

City of Coos Bay

Public Works & Development Dept.

500 Central Ave., Coos Bay, Oregon 97420 • Phone (541) 269-8918
Fax (541) 269-8916

STAFF REPORT Variance

HEARING BODY: Planning Commission
DATE & TIME: Tuesday, June 11, 2013 at 6:00 p.m.
LOCATION: Coos Bay City Council Chambers, 500 Central Avenue, Coos Bay

APPLICANT: Mr. Jim Curtis, 62829 Koski Road, Coos Bay, OR 97420
OWNER: Mr. Jim Piper, 681 S. 11th Street, Coos Bay, OR 97420

LOCATION: 681 S. 11th Street
T. 25, R. 13, S. 34AA - Tax Lot 8400
Plat of South Marshfield, Block 18, Lot 7

SUBJECT: Variance 187-ZON13-014
Variance to the side yard setback, and to the rear yard setback, in the
"Single-family and Duplex Residential (R-2)" zoning district

REQUEST SUMMARY:

The applicant is requesting a four-foot variance to the side yard setback and a two-foot variance to the rear yard setback in order to site a detached carport for the existing single-family dwelling at 681 S. 11 Street. The rear of the property abuts a 10-foot-wide alley. Access to the new carport is from S. 11th Street.

Coos Bay Municipal Code (CBMC) 17.150.010 requires a structure to be setback five feet from an interior side yard and rear property line where there is no vehicular access to the site.

DECISION CRITERIA, FINDINGS & CONCLUSIONS

The following is a list of the decision criteria applicable to the request. According to Chapter 17.350 of the City of Coos Bay Municipal Code (CBMC) a Variance request must be supported by **at least two** of the three decision criteria. Each of the criteria is followed by findings or justification statements that may be adopted by the Planning Commission to support their conclusions. Although each of the findings or justification statements specifically apply to at least one of the decision criteria, any of the statements may be used to support the Commission's final decision.

Based on their conclusions, the Commission must approve, approve with conditions, or deny the application. Conditions may be used by the Commission in order to address concerns about how the applicant will meet the criteria applicable to the request.

DECISION CRITERIA #1: There are physical, exceptional, extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the same district.

STATEMENTS OF FACT AND FINDINGS:

- 1a.** The 4,750 square foot Single-family and Duplex Residential (R-2) zoned subject property contains a single-family dwelling, built in 1912, and, until recently, a small shed/shop, approximately 154 square feet in size, where the new detached carport (314 square feet in size) is located. A narrow, paved driveway is located on the south side of the dwelling and extends from the street to the length of the house.
- 1b.** An existing retaining wall on the west side of the subject property separates the homesite from the abutting alley. Map B-1 shows the change in topography from the subject property and the alley. Maps B-2 and B-3 show the existing retaining wall.
- 1c.** Map B-4 shows the current setbacks for the existing dwelling and the shed/shop that was recently demolished. The map shows there is approximately 8 feet between the "bump-out" on the south side of the dwelling and the property line. In addition to being narrow for a vehicle, the applicant has stated it is impossible to open a car door at this point. The occupants often use on-street parking. Map B-5 shows the narrowness of the driveway. The new "L"-shaped carport is centered on the existing driveway and located on the site of the shed/shop.
- 1d.** Map B-1 and Map B-7, show the topography of the alley on the west side of the subject property. The photo indicates the dead end alley is used by residents on the north portion of the block where the alley is close to the same elevation as the homesites.
- 1e.** The applicant's submitted information and site plan, Attachment A, indicates the carport to have an "L" shape which may allow a little more maneuverability for a vehicle. See Map B-6.

CONCLUSION: The dwelling was built before land use setbacks/regulations were in place. The width of the driveway was probably adequate for vehicles in 1912. The portion of the alley adjacent to the subject property is not accessible due to topography. The review criterion has been adequately addressed and approval of the variance request can be supported.

