



City of Yamhill
A small taste of Oregon

Planning Commission Meeting Packet

December 15, 2025
6:30 p.m.

STAFF REPORT

TO: Yamhill Planning Commission
FROM: Walt Wendolowski, Contract Planner
SUBJECT: Variance File No. 25-03 (Continuation)
DATE: December 8, 2025

I. BACKGROUND INFORMATION

- A. **APPLICANTS:** Michelle and John Gregor.
- B. **PROPERTY LOCATION:** The subject property is located on the west side of Olive Street, just north of its intersection with 3rd Street. The site address is 360 South Olive Street, and the County Assessor Map identifies the site as located within Township 3 South; Range 4 West; Section 04BD; Tax Lot 4200.
- C. **ZONING:** Mixed Residential (R3).
- D. **PARCEL SIZE:** Approximately 14,810 square feet.
- E. **EXISTING DEVELOPMENT:** The property contains a storage building, with street access and public sewer and water available.
- F. **ADJACENT ZONING AND LAND USES:** Property to the north, west and south and east is zoned R-3 while Residential Limited Commercial (RLC) zoned land is to the east. Most of the adjacent property contains single family homes.
- G. **REQUEST:** The applicant is requesting approval of a Variance to expand an existing non-conforming use by constructing a 1,008 square foot covered patio on the west side of the storage building.
- H. **DECISION CRITERIA:** Yamhill Municipal Code; Chapter 10.100 (Variances).
- I. **COMPLETION DATE:** The City deemed the application complete on October 22, 2025, with February 19, 2026, the 120th day.

II. APPLICATION SUMMARY

- A. The subject property contains a large storage building. While the R-3 zone permits a storage building [Section 10.20.020(N)], the zone only allows the building as an accessory structure to an existing dwelling. As the site does not contain a dwelling, the Development Code considers this structure as a non-conforming use and thereby subject

to provisions in Chapter 10.88. Section 10.88.020 only allows the expansion of a non-conforming structure subject to the Planning Commission approving a Variance.

- B. The applicants expanded the storage building by constructing a 1,008 square foot covered patio on the structure's west side. This expansion proceeded without building permit approval (see Violation letter dated April 22, 2025). As noted, expansion of a non-conforming use requires approval of a variance by the Planning Commission. This variance application addresses that requirement.
- C. The Commission originally heard this case on November 17, 2025. Based on verbal testimony, the Commission agreed to continue the matter to their December Commission meeting, requesting the applicants submit their written comments by December 1. The applicants complied with this requirement. The Commission packet includes the written material. The following briefly summarizes items germane to the variance request:
 - 1. The subject property previously contained a manufactured home. A previous owner constructed the storage building on the site of the former manufactured home.
 - 2. The applicants purchased the property with the storage building in place, with the original intent of using the site as a "home base" for business operations. Currently, they use the building for storage of material and equipment that the business does not use daily.
 - 3. The applicants recognized the site is zoned for residential use (potentially up to five homes) but that the building was nonconforming and might impact the neighborhood based on the potential use.
 - 4. Legitimizing the nonconforming building would require the construction of a home on the site or combining the site with adjacent land containing a residence. Per the applicants, contractual agreements are in place to purchase an adjacent property at a future date.
 - 5. The applicants installed the 1,008 square foot awning (cover) after the property's purchase. The structure's initial purpose was to provide cover for a high school graduation gathering.
 - 6. Per the conversation with the applicant, the current purpose of the 1,008 square foot awning is to provide coverage for business equipment and personal property.
- D. Existing non-conforming uses may continue in operation. Nonconforming structures may also continue in place, repaired, and maintained. This allowance applies to the pre-existing building. Any expansion of a nonconforming use is subject to variance approval by the Commission.

III. CRITERIA AND FINDINGS – VARIANCE

A. Chapter 10.100 contains the procedures and criteria to review a variance. Section III of this report reviews the material. For the record, as of the date of this report, the City did not receive comments from the public or affected agencies. Finally, the following findings also address information supplied by the applicant.

