



**City of Sweet Home**  
Community and Economic Development Department- Planning Program  
3225 Main Street, Sweet Home, OR 97386 541-367-8113

## Staff Report Presented to the Planning Commission

**REQUEST:** The applicant is seeking a variance to allow for one hard surfaced, off-street parking space and a seventeen-foot carport setback from the front property line. The subject property is zoned Medium Density (R-2). The minimum lot size in the R-2 zone is 5,000 square feet, requires a sixty-foot front of building line width, requires a twenty-foot front setback to the garage or carport, and requires two hard surfaced parking spaces [SHMC 17.12.060]. The subject property is an approximately 3,485 square foot, pre-existing nonconforming lot.

**APPLICANT &  
PROPERTY OWNER:**

Brian Oakes

**FILE NUMBER:**

VR23-01

**PROPERTY LOCATION:**

1907 Willow Street, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E29CC Tax Lot 801.

**REVIEW AND  
DESIGN CRITERIA:**

Sweet Home Municipal Code Section(s) 17.12.020, 17.12.060, 17.106.040, 17.106.050, 17.106.060

**HEARING DATE & TIME:**

April 6, 2023

**HEARING LOCATION:**

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

**STAFF CONTACT:**

Angela Clegg, Associate Planner  
Phone: (541) 367-8113; Email: [aclegg@sweethomeor.gov](mailto:aclegg@sweethomeor.gov)

**REPORT DATE:**

March 23, 2023

### I. PROJECT AND PROPERTY DESCRIPTION

**ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:**

Property	Zoning Designation	Comprehensive Plan Designation
Subject Property	Residential Medium Density (R-2)	Medium Density Residential
Property North	Residential Medium Density (R-2)	Medium Density Residential
Property East	Residential Medium Density (R-2)	Medium Density Residential
Property South	Residential Medium Density (R-2)	Medium Density Residential
Property West	Residential Medium Density (R-2)	Medium Density Residential

Floodplain: Based on a review of the FEMA flood insurance rate map; Panel 41043C0913G, dated September 29, 2010, the subject property is not in the Special Flood Hazard Area.

Wetlands: The subject property does not show wetlands/waterways on the properties that are depicted on the Sweet Home Local Wetlands Inventory and the National Wetlands Inventory Map.

Access: The subject property has access from Willow Street.

Water and Sewer Services: The subject property has access to City sewer services. Water services are provided by an existing well.

**TIMELINES AND HEARING NOTICE:**

Application Received: February 27, 2023

Application Deemed Complete: February 27, 2023

Notice Distribution to Neighboring Property Owners Within 100 feet and Service Agencies: February 27, 2023

Notice Published in New Era Newspaper: March 8, 2023

Date of Planning Commission Hearing: April 6, 2023

120-Day Processing Deadlines: June 27, 2023

**II. COMMENTS**

**Ryan Wade  
CEDD Engineering:** Regarding VR23-01, Willow Street is currently an unimproved city street that has low traffic volume. The neighborhood has entered into a Local Improvement District (LID) which will require street improvements in the future and may affect traffic volume and on street parking availability. The plans show one 9'11" x 17' parking space which may not be sufficient space for a vehicle to park in front of the carport and may encroach on the future sidewalk.

**Public Works Division:** No comments as of the mailing of this notice.

**Brandon Horton  
Building Division:** Building Permit #827-23-023 is pending the approval of VR23-01. The Building Dept has no other issues with this application.

**Sweet Home  
Fire District:** No comments as of the mailing of this notice.

**Public Comments:** See Attachment C.

### 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)]**

Applicant's Comments: Variance is necessary to allow for a single concrete off-street parking space as opposed to current development code requiring 2 off-street parking spaces "Variance is necessary to allow the SW carport support post to be placed 17 feet from property line as opposed to current code requiring 20 foot setback.

Staff Findings: The subject property is in the Residential Medium Density (R-2) zone. The dimensional standards for the R-2 zone are a minimum lot area of 5,000 square feet, a front yard setback of 15 feet, a garage/carport setback of 20 feet, and two hard-surfaced off-street parking spaces. [SHMC 17.12.060(A) and 17.12.070(A)].

