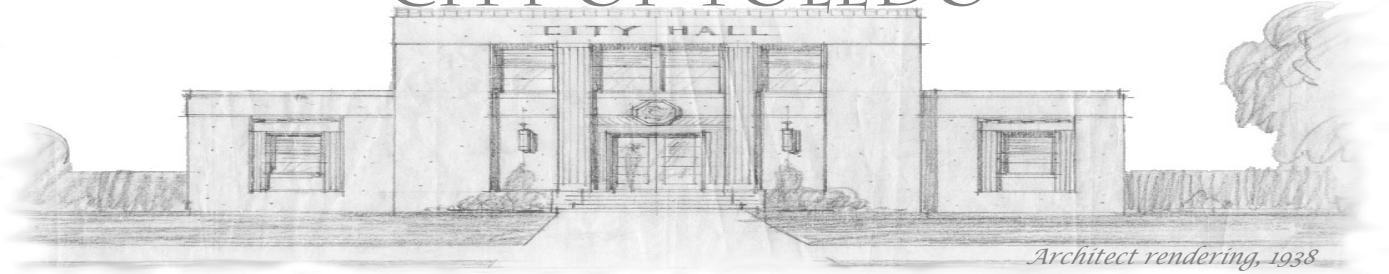


# CITY OF TOLEDO



## **NOTICE OF LAND USE PUBLIC HEARINGS FOR A MINOR PARTITION AND VARIANCE FOR PROPERTY LOCATED AT 1634 N NYE STREET**

The following requests will be reviewed at a public hearing by the Toledo Planning Commission on May 10, 2017, at 7:00 pm in the Council Chambers at City Hall, 206 N. Main Street, Toledo. Any comments you wish to make will be appreciated. Please contact City Planner Mike Adams at (541) 336-2247 extension 2080 for further information.

Oregon law requires that testimony and evidence presented be directed toward the relevant criteria in the Toledo Zoning Ordinances, Comprehensive Plan, or other City plans or policies which a person believes pertains to the request, and which will be used in making the decision. The application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards can be reviewed at City Hall at no cost and copies can be provided at reasonable cost. The staff report and recommendation to the Planning Commission/City Council will be available for review at no cost seven days before the scheduled hearings and copies can be provided on request at a reasonable cost.

You may present your testimony at the public hearing or provide written comments to the Planning Department prior to the public hearing dates. Failure to raise an issue in person or by letter at the hearing, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue, means that an appeal based on that issue cannot be filed with the State Land Use Board of Appeals.

City File #MP-2-17 and #VAR-1-17 are applications by Victoria L. Jones for a minor partition to create two parcels at 1634 N. Nye Street and a variance to the street frontage standards for new development. Proposed Parcel 1 would be approximately 27,500 square feet and Proposed Parcel 2 would be approximately 29,500 square feet. The applicant is requesting the variance to allow both proposed parcels to have a 15' street frontage, instead of the 20' minimum frontage area. The property is identified as Lincoln County Assessor's Map 11-10-8 BC Tax Lots 1203 and 1205.

Criteria for the minor partition request: Toledo Municipal Code 16.08.070 - Criteria for valuation. In reviewing applications for minor and major partitions, all of the following criteria shall be met before the planning commission may approve the proposed partition:

- A. The division of land complies with applicable ordinances and public improvement design standards adopted by the city;
- B. The applicant has filed all the necessary information required by the land division Title 16

- C. If the application is for a minor partition, the division of land will not constitute a major partition or a subdivision pursuant to the definitions in this title;
- D. If the application is for a major partition, the division of land will not constitute a subdivision and the street design has received approval from the director of public works;
- E. The applicant has demonstrated that each lot will be served with city sewer and water and that the city has the capacity to provide those services;
- F. The infrastructure designs have received approval from the public works department and if a bond is required to be posted for any infrastructure improvements, the applicant has agreed in writing to do so;
- G. The applicant has demonstrated that adequate precautions have been taken to prevent damage or injury resulting from natural hazards;
- H. The division of land will not affect a designated dredged material disposal site or mitigation site as designated in the Lincoln County estuary management plan.
- I. The division of land will not result in any newly created parcels or lots which are entirely zoned for natural resources or which become one hundred (100) percent undevelopable due to splitting off the buildable land unless owned, created, or proposed to be used by a public utility.