B. Section 10.100.010. The authority to grant or deny a variance rests with the Planning Commission. The variance must be the result of special and unusual circumstances related to a specific piece of property; whereby strict application of this Title would cause an undue or unnecessary hardship; except that no variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located.

FINDINGS: The hearing before the Commission complies with this provision. Section 10.100.030 (below) reviews the compliance with the decision criteria.

C. Section 10.100.020. The application and process variance shall conform to provisions of Chapter 10.128.

FINDINGS: Per staff review, the application and Commission hearing, and continuation, comply with Chapter 10.28 provisions.

D. Section 10.100.030. The Planning Commission may grant a variance when it appears from the application, and the facts permitted at the public hearing, and by investigation that:

1. 10.100.030(A) - There are unnecessary, unreasonable hardships or practical difficulties which can be relieved only by modifying the requirements of this title, and is the minimum relief to relieve the hardship;

FINDINGS: The applicants initially installed the cover to provide shelter for a family gathering. The applicants did not identify any hardships or practical difficulties that required the construction of the patio cover to allow continue use of the nonconforming structure.

2. 10.100.030(B) There are exceptional or extraordinary circumstances or conditions applying to the land, buildings, or use referred to in the application, which circumstances or conditions do not apply generally to the land, buildings, or uses in the same zone; however, nonconforming land, uses, or structures in the vicinity shall not in themselves constitute such circumstances or conditions;

FINDINGS: The only potentially unique circumstance identified by the application was the need for additional storage space; there is no apparent

extraordinary circumstance associated with the land. A cursory examination of air photos did not identify other area residential properties developed with non-conforming uses. With this comparison, the only unusual circumstance is the non-conforming building itself.

3. 10.100.030(C) That granting the application will not be materially detrimental to the public welfare or be injurious to property or improvements in the neighborhood of the premises;

FINDINGS: The patio/covering may not be detrimental. Impacts would depend on the items stored in the open which may create an attractive nuisance.

4. 10.100.030(D) That such variance is necessary for the preservation and enjoyment of the substantial property rights of the petitioner;

FINDINGS: The R-3 zone only allows storage buildings as an accessory use to an existing dwelling. This is not the case, as the structure itself is non-conforming. As noted above, the owner may continually use, repair, and maintain the structure - not allowing the expansion will not affect the owners' property rights.

5. 10.100.030(E) That the granting of the application will not, under the circumstances of the particular case, adversely affect the health or safety of persons working or residing in the neighborhood of the property of the applicant; and

FINDINGS: Except for the potential to create an attractive nuisance through the outdoor storage, there is nothing particular in the expanded use that would impact neighborhood health or safety.

6. 10.100.030(F) That granting of the application will be in conformance with the intent and purpose of this title and any officially adopted Comprehensive Plan.

FINDINGS: As noted in item 4. above, within the R-3 zone, the Development Code only allows a storage building in conjunction with a dwelling. Expansion of the use would therefore not be in conformance with Title 10.

- D. Section 10.100.040 establishes the criteria for variances to the sign code. This section does not apply.
- E. Section 10.100.050 allows the Commission to impose limitations, conditions, and safeguards with any approval. Application of this regulatory provision rests with the Commission.

- F. Sections 10.100.060, 10.100.070, and 10.100.080 establish provisions for exercising a variance approval, the effective date of a decision, and appeals. For the record, these are regulatory provisions that apply after the Commission makes a decision.
- G. The introductory provisions in Section 10.100.010 state that no variance shall be granted to allow the unauthorized use of property, in this case a nonconforming structure. The nonconforming provisions allow continued use of such structures with the eventual expectation they are replaced or converted to a use allowed in the zone. For this reason, allowing expansion through the construction of the cover is contrary to the intent of the nonconforming regulations. While there may be circumstances when such an expansion is justified, staff cannot identify any extraordinary or unique circumstances associated with the property or building that warrant the expansion.

