

City of Lowell, Oregon
Minutes of the Planning Commission Meeting
May 27, 2014

The meeting was called to order at 7:00 PM by Chair Mary Wallace

Members Present: S. Harris, A. Peters, M. Wallace, J. Bjornstad

Members Absent: G. Harris

CAC Members Present: None

Public Hearing: LU 14-001, Variance Application, 71 N Alder Street

The meeting was suspended at 7:01 p.m. to conduct a public hearing regarding a variance application for a five foot side yard setback in lieu of the specified 7.5- foot side yard setback specified for a 2-story residence at 71 N Alder Street.

A copy of the record of the hearing is attached

The hearing was closed and the Planning Commission meeting reopened at 7:57 PM.

Deliberation/Decision: LU 14-001, Variance Application, 71 N Alder Street

The Commission entered deliberation of LU 14-001, the variance application to approve a 5-foot side yard setback in lieu of the specified 7.5 foot side yard setback specified for a 2-story residence. The proposed addition complies with the existing 2-story residence of 71 N Alder Street that also has a 5-foot side yard setback. It was first agreed that the neighbor's right to a view was not a consideration for the commission to make. It was also agreed that the neighbors privacy being compromised, was not founded. It was agreed that the grandfathering of the addition to match the rest of the house would be appropriate.

Following this discussion, J. Bjornstad moved and S. Harris seconded a motion to approve the variance with the recommend conditions for approval and with the findings contained in the staff report.

PASS 4:0

Approval of the Planning Commission Minutes: November 27, 2012, October 22, 2013 A. Peters moved and M. Wallace seconded a motion to approve the minutes with correction of typos.

PASS 2:0

S. Harris moved to approve the minutes of March 25, 2014 with additional language, J. Bjornstad seconded.

PASS 4:0

Adjourn: The meeting adjourned at 8:32 PM

Public Hearing Record
LU 14-001, Variance Application, 71 N Alder Street
May 27, 2014

The hearing was opened at 7:01 PM by Planning Commission Chairwomen Mary Wallace.

City Planner Don Driscoll stated that the purpose of this hearing is to receive public comments regarding an application by Michael Soraci, Soraci Designs LLC on behalf of his clients Ted Paxton & Paula Berman for a variance of a 5-foot side yard setback in lieu of the specified 7.5-foot side yard setback specified for a 2-story residence. The proposed addition complies with the existing 2-story residence that also has a 5-foot side yard setback at 71 N Alder Street.

He further stated that the applicable substantive criteria for decision will be presented in the staff report; that testimony and evidence must be directed toward the criteria in the Comprehensive Plan, Land Development Code or other ordinances which the person testifying believes to apply to the decision; and that failure to raise an issue with sufficient detail to afford the decision maker and the parties and opportunity to respond to the issue precludes appeal based on that issue.

Chairwomen Wallace requested members of the hearing body to declare and identify any potential conflict of interest or any ex parte contact on the issue. None did.

Mr. Driscoll presented the Staff report and reviewed the decision criteria for a variance, the staff evaluation of the application against the criteria, and proposed findings for approval and possible denial all of which were contained in the staff report. He answered questions from Commission members.

Michael Soraci, the applicant, addressed the Commission and further explained why he was requesting the variance and answered questions from Commission members.

The hearing was opened for comments in favor, in opposition and general comments regarding the application. Marilyn Tschirgi of 81 N Alder Street, adjacent property to 71 N Alder Street, spoke to the Commission about her concerns with the proposed variance. She presented a letter with her concerns and questions, and answered questions from the Commission.

Michael Soraci, addressed the Commission with his rebuttal testimony, giving additional details for the addition.

There was no request to keep the record of the hearing open.

The hearing and hearing record were closed at 7:57 PM.