



# City of Prineville

## DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

### STAFF REPORT

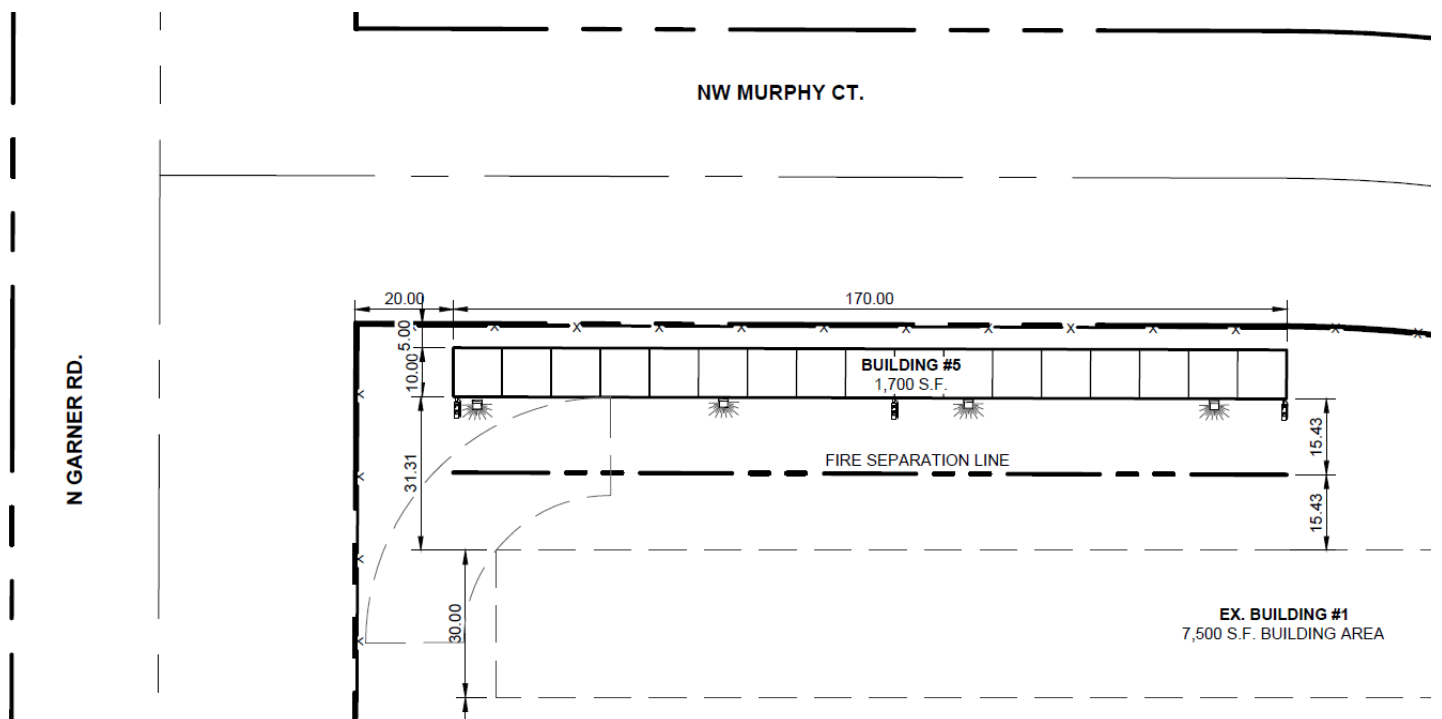
**APPLICATION DATE:** March 14<sup>th</sup>, 2023  
**HEARING DATE:** April 18<sup>th</sup>, 2023  
**PROJECT NUMBER:** VAR-2023-100  
**APPLICANT/OWNER:** Greenbar Properties  
P.O. Box 7  
Prineville, OR 97754  
**STAFF:** Joshua Smith  
Planning Director

#### APPLICABLE CRITERIA:

(1) City of Prineville Code of Ordinances, Title XV – Chapter 153, section 153.038, 153.210 – 153.215.

#### FINDINGS OF FACT:

- LOCATION:** The proposed variance is located at 1500 NW Murphy Court, Crook County Assessor's Map & tax lot #14-16-31BC03900.
- PROPOSAL:** The applicant is requesting a 15ft. reduction to the local street setback of 20ft. in the M1 light industrial zone. The setback reduction will allow the development of one more storage building in the facility.



VAR-2023-100  
1500 NW Murphy Ct.

- SITE DESCRIPTION:** The site has been developed as a mini storage facility through application C-2020-105 (Phase 1 & 2) and the current application C-2023-100 (Phase 3). Phase 1 can be seen in the 2022 aerial image below.



- ZONING:** The subject property is zoned Light Industrial (M1) and is designated Heavy Industrial on the Comprehensive Plan Map.
- RELATED DOCUMENTS:** City application number C-2020-105 (Phases 1 & 2), C-2023-100 (Phase 3), LC-2021-103 (lot consolidation).
- COMMENTS:** No written comments were received from neighboring properties within the required 100ft. notice area. The City did receive verbal comments about the building potentially blocking visibility of another property from Gardner Road.