IV. RECOMMENDATION

Staff finds the submitted application does not comply with the applicable decision criteria for a variance to expand a non-conforming. Staff therefore recommends denial of the application.

V. PLANNING COMMISSION ACTION

- A. The Planning Commission may either:
 - 1. Deny the application, adopting findings contained in the Staff Report, or
 - 2. Deny the application with modified findings, or
 - 3. Approve the application, specify reasons why the applicant met the criteria, and establish appropriate conditions of approval, or
 - 4. Continue the matter to a date, time, and place certain.
- B. Staff will return with an Order for the Chair's signature based on the Planning Commission decision.

Yamhill County

DEPARTMENT OF PLANNING AND DEVELOPMENT

400 NE BAKER STREET • McMinnville, Oregon 97128

Phone: (503) 434-7516 • Fax: (503) 434-7544 • Internet Address: <http://www.co.yamhill.or.us/planning/>

John Gregor
15326 NW Moores Valley Rd
Yamhill, OR 97148

April 22nd, 2025

**Re: Code Enforcement File # I-046-25
Tax Lot #3404BD 04200**

Violation Notice

Mr. Gregor,

The Yamhill County Department of Planning and Development recently received a request to investigate code violations on behalf of the City of Yamhill at your property located at 360 S. Olive St. Upon inspection, we found the following violations were occurring:

Violation #1-

City of Yamhill Ordinance:

Section § 9.04.050 Permits Required.

In addition to all other permits required by law to be issued by or through the City, no person, firm, or corporation shall commence construction, reconstruction, alteration, modification, installation, relocation, expansion or enlargement of any of the activities identified below without first obtaining a permit.

(A) The exterior structure of residential and/or commercial buildings.

(B) Structural, electrical or plumbing modifications in or to residential and/or commercial buildings.

(C) Exterior equipment, machinery and appliances for heating, cooling or air conditioning of residential buildings.

(D) Structures detached from the dwelling unit within residential areas.

(E) To the extent permitted by law, the use of a residential dwelling for business or commercial purposes.

(Ord. 421 §1, 1997)

To correct this violation, you must submit the Variance Application to the City of Yamhill and request a hearing with the City of Yamhill Planning Commission on June 16th.

If you believe you have received this letter in error or are no longer the property owner, please contact me. Otherwise please contact me within 10 days from the date of this notice to describe what measures have been taken to come into compliance with the code requirements.

Please be aware that failure to comply with the above request and requirements will result in further enforcement action. Code enforcement documents and correspondence become part of the permanent Planning Department files and are open to public inspection. If you have further questions regarding this letter, please do not hesitate to contact this office. Thank you in advance for your anticipated cooperation in resolving this matter.

Sincerely,

Nestor MartinezZarzosa
Code Enforcement Officer

cc: Ken Friday, Planning Director
Christian Boenisch, County Counsel

Clarifications

Date: 12/1/2025
Attention: City of Yamhill Planning Commission
Property Location: 360 South Olive Street Yamhill Oregon 97148
Contact: Walt Wendolowski

Scope:

Our hope is to provide as much information as possible to help the planning commission make a consideration to potentially allow us to keep the covered open air storage space that we wrongfully added to the back of our current non-conforming structure. Our intentions were never of malice or trying to “cheat the system” If you will, but honestly more of a lack of education, enough thought and time, as well as lack of guidance from the city of Yamhill in previous interactions. This document is as factual as we can come up with based on prior investigations along with conversations from the previous owners and other long-standing city of Yamhill residents.