DECISION CRITERIA #2: Strict application of the provisions of the ordinance will constitute an unnecessary hardship or practical difficulty provided that the hardship or difficulty was not created by the applicant or an owner of the property.

STATEMENTS OF FACT AND FINDINGS:

- 2a. In order to meet the 5-foot side setback the carport would not be centered on the existing driveway. In 1912 there was probably little attention paid to the width of the access alongside of the dwelling for a future garage or carport. Likewise, the depth of the carport requires the structure to be located within the setback from the rear property line in order to have enough depth for a vehicle.
- 2b. A carport located on any other part of the driveway would prove difficult for opening vehicle doors because of the width available. Even the required five-foot setback for the structure would likely be inadequate for getting in and out of a vehicle.
- 2c. Maps B-1 and B-5 show the slope of the driveway as it approaches the street which prevents a carport being built in this location.

CONCLUSION: It is necessary to use the side and rear setback areas in order to make the carport usable for today's vehicles because of the location of the existing dwelling and driveway. The review criterion has been adequately addressed and approval of the variance request can be supported.

DECISION CRITERIA #3: The variance will not negatively affect abutting property or improvement in the district, nor create a safety hazard.

STATEMENTS OF FACT AND FINDINGS:

- 3a. The area to the north, south, east and west of the R-2 zoned subject property is also zoned R-2 and is highly developed with single-family dwellings. Southeast of the subject property is QP-3 (Public Educational Facilities) zoned property owned by School District 9 and occupied by the high school, outbuildings, and the track and ball fields.
- 3b. The applicant has provided a letter from the abutting neighbor to the south, Mr. Steve Metz. Mr. Metz has no problem with the location of the carport. Mr. Metz's letter is included in Attachment A.
- 3c. The residents will likely use the carport and back down the driveway as they do now, or, park on the street. It does not appear that any vision clearance concerns have been created by the carport.
- 3d. The existing alley right of way abutting the west side of the subject property will likely not be impacted by the carport structure. This portion of the alley is undeveloped and unused. A change in elevation between the subject property and the alley and an existing retaining wall along the west side of the property eliminates the option of accessing the alley for the subject property. The elevation change is also true for the property to the south, 695 S. 11th Street.

- 3e. Mailed notice was sent to the affected property owners. No letters in opposition have been received.

CONCLUSION: Variances to the south and west property lines will not negatively affect abutting property or improvement in the district, nor create a safety hazard. The review criterion has been adequately addressed and approval of the proposal can be supported.

STAFF RECOMMENDATION

Staff prepared the preceding report based on the applicant's submittal and information that is available in City Hall. These findings may be used by the Commission to justify their final decision; however, a staff recommendation is not binding on the Commission.

Staff finds there are sufficient findings upon which an approval can be based; therefore, staff is recommending the following action provided testimony during the public hearing does not render these conclusions unjustified.

RECOMMENDED FINAL DECISION

Based on the findings, conclusions and applicant's submittal, attached hereto and incorporated herein by reference as Attachment A, approve Variance application #187-ZON13-014 allowing a four-foot variance to the south side yard setback and a two-foot variance to the rear yard setback in order to site a detached carport at 681 S. 11th Street.

