



STAFF REPORT PRESENTED TO THE PLANNING COMMISSION

REQUEST: The applicant is requesting approval of a Variance to allow a reduced lot frontage of 55 feet and 57 feet for a proposed land partition and to maintain an existing 5-foot front yard setback for a pre-existing residential structure. The property currently contains a pre-existing home with a 5-foot front yard setback; however, no physical changes are occurring to this pre-existing setback as a result of the partition. The subject property is located in the Residential High Density (R-3) zone.

Pursuant to Sweet Home Municipal Code (SHMC) Chapter 17.14, the required lot frontage is 60 feet. While the proposed frontage changes would individually represent less than a 10% deviation, the City has determined that the cumulative deviation, when combined with the existing nonconforming front yard setback, exceeds the 10 percent adjustment threshold and requires approval of a Variance pursuant to SHMC 17.106.010:

The development standards in this Development Code protect the public health, safety and welfare by establishing standard setbacks, maximum building heights and other development standards that apply to various uses. For lands or uses with unique characteristics the intent and purpose of the development standards may be maintained while allowing for a variance to requirements. A Variance may be approved for those requests resulting in greater than a 10% change in a quantifiable standard.

The applicant is therefore requesting a Variance to allow the proposed lot frontages of 55 feet for proposed Parcel 2 and 57 feet for proposed Parcel 3 of Partition Application P26-04 while acknowledging the pre-existing 5-foot front yard setback. The variance is necessary because the development code does not clearly account for pre-existing nonconforming structures during a partition where no actual change to those setbacks is taking place. This request will allow the landowner to develop the property in a manner consistent with neighboring properties to the north and east that feature similar pre-existing non-conforming building setbacks

VR26-03 is being filed concurrently with application P26-04. Application P26-04 is reliant on the approval of application VR26-03.

APPLICANT: Andrew Johnson, TerraTech Land Surveyors

PROPERTY OWNER: Duke Rohner

FILE NUMBER: VR26-03

PROPERTY LOCATION: 2034 Long St, located in Sweet Home, Oregon 97386; Identified on the Linn County Assessor's Map as 32BC, Tax Lot 2900

REVIEW AND DESIGN CRITERIA: Sweet Home Municipal Code Section(s): 17.14.030, 17.90.030, 17.106, 17.108, 17.126, 17.130

HEARING DATE & TIME: May 21, 2026, at 6:30PM

HEARING LOCATION: City Hall Council Chamber at 3225 Main Street, Sweet Home, Oregon 97386

STAFF CONTACT: Angela Clegg, Planning & Building Manager
Phone: (541) 818-8029; Email: aclegg@sweethomeor.gov

REPORT DATE: May 15, 2026

I. PROJECT AND PROPERTY DESCRIPTION

ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:

Property	Zoning Designation	Comprehensive Plan Designation
Subject Property	Residential High Density (R-3)	High Density Residential
Property North	Commercial Highway (C-2)	High Density Residential Highway Commercial
Property East	Residential High Density (R-3)	High Density Residential
Property South	Residential High Density (R-3) Public Facility (PF)	High Density Residential Public Facility
Property West	Commercial Highway (C-2) Public Facility (PF)	Highway Commercial Public Facility

Floodplain: Based on a review of the FEMA FIRM Maps; Panel 41043C0913G, dated September 29, 2010, the subject property is not the special flood hazard area.

Wetlands: The subject property does not show wetlands/waterways on the properties that are depicted on the Statewide Wetlands Inventory Map or the National Wetlands Inventory Map.

Access: Based on the Subject Property Map (Attachment A), the property abuts and has access from Long Street.

Services: There are existing City water and sewer services to the existing dwelling from Long Street.

Street: The subject property abuts approximately 196 feet of Long Street. Long Street is classified as a minor arterial and has existing sidewalks, curbs and gutters.

