

# CITY OF THE DALLES PLANNING COMMISSION MINUTES

**Thursday, October 18, 2012**  
City Hall Council Chambers  
313 Court Street  
The Dalles, OR 97058  
*Conducted in a handicap accessible room*

## **CALL TO ORDER:**

Acting Chair Zukin called the meeting to order at 6:06 PM.

## **BOARD MEMBERS PRESENT:**

Chris Zukin, Mark Poppoff, Dennis Whitehouse, Jeff Stiles

## **STAFF MEMBERS PRESENT:**

City Attorney Gene Parker, Senior Planner Richard Gassman, Administrative Secretary Carole Trautman

## **APPROVAL OF AGENDA:**

It was moved by Whitehouse and seconded by Stiles to approve the agenda as submitted. The motion carried unanimously.

## **APPROVAL OF MINUTES:**

It was moved by Whitehouse and seconded by Stiles to approve the October 4, 2012 minutes as submitted. The motion carried unanimously.

## **PUBLIC COMMENT:**

None

## **QUASI-JUDICIAL HEARING:**

**Application Number: VAR 120-12; Brian and Gloria Tuck; Request:** To obtain approval for a carport with less than the required side yard setback. Property is located at 623 Sherman Drive, The Dalles, Oregon, and is further described as Township 1 North, Range 13 East, Map 1DB, tax lot 1600.

Acting Chair Zukin read the rules for conducting a public hearing. Zukin asked the Commissioners if they had any ex-parte contact, conflict of interest, or bias that would prohibit them from making an impartial decision in the matter. None were noted.

Acting Chair Zukin opened the public hearing at 6:13 PM.

Senior Planner Gassman presented the staff report and advised the Commission that staff recommended denial of the variance request. Gassman highlighted Findings #8 and #9 in the staff report as the main basis for staff's recommendation for denial. He explained that the Land Use and Development Ordinance (LUDO) called for "exceptional or extraordinary circumstances" that apply to the property which do not apply generally to other properties in the same zone. Staff determined the Tucks' property was a typical rectangular lot, larger than some in the area, Gassman said.

Finding #9, Gassman stated, posed the suggestion of the applicant constructing a smaller carport, and he suggested the Commission discuss this with the applicants.

Commissioner Stiles asked if the applicants were asking for a permanent structure as opposed to a temporary structure. Senior Planner Gassman stated that his understanding was the applicants had plans to construct a permanent structure.

### **Testimony**

#### **Proponents:**

Brian and Gloria Tuck, 623 Sherman Drive, The Dalles, Oregon, stated that the challenge was his, as the driver of the motor home. Tuck said he needed more space to back the RV into the carport. Mr. Tuck stated that if they observed the 5 foot setback requirement, it would only leave 6 inches between the carport structure and the house. Tuck also states that, at his age, he did not want to climb up on top of the RV to scrape off snow in the winter months, and a carport was needed to protect the RV from the weather elements.

Mr. Tuck stated that his next door neighbor was agreeable to the variance, if allowed. Mr. and Mrs. Tuck showed two photos of the carport area and one of the RV (*Exhibits #1-#3*). The applicants also presented a sketch of the carport construction plans (*Exhibit #4*).

Commissioner Zukin asked how far the roof line would extend out. Mr. Tuck said it would extend out 15 feet and that the distance from the wall of the house to the property line would be 15 feet.

Commissioner Stiles asked the Tucks if they had considered a temporary carport structure. Mr. Tuck explained that they had, but a temporary structure would be problematic due to wind, constant maintenance of snow removal, and the fact that they had not found a temporary structure that was tall enough for their RV.

Commissioner Stiles asked the applicants how they would deal with water runoff. Mr. Tuck stated the moisture would drain off into their lawn area.

#### **Opponents:**

None.

Commissioner Whitehouse asked Senior Planner Gassman if the approval of this variance request would have a larger impact in the future. Gassman stated it was, indeed, part of staff's concerns. If approved, Gassman explained, it would be difficult to distinguish this variance from other similar requests in the future. Gassman re-emphasized there was nothing unusual about this property, and that was the real stumbling block issue for staff.

Commissioner Zukin commented that he wanted to find some sort of a resolution for the applicants. Zukin asked Senior Planner Gassman what some of the options were. Gassman answered that the Commission could allow any size variance, even up to a setback of zero feet. Zukin asked if it would be better to have some setback established for the sake of the staff handling future cases. Gassman said that would help.

Commissioner Poppoff said he had fire safety issues with the request. Senior Planner Gassman reported that the applicants would still need to comply with Building Codes regulations on setbacks, and he was unsure what the building codes setback requirements were. Mrs. Tuck informed the Commissioners there was a fire hydrant at street side in between the two houses.

After further discussion, Acting Chair Zukin closed the public hearing at 6:30 PM.

**Deliberation:**

Commissioner Poppoff voiced an opinion that to allow this variance request would open a can of worms. He suggested the possibility of installing a cantilevered roof, and he thought building codes would require setbacks.

Commissioner Whitehouse stated he would be willing to grant them some extra feet, and he suggested parking the RV at an angle.

Commissioner Stiles concurred with Poppoff's statement that to allow the variance would open a can of worms. He also stated he had seen temporary structures that would be large enough. Commissioner Poppoff said there were some temporary structures out there that would withstand inclement weather. Commissioner Stiles commented that to build a permanent structure could possibly cause difficulties for resale of that property and the adjacent neighbor's property.

Commissioner Zukin stated he was in favor of allowing a 12-15 foot carport and still require some measure of a setback to alleviate potential difficulties with future variance cases.

It was moved by Whitehouse and seconded by Zukin to grant VAR #120-12 with a setback requirement of three feet instead of five feet. Zukin and Whitehouse voted in favor, Stiles and Poppoff voted against. The motion did not carry; Lavier, Raschio and Zingg were absent.

It was moved by Whitehouse and seconded by Stiles to continue the hearing for deliberations at the next Planning Commission meeting on Thursday, November 1, 2012 with the option to re-open the public hearing if needed. The motion carried unanimously; Lavier, Raschio and Zingg were absent.

Whitehouse asked staff to conduct further research to see if there was any alternative solution that could be found.

**RESOLUTION:**

P.C. Resolution #526-12, APL #23-12; Jennifer Blevins, 1215-1217 Blakely Drive

City Attorney summarized draft P.C. Resolution #526-12. Parker concluded by clarifying that a vote in favor of the Resolution in no way reflected a Commissioner's opinion on the vote of the motion from the quasi-judicial hearing. Commissioner Whitehouse stated he felt that a vote in favor of the resolution was a vote in favor of the interpretation.

After further discussion the Commissioners decided to table the vote until the next scheduled Planning Commission meeting when possibly more Commissioners would be present.

**STAFF COMMENTS:**

Senior Planner Gassman advised the Commissioners of a future hearing on the fence issue at 10<sup>th</sup> and Trevitt Streets. It is scheduled for November 15, 2012.

**COMMISSIONER COMMENTS/QUESTIONS:**

None.

**NEXT MEETING:**

November 1, 2012

**ADJOURNMENT:**

The meeting was adjourned at 6:52 PM.

Respectfully submitted by Carole J. Trautman, Administrative Secretary.

A handwritten signature in cursive script that reads "Bruce E. Lavier". The signature is written in black ink and is positioned above a horizontal line.

Bruce Lavier, Chairman