



COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | Community Development 541-917-7550

Notice of Filing

Minor Variance to Fence Height

VR-08-24

July 30, 2024

The Planning Division has received the following APPLICATION. Please provide any comments you may have on this project to **David Martineau** (541-917-7555, david.martineau@albanyoregon.gov) **before 5:00 p.m. on August 13, 2024**, so we may take your comments into account.

Application Information

Proposal:	Increase the height of an interior yard fence from 6 feet to 6 feet 6 inches.
Review Body:	Staff (Type I-L review)
Applicant/Property Owner:	Howard Basch; 1919 13th Avenue SW; Albany, OR 97321
Address/Location:	1919 13th Avenue SW; Albany, OR 97321
Map/Tax Lot:	Linn County Assessor: 11S-04W-12BC, Tax Lot 03800
Zoning:	Residential Single Dwelling (RS-6.5)
Overlay Districts:	Floodplain Overlay District
Total Land Area:	6,000 square feet (0.14 acre)
Existing Land Use:	Single Dwelling Unit

The City of Albany has received the application for a Minor Variance as referenced above. We are mailing notice of the application to property owners within 100 feet of the proposed development. We invite your written comments on this application to be considered when staff decide on this application. Your comments must relate to the approval standards listed below. Issues that may provide the basis for an appeal to the Planning Commission must be raised in writing and with sufficient detail to allow the City to respond to the issue. The deadline for submission of written comments is 5:00 p.m. on **August 13, 2024**, 14 days from the date the City mails the notice of filing.

We have attached a location map and the applicant's submittal. All application materials are available for review in person at the Planning Division, and copies can be obtained for a minimal charge. Should you wish to discuss this case with a planner, please call **David Martineau**, project planner, at 541-917-7555. Submit any written comments to the Planning Division; PO Box 490, Albany, OR 97321 or by email to david.martineau@albanyoregon.gov. Any person submitting written comments will receive a copy of the notice of decision on the application.

Approval Standards for This Request

Minor Variance Review Criteria

Section 2.696 of the ADC includes the following review criteria that must be met for this application to be approved.

- (1) The Minor Variance is not requested to avoid a land use review process or increase density; AND
- (2) The need for the Minor Variance is created by the unusual configuration of the property, to protect natural features, due to the location of an existing structure on the site, or the site is an infill or redevelopment site less than one acre with development on both sides; AND