TIMELINES AND HEARING NOTICE:

Application Received: April 2, 2026

Application Deemed Complete: April 2, 2026

Notice Distribution to Neighboring Property Owners Within 300 feet and Service Agencies: April 7, 2026

Notice Published in New Era Newspaper: April 15, 2026

Date of Planning Commission Hearing: May 21, 2026

120-Day Processing Deadlines: July 31, 2026

Notice was provided as required by SHMC 17.126.010

II. COMMENTS

Matt Cook

CEDD Engineering: CEDD Engineering has no comments on Variance VR26-03.

Public Works Division: No comments as of the issuance of this staff report.

Jaysen Cunningham

Building Division: Building has no comment.

Sweet Home

Fire District: No comments as of the issuance of this staff report.

Public Comments: No comments as of the issuance of this staff report.

III. REVIEW AND DESIGN CRITERIA

The review and decision criteria for a variance are listed below in bold. Findings and analysis are provided under each review and decision criterion.

The Planning Commission may allow a Variance from a requirement or standard of this Development Code after a public hearing conducted in accordance with the Type III review procedures provided that the applicant provides evidence that the following circumstances substantially exist:

- A. The variance is necessary because the subject Development Code provision does not account for special or unique physical circumstances of the subject site, existing development patterns, or adjacent land uses. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance. [17.106.060(A)]**

Applicants Comment: Yes a variance is necessary due to more than a 10% deviation from the required standards. This is due to the existing home's 5' front setback combined with the proposed Parcel 2 & 3's reduction in frontage from 60' to 55' and 57' respectively. The development code in chapter 17.14 does not account for pre-existing nonconforming structures, and no language is clear showing that this pre-existing deviation should be added to the total deviation from code since no change is occurring to the pre-existing structures setbacks as a result of the partition. The frontage changes would be less than 10% without the setback issue.

Staff Findings: Staff finds that the applicant is requesting a Variance to reduce the required 60-foot lot frontage standard in the R-3 zone to 55 feet for Proposed Parcel 2 and 57 feet for Proposed Parcel 3 in connection with a proposed land partition. The reductions represent individual deviations of 9.09% and 5.26%, respectively. While each deviation is below the 10% threshold, the cumulative deviation for all three parcels within the partition is 14.35%, exceeding the maximum adjustment allowed without a Variance.

Proposed Parcel 2 contains a pre-existing residential structure with a legally established but nonconforming 5-foot front yard setback. If the property were not divided, the existing structure would not require a Variance. However, reducing the frontage of Parcel 2 from 60 feet to 55 feet increases the degree of nonconformity. Under SHMC 17.98.050(A), each parcel must meet the dimensional standards of the applicable zone unless a Variance is granted. Because the resulting configuration increases a nonconforming condition, a Variance is required.

SHMC 17.106.010 allows Variances when unique circumstances prevent strict application of development standards while still maintaining their intent and purpose. In this case, the Development Code does not fully address how pre-existing nonconforming structures should be evaluated during a

partition when no physical change to the structure or its setback is proposed. The unique site conditions, including the existing 5-foot setback and the development pattern of surrounding properties, create circumstances that the Code does not clearly anticipate.

Based on these factors, staff finds that the requested reductions in frontage for Parcels 2 and 3, along with the presence of the pre-existing nonconforming structure on Parcel 2, support approval of the Variance under SHMC 17.106.060(A). The Variance is necessary because the applicable code provisions do not adequately account for the site-specific conditions involved in this partition.

B. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district. An economic hardship shall not be the basis for a variance request.

Applicants Comment: Yes, as the east and north adjoiners also appear to have pre-existing non-conforming building setbacks of existing homes. The east properties also had a partition completed in the relatively recent time of 2019, and the result of the partition reduced the rear setback of the existing home outside of code. If the owners of the other properties in the same vicinity enjoy their property with this deviation where the result of the survey moves the setback out of code, it should be allowed that this property in question for this variance should be allowed as no changes to this pre-existing 5' setback are occurring.

Staff Findings: Section 17.106.060(B) requires that a variance be necessary to preserve a substantial property right enjoyed by other properties in the same vicinity, and it may not be justified solely on the basis of economic hardship.