Development on the subject property is constrained by the pre-existing, nonconforming lot area of approximately 3,480 square feet. The single-family dwelling is within setbacks, and the applicant has proposed to align the carport with the dwelling. If the applicant were to move the carport back 3 feet to comply with the front garage setback of 20 feet, they would need a variance for the rear setback.

The applicant is proposing approximately 10' x 17' hard surface approach. The typical hard surface approach allowing two off-street parking spaces is 20' x 20'. Willow is a 45-foot unimproved street and is part of a Local Improvement District (LID) which will require street improvements and may affect traffic volume and on-street parking in the future.

- 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.**

Applicant's Comments: Given this is such a small lot, requiring 2 off street parking spaces would greatly reduce the usability and size of the front yard as well as result in unfavorable curb appeal. The carport will be an open design allowing for 28' of off-street parking in addition to the 17' concrete driveway. This 45' will allow at least 2 vehicles to remain off-street.

Staff Findings: Development on the subject property is constrained by the pre-existing, nonconforming lot area of approximately 3,480 square feet. Minus the approximate 10' x 17' (170 square feet) proposed hard surfaced approach, the applicant has approximately 816 square feet (48' x 17') of front yard space left. If the applicant were to comply with the two hard-surfaced off-street parking spaces (approximately 20' x 17'), they would have approximately 646 square feet (38' x 17') of front yard space left.

The alternative would be to allow a variance to the rear setback and move the single-family dwelling and carport back 3 feet allowing for a 12' x 58' (696 square foot) back yard. This would allow for a front setback of 20 feet and allow for more off-street parking and front yard space.

**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.**

Applicant's Comments: The previous residence on this property had only one off-street (gravel) parking space. The construction of this new construction home will allow more off-street parking between the carport and driveway than the previous dwelling. Thus, providing more off-street parking than the previous dwelling and reducing on street parking burden. The SW carport post being 17' from property line instead of 20' will have no effect on carport access. This post will be in line with southern wall of house, thus not a protrusion.

Staff Findings: Willow is a 45-foot unimproved street and is part of a Local Improvement District (LID) which will require street improvements and may affect traffic volume and on-street parking in the future, however staff finds that the proposed 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.

**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).**

Applicant's Comments: The need for variance is required by the City of Sweet Home building department.

Staff Findings: Development on the subject property is constrained by the pre-existing, nonconforming lot area of approximately 3,480 square feet. In the Residential Medium Density (R-2) zone, there is no minimum building size for stick-built homes, and the minimum garage or carport requirement is room for one car. The site plan submitted to the building department (attachment B) shows a 28' x 38' (1,064 square foot) single family dwelling and an attached 10' x 28' (280 square foot) carport. The overall footprint is 1,344 square feet. The applicant also shows only one hard surfaced approach on the site plan. Staff informed the applicant that they would need a variance for the plan that was submitted.

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

Applicant's Comments: I have worked diligently with the house designer to fit this home on this exceptionally small lot while focusing on providing the future home residents a house that maintains adequate functionality without negatively impacting the neighborhood as a whole. This 2 bedroom house will have 45' of concrete parking as designed, even without the required second driveway parking space required. The SW carport post is placed at 17' to maintain southern wall sight line and plane.

Staff Findings: Staff finds that with the constraints of the lots area, the variance is the minimum that would alleviate the identified hardship of the submitted site plan.

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

Applicant's Comments: All building code requirement are met or exceeded with exception of the parking space requirements and SW carport setback.

Staff Findings: Building permit application 827-23-000023-DWL is pending the approval of variance application VR23-01. The building code and engineering requirements will be reviewed prior to the issuance of the building permit. Other than the front setback to the carport and the off-street parking requirements, all other zoning code has been met.

#### **IV. STAFF RECOMMENDATION**

Staff finds the applicant has met the criteria listed above in Section III. Staff has not recommended any Conditions of Approval.

