



NOTICE OF PUBLIC HEARING

VARIANCE AND PROPERTY LINE ADJUSTMENT APPLICATION

415 / 425 Del Mar and 795 4th Street, Aumsville

A public hearing on a Variance and a Property Line Adjustment Application has been set before the Aumsville Planning Commission on **Wednesday, Feb. 10, 2010, 6:30 PM**, at the Chester Bridges Memorial Community Center, 555 Main Street in the City of Aumsville.

The application has been filed by Jim Lyon to allow for a property line adjustment between two properties on which one was built too close to the property line; and a lot-line variance is needed to continue the non-conforming lot. These properties are located at **415/425 Del Mar and 795 4th Street, Aumsville.**

The applicable criteria for the applications is set forth in Sections 13.04 and 20.13 of The Development Ordinance as follows:

- 13.04 Criteria for Granting a Variance: A variance from the terms of this ordinance shall not be granted unless all of the following circumstances exist:
- (A) Exceptional and extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and there are circumstances over which the owner of the property, since enactment of this ordinance, have had no control.
 - (B) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zone under the terms of this ordinance.
 - (C) The variance would not be materially detrimental to the purposes of this ordinance, or to property in the same zone or vicinity in which the property is located, or otherwise conflicts with the objectives of any city plan or policy.
 - (D) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same zone.
 - (E) The variance requested is the minimum variance, which would alleviate the hardship.
 - (F) That the special conditions and circumstances do not result from the actions of the applicant.
- 20.13 Decision Criteria: The following criteria shall apply to all property line adjustments:
- (A) A property line adjustment cannot create or vacate a parcel. Creation or vacation of a parcel requires approval of a land division.
 - (B) Following the property line adjustment, all lots or parcels must comply with size and dimensional standards of the applicable land use district. For non-conforming properties, the adjustment shall not increase the degree of non-conformance of the subject property or surrounding properties. Any proposal that will create a non-conformity with zoning standards shall be required to obtain approval of an appropriate variance (Section 13) prior to approval of a property line adjustment.
 - (C) If there are existing structures on the parcels, the property line adjustment may not result in a setback violation.
 - (D) The adjustment should not reorient or significantly reconfigure the lots or parcels.

A copy of the application, all documents and evidence relied upon by the applicants and application criteria are available for inspection at no cost and a copy at reasonable cost at least 20 days prior to the public hearing. A copy of any staff report will be available for inspection at no cost at least seven days prior to the hearing and a copy will be available at reasonable cost. Additional information may be obtained from Lora Hofmann, Administrative Assistant at 503 749-2030 and written testimony must be directed to her attention at city hall, 595 Main Street, Aumsville, Oregon 97325.

Written and verbal testimony is to be directed toward the criteria and those wishing to testify are to sign in and ask to be recognized by the Chair. The hearing will be conducted with the staff presentation first, followed by the applicant's case, testimony of persons in favor, opposing testimony, governmental agencies testimony, general testimony, rebuttal, questions, summaries and the hearing will then be closed. Failure to raise issue in person or by letter prior to the close of the public hearing with sufficient specificity to provide the Aumsville Planning Commission opportunity to respond to the issue, precludes appeal to the Aumsville City Council on this issue.

The meeting location is accessible for persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations must be made at least 48 hours prior to the meeting. Please call (503) 749-2030 and leave a message or Oregon Relay Service for TDD at (800) 735-2900.