Several properties in the surrounding area exhibit varying degrees of legal nonconformity. The 5-foot front setback of the existing structure on Proposed Parcel 2 is a pre-existing nonconforming condition. However, the proposed reduction of the lot frontage from 60 feet to 55 feet increases that nonconformity. When evaluated with the frontage reduction proposed for Parcel 3, the cumulative deviation for the partition totals 14.35%, which exceeds the threshold permitted without a Variance.

Staff find that the request is reasonable and consistent with the development pattern of the vicinity. Nearby properties also contain long standing nonconforming setbacks, and owners of those properties continue to use and enjoy them without additional regulatory burden. The requested Variance would allow the applicant to similarly utilize the property without altering the existing nonconforming structure. Approval of the Variance therefore preserves a substantial property right comparable to those held by other property owners in the same area.

C. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located, or otherwise conflict with the objectives of any City plan or policy.

Applicants Comment: No, this variance would not be materially detrimental to the public welfare or injurious to property in the vicinity and will not conflict of any known city plan or policy. This variance would simply allow the landowner to develop similarly to the adjacent, comparable properties. Since the pre-existing structure's setback issue is what's forcing the variance, this is adjacent to the road and not changing. The adjoining neighbors will not be affected so all other setback and building codes will be adhered to at the time of construction. There is no significant change that would harm the community by approving this variance.

Staff Findings: Staff find that the variance will not be materially detrimental to the public welfare or injurious to the property in the vicinity or district in which the property is located. The variance does not conflict with the objectives of any City plan or policy.

D. The need for the variance is not self-imposed by the applicant or property owner (for example, the variance request does not arise as a result of a property line adjustment or land division approval previously granted to the applicant).

Applicants Comment: This need for the variance is not self-imposed by the applicant or property owner, but rather from the city as the preexisting structure's setbacks are being combined with the proposed reduction of the road lot frontage changes to account for more than a 10% change, as outlined in emails from the city.

Staff Findings: The pre-existing 5-foot front setback on Proposed Parcel 2 is a legally established nonconforming condition and was not created by the applicant. The applicant's request to reduce the front of building line for Proposed Parcels 2 and 3 increases the degree of nonconformity on Parcel 2 and, when combined, results in a total deviation that exceeds the 10 percent threshold for the Partition application. This combination of factors necessitates the Variance.

The need for the Variance did not arise from any prior property line adjustment or land division approval involving the applicant. Instead, the Variance is required due to existing site conditions.

E. The variance requested is the minimum variance which would alleviate the identified hardship.

Applicants Comment: The variance requested is the minimum variance which would alleviate the identified hardship. The lot frontage changes and proposed property lines put the proposed parcels just above the minimum threshold for lot area of 5,000 square feet, and the pre-existing non-conforming home's setback is not changing.

Staff Findings: Staff find that the requested variance is the minimum allowed for what the applicant is requesting.

F. All applicable building code requirements and engineering design standards shall be met.

Applicants Comment: Yes, all other applicable building code requirements and engineering design standards are being met, as outlined in the narrative of the partition application.

Staff Findings: No development is proposed with this application. Staff Recommends a Condition of Approval that all building code requirements and engineering design standards be met at the time of development.

IV. STAFF RECOMMENDATION

Staff find that the applicant has requested the minimum variance necessary to alleviate the hardships presented by the applicant. Staff have recommended Conditions of Approval listed below.

V. CONCLUSIONS

The application shall be subject to compliance with the conditions listed below, as required by the findings of fact presented in the Review Criteria (Section III), above. Any modifications to the conditions listed below would require approval in accordance with provisions of law (e.g., variance, subsequent land use application, etc.).

Conditions of Approval:

1. Approval of Partition Application P26-04.

2. All building code requirements and engineering design standards be met at the time of development.

VI. PLANNING COMMISSION ACTION

The Planning Commission will hold a public hearing at which it may either approve or deny the application. If the application is denied, the action must be based on the applicable review and decision criteria.

Appeal Period: Staff recommend that the Planning Commission's decision on this matter be subject to a 12-day appeal period from the date that the decision is mailed.