#### **V. 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 recommends 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 recommends 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 VR23-01 and thereby permit the variance for the subject lot located at 1907 Willow Street, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E29CC Tax Lot 801; 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 VR23-01 and thereby deny the request for a variance for the subject lot located at 1907 Willow Street, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E29CC Tax Lot 801; 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

#### **VI. ATTACHMENTS**

- A. Subject Property Map
- B. Proposed Building Site Plan
- C. Public Comments
- D. Application VR23-01 submitted February 27, 2023

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 5:00 PM, Monday through Friday, excluding holidays.



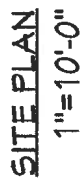


1 inch = 42 feet

Subject Property Map  
1907 Willow Street  
VR23-01

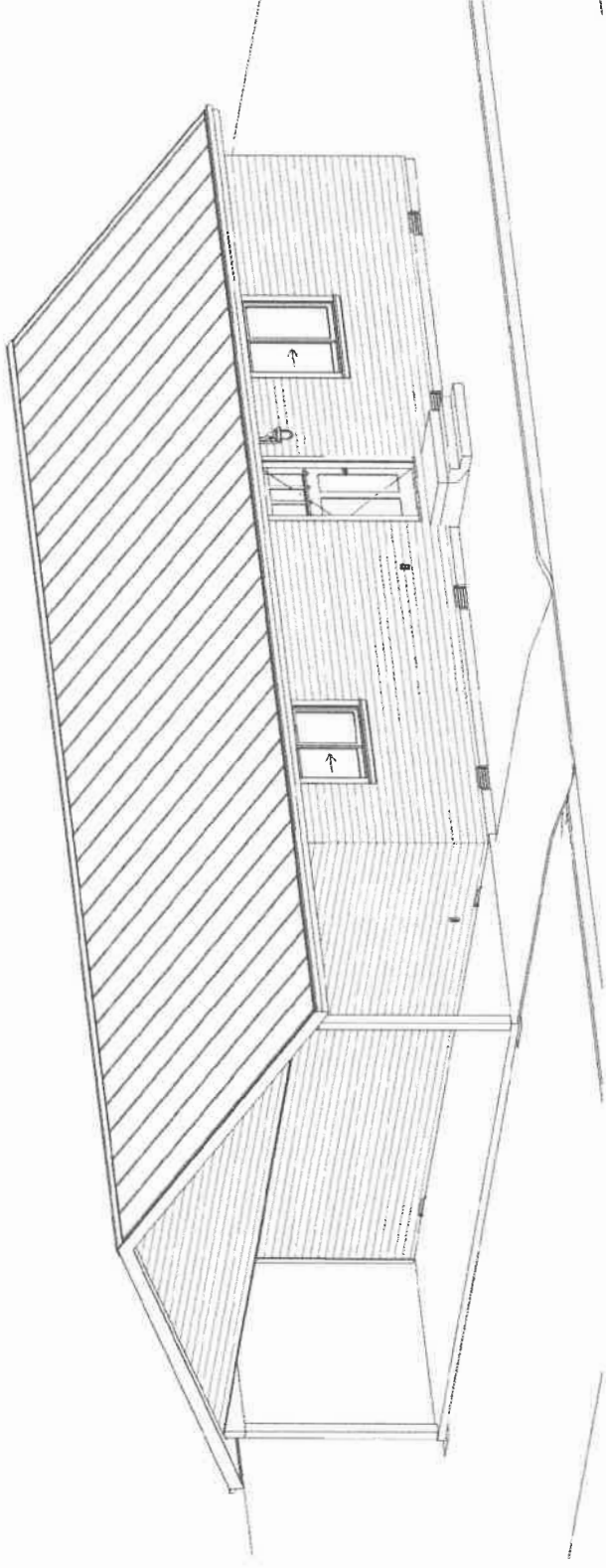
Date: 2/27/23





1. CONTRACTOR TO VERIFY LOCATION OF ALL EXISTING UTILITIES.
2. ALL FINISH GRADES SHALL BE SMOOTH AND UNIFORM.
3. PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDING.
4. FINAL GRADE TO CONVEY SURFACE DRAINAGE TOWARD ROCK CHANNELS AND DISPERSION TRENCHES.
5. AREAS TO BE FILLED SHALL BE CLEARED, GRUBBED TO REMOVE TREES, VEGETATION, ROOTS AND OTHER OBSTRUCTIONABLE MATERIAL AND STRIPPED OF TOPSOIL.
6. PLACE FILL SLOPES WITH A GRADIENT STEEPER THAN 3:1 IN LIFTS NOT TO EXCEED 8 INCHES, AND MAKE SURE EACH LIFT IS PROPERLY COMPACTED.