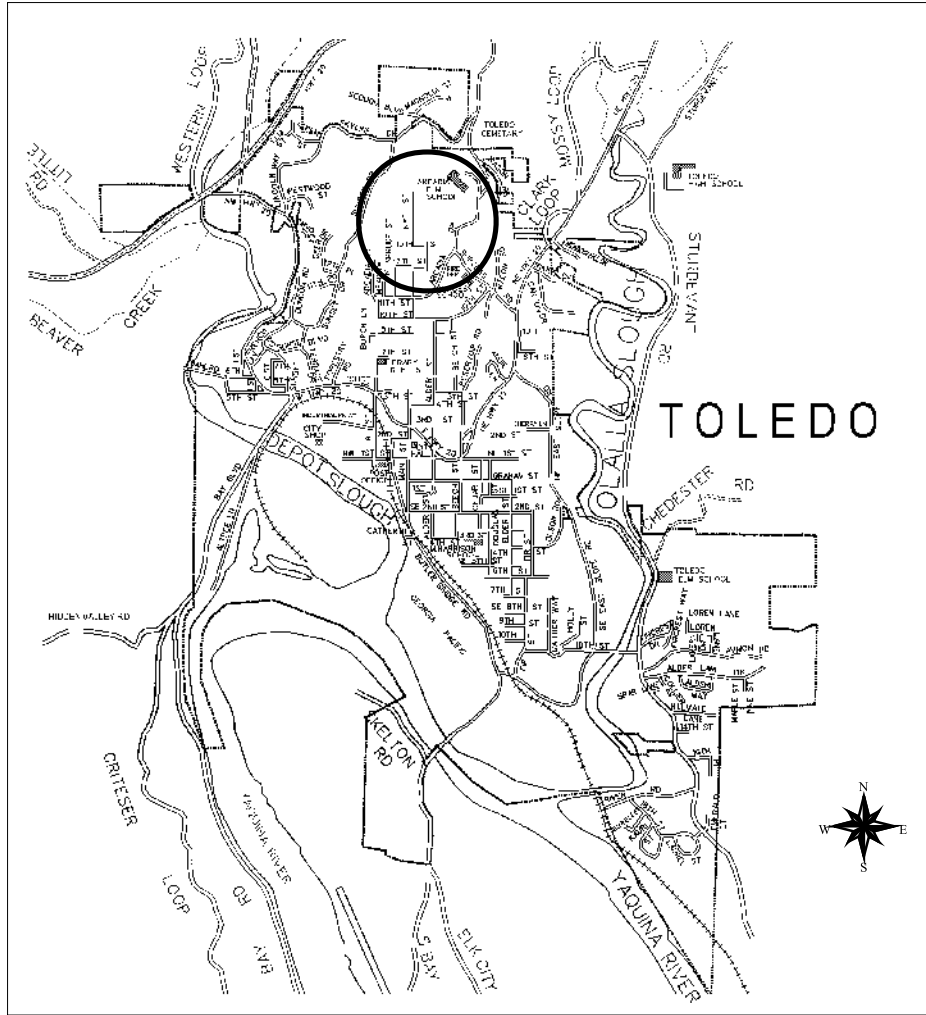
Criteria for the variance request: Toledo Municipal Code 16.30.070 Variance – Review Criteria

The Planning Commission may approve an application for a variance if the applicant has shown that all of the following criteria have been met:

- A. The proposed variance will not be materially detrimental to the purposes of this code, to any other applicable policies and standards, and to other properties in the same zoning district or in the vicinity;
- B. A hardship to development exists that is peculiar to the lot size or shape, topography, pre-existing structure(s), wetlands, floodplains, or other similar circumstances related to the property over which the applicant has no control, and that are not applicable to other properties in the vicinity;
- C. The development proposed will be the same as permitted under this title and city standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;
- D. Existing physical and natural systems, such as but not limited to traffic, drainage, natural resources, and parks will not be adversely affected any more than would occur if the development occurred as specified by the subject code standard;
- E. The hardship is not self-imposed; and
- F. The variance request is the minimum variance that would alleviate the hardship.

You have been sent this letter because you own property within 300 feet of this proposed use. Please feel free to contact us directly or to attend the hearing to get more information and to let us know what you think about the proposal. **Notice to mortgagee, lienholder, vendor or seller: The Toledo Municipal Code requires that if you receive this notice, it shall be promptly forwarded to the purchaser.**

# Location Map



# Site Map