Sincerely,
CITY OF COOS BAY



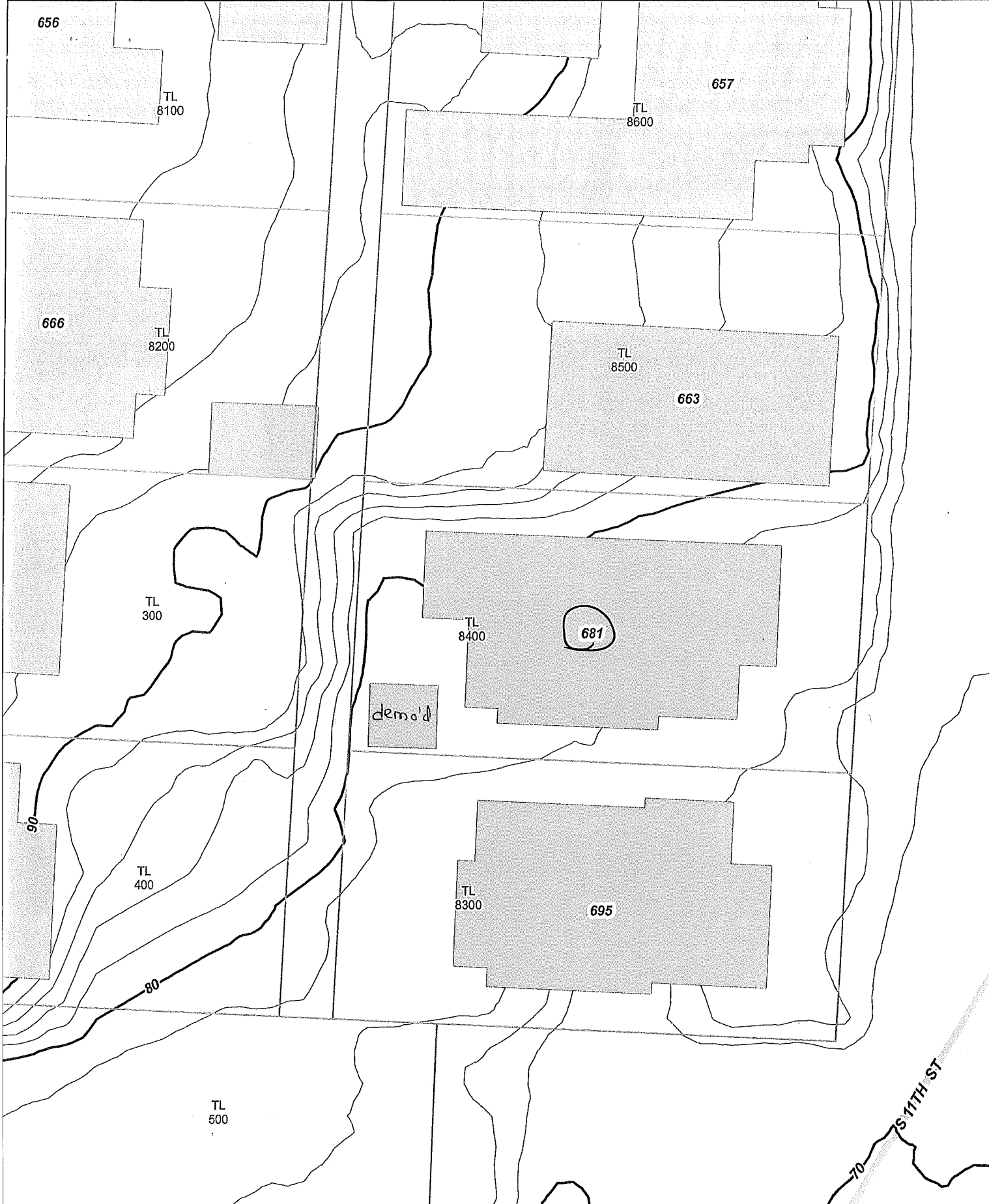
Laura Barron
Planning Administrator

Date: June 4, 1013

Attachments: A - Application with submitted information