1307a



RENDERING  
FOR ILLUSTRATION ONLY

GENERAL NOTES:

THIS PLAN SET, COMBINED WITH THE BUILDING CONTRACT, PROVIDES BUILDING DETAILS FOR THE RESIDENTIAL PROJECT. THE CONTRACTOR SHALL VERIFY THAT SITE CONDITIONS ARE CONSISTENT WITH THESE PLANS BEFORE STARTING WORK. WORK NOT SPECIFICALLY DETAILED SHALL BE CONSTRUCTED TO THE SAME QUALITY AS SIMILAR WORK THAT IS DETAILED. ALL WORK SHALL BE DONE IN ACCORDANCE WITH INTERNATIONAL BUILDING CODES AND LOCAL CODES. CONTRACTOR SHALL BE RESPONSIBLE AND BEAR ANY FINES OR PENALTIES FOR CODE, ORDINANCE, REGULATION OR BUILDING PROCESS VIOLATIONS. INSURANCES SHALL BE IN FORCE THROUGHOUT THE DURATION OF THE BUILDING PROJECT.

WRITTEN DIMENSIONS AND SPECIFIC NOTES SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS AND GENERAL NOTES. THE ENGINEER/DESIGNER SHALL BE CONSULTED FOR CLARIFICATION IF SITE CONDITIONS ARE ENCOUNTERED THAT ARE DIFFERENT THAN SHOWN, IF DISCREPANCIES ARE FOUND IN THE PLANS OR NOTES, OR IF A QUESTION ARISES OVER THE INTENT OF THE PLANS OR NOTES. CONTRACTOR SHALL VERIFY AND IS RESPONSIBLE FOR ALL DIMENSIONS (INCLUDING ROUGH OPENINGS).

ALL TRADES SHALL MAINTAIN A CLEAN WORK SITE AT THE END OF EACH WORK DAY.

PLEASE SEE ADDITIONAL NOTES CALLED OUT ON OTHER SHEETS.

OWNER: BRIAN & BREANNA OAKES  
PROJECT: 1064 SQ. FT. SINGLE FAMILY DWELLING  
ADDRESS: 1907 WILLOW STREET, SWEET HOME, OREGON 97306  
LEGAL: 13501E29C00801

PROJECT SUMMARY  
CONSTRUCTION NOTES  
ENERGY INFORMATION  
SITE PLAN  
FOUNDATION PLAN  
MAIN FLOOR PLAN  
ELEVATIONS & CROSS SECTION  
ROOF & FRAMING PLAN  
ELECTRICAL PLAN

DESIGNER: Ron Care - C2 Design by Ron

C2 Design by Ron  
Ron Care  
1423 29th Ave Se, Albany, Oregon 97322  
(541) 967-1232 or (541) 979-3387  
Email: c2designbyron@gmail.com

1907 WILLOW STREET  
SWEET HOME, OREGON  
97386  
OAKES PLAN

PROJECT  
SUMMARY

SCALE: 1/8" = 1'-0"  
Thursday, February 9, 2023  
DRAWN BY:  
Ron Care

11 x 17 SHEET

SHEET NUMBER





## ATTACHMENT C

**From:** [Jim Burch](#)  
**To:** [Angela Clegg](#)  
**Subject:** FILE# VR23-01  
**Date:** Monday, March 20, 2023 6:53:27 PM

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Attached is a picture of that property. Both that property and the one across the street are KNOWN DRUG CRACK HOUSES. Right now there is currently around 9 different individuals living at 1908 willow st (across the street) with MANY broken down and STOLEN vehicles all around the lot and in the yard. There are several vehicles constantly parked at 1907 and 190 willow st, that are affiliated with both properties. There is HEAVY drug traffic between the two properties.

