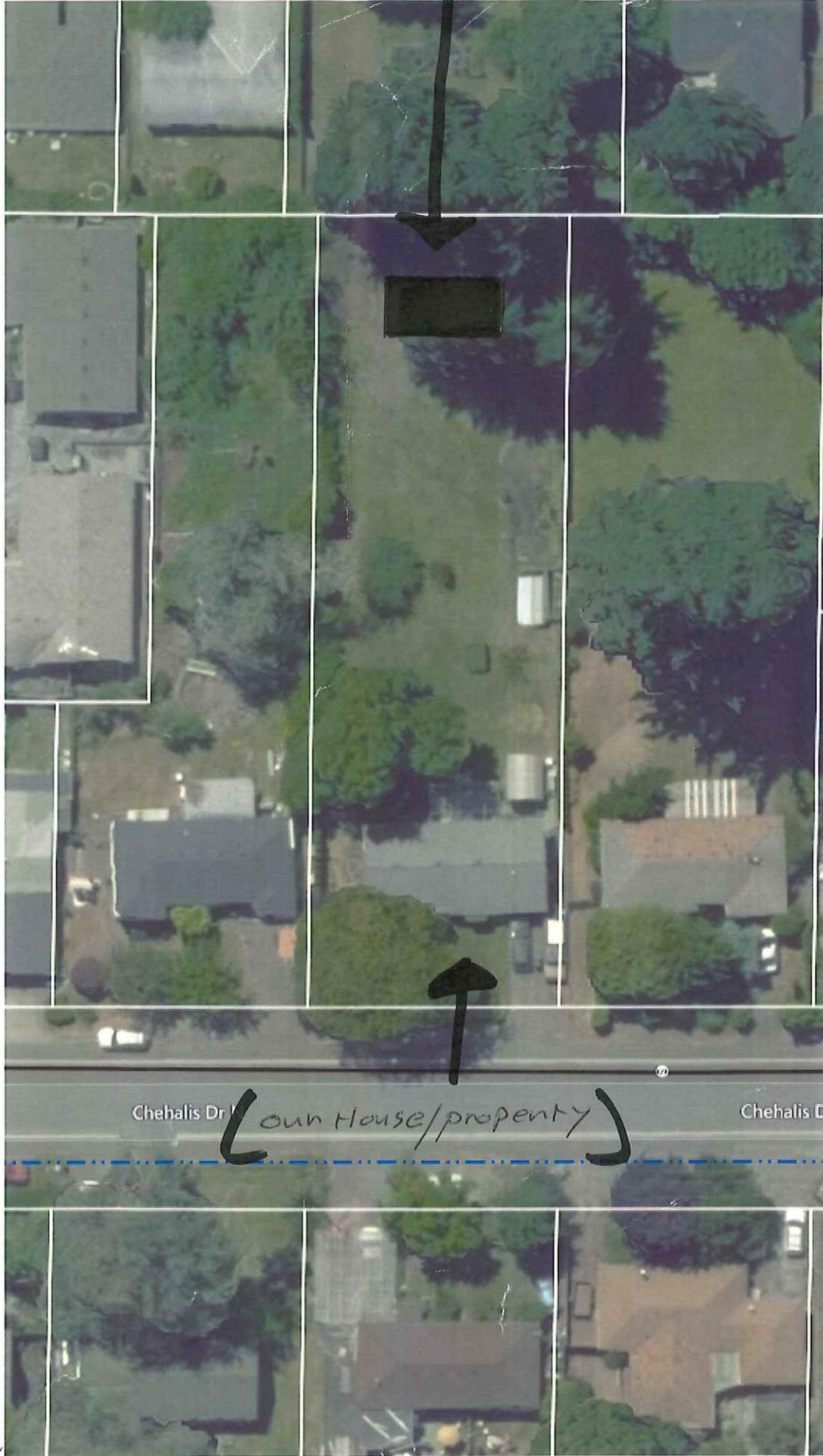
one stony House

proposed Building

Exhibit 1

24 X 30 720 SQ. Feet

RECEIVED  
CITY OF KEIZER  
MAR 11 2019  
COMMUNITY DEVELOPMENT



5065 Chehalis DR. N  
Keizer, OR 97303

Set Backs  
10 feet from left side  
of building to property line  
25 feet from right side  
of building to property line  
15 feet from rear of building to Back property line

(own House/property)