B - Pictures/maps

c: Applicant
Owner
Steve Metz
Dave Perry, DLCD

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Date: 5/14/2013

B-1

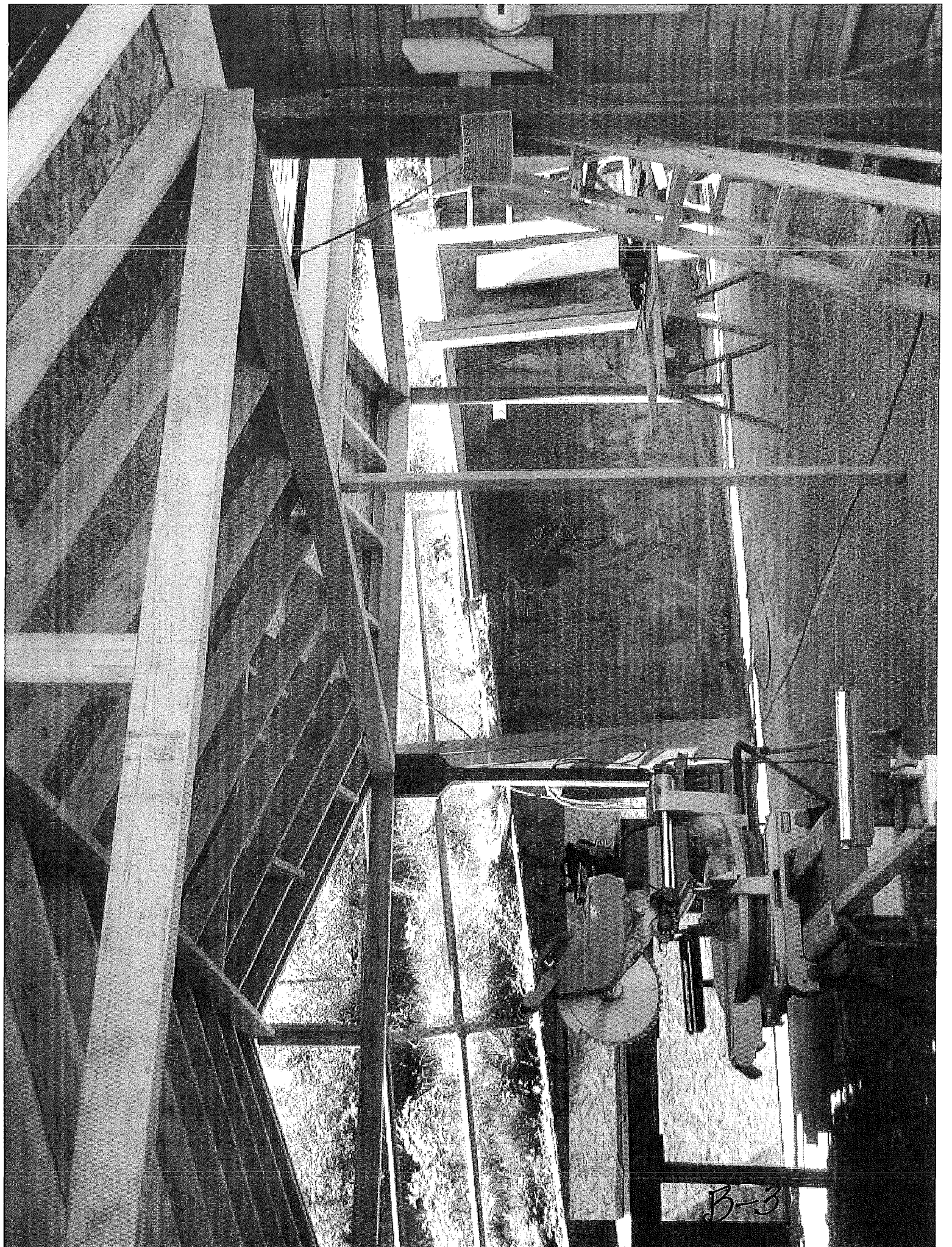


1 inch = 23 feet



Z
↑

B 2



B-3



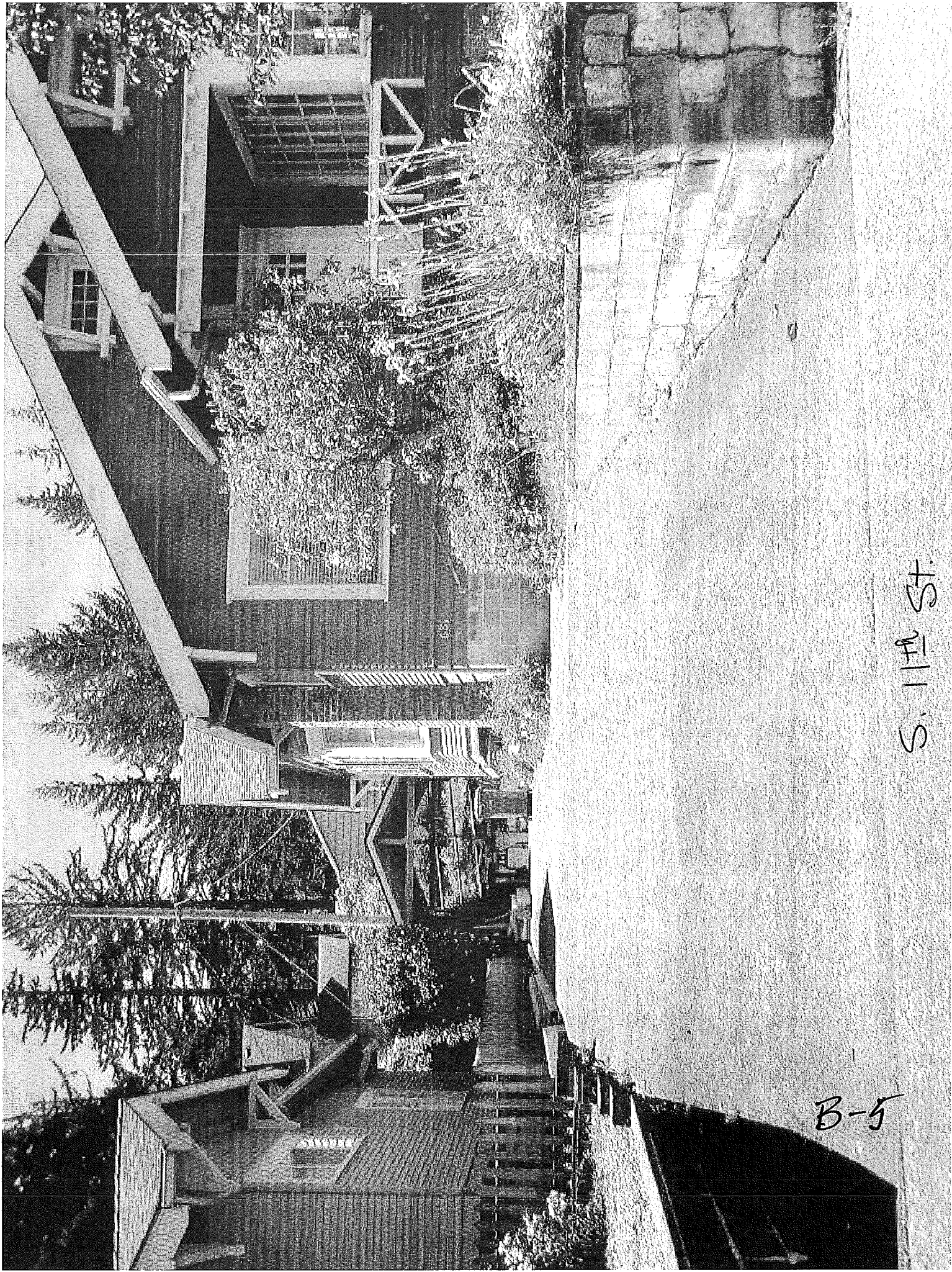
681 S. 11th Street

B-4



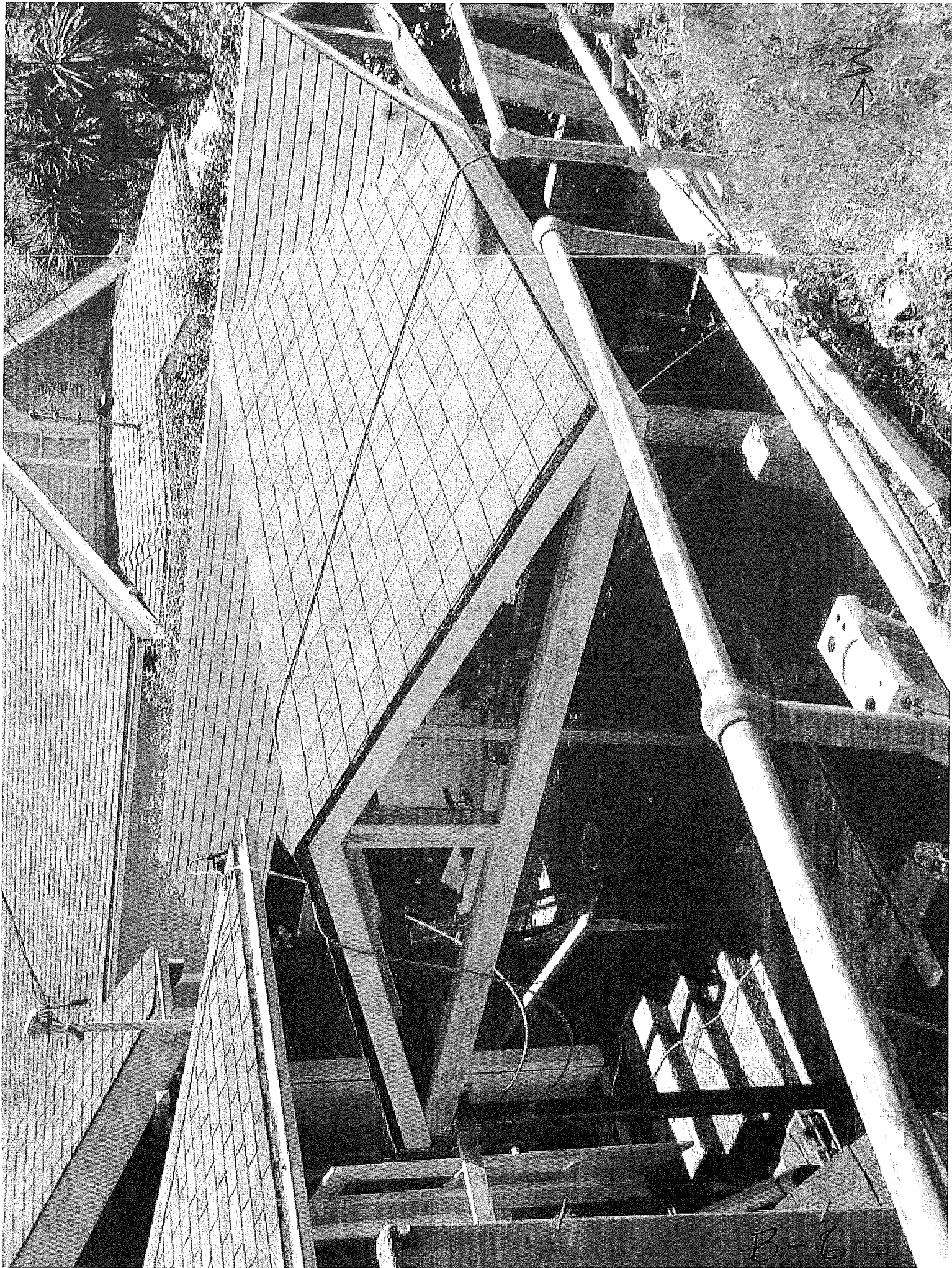
Date: 5/14/2013

1 inch = 25 feet



S. Hill St.

B-5



3

B-6



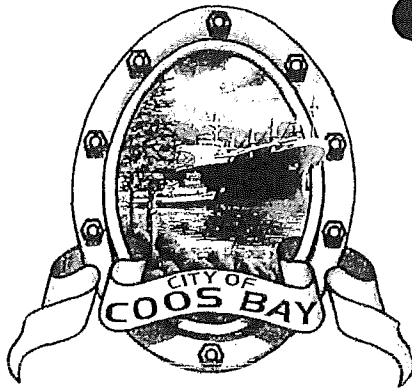
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Date: 5/14/2013