I have witnessed several near auto vehicle collisions on the that corner (willow and 20th st) due to the HEAVY amount of vehicles and traffic, including vehicles parked backwards. To allow MORE PARKING AND ENCOURAGE MORE VEHICLES WOULD RESULT IN MANY ACCIDENTS, AND LIKELY FATALITIES AT SOME POINT. Drive down that road right now and turn onto 20th, and see how scary and dangerous it currently is WITHOUT extended parking!

Furthermore, 1907 willow does not currently have a home on it, but is a fire burned mess as seen in pictures or real life. According to the Sweet Home staff under the definitions of an accessory, I have been told in email that a car port IS an accessory building.

### **§ 17.04.030 DEFINITIONS.**

**ACCESSORY STRUCTURE OR USE.** A structure or use incidental, appropriate and subordinate to the main use of a property and located on the same lot as the main use.

**STRUCTURE.** Anything that is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Ive also been told in email, that no accessory building can be placed on a lot without a dwelling on it first. Which again, there is not. So perhaps someone is putting the cart before the horse, and should consider cleaning that property, building a home, and THEN apply for a carport. The city allowed 1908 across the street to get a permit to do work on that crack house around 3 years ago (!!!!) and STILL its not done, and looks worst than ever, and the city NEVER has made them clean up their mess. So perhaps Sweet Home should learn from its past mistakes.

In the Sweet Home variance approval section E. states

### **17.88.040 APPROVAL CRITERIA.**

**E. The variance will result in no foreseeable harm to adjacent property owners or the public**

Since that is a VERY narrow area of gravel roadway (I measured approx. 20ft between the properties) AND terminates at a BLIND CORNER, there will DEFINATELY be automobile collisions caused by the allowance of further parking and extended parking.

So definitely FORESEEABLE HARM TO THE NEARBY PROPERTY OWNERS. More parking will also result in more drug activity, which also is harmful to the neighborhood.

Don't take my word for it, speak with Sweet Home P.D. or Sweet Home fire, and ask them about that location and how often they have to go there. And perhaps take a drive over there yourselves and see how dangerous that road/corner already is.

I don't want my name released, as these are scary druggie people. And while ALL of my

neighbors I have spoken with about this are opposed to it, they are also ALL SCARED to say anything. Anyone who speaks up against this as I am, is likely to face retaliation.

Sincerely,  
Jim









**From:** [sunfun97301@yahoo.com](mailto:sunfun97301@yahoo.com)  
**To:** [Angela Clegg](#)  
**Subject:** file--- vr2301  
**Date:** Tuesday, March 21, 2023 4:29:41 PM

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Hello Angela Clegg,

I received a notification in the mail about our neighbor wanting to put up a car port and some type of additional on street parking. I am a 81 year old recent widower. I am greatly afraid of speaking any opposition to this. There are bad and dangerous people in this neighborhood. There are good people to though. One of my good neighbors just came to my door and spoke with me about this. He told me I could write this email and safely voice my concerns and objections to this. I hope that is true.

At all hours of the night there are car horn honks. There are cars screeching their tires in front of 1907 willow. There are all sorts of vehicles that almost run into each other at that location.

Both my nieces have had very close calls there with other cars. It is a very small area. The street is not very wide. There is also a corner there. You cannot see around it with all of the cars that already are parked there.

The woman sorta across the street from me at 1906 willow, runs some type of unlicensed home daycare for small children. 8 or 9 children are dropped off and picked up daily from there. Those children are often playing in the streets. It is very dangerous with the parked cars that are already there as cars drive thru.

If more cars start to park in front of 1907 willow, there will be a lot of accidents. It is very scary to even think about this possibly happening. I myself must firmly say no to this variance. Most of my neighbors feel the same. Some are only renting. They dont care. Those of us that own our homes here do care. Im begging you dear.

Please do not make more parking there.

Thank you for you time.

Betty

FILE NUMBERS: VR23-01



ATTN:

Angela Clegg, Planning Commission, City Hall

In regards to the application for a variance for on road parking and setback removal for a carport at 1907 Willow st, I hereby object to such variance.