VAR-2023-100  
1500 NW Murphy Ct.

**Criteria:** *153.038 COMMERCIAL & INDUSTRIAL DIMENSIONAL STANDARDS*  
*Local Street setback: 20 feet from property line.*

**Criteria:** *153.211 CIRCUMSTANCES FOR GRANTING A MAJOR VARIANCE.*

*A MAJOR VARIANCE is a request for a variance that does not qualify as a minor variance. Major variances can only be reviewed as a type II conditional use. A major variance may be granted without restrictions, or may be granted subject to prescribed conditions and limitations, provided that the following findings are evident.*

*(A) That the literal application of specific provisions of the chapter would create practical difficulties for the applicant resulting in greater private expense than public benefit, however, a variance is not to be granted simply because it would afford the owner a higher profit or prevent a mere inconvenience.*

**Finding 1:** The proposed variance is a major variance because it is greater than 25% of the required 20ft. setback to a local street. The purpose of the 20ft. setback is to ensure adequate access and space for the Fire Department in industrial areas that have a higher potential for larger incidences. It also allows for potential road widening and provides adequate access and visibility for multiple uses and large vehicles needs. The purpose of the 20ft. setback is less of a concern with the proposed single story mini-storage facility. The 20ft. setback is maintained on a majority of the facility, the applicant has already dedicated 10ft. of right-of-way to Gardner Road and Murphy Court is a dead-end street with no potential need for widening. Staff finds that the private expense is greater than the public benefit.

*(B) That the condition creating the difficulty is not general throughout the surrounding area, but is unique to the applicant's site or property; therefore, the granting of the requested variance will not set a precedent for future applications.*

**Finding 2:** Staff finds that the situation is unique due to the type of use and significant amount of road frontage on the property. Staff does not believe that granting this variance would be grounds to grant other variances, unless the circumstances were virtually identical.

*(C) That the condition was not created by the applicant. A self-created difficulty will be found if the applicant knew or should have known of the specific restriction or provision at the time the site was purchased. Self-created hardship also results when an owner and/or developer negligently or knowingly violates a provision of this chapter. A substandard lot, deliberately made so by the owner's conveyance, is considered a self-created hardship. Violations made in good faith, or circumstances arising from pre-existing conditions or circumstances are treated more leniently, as is the condition of an area deficiency created by the expansion of a public right-of-way, public utility easement or other public use in the public interest.*

**Finding 3:** The desire for the placement of the building is self-created, but based on the most logical placement for additional units. The applicant was required and has dedicated 10ft. of right-of-way to Gardner Road and Western Sky Road. This dedication did result in the reduction of units that this proposed building would replace.

*(D) In the case of a use variance, that the literal application of specific provisions of the chapter would result in an unnecessary hardship to the applicant and/or property owner. An unnecessary hardship will be found when there is no reasonable use of or return from the property as it may lawfully be used under the applicable provisions of this chapter.*

**Finding 4:** A use variance is not being proposed.

**Criteria: 153.210 AUTHORIZATION TO GRANT OR DENY.**

(A) *Variations from the provisions and requirements of this chapter may be approved in accordance with the provisions of this subchapter where it can be shown that, owing to special and unusual circumstances related to a specific lot, parcel or tract of land, strict application of certain provisions of this chapter would cause an undue or unnecessary hardship.*

(B) *No variance shall be granted that would allow the use of property for a purpose not authorized within the zone in which the proposed use or development is located.*

(C) *In granting a variance, conditions may be attached that are found necessary to protect the best interests of the adjoining or surrounding properties or the vicinity, and to otherwise achieve the purposes of this chapter, the specific applicable zoning and the objectives and policies of the city's Comprehensive Plan.*

**Finding 5:** A variance to the local street setback of 15 feet is not expected to affect adjacent properties, or degrade the look or feel of the industrial area. Proper notice was sent to the neighboring properties and no objections were received. Staff finds that strict application of the setback is an unnecessary hardship in this circumstance.

**Recommended Conditions of Approval:** If approved the following conditions are recommended for application **CU-2023-100** to allow a setback variance for a mini-storage facility. Such an approval is subject to the submitted plans, findings stated in the staff report, those conditions contained within and the following conditions of approval set forth below:

1. The applicant shall not deviate more than 15 feet from the required 20 foot setback on Murphy Court. The applicant shall meet all other required setbacks and dimensional standards.
2. The variance shall only apply to the placement of the proposed mini-storage building. The applicant is required to comply with all relevant portions of the City of Prineville Code of Ordinances.

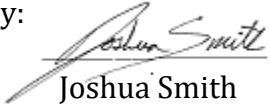
**MOTION IN FAVOR**

The Staff Report and record of tonight's proceedings are hereby incorporated as Findings of Fact in Favor of this Application. I Move that the application be **APPROVED**, subject to the Conditions of Approval as they have been finalized, and based upon the Findings of Fact in favor of the application.

**MOTION IN OPPOSITION**

The Staff Report and record of tonight's proceedings are hereby incorporated as Findings of Fact in Opposition to this Application. I Move that the request be **DENIED** based upon Findings of Fact in opposition to the application.

Written By:

  
Joshua Smith  
Planning Director