Order: After the Planning Commission makes a decision, staff recommend that the Planning Commission direct staff to prepare an Order that is signed by the Chairperson of the Planning Commission. The Order shall memorialize the decision and provide the official list of conditions (if any) that apply to the approval; if the application is approved.

Motion:

After opening of the public hearing and receiving testimony, the Planning Commission's options include the following:

1. Move to approve application VR26-03 and thereby permit the variance for the subject lot located at 2034 Long Street, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E32BC Tax Lot 02900; adopting the Findings of Fact listed in Section III of the staff report, the setting of a 12-day appeal period from the date of the mailing of the decision, and hereby direct Staff to prepare an order to be signed by the Chair to memorialize this decision.
2. Move to deny application VR26-03 for the subject lot located at 2034 Long Street, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E32BC Tax Lot 02900; adopting the following Finding of Fact (specify), the setting of a 12-day appeal period from the date of the mailing of the decision, and hereby direct Staff to prepare an Order to be signed by the Chair to memorialize this decision.
3. Move to continue the public hearing to a date and time certain (specify); or
4. Other

VII. ATTACHMENTS

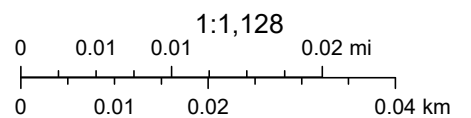
- A. Subject Property Map
- B. Site Plan

The full record is available for review at the City of Sweet Home Community and Economic Development Department Office located at City Hall, 3225 Main Street, Sweet Home, Oregon 97386. Regular business hours are between 7:00 AM and 5:30 PM, Monday through Thursday, excluding holidays.

VR26-03 Subject Property Map, 2034 Long St



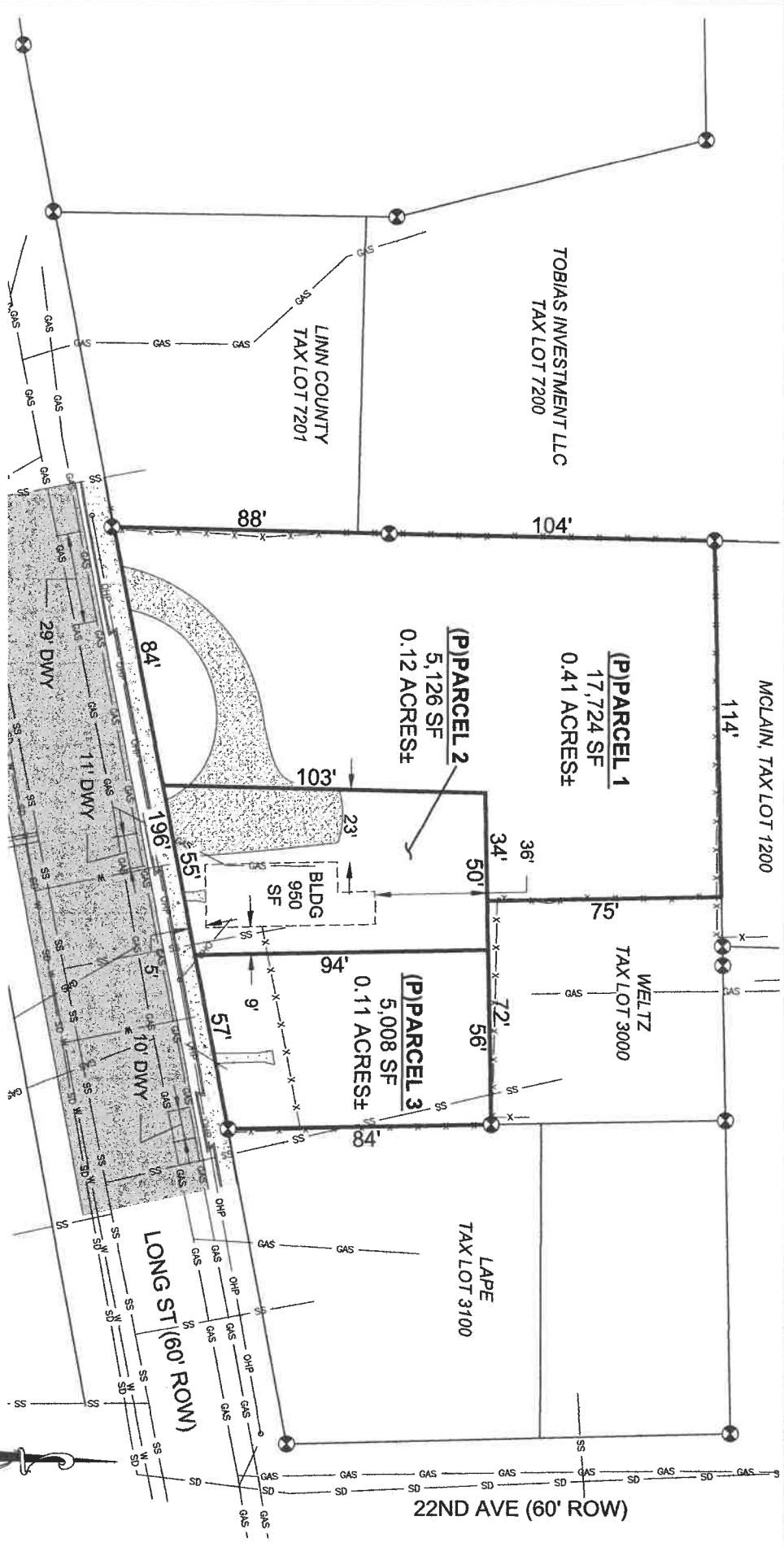
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Sources: Esri, Vantor, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap, and the GIS user community, Linn County, OR Office of Assessment and Taxation, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Map created using the Linn County Oregon web mapping application