The said address is in a location whereas the street is extremely narrow and congested as things are in its current configuration. The home across the street, 1908 willow is a known meth/drug house. There are over a dozen individuals all living in a very tiny house, leading to around 5 to 9 vehicles always parked in that area. Many of which do not run, nor have plates on them, are parked backwards, and yet sweethome P.D. has failed to do anything about this.

The other home across the street, located at 1906 willow st has been an on going unlicensed day care leading to children constantly running and play in that street section.

That street section also terminates at a very sharp corner at 20<sup>th</sup>, that is blind of vision for traffic going both ways.

To reiterate: this area is a NARROW section of GRAVEL road, at a sharp corner, with many parked vehicles, blind vision to traffic both ways, and children constantly on that street in bikes and on foot. Any carport close to the property line will lead to cars parked further into that street in front of a carport. To add further parking and or placement of a parking garage close to the street would lead to injury or deaths. The planning commission would then certainly be liable for knowingly causing such accidents.

A few other things to note about that area. Both 1907 and 1908 are owned by the same family, of drug addicts and drug distributors. This is well known to sweethome PD. These addresses have changed title names to different family members avoiding such fines etc. These addresses have been issued warnings, citations, and oddly enough building permits that were never completed. Not a single one of the dozen people that live and go in and out of there daily have jobs, businesses or incomes, other than of course drug trafficking.

Willow st is SUPPOSED to at some point have water and sewer lines brought down the road, and sidewalks and paving. Thus, also, there would be no logic in allowing any road or carports placed until that has been done. The very edge of the property of 1907 willow st is the direct line of the power poles to. So again, anyone that goes there and looks in person will see this is simply not a good idea.

And lastly, I find it odd that the owners have already chopped down the trees and bushes on the street front of that property the last few weeks, apparently assuming they will be granted a variance.

I object to this variance and advise you to do the same.

Sincerely,

Joe Kolnick (Owner of a property on Willow st).



## ATTACHMENT D

## City of Sweet Home

Community and Economic Development Department- Planning Program  
3225 Main Street, Sweet Home, OR 97386 541-367-8113

## Land Use Application

- ☐ Adjustment
- ☐ Annexation
- ☐ Comprehensive Plan Map Amendment
- ☐ Conditional Use
- ☐ Home Occupation
- ☐ Interpretations
- ☐ Nonconforming Uses
- ☐ Partition
- ☐ Property Line Adjustment
- ☐ Site Development Review
- ☐ Subdivisions and Planned Developments
- ☐ Text Amendments
- ☒ Variance
- ☐ Zone Map Amendment

Date Received: 02.27.23Date Complete: 02.27.23File Number: VR23-01Application Fee: 650.00Receipt #: 5171Planning Commission Hearing Date: 04.06.23City Council Hearing Date: —

Within 30 days following the filing of this application, the Planning Department will make a determination of completeness regarding the application. If deemed complete, the application will be processed.

## Applicant's Name:

Brian Oakes

## Applicant's Address:

24051 Territorial Rd Monroe OR 97456

## Applicant's Phone Number:

541-745-9806

## Applicant's Email Address:

Brian.Oakes.450@gmail.com

## Property A

## Owner's Name:

Brian Oakes

## Owner's Address:

24051 Territorial Rd Monroe OR 97456

## Owner's Phone Number:

541-745-9806

## Owner's Email:

Brian.Oakes.450@gmail.com

## Property Address:

1907 Willow St Sweet Home OR

## Assessor's Map and Tax Lot:

13S01E29CC00801 05501-240206

## Property Size Before:

3485 sqft

## Property Size After:

3485 sqft

## Zoning Classification:

R-2

## Comprehensive Plan:

## Property B

## Owner's Name:

## Owner's Address:

## Owner's Phone Number:

## Owner's Email:

## Property Address:

## Assessor's Map and Tax Lot:

## Property Size Before:

## Property Size After:

## Zoning Classification:

## Comprehensive Plan:

## Nature of Applicant's Request

Narrative describing the proposed land use action: Brief description on this form and attach extra sheets if needed.

