



KEIZER PLANNING DEPARTMENT

STAFF RECOMMENDATION TO PLANNING COMMISSION

Minor Variance Case 2025-11

TO: City of Keizer
Planning Commission

FROM: Dina Horner, Assistant Planner

THROUGH: Shane Witham, Planning Director

SUBJECT: Minor Variance Case No. 2025-11

HEARING: September 10, 2025

DATE: September 3, 2025

I. GENERAL INFORMATION

- A. **APPLICANT/OWNERS:** Maxwell and Emily Scott
- B. **PROPERTY LOCATION:** The subject property is located at 6955 Fir Grove Lane NE, Keizer. The Marion County Tax Assessor's map identifies the property as being located within Township 6 South; Range 3 West; Section 26CB; Tax Lot 08400. (Exhibit 1)
- C. **PARCEL SIZE:** The subject property is approximately 0.58 acres in area.
- D. **EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The property is developed with an existing single-family dwelling and is served by public water and sewer.
- E. **ZONING:** The subject property is designated LDR (Low Density Residential) in the Comprehensive Plan and is zoned RS (Residential Single Family).
- F. **ADJACENT ZONING AND LAND USES:** The surrounding properties are zoned RS and are developed with single-family dwellings.
- G. **PROPOSAL:** The applicant is requesting approval of a Minor Variance to permit the construction of an accessory structure on a parcel zoned RS. The proposed structure would have an area of 720 square feet, which exceeds the maximum 600 square feet allowed under the Keizer Development Code. (Exhibit 2)
- H. **NOTICE:** Public notice was mailed, published and posted consistent with notice requirements in Keizer Development Code (KDC) Section 3.204.

II. COMMENTS

- A. The Keizer Public Works department, the Keizer Police Department and the City of Salem Planning Department responded they have reviewed the proposal and have no comments.
- B. A notice requesting comments was mailed to property owners within 250 feet of the subject property. One written response was received: an email in support of the application from Christopher and Megan Anderson, residents of 6959 Fir Grove Lane NE, Keizer.

III. FINDINGS

The review criteria for a Minor Variance are contained in Section 3.105.04 of the Keizer Development Code. The criteria and findings are listed below:

- A.
 - 1. *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,*
 - 2. *The variance requested is consistent with the intent and purpose of the provision being varied; or*
 - 3. *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 purpose of this provision is to ensure that a variance is granted only when the underlying intent of the code is maintained, or when unique circumstances place an undue burden on the applicant compared to other properties subject to the same standards. The RS zone is intended for single-family residential development and compatible uses. Accessory structures are permitted subject to the standards of KDC Section 2.313. These standards maintain neighborhood character, prevent oversized structures from dominating residential lots, and preserve open space.

The subject property is developed with a single-family dwelling and located in an established neighborhood of similar homes. The parcel is approximately 0.58 acres, 195 feet deep, and regular in shape, with no slopes or natural features restricting development. Section 2.313.01.E limits accessory structures to 600 square feet; the applicant proposes a 720-square-foot structure, representing a 20% increase. The accessory structure will be located in the side yard and must comply with all required setbacks. The applicant has indicated a 16' rear setback. Compliance with all provisions of Section 2.313 will be verified at building permit review. Importantly, the proposed location does not restrict future development potential; sufficient area remains for additional improvements consistent with the RS zone. Given the parcel size and depth, the proposed structure will not dominate the lot or

neighborhood. The KDC allows accessory structures to cover up to 20% of the yard area; this proposal will cover significantly less. Height standards will also ensure compatibility.

As a condition of approval, the accessory structure shall meet, but not exceed, the minimum required setbacks to property lines, as determined by building height under the KDC. This requirement will assure adequate separation and preserve flexibility for future development of the parcel. With these conditions, staff finds the request consistent with the purpose and intent of the code. This criterion is satisfied.

B. 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 side yard. Although the final height has not been specified, Section 2.313 of the Keizer Development Code prohibits accessory structures from exceeding 24 feet in height or being taller than the existing residence. Compliance will be reviewed and conditioned at the time of building permit review.

At 0.58 acres, the parcel is large compared to typical subdivision lots. The structure will be placed toward the far side of the lot, leaving substantial open area between it and the primary residence. This preserves redevelopment flexibility.

The structure will not create adverse impacts related to fire, life, or safety. As a condition of approval, the building must be located substantially as shown on the applicant's site plan.

The variance request is limited to building size. All other standards—setbacks, aesthetics, height, building separation, and exterior finish—remain applicable and will be reviewed at the time of building permit.