B-7



1 inch = 117 feet



City of Coos Bay

Public Works and Development

500 Central Avenue, Coos Bay, Oregon 97420
Phone 541-269-8918 Fax 541-269-8916

VARIANCE APPLICATION

In accordance with Coos Bay Municipal Code, Chapter 17.350 a variance from property development standards may be granted subject to quasi-judicial review by the Planning Commission in order to encourage sound development, permit efficient use of the land, and permit reasonable flexibility in ordinance requirements.

A variance is not intended to avoid an inconvenience, increase profitability, correct a self-created hardship, or allow the use of property for a purpose not authorized within the zoning district.

SUBJECT PROPERTY

Street Address: 681 S 11TH, Coos Bay, OR 97420

Township 25 Range 13 Section 34 AA Tax lot # 8400

Lot(s) 7 Block: 18 Addition: SOUTH MARSHFIELD IN CITY OF COOS BAY, COOS COUNTY ORE.

APPLICANT / OWNER

Name of Applicant: JIM CURTIS

Address: 62829 KOSKI RD, COOS BAY Telephone: 541-290-2248

Name of Owner: JIM PIPER

Address: 681 S 11TH, Coos Bay Telephone: 541-294-8756

Please answer the following questions as completely as possible; use additional paper if necessary. The approval of this permit must be based on specific facts; therefore, yes/no answers are not sufficient. City personnel will assist you in answering any question.

A variance is requested from which requirement?

SEE ATTACHED PAGE FOR REQUEST AND MISSION STATEMENT.

Required findings:

- A. What physical, exceptional, extraordinary circumstances or conditions apply to your property that does not apply generally to other property in the same zoning district.

TIGHT QUARTERS, NARROW DRIVEWAY, STEEP SLOPE ON DRIVEWAY.

- B. How would a strict application of the ordinance provisions constitute an unnecessary hardship or practical difficulty which is not self-created?

NOW WE ARE FORCED WITH STREET SIDE PARKING AND HAVING ELDERLY WALK UP A STEEP DRIVEWAY.

- C. Describe zoning and use of abutting properties in detail.

- D. Will granting the variance have a negative affect on abutting properties? (explain).

ABSOLUTELY NOT, AND WE HAVE ENCLOSED A LETTER FROM THE OWNER OF THE ABUTTING PROPERTY; FROM STEVE METZ.

- E. Will granting the variance create a safety hazard? (explain).

NO, JUST THE OPPOSITE. BY GRANTING THE VARIANCE THIS WOULD ALLOW A VEHICLE ~~TO~~ TO DRIVE TO THE BACK OF THE PROPERTY WHERE THE EXISTING DRIVEWAY FLATTENS OUT WHERE THERE IS MORE ROOM FOR ENTERING AND EXITING THE VEHICLE.

ADDITIONAL REQUIREMENTS:

- A. Attach a plot plan drawn to scale showing slopes, existing structures, proposed structures, yards, parking, landscaping, utilities, location of signs and outside lighting.
- B. Attach (a) a certified list of names and addresses of all owners of property within 250-feet of the exterior boundaries of the subject property according to the latest adopted County tax roles and (b) an assessor's map showing all lots and parcels of land within that area.
- C. Provide evidence that you are the owner or purchaser of the property or have the written permission of such owner to make application for a conditional use permit.
SEE ATTACHED PERMISSION SHEET FROM OWNER.

The above statements are true to the best of my belief and knowledge. As applicant, I understand that the Planning Commission requests the attendance of myself, or my representative at the meeting(s) where this request is scheduled for consideration.

Jim Cuth
Signature of Applicant or Authorized Agent