\* Variance to allow 1 driveway parking space (in addition to covered carport) as opposed to code required 2 driveway parking spaces.

\* Variance to allow placement of SW carport support post at 17' from south property line as opposed to code required 20' setback

I certify that the statements contained on this application, along with the submitted materials, are in all respects true and are correct to the best of my knowledge and belief.

Applicant's Signature:

Brian Oakes

Property Owner's Signature:

same

Property Owner's Signature:

Property Owner's Signature:

Date:

2/27/2023

Date

Date

Date

## Land Use Application Checklist:

- ☒ All applicable sections of the Land Use Application have been filled in.
- ☒ The Land Use Application has been signed and dated by all applicable parties.
- ☒ I have received the applicable criteria for the Land Use Action that I am applying for.
- ☐ **Appendix A: Adjustments**
  - ☐ Chapter 17.100 Adjustments; and
  - ☐ Applicable Zoning Criteria
  - ☐ Chapter 17.124 Type II Applications and Review Procedures (optional)
- ☐ **Appendix B: Annexations**
  - ☐ Chapter 17.118 Annexations; and
  - ☐ Applicable Zoning Criteria
  - ☐ Chapter 17.128 Type IV Applications and Review Procedures (optional)
- ☐ **Appendix C: Comprehensive Plan Map Amendment**
  - ☐ Chapter 17.112 Comprehensive Plan Map Amendment; and
  - ☐ Applicable Zoning Criteria
  - ☐ Chapter 17.128 Type IV Applications and Review Procedures (optional)
- ☐ **Appendix D: Conditional Use**
  - ☐ Chapter 17.104 Conditional Use; and
  - ☐ Applicable Zoning Criteria
  - ☐ 2019 OR Structural Building Code, Section 419, Live/Work Units (if applicable)
  - ☐ Chapter 17.126 Type III Applications and Review Procedures (optional)
- ☐ **Appendix E: Home Occupation**
  - ☐ Chapter 17.94 Home Occupation; and
  - ☐ Chapter 17.68 Home Occupations
  - ☐ Applicable Zoning Criteria; and
  - ☐ 2019 OR Structural Building Code, Section 419, Live/Work Units
  - ☐ Chapter 17.122 Type I Application and Review Procedures (optional)
  - ☐ Appendix D: Conditional Use (if applicable)
- ☐ **Appendix F: Interpretations**
  - ☐ Chapter 17.96 Interpretations; and
  - ☐ Applicable Zoning Criteria
  - ☐ Chapter 17.122 Type I Application and Review Procedures (optional)
- ☐ **Appendix G: Nonconforming Uses**
  - ☐ Chapter 17.108 Nonconforming Uses; and
  - ☐ Applicable Zoning Criteria
  - ☐ Chapter 17.126 Type III Applications and Review Procedures (optional)
- ☐ **Appendix H: Partitions**
  - ☐ Chapter 17.98 Partitions
  - ☐ Applicable Zoning Criteria
  - ☐ Chapter 17.124 Type II Applications and Review Procedures (optional)
- ☐ **Appendix I: Property Line Adjustment**
  - ☐ Chapter 17.92 Property Line Adjustment
  - ☐ Applicable Zoning Criteria
  - ☐ Chapter 17.122 Type I Application and Review Procedures (optional)



- ☐ **Appendix J: Site Development Review**
  - ☐ Chapter 17.102 Site Development Review
  - ☐ Applicable Zoning Criteria
  - ☐ Chapter 17.126 Type III Applications and Review Procedures (optional)
- ☐ **Appendix K: Subdivisions and Planned Developments**
  - ☐ Chapter 17.110 Subdivisions and Planned Developments
  - ☐ Applicable Zoning Criteria
  - ☐ Chapter 17.126 Type III Applications and Review Procedures (optional)
- ☐ **Appendix L: Text Amendments**
  - ☐ Chapter 17.116 Text Amendments
  - ☐ Applicable Corresponding Chapter
  - ☐ Chapter 17.128 Type IV Applications and Review Procedures (optional)
- ☒ **Appendix M: Variance**
  - ☒ Chapter 17.106 Variance
  - ☒ Applicable Zoning Criteria
  - ☒ Chapter 17.126 Type III Applications and Review Procedures (optional)
- ☐ **Appendix N: Zone Map Amendment**
  - ☐ Chapter 17.114 Zone Map Amendment
  - ☐ Applicable Zoning Criteria
  - Chapter 17.128 Type IV Applications and Review Procedures (optional)