This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the



- LEGEND**
- PAVEMENT HATCH
 - CONCRETE HATCH
 - GRAVEL HATCH
 - BOUNDARY
 - LOT LINE
 - BUILDING OUTLINE
 - OVERHEAD POWER LINE
 - GAS LINE
 - SEWER LINE
 - WATER LINE
 - STORM DRAIN LINE
 - FOUND MONUMENT

- EXISTING FENCE**
- X-X-X-X- AC ACRES
 - X-X-X-X- BLDG BUILDING
 - X-X-X-X- DWY DRIVEWAY
 - X-X-X-X- ROW RIGHT OF WAY
 - X-X-X-X- SF SQUARE FEET
 - X-X-X-X- TM TAX MAP
 - X-X-X-X- (P) PROPOSED

PROPERTY INFORMATION

ZONING: R3- HIGH DENSITY RESIDENTIAL
 LAND USE: RESIDENTIAL SINGLE FAMILY
 OWNER: DUKE ROHNER
 ASSESSORS MAP: 13S01E32BC
 TAX LOT: 2900

NOTE: NO EASEMENTS OF RECORD AFFECT THE PROPERTY

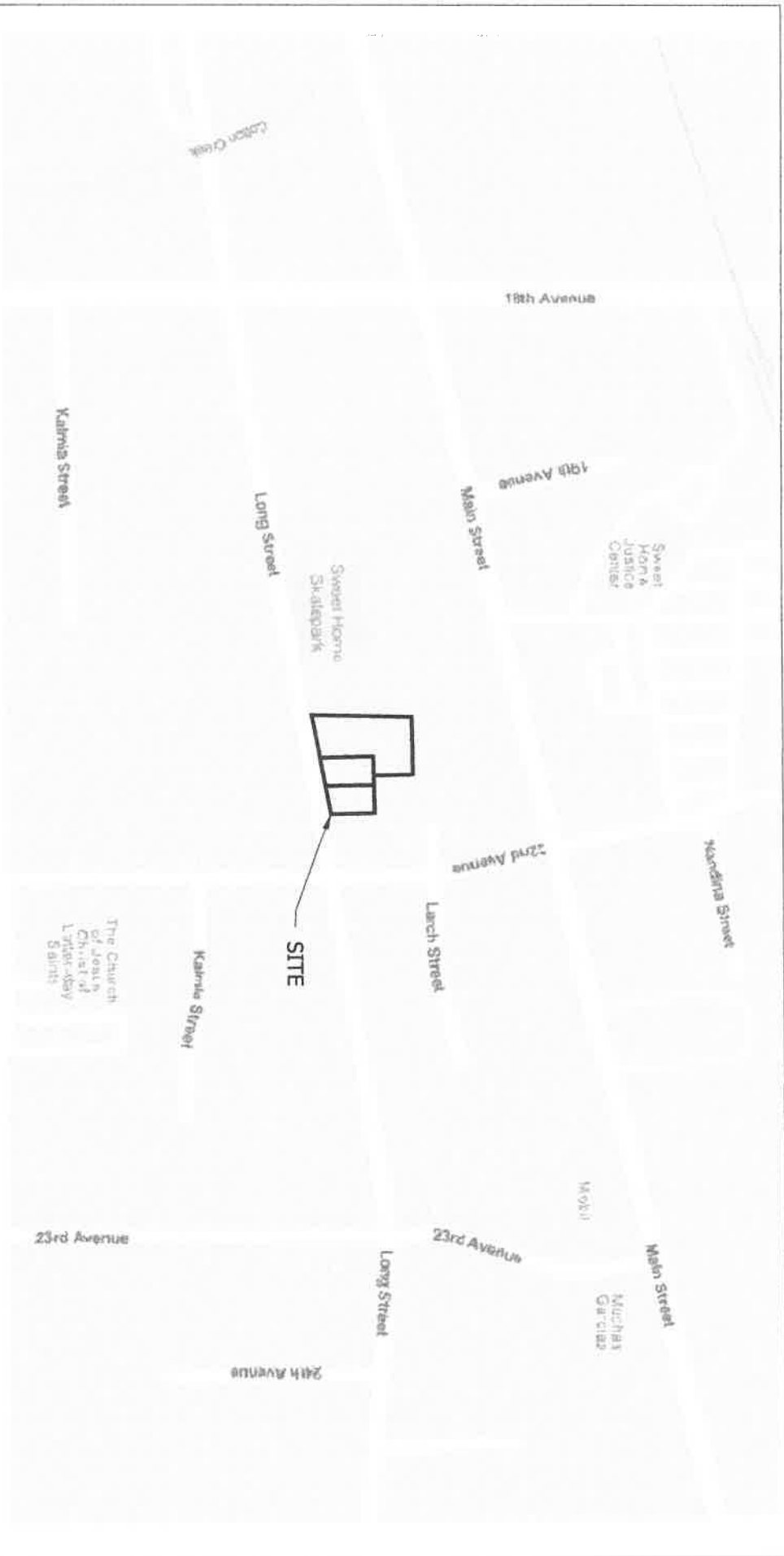
SCALE: 0' 50'

SHEET 1
 OF 2
 SCALE: AS NOTED

TENTATIVE MAP FOR PARTITION

PROJECT 26-012 ROHNER SHP EXHIBIT DATE 3/24/26	DUKE ROHNER 2034 LONG ST SWEET HOME, OR 97386	TERRATECH LAND SURVEYORS 735 WALNUT ST LEBANON, OREGON 97355 459-278-5932
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NOTE: AREA AND ACREAGE SHOWN HEREON ARE FROM THE SURVEYED BOUNDARY DIMENSIONS. PAVEMENT, GRAVEL AND HARDSCAPES ONLY TIED ON OR ADJACENT TO SUBJECT PROPERTY.



SCALE:



0' 300'

SHEET 2
OF 2
SCALE: AS NOTED

VICINITY MAP FOR MINOR PARTITION
PROJECT
26-012 ROHNER SHIP
EXHIBIT DATE
3/24/26

DUKE ROHNER
2034 LONG ST
SWEET HOME, OR 97386

TERRATECH
LAND SURVEYORS
735 WALNUT ST
LEBANON, OREGON 97355
458-278-5932