



Where Life is Sweet

Members of the Planning Commission
STAFF REPORT
For the Meeting of September 11, 2024

Title/Subject

Major Variance – Lines 4N2811CD Tax Lot 4502 - 640 and 620 SE 5th St

Summary and Background

Jason Lines has submitted an application for a major variance on land located at 620 and 640 SE 5th Street. Mr. Lines owns the property and requests a variance from the minimum lot width standard of 60 feet in the R-3 zone. The property is described as 4N 28 11CD Tax Lot 4502. The property contains two existing single-family dwellings, and the applicant seeks to separate the lots for individual sale. The applicant seeks approval of the lot width variance prior to investing in the surveying costs necessary to partition the property. The total lot width is 94 feet and if the variance is approved, two lots of 47 feet would be created. This represents a variance of 22%.

§157.027(C)(3) establishes that lots shall be at least 60 feet in width at the building lines. §157.027(C)(1) establishes that lots shall be at least 5,000 square feet in area. The total lot area is 11,279 square feet. If the variance is approved, two lots of roughly 47 feet in width, 120 feet in depth, and 5,500 square feet in area will be created. Since the site has not yet been surveyed, these measurements are approximate. Aerial imagery shows that the existing dwellings are each constructed close to the exterior lot lines and there is approximately 24 feet of distance separating the structures, leaving adequate room for each dwelling to meet a five foot setback from a new lot line.

Per §157.225(A) of the Hermiston Code of Ordinances, the planning commission may grant variances where it can be shown that, owing to special and unusual circumstances, literal interpretation of the zoning code would cause an undue or unnecessary hardship.

The specific criteria relied upon by the planning commission are contained in §155.50(A) of the Hermiston Code of Ordinances. In granting a variance, the applicant must demonstrate that all of the following criteria have been met:

1. Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, shape, topography or other circumstances over which the applicant has no control.
2. The variance is necessary for the preservation of a property right of the applicant substantially the same as possessed by owners of other property in the same zone or vicinity.

3. The authorization of the variance shall not be materially detrimental to the purposes of this chapter, be injurious to property in the zone or vicinity in which the property is located, or be otherwise detrimental to the objectives of any development pattern or policy.

4. The variance requested is the minimum variance from the provisions and standards of this chapter which will alleviate the hardship.

It is not necessary to restate other ordinances and statutory requirements of the variance as part of the proceedings. The granting or denial of the variance will not affect the requirements of the City of Hermiston to comply with building, plumbing and electrical codes, other ordinances, statutory or regulatory compliance issues.

Public notice was provided to all property owners within 300 feet by direct mail on August 28, 2024. A sign was physically posted on the property on August 28, 2024. A notice of hearing was also published in the East Oregonian on August 28, 2024.

Tie-In to Council Goals

N/A

Fiscal Information

There is no fiscal impact as a result of this land use action.

Alternatives and Recommendation

Alternatives

The planning commission may choose to:

- Approve the requested variance
- Deny the variance request

Recommended Action/Motion

Staff recommends that the variance be approved as requested.

- Motion to make the project file a part of the record
- Motion to approve findings of fact
- Motion to impose conditions of approval
- Motion to approve variance as requested

Submitted By:

Clinton Spencer, Planning Director