

YACHATS PLANNING COMMISSION

July 18, 2017

Regular Meeting Minutes

Chair Helen Anderson called the July 18, 2017 regular meeting of the Yachats Planning Commission to order at 3:00 pm in Room 1 of the Yachats Commons. Members present: Ron Urban, Helen Anderson, James Kerti, Christine Orchard, JD Deriberprey, Ginny Hafner. Absent: Shelly Shrock. Audience: 5.

I. Announcements and Correspondence - none

II. Minutes

A. Regular Meeting and Work Session of June 20, 2017

Commissioner Urban moved to approve the June 20, 2017 work session minutes and regular meeting minutes of the Planning Commission: Aye - 6; No - 0.

III. Citizen's Concerns - none

IV. Public Meeting

A. Case File #1-VAR-PC-17 McCall Variance Application

Anderson read the introductory regulations and questions for a variance hearing. No Commissioners had reason to recuse or information to disclose.

Planner Lewis summarized the variance application. David Chamberlain, architect for the applicant had no additional comments but remained available for questions. Deriberprey asked Chamberlain if the proposed deck size was necessary. Chamberlain indicated the proposed sizes were a "quality of life" issue.

Urban asked Chamberlain about his calculations on lot coverage. Urban reported his calculations resulted in a proposed 41.18% coverage, instead of 37.1% as Chamberlain presented. Kerti and Anderson verified Urban's calculation. Commissioners agreed to proceed with 40.5% current lot coverage and a 41.2% proposed lot coverage (based on lot size of 4346 square feet).

There was no public testimony on the matter. Anderson closed the public input section of the hearing.

Commissioners reviewed the five criteria for granting a variance.

A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of the ordinance codified in this title, topography, or other circumstances over which the applicant has no control. Urban and Hafner stated they believed there was extraordinary circumstance. Commissioners agreed Criterion A was met.

B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess. Councilors agreed this criterion was met as all other properties on the street appear to have lot coverage much greater than 30% and the requested variance of 41.2% was in line with other properties.

C. The variance would not be materially detrimental to the purposes of this title, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any

city plan or policy. Orchard noted the proposal would improve onsite parking. Anderson did not believe that allowing an even greater lot coverage was an appropriate way to address the high lot coverages in this area. Orchard, Kerti, and Urban noted the point but believed this area was unusually over lot coverage limits, arguing that even though the proposal is for increasing the lot coverage, the property would remain on the low side of other properties in the area. Commissioners agreed this criterion was met.

D. The variance requested is the minimum variance which would alleviate the hardship. Anderson and Deriberprey did not believe the applicant should get additional lot coverage (as a percentage), but should remain at their current lot coverage percentage. Deriberprey argued that the applicant could reduce the deck size by a small amount and retain the current lot coverage. Anderson noted keeping the current lot coverage amount would mean reducing the deck size by 34 square feet. Anderson did not believe the Commission should set a precedent to allow this incase of a 34 square foot increase. Hafner, Kerti and Orchard believed the variance is warranted given the neighborhood. Commissioners were not unanimous in believing this criterion was met.

E. The hardship asserted for the variance does not arise from a violation of the zoning ordinance. Commissioners agreed Criterion E was met.

Hafner moved to approve the variance request with the stipulation that: (1) development be in accord with R-1 standards except for an approved lot coverage of 41.2% (not 37.1% as indicated in the proposal) and (2) two on-site parking spaces shall be provided: Aye – 4; No – 2 (Anderson, Deriberprey).

B. Title 9 Zoning & Land Use Code Amendment – Section 9.52.170 General Exceptions to Building Height Limitations

Anderson re-opened the administrative hearing on Section 9.52.170 and asked Lewis to summarize his findings on elevator shaft requirements. Lewis reported typical commercial elevator cab is 22 sf and residential cab is 12-15 sf, and this amendment limits shaft sizes to 9 sf.

Orchard noted the commission had discussed giving an exception to elevator shafts for the minimum amounts required by code. Deriberprey added that the Commission's intent is not to limit the building of elevators. Commissioners agreed to stipulated that elevator shafts be given an exemption to the minimum amount required by applicable building code.

Urban raised a question regarding the roof height exemption that limits the height above the roofline, not above the 30 ft building height restriction. Lewis noted a house with a 15 ft roofline would only be allowed a chimney to go to 22.5 ft, an amount below the 30 ft limit. Commissioners discussed the distinction between a protrusion measured by the roofline or the building height limit. Deriberprey argued to keep the baseline to be the roofline because of safety issues.

Anderson closed the hearing on Title 9 Zoning & Land Use Code Amendment – Section 9.52.170 General Exceptions to Building Height Limitations.

Commissioners wanted updates on previous code change recommendations (e.g., formula business regulations).

Hafner moved to approve the changes to Title 9 Zoning & Land Use Code Amendment – Section 9.52.170 General Exceptions to Building Height Limitations: Aye – 6; No – 0.

VI. Planner's Report

Lewis summarized his report.

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2 Lewis noted he had copies made of land use planning guides that would be available on the table
3 in his office.
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5 **VII. Other Business**

6 **A. From the Commission**

7 Orchard asked about the status of the change of entrance on the property on Lemwick Lane that
8 was recently before the commission. Lewis indicated the real estate agent of the property was
9 aware and seeing that the change is implemented.
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11 Hafner expressed frustration with the online website and document system. Orchard suggested
12 writing a letter to the City or the Mayor. Lewis indicated he would bring the issue to Manager
13 Davies' attention. Commissioners agreed complaints should be made in writing.
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15 **B. From Staff - none**

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17 With no further business before the Commission, Anderson adjourned the meeting at 4:04 pm.
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22 _____
23 Helen Anderson, Chair

_____ Date

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25 Minutes prepared by H H Anderson on August 13, 2017.