07 3W 03AB

ORCHARD STREET

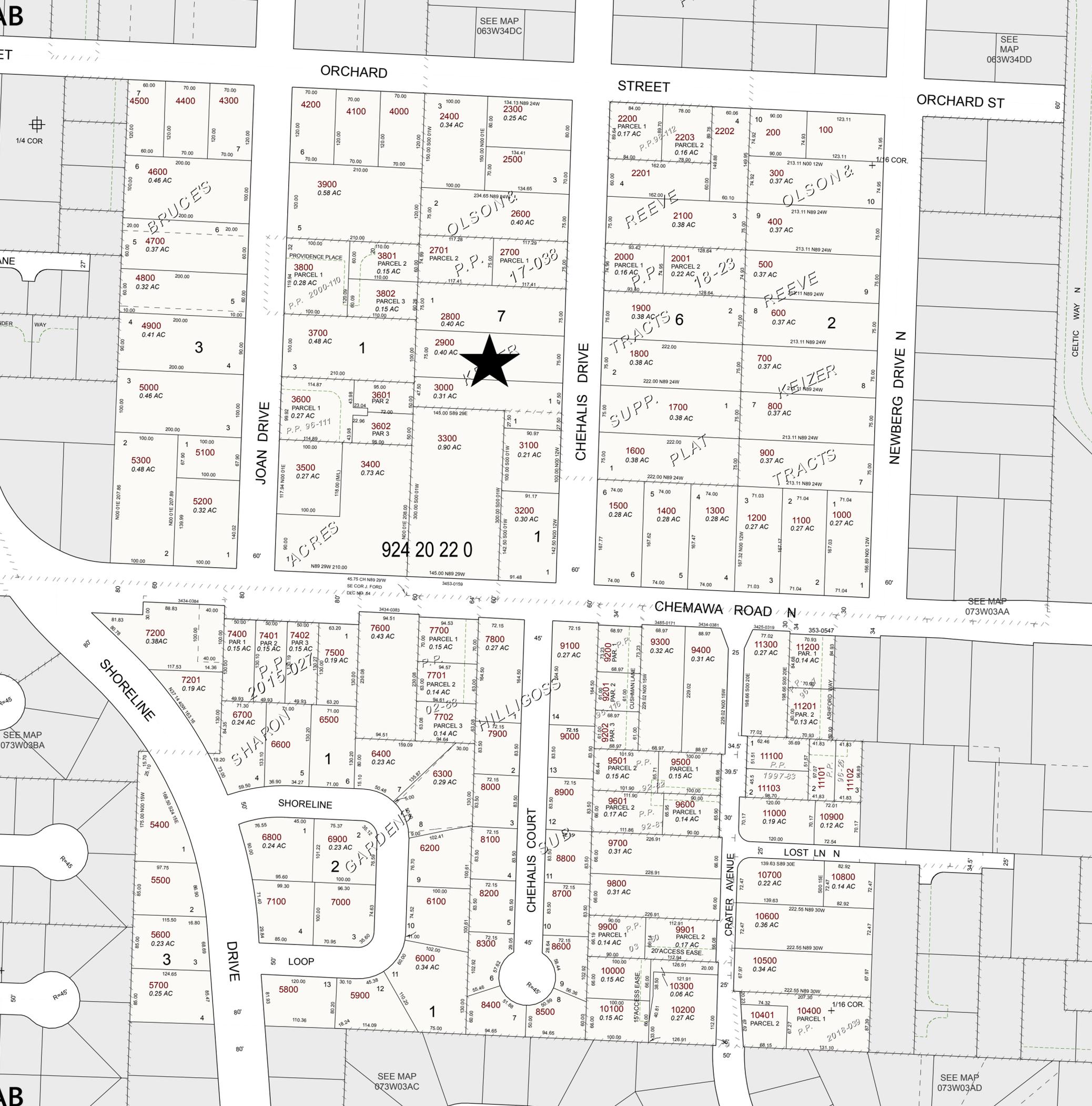
WINDSOR ISLAND RD N  
EXHIBIT 2

0220

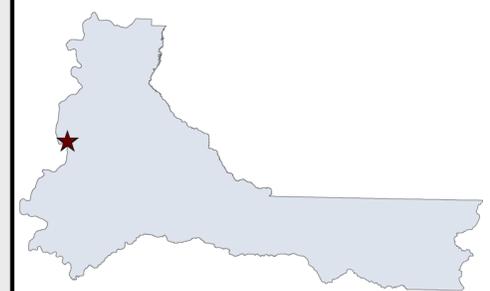
EASTWIND COURT

STREET N

07 3W 03AB



07 3W 03AB  
KEIZER



MARION COUNTY, OREGON  
NW1/4 NE1/4 SEC3 T7S R3W W.M.  
SCALE 1" = 100'

LEGEND

- LINE TYPES**
- Taxlot Boundary
  - Road Right-of-Way
  - Railroad Right-of-Way
  - Private Road ROW
  - Subdivision/Plat Bndry
  - Waterline - Taxlot Bndry
  - Historical Boundary
  - Easement
  - Railroad Centerline
  - Taxcode Line
  - Map Boundary
  - Waterline - Non Bndry

- CORNER TYPES**
- + 1/16TH Section Cor.
  - ⊕ 1/4 Section Cor.
  - ⊙ DLC Corner
  - 16 15 Section Corner
  - 21 22

**NUMBERS**  
Tax Code Number  
**000 00 00 0**

Acreege 0.25 AC      All acres listed are Net Acres, excluding any portions of the taxlot within public ROWs

**NOTES**  
Tick Marks: A tick mark in the road indicates that the labeled dimension extends into the public ROW



**CANCELLED NUMBERS**

7300			
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DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT [www.co.marion.or.us](http://www.co.marion.or.us)

PLOT DATE: 7/19/2018

KEIZER  
07 3W 03AB