

Planning & Zoning Board  
City of Medford  
Public Hearing for Maas Front & Rear Yard Setbacks Variance Request  
June 4, 2018 – 7:00 PM

Chairman Quiring opened the hearing at 7:00 PM.

Members present: Rich Quiring, Rob Barbeau, Mary Brandvold, Dennis Luebbe and Matt Rosenbaum

Members absent:

Others Attending: Andy Welti, Joe Maas, Howard Wolf and Dave Nelson

Introduction:

The purpose of this public hearing is for the citizens of Medford to address any questions or concerns regarding Joe Maas's front and rear yard setbacks variance request for the property located at 311 3<sup>rd</sup> St NE, Medford.

Chairman Quiring explained the formal procedure and that everyone will be given the opportunity to participate and ask questions.

1. Staff presentation-Andy Welti presented background information about the front and rear yard setbacks variance request.

Joe Maas is requesting a variance to reduce the front yard setback by 10 feet (15 foot front yard setback) and the rear yard setback by 5 feet (20 foot rear yard setback) to build a principal structure (home) upon the undeveloped lot located at 311 3<sup>rd</sup> St NE; Lot 5 and N 20' of Lot 6 Block 28, Medford. The property is zoned R-1.

The undeveloped property or lot located at 311 3<sup>rd</sup> St NE was created through an administrative land survey, and approved by the Planning & Zoning Board and Council in November of 2015. The minimum lot size allowed in the City of Medford is 75 ft. X 120 ft. The lot located at 311 3<sup>rd</sup> St NE (Parcel A on the attached survey) is 79 ft. X 141 ft.

Setbacks for principal structures or homes are 10 feet for side yards and 25 feet for front and rear yards.

Each lot line or yard of a corner lot abutting a street is considered to be a front yard according to Medford City Code and must meet the front yard setback of 25 feet. In reviewing aerial images of homes built on corner lots in Medford in the recently developed subdivisions, all homes also have one 25 foot rear yard setback, the rear yard is directly opposite the front of the home.

Based upon the aerial images, it appears all homes on corner lots in recently developed subdivisions in Medford meet the setback requirements.

Upon review of variances granted since 1999 it appears no newly constructed homes built upon corner lots were granted a variance for setbacks.

Luebbe asked when the lot was created. Welte answered 2015. Luebbe asked if any questions or concerns were raised at the time the lot was created about a builder being able to meet setback requirements. Welte stated no.

2. Applicant's presentation-Joe Maas stated he intends to build a single family home upon the parcel located at 311 3<sup>rd</sup> St NE in Medford. He could build a home meeting the setbacks; however, he is requesting a variance from the front and rear yard setbacks because the individual who intends to build a home upon the lot wants to build a three stall garage on the home. To accommodate the garage and have space for the home and yard, the layout of the home was designed to have the front of the home face 3<sup>rd</sup> Ave NE.

Maas stated the front of the home as proposed with the variance would match the front of the home of the property to the west. The alignment would be aesthetically pleasing. The home would increase values in the neighborhood.

Maas stated he measured setbacks of homes throughout Medford. The measurements, mainly taken from the older sections of Medford, showed that setbacks varied on the lots for which he produced aerial images for the Planning & Zoning Board to review.

Chair Quiring stated the Planning & Zoning Board must consider current code and setbacks of properties built in recently developed subdivisions.

3. Statements from the public- Dave Nelson stated he was in favor of a new home being built upon the lot. He stated that what you allow for one individual, you must allow for all individuals and that was his reservation.

Howard Wolf – Provided history of the lot sizes and layout of the block. Howard stated he did not have any concerns with the layout of the home and that he was in favor of the variance request.

4. Concluding the public hearing-Chairman Quiring asked for a motion to conclude the public hearing.

Motion by Rosenbaum, seconded by Luebbe to conclude the public hearing. Motion Carried.

Discuss the proposal among board members-

Criteria for Granting Variances. The Board discussed the 5 criteria that need to be met to grant a variance to the Land Use Ordinance. The variance may be granted only in the event that all of the criteria are satisfied. The board concluded that not all of the criteria have been met for the variance request.

1. The requested variance is in harmony with the purposes and intent of the ordinance because the applicant is proposing to build a home in a residential district.
2. The requested variance is consistent with the comprehensive plan.
3. The property owner does propose to use the property in a reasonable manner because the applicant is proposing to build a home in a residential district.
4. There are not unique circumstances to the property not created by the landowner because the lot meets the minimum lot size as required by City Ordinance. The applicant is proposing setbacks that do not conform to setbacks stipulated in City Ordinance. The circumstances are created by the landowner due to the layout or design of the house plan as designed by the applicant.
5. The variance will maintain the essential character of the locality because the property is zoned R-1 and the applicant intends to build a home upon the property.

5. Action-Recommendations made to City Council.

A. Motion by Luebbe, second by Quiring to make a recommendation to City Council to deny the variance request for the front and rear yard setbacks variance request because the Planning & Zoning Board finds that the principal structure setback is in harmony with the general purpose and intent of the land use ordinance, the proposed use is consistent with the comprehensive plan, property owner proposes to use the property in a reasonable manner, the landowner's problem is not due to circumstances unique to the property not caused by the landowner, granting the variance will not alter the essential character of the locality, and the applicant would use the property in a manner that is not allowed under the Land Use Ordinance. Motion Carried Unanimously.

Motion by Rosenbaum, seconded by Brandvold to adjourn the Public Hearing at 8:01 p.m. Motion Carried.

