



COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING & PLANNING 541-917-7550

Notice of Decision

Minor Variance to Fence Height

VR-08-24

August 15, 2024

Application Information

Proposal:	Increase the height of an interior yard fence from six feet to six feet six 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

On August 15, 2024, the City of Albany Community Development Director granted **Approval** of the application referenced above.

The City based its decision on the project's conformance with the review criteria listed in the Albany Development Code (ADC) with an effective date of July 12, 2024. The supporting documentation relied upon by the City in making this decision is available for review at City Hall, 333 Broadalbin Street SW, Albany, OR 97321. For more information, please contact **David Martineau**, project planner, at 541-917-7555. Staff report is available for review at albanyoregon.gov/cd/projectreview paper copies can be made available by request.

The City's decision may be appealed to the Albany Planning Commission if a person with standing files a completed notice of intent to appeal and the associated filing fee no later than 10 days from the date the City mails the notice of decision [ADC 1.220(7)]. The applicants may proceed, at their own risk, prior to the end of the appeal period, provided they sign a Release and Indemnity Agreement with the City.

This approval shall expire three years from the date of approval unless 1) the applicant has installed all of the required public infrastructure related to the development and the infrastructure has been accepted by the City, or 2) the applicant has provided financial assurance for all required public infrastructure per ADC Section 12.600, or 3) the development did not require public infrastructure, a valid building permit exists for new construction or improvements, and work has commenced.

Signature on file

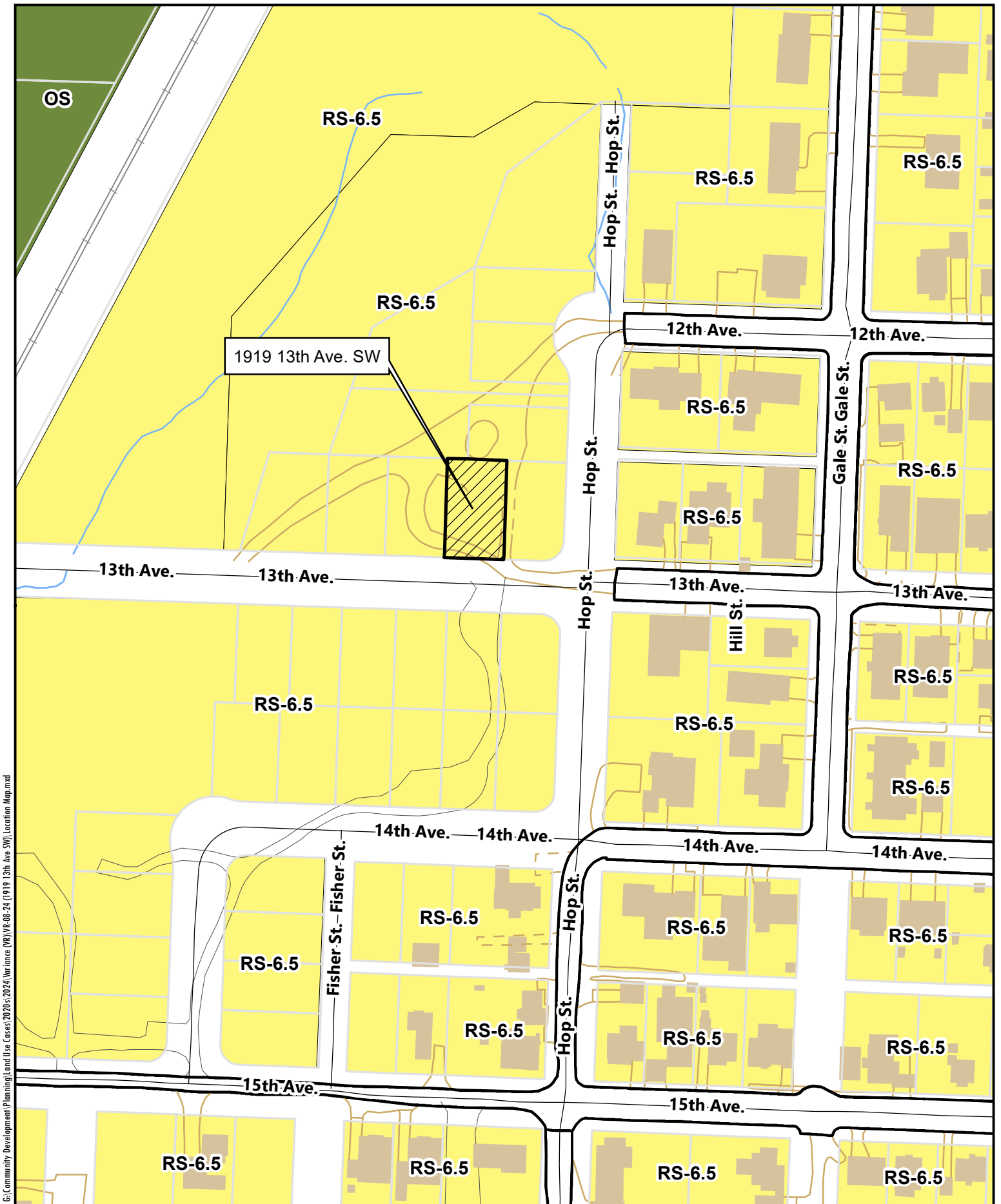
Community Development Director's Designee

Approval Expiration Date: August 15, 2027

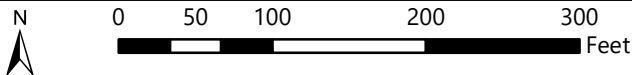
Attachments: Location Map, Submittal

albanyoregon.gov





G:\Community Development\Planning\Land Use Cases\2020s\2024\Variances (08)\18_08_24 (1919 13th Ave SW)\Location Map.mxd



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.