- We originally purchased the Property in November of 2019 from the Neighboring Property Owner to South, Larry and Rilla Meier.
- The Property in Question was (1) of (2) lots to the North that the Meier’s had subdivided from their current residence.
- I was informed that the lot we purchased originally had a manufactured home on it and that the original concrete inside the structure was where the home sat, over time as the manufactured home started to decay the current Structure was erected over the top of the home. I would assume that as the home decayed beyond repair the mobile home was removed and sides were most likely added to turn it into the structure as it currently sits today, made sense as I was able to locate the water and Sewer Connections (side note this is all information from long time Yamhill residents).
- When we purchased the property in 2019 the Non-Conforming Structure was as it currently sits less the covered Shed Roof in Question.
- We purchased the Property hoping to set up a “home base” for our then small starting up Electrical Contracting business.
- Shortly after purchasing the property, I stopped by the city of Yamhill to inquire what possibilities the property may have? At which time it was discussed per the zoning that it could potentially be spilt into two buildable lots, and potentially could have up to five multifamily apartment’s built as long as the SCR fee’s could be satisfied. During this visit I disclosed what our intentions were for the use of the building we had just purchased, I was informed at this point that the local residents “might take offense” to us using this structure and property to house our business due to the fact that they had just dealt with what was portrayed to be a large ordeal with another local business owner “De-Moss Gutters.” From what I learned at arms length it sounded like the local residents in the same block had been upset with delivery trucks, employees, extra traffic, noise both early and late etc... all things very much associated with a typical construction business.
- After we had some time to mull things over we decided we didn’t want to upset the neighbors as we could understand all of the local patrons concern... We choose to not use this as our home business location but rather an overburden Storage Space for overflow materials, tools, job boxes, trailers, and various other things like tables, chairs, spare wheels and tires along with various other supplies of this nature that we didn’t need everyday and more importantly we could control what times and how

frequently we visited the site in an effort to be “Neighborly.” We also found it very convenient to meet as a family to carpool to our daughters sporting events, they used it as a place to change cloths, catch up on home work, have lunch, meet with friends, rather than drive 20 minutes home and back. At times we let the fire dept use it for overflow parking, let the city use the property for a laydown yard for multiple construction projects, allowed fellow citizens to use it for parking for their families meeting points during derby days and other community gatherings, this seemed like enough reasons to leave the property as is?

- As our daughter’s got closer to gradation, collage, and frankly the real world I started exploring what we could do in “phases” to eventually prepare to possibly build a home on the lot. This sparked some concerns between Michelle and I as to what to do...
- Option 1 - leave it alone and wait and hopefully have the ability to purchase Larry and Rilla’s current residence and then combine the two lots back together. We have had discussions with the Meier’s as to when “they were ready” we would like to purchase and went so far as to have a Right of Recission signed when we purchased the property from them. This was our preferred option as we strongly feel like keeping the large lot feel is what the City needs and our Daughters could benefit the most from?
- Option 2 - much like option one I have had conversation’s with the property owner to the west Greg Evens as to the possibility of purchasing his property and combing the two properties again could be a great options 2 as this would have allowed us to build a new shop on the back half of our existing lot with entrance and access facing Greg’s Property, this would have allowed us to permit and build a new shop that we could then move the contents of our current shop into the new shop that would be attached to Greg’s Property. Then we could tear down the existing structure creating a large lot to build a new residence on. Essential creating two legal dwellings that were appealing to the local residents that could serve as “starter homes for our daughters.”
- Option two got us thinking that maybe we could employ a hybrid model where we could potentially build a new permitted structure on the back of our 360 S olive lot that we could access from our current driveway but frame in openings at the back that could be reversed to open towards Greg’s property if we could ever make the a reality??? Again we could move the current contents to the new shop located at the back of the property and could remove the current structure, this option offered us the most flexibility as in we could build? Could tie it into Larry’s Property or Tie into Greg’s property.
- At this point I returned to the City and was inquiring about what options could be available? Who we could talk to? What the procedures were to apply for a timeline or variance? I inquired about possibly building a studio apartment temporary to satisfy the codes that could possibly have been turned into an ADU after a home was built on the front lot? We were meet with brick walls from the city staff, they wouldn’t offer any solutions, contacts of the city building official, etc. I was told sternly that I was quote "wasting my time" and that the only way was to tear it all down ad start over!
- Unfortunately Funds and lack of space didn’t allow for a tear down as we had no place to move all of our extra materials and supplies to... So again stale mate just keep using it as is until we could buy one of the other properties. Or our situation changed?
- Fast forward again to May of last year..... where we made our mistakes!
- Our oldest daughter Madison was graduating from Yamhill Carlton High School top of her class Valedictorian (Proud Dad) she put in a tremendous amount of effort and asked if we could host her graduation party at the Olive street property, she had went to the Christian Church and Steve and Terry Dumdi and asked if she could park guests at there locations and all agreed gladly!
- Dad’s job... oh man I need to rent a tent.... Holy Smokes \$5,000.00 for a tent and chairs for one weekend, Well I made the wrong decision!
- It was here when I decided that ..hey I need more covered storage for some of our equipment for 5K I would rather add the needed covered space and spruce up the property, build fences clean and trim hedges re-work the approaches, plant trees and shrubs etc.. to host her graduation party. I didn’t