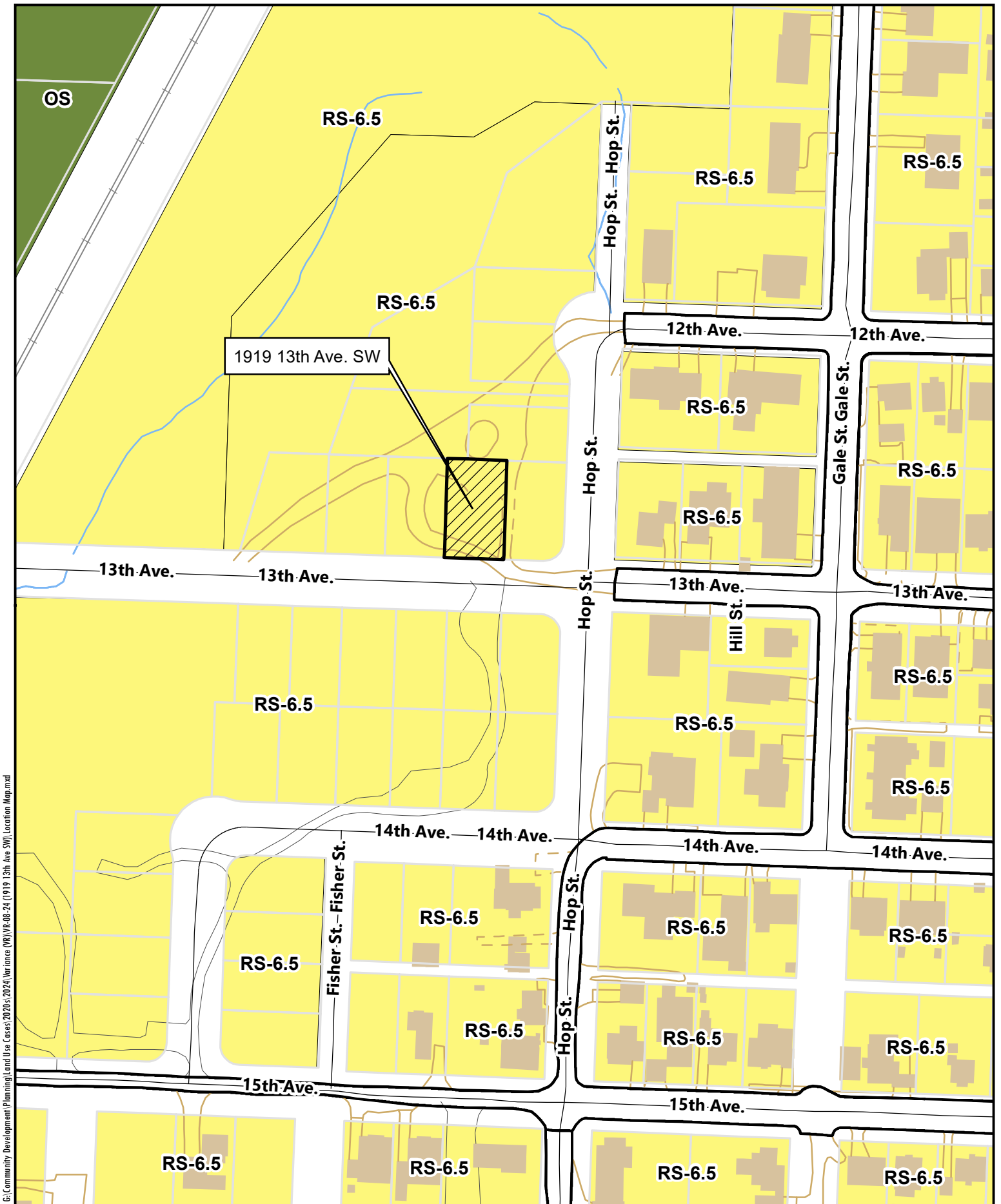
albanyoregon.gov/cd



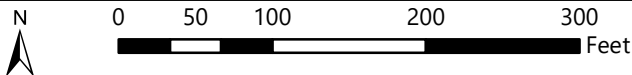
- (3) The Minor Variance is the minimum necessary to address the unusual circumstance, generally no more than 10 percent from a numeric standard, and the request is still consistent with the purpose of the zoning district and any applicable overlay districts.

Additional review standards for this Land Use Review application are found in ADC Articles 1, 2, 3, & 9.

Attachments: Location Map, Submittal



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Date: 7/25/2024 Map Source: City of Albany

1919 13th Avenue SW

Location / Zoning Map

SUPPLEMENTAL APPLICATION INFORMATION

Submit answers to the following proposal questions (separately or submit this sheet):

List the Article of the Development Code from which you are requesting the Minor Variance, (Note: a separate application is needed for each additional request to vary from a Development Code Article.)

[Example: ADC Table 3.190-1].

Briefly explain the requested Minor Variance request. (Example: To allow a 14-foot front yard setback when 15 feet is the standard.)

REQUESTING A MINOR VARIANCE TO RAISE MY BACK FENCE TO 6'-6" HIGH. MEASURING FROM THE AVERAGE HIGH POINT

Will any existing structures be removed or affected by the Minor Variance? NO

(NOTE: Before demolition or removal of any structure, please obtain a demolition/moving permit from the City of Albany Building Division.)

Does the site contain any historic structures or historically significant features as identified on the City's Historic Inventory? Yes ___ No [X]

If yes, historic review may be required per Article 7. Please describe any impact or alterations to any historic structures or features.

Existing uses and zoning of properties adjacent to the site (including across the street, if applicable):

	Current Uses	Zoning
North	Single Family	
South	" "	" "
East	" "	" "
West	" "	" "

Note: Some properties may have covenants or restrictions, which are private contracts between neighboring landowners. These frequently relate to density, minimum setbacks, or size and heights of structures. While these covenants and restrictions do not constitute a criterion for a City land use decision, they may raise a significant issue with regard to the City's land use criteria. It is the responsibility of the applicant to investigate private covenants or restrictions.

MINOR VARIANCE - PURPOSE AND PROCEDURE

Purpose (ADC 2.692). The Minor Variance review allows the Director to approve limited modifications to the application of numeric standards for unusual situations specific to the site. Minor Variances will not be considered to void a review process or standard in this Code. Minor Variances are typically for requests that are 10 percent or less of numeric standard.

Alternative setbacks in developed areas are addressed in Sections 3.240, 4.130, and 5.130 and may not require a Minor Variance.

Procedures (ADC 2.694). Minor Variance applications are processed through a Type I-L procedure. Requests not meeting the purpose of Minor Variances may be processed as Major Variances. The Director will determine whether an application is processed as a Minor Variance or a Major Variance.

Minor Variance requests within one any of Albany's Significant Natural Resources overlay districts (/SW, /RC, /HA), require mitigation per ADC Sections 6.400 and 6.410.

