

CITY OF MILTON-FREEWATER
PLANNING COMMISSION MINUTES
October 4, 2010

The Planning Commission meeting was called to order on Monday October 4, 2010 In the Albee room at the City Library at 7:04 p.m. by Vice Chair Sherwin.

Commissioners Present: Commissioner White, Commissioner Richardson, Commissioner Lyon, and Commissioner Sherwin.

Commissioners Absent: Commissioner Gilmore, Commissioner Silva, and Chair Good

Staff Present: City Planner Gina Hartzheim and Planning Assistant Sharame Marlatt

Citizens Present: Luis Cuellar.

The minutes of August 9, 2010 were approved as written.

Citizen Concerns: No citizen concerns

The public hearing was then opened to discuss the variance request for Rick Narrum 133 SE 7th Avenue to construct a garage approximately 6 feet from the rear property line and 3 feet from the side property line. Commissioner Sherwin read the rules for public hearings. Notice of the hearing was published according to law. There was one written comment received by Terry and Shirley Carlson, 2115 Sixth Avenue, #15 Clarkston, WA, whom own the property at 141 SE 7th Avenue, said “they feel that Rick is doing everything right to be in compliance with the plot and site restrictions for the City of Milton-Freewater, and they endorse the request of Rick and recommend approval of the variance application.” City Planner, Gina Hartzheim, then gave the staff report: As mentioned this is a request for construction of a garage approximately 6 feet from the rear property line and 3 feet from the side property line, located at 133 SE 7th Avenue. The subject parcel is approximately 50’x 100’ and is situated in the middle of the block. It is zoned R-2 and is entirely surrounded by R-2 zoned property. The surrounding properties are generally developed with single family dwellings with the exception of few house that seem to have been converted to multiple family that are located to the rear of the property. There is presently no covered parking existing on the property. Applicant is desirous of a garage of sufficient size to allow parking for two vehicles. With regard to the criteria for variances the first one would indicate whether or not exceptional or extraordinary circumstances apply to the property. As mentioned, the property is a 5000 square foot lot which is quite a bit smaller than the current 7500 square foot minimum lot size in the R-2, and even smaller than the previous 6000 square foot lot size. This smaller lot size coupled with the fact that the location of the existing home does not leave a lot a choices for any additional structures on the lot, would satisfy this criteria. The second is whether or not the variance is necessary for the preservation of a property right of applicant substantially the same as is possessed by the owners of the property in the same zone or vicinity. There are numerous properties currently in the area that contain structures that are built less than the current setbacks. One being the property that is adjacent the subject property, there are also

numerous properties that do have some form of covered parking area as well in the neighborhood. The application of the ordinance would deprive the property owner of privileges enjoyed by the property in the vicinity. The granting of the variance could be not considered a grant of special privilege based on the fact that there are other structures in the area that are built at less than the minimum setback requirements that are required at this time. The third criteria relates to whether or not the proposed variance would be material detrimental to property with respect to public safety, traffic, noise, health and sanitation and hours of operation. Based on the fact this is a residential property the applicant is desirous of constructing a garage for private use to be able to park his vehicles so it would not have any impact on congestion of area streets, traffic or noise or health and sanitation issues. The only issue that seems to be relevant in this case would be public safety to some extent; fire retardant siding could help with that issue if it was placed on the exterior sides. Once again based on the fact that there are other properties in the area that contain properties that do not meet current yard setbacks the variance would not be considered a special privilege in this case. The last criterion relates to whether or not there would be a material hardship within the ordinance if the variance is not granted and the hardship must not be self-created. The location of the home creates a difficult situation to try to allow for the construction of any additional structures on the property that is something the applicant did not have any control over. The minimum variance is what he is asking for as far as on the side lot line there are some difficult traffic patterns that need to be addressed on the property based on the location of the current house on the property, and the applicant was requesting the smallest amount of variance he thought he could use to still have usable structure. It would have some improvement to the property value of the home to allow the construction of the garage. Staff does recommend with the condition of addressing the close proximity of the existing garage on the adjacent property approval of the variance.

Commissioner Sherwin asked applicant to speak.

Mr. Narum, 133 SE 7th Ave, stated that he is actually planning on a single car garage, not a double car garage and basically the reason he needs to shift the garage closer to the property line is so he can park in the garage. There are steps from the house that would interfere. Said he understands the issue of the neighbor's garage being close to the property line. Stated there was an existing building years ago that was 2 feet away from the other structure. Said he is open to any suggestions for the garage. He is willing to use fire proof siding.

Commissioner Sherwin invited all others supporting the proposal to speak.

Luis Cuellar, 130 SE 6th Ave, only concern was how big the proposed garage was. He lives on the north side of the property and has no problem with the proposal.

Commissioner Sherwin asked the Commissioners if they had any questions for the applicant.

Commissioner Lyon asked if he only had 10 feet from the house to the property line.

Mr. Narum stated he had 13 feet.

Commissioner Lyon asked if his stairs would be in the way of the door.

Rick said he had a 3 feet setback, 2 feet of framing so it will be about 5 feet. He will have to go around the stairs a little.

Commissioner Lyon asked if he moved the garage closer to the home if he would be able to get into the garage.

Rick said no, because of the stairs.

Commissioner Sherwin asked if he would be able to get two cars in the garage.

Mr. Narum said the he is only planning on a single garage with room to park his motorcycles inside also.

City Planner Gina Hartzheim said that the square footage of the garage is based on the size.

Commissioner Lyon asked if the neighbors used garage.

Mr. Narum said the he does not believe that the neighbors use the garage to park in.

Commissioner White is concerned about the transfer of heat from one garage to the other and also in the event of a fire the possibility of being trapped between the two structures. Asked about the idea of turning the garage, if that would work for him.

Mr. Narum said it might not work because his work truck is 20 feet long. And he thinks that the clearance would be an issue. He said that if the garage wouldn't work then he could resort to a carport with a storage shed.

City Planner Gina Hartzheim asked if he had any room to move the garage to the west.

Mr. Narrum said he did think about moving the garage to the opposite side of the yard but then would run into the problem about using the neighbors entrance and they live in California so not sure if he would be able to contact them. But also would then not have any sort of yard either.

City Planner Gina Hartzheim then asked if he could move it farther north than could it be moved left a little.

Mr. Narum said that if he moved it over three feet than move back to the five foot line he would gain an extra three feet in the front, and that might be possible.

Commissioner White said that he would be more willing to give him the variance if he was a little further away from the neighbor's garage. Then asked if he would measure then come back.

Mr. Narum then asked if they would approve now on the new measurements.

Commissioner Lyon said that they would not be able to approve it on that basis at the time.

City Planner Gina Hartzheim said that he would have to amend his request and come back to the meeting in November.

Mr. Naram said he would redraft the garage and get new measurements.

Commissioner Lyon said that he would still need to have fire proof siding.

Mr. Narum said that would not be a problem.

Commissioner White motioned to continue the hearing to next meeting, November 1st, 2010.

Commissioner Lyon seconded the motion.

Motion passed to continue.

Administrations action reviewed and discussed.

No comments at this time.

No planning updates.

Meeting adjourned at 7:38 p.m.