## City of Sweet Home

Community and Economic Development Department- Planning Program

3225 Main Street, Sweet Home, OR 97386 541-367-8113

### APPENDIX M

#### VARIANCE

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. [SHMC 17.106.010]

Variance applications shall be reviewed in accordance with the Type III review procedures specified in Chapter 17.126. [SHMC 17.106.030]

An application for a Variance shall be filed with The City and accompanied by the appropriate fee. Notice shall be subject to the provisions in Chapter 17.126. [SHMC 17.106.030]

#### SHMC 17.106.040 SUBMITTAL REQUIREMENTS

*The applicant is required to submit a summary for each of the following applicable criteria and submit the summary as a narrative with the Land Use Application. (Attach extra sheets, if needed)*

The applicant shall prepare and submit an application, site plan, and other supplemental information as may be required by City staff to indicate the intent of the development. The application shall include a statement explaining the proposal and providing analysis of the proposal relative to the approval criteria. The site plan shall show pertinent information to scale to facilitate the review of the proposed development.

- A. The following general information shall be shown on the site plan:
- ☒ Vicinity map showing all streets, property lines and other pertinent data to locate the proposal.
  - ☒ North arrow and scale of drawing.
  - ☒ Tax map and tax lot number or tax account of the subject property.
  - ☒ Dimensions and size in square feet or acres of the subject property.
  - ☒ Location of all existing easements and City utilities (water, sanitary sewer, storm drainage) within the property.
  - ☒ Existing use of the property, including location of existing structures with dimensions of the structures and distances from property lines. It shall be noted whether the existing structures are to remain or be removed from the property.
  - ☒ A site plan or other information clearly indicating the proposed variance, including dimensions if applicable.
- B. Do any of the criteria in SHMC 17.106.050 apply? ☐ Yes ☒ No  
If the applicant answered yes, the proposal does not qualify for a variance.
- C. Is the variance necessary? Does the subject Development Code provision not account for special or unique physical circumstances of the subject site, existing development patterns, or adjacent land uses? Explain:

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\*Variance is necessary to allow for a single concrete off-street parking space as opposed to current development code requiring 2 off-street parking spaces

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\*Variance is necessary to allow the SW carport support post to be placed 17 feet from property line as opposed to current code requiring 20 foot setback.

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D. Is such variance 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? Explain:

\* Given this is such a small lot, requiring 2 off street parking spaces would greatly reduce the usability and size of the front yard as well as result in unfavorable curb appeal

\* The carport will be an open design allowing for 28' of off-street parking in addition to the 17' concrete driveway. This 45' will allow at least 2 vehicles to remain off-street

E. Will the authorization of such variance 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? Explain:

\*The previous residence on this property had only one off street (gravel) parking space. The construction of this new construction home will allow more off street parking between the carport and driveway than the previous dwelling. Thus, providing more off-street parking than the previous dwelling and reducing on street parking burden

\*The SW carport post being 17' from property line instead of 20' will have no effect on carport access. This post will be in line with southern wall of house, thus not a protrusion

F. Is the need for the variance self-imposed by the applicant or property owner? Explain:

\*The need for variance is required by the City of Sweet Home building department.

G. Is the variance requested the minimum variance which would alleviate the identified hardship? Explain:

\*I have worked diligently with the house designer to fit this home on this exceptionally small lot while focusing on providing the future home residents a house that maintains adequate functionality without negatively impacting the neighborhood as a whole. This 2 bedroom house will have 45' of concrete parking as designed, even without the required second driveway parking space required. The SW carport post is placed at 17' to maintain southern wall sight line and plane.

H. Are all applicable building code requirements and engineering design standards met? Explain:

\*All building code requirement are met or exceeded with exception of the parking space requirements and SW carport setback.