

# City of Talent

Community Development Department - Planning



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## STAFF REPORT and **PROPOSED FINAL ORDER**

Type-3 Land Use Application — Planning Commission

Meeting date: February 28, 2023

File no: VAR 2023-001

Prepared by: Kim Trimiew

Item: Setback Variance

### GENERAL INFORMATION

Applicant ..... Oak Valley Homeowner’s Association

Owner ..... Various

Assessor’s Map Number ..... Various

Site Location ..... Oak Valley Subdivision

Zoning ..... RHD – *High Density Residential*

Adjacent Zoning and Land Uses ..... RHD, CH, CBH

Applicable Code Sections ..... TMC18.160, TMC18.40, TMC18.90.030

120-Day Limit ..... May 6, 2023

### REQUEST

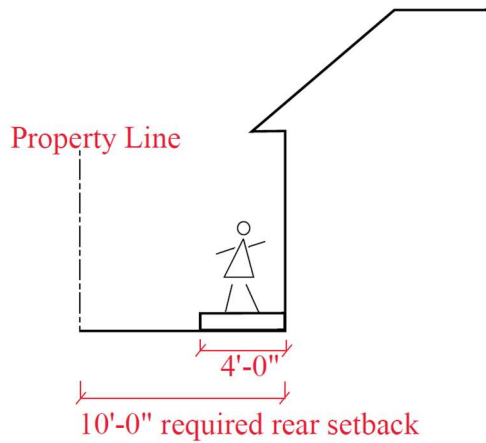
The request is for a variance of the setback exception in TMC 18.90.030(B)(5), which allows an open, unenclosed patio, not covered by roof or canopy, to extend four feet (4’) into the required ten-foot (10’) rear setback. The proposed variance would allow the Oak Valley Planned Community to extend an unenclosed patio a total of five feet (5’) into the rear setback, and allow the patio to have a roof or canopy cover that also extends five feet (5’) into the rear setback.

### BACKGROUND

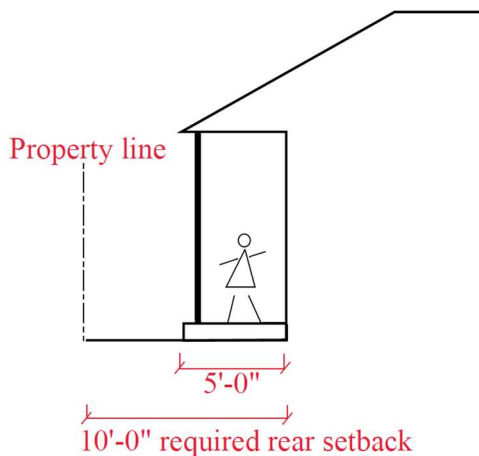
The Oak Valley Community was originally approved as a mobile home park for seniors in 2003, but re-zoned to high density residential in 2004 and built entirely of stick-built, single-family homes. Since Oak Valley was platted for mobile homes, few of the original sites had room for covered rear patios. As the residents of Oak Valley rebuild, they would like the option to include a covered patio in the back yard. Unfortunately many of the subdivision’s rear yards are shallow in depth and have little more than the ten feet required per TMC18.40.060(C). Current code allows an open, unenclosed patio to extend up to four feet (4’) into the required ten foot (10’) setback, but it may not be covered with roof or canopy. The proposed variance would allow the patio to extend a total of five feet (5’) into the rear setback, and it would allow the patio to have a roof or canopy cover that also extends 5 feet (5’) into

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the rear setback (see figures 1 and 2). The intent of the variance is to allow residents of the Oak Valley Planned Community to enjoy their small back yard space while protected from sun overexposure.



**Figure 1, Code Requirements** – TMC 18.40.060(B) requires a 10’ rear setback for structures. TMC 18.90.030(B)(5) allows an open, unenclosed patio, *not covered by roof or canopy*, to extend no more than *four feet (4’)* into the required rear setback.



**Figure 2, Variance Request** – The applicant is asking for a variance to TMC 18.90.030(B)(5) that would allow the patio to extend a total of five feet (5’) into the rear setback, and allow the patio to have a roof or canopy cover that also extends five feet (5’) into the rear setback, creating a sun-protected space for a small back yard.

**APPROVAL CRITERIA**

TMC 18.160

**AGENCY COMMENTS**

The variance request has been sent for review by Jackson County Fire District #5. Captain David Meads reported no concerns with the proposal.

**PUBLIC COMMENTS**

Three public comments were received for the proposed variance. Two commenters expressed support, while a third commenter encouraged denial of the request with concerns about fire and disruptions due to noise and pets.

**STAFF RESPONSE TO PUBLIC COMMENTS**

Because TMC 18.90.030(B)(5) already allows a setback exception for rear patios, staff feels that permitting the patio to be protected from sun and rain would not increase noise or disturbance. Jackson County Fire District #5 has reviewed this proposal and has no concerns with a covered rear patio encroaching five feet into the rear setback.

**ISSUES**

When the community was platted out, Oak Valley lots were sized for rectangular manufactured homes with few modulations in the shape of the footprint, typically positioned with the longer dimension facing the street. Additionally, the garage setback for the manufactured home at the time of this development was 20 feet (20’), same as the front of the home, whereas the yard requirements for the newly changed zone were 20’ for front and 24’ for garage, requiring greater modulation along the front façade. As a result of the lot size and shape, most of the homes in the Oak Valley Community have very small, shallow back yards with little to no room for a covered back patio. As temperatures in the region continue to rise, functional outdoor space will increasingly require shelter from the sun. Oak Valley residents, the vast majority of which are over 70 years of age, are limited in their ability to have sheltered outdoor space in their yards due to lot sizes and shapes that legally existed prior to ownership.

**RECOMMENDATION**

Based on the findings for the Variance stated in the Proposed Final Order, staff recommends approval of the Variance, with conditions outlined in the Proposed Final Order.

**POTENTIAL MOTION**

I move to approve this variance, VAR2023-001, based on the Final Order and Conditions of Approval.

**ATTACHMENTS**

The following information was submitted regarding this application:

- Proposed Final Order
- Applicant’s Statement



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Kristen Maze, Community Development Director

February 28, 2023  
Date

Staff has recommended this proposal for approval, but it will require at least one public hearing before the Planning Commission for a decision. The Talent Zoning Code establishes procedures for quasi-judicial hearings in TMC 18.190.050(F).

**An electronic public hearing on the proposed action is scheduled before the Planning Commission via Zoom on February 28, 2023 at 6:30 PM. Instructions for public participation can be found on the Meeting Agenda.**

For copies of any public documents or more information related to this application, please contact Talent Community Development at 541-535-7401 or via e-mail at [building@cityoftalent.org](mailto:building@cityoftalent.org).