Importantly, one of the adjacent property owners who would be most directly affected by the proposed structure submitted a letter in support of the application. This demonstrates that the variance is not expected to create unreasonable impacts on nearby properties.

Staff concludes the variance will not unreasonably impact adjacent existing or planned uses. This criterion is satisfied.

C. 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 KDC limits accessory structures to 600 square feet. A minor variance may not expand or reduce a quantifiable standard by more than 20 percent. A 20 percent increase allows 720 square feet. The applicant proposes a 720-square-foot structure, which is the maximum permissible.

As a condition of approval, the accessory structure shall not exceed 720 square feet in area and shall be constructed substantially as proposed. Compliance will be verified during building permit review.

This request represents exactly a 20% increase, which is the maximum permitted under the minor variance provisions, and is the minimum necessary to meet the applicant's purpose. This criterion is satisfied.

- D. ***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 prior land use actions on this property that would preclude approval of this variance. This criterion is satisfied.

IV. **RECOMMENDATION**

Based on the findings above, staff concludes the applicant's request for a minor variance to increase the maximum permitted size of a residential accessory structure from 600 square feet to 720 square feet satisfies the applicable review criteria in the Keizer Development Code. The structure can be accommodated on the subject property without adverse impacts to adjacent uses or future development potential.

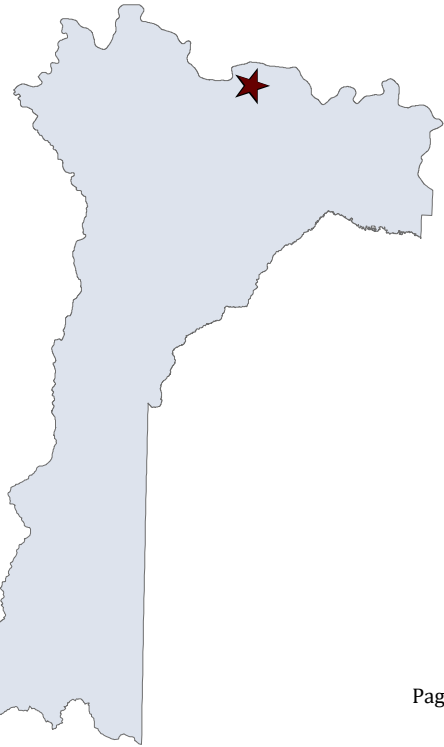
Staff therefore recommends that the Planning Commission approve Minor Variance Case No. 2025-11, subject to the conditions of approval listed below.

V. **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 must comply with Section 2.313 of the KDC relating to location, height, building separation, and exterior finish.
 2. The accessory structure shall not exceed 720 square feet in area and shall be constructed substantially as proposed. Compliance shall be verified during building permit review.
 3. The accessory structure shall comply with the setback requirements to property lines, as determined by building height under Section 2.313 of the KDC. This ensures the placement of the structure does not limit future development of the parcel.
 4. The applicant shall comply with the requirements of the Marion County Building Inspection Division and all applicable development standards of the KDC related to construction of an accessory structure.

- B. OTHER PERMITS AND RESTRICTIONS: This approval does not remove or affect any private covenants or restrictions imposed by deed or other instruments. The proposed use may require permits from other local, state, or federal agencies. This decision does not replace or relieve the responsibility for obtaining such permits.
- C. TRANSFER OF VARIANCE: This variance approval shall automatically transfer to any new owner or occupant, subject to all conditions. It is the responsibility of the applicant and property owner to provide notice of this variance and its conditions to future property owners.



MARION COUNTY, OREGON
NW1/4 SW1/4 SEC26 T6S R3W W.M.
SCALE 1" = 100'

EXHIBIT 1

LEGEND

- LINE TYPES**
- Taxlot Boundary
 - Road Right-of-Way
 - Railroad Right-of-Way
 - Private Road ROW
 - Subdivision/Plat Bndry
 - Waterline - Taxlot Bndry
 - Waterline - Non Bndry
 - Historical Boundary
 - Easement
 - Railroad Centerline
 - Taxcode Line
 - Map Boundary
- CORNER TYPES**
- + 1/16th Section Cor.
 - © DLC Corner
 - ⊕ 1/4 Section Cor.
 - ⊕ 16 15 Section Corner
 - ⊕ 21 22 Section Corner

NUMBERS

Tax Code Number
00 00 0

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

NOTES

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

CANCELLED NUMBERS

5100
6600
7901

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.marion.or.us

PLOT DATE: 11/16/2021

KEIZER



EXHIBIT 2

6955 FIR GROVE LN N MINOR VARIANCE PLOT PLAN