even think about permits. I knew I was well inside the setbacks and well below the height requirement and quite frankly needed space and didn't think it would be a problem.

- I then went to work designing the covered back shed in way that the posts and trusses could be moved and re-purposed for the above described shop to be located at the back of the building, All of the posts trusses and sheet goods are installed with screw type hardware and fasteners that can be removed and re-purposed at a latter date. We even cut expansion joints around the posts in the concrete that could be chipped out and patched back when the time comes to re-purpose, In our mind it's a free standing structure that over hangs the existing structure so that it "ties in and doesn't look like an abomination, we matched all of the existing colors as best we could and talked with all of the neighbor's before we ever got started and all seemed to be pretty excited for the facelift!
- We were first notified by the city by phone call asking what in the h_ l_ we were doing??? In a very demanding voice, followed up with we turned you into code enforcement? When I inquired why the city of Yamhill rep that reached out could give me any explanation of why how or what was wrong just you are turned in to code enforcement....
- I quickly reached out to the Yamhill county building department to ask we needs to be done... there response were not sure we just are contracted by the city of Yamhill to serve notices.. again not much help?
- The Next day after the roof structure was nearly complete Nester from Yamhill County Code enforcement reaches out to me and we discuss the how's and what methods we were using on the structure and his response was hey looks good structure sounds good just need to get a permit with the city of Yamhill???? Again what permit???? Nester couldn't tell us what we needed to do just go ahead and get it finished then get your permit. Ok we continue!
- Two days later Nester calls me from the property apologizing says he has to red tag the project??? STOP WORK, obviously confused, Nester informs me that he really doesn't know what's wrong other than he was told to red tag, at this point we were two sheets of roof sheeting away from completion he gave me permission to finish the project to protect the project from oncoming rain as this all happened in May of this year, again, No problem, just get you permit in the next 90 days.
- Mistake number two in light of the oncoming graduation party, graduation festivities and super busy with work we back burnered the permit thinking 90 days gave us until September to get a permit?
- Michelle after a number of trips to the City of Yamhill and me Number of Calls to the building Department we finally learned before we can even get a permit we have to complete the Variance Application not a permit which started the process of where we ended things at the last commission meeting. We were never informed of any of the process what guidelines needed to be meet, the most information we received was during our Commission Hearing?

In Closing, as I stated at the podium during our hearing, this project started as my wife and I trying to give Madison a dry place to host her early grad party per her choice so that all of her guests would also have time to make all of her friends grad parties and not have it be another rushed event. My thoughts were solves two problems and not wasting Money on tent Rental. Our Family truly tries to embody the spirit of small town America, we really don't want to break our lot up into small cut up sub 6000' lots we want to have large backyards were kids and families can meet and play safely out of busy streets. We hope this long winded explanation might answer some questions and show that we honestly just didn't know and we believe the City of Yamhill didn't know either? We urge you to consider allowing us to leave the covered shed roof until one of the above scenarios becomes available and if not we will just continue to use the structure as we have for the past 6 years. Thank you for your consideration!

Respectfully Submitted,

John, Michelle, Madison, and Peyton Gregor

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**Yamhill County
GIS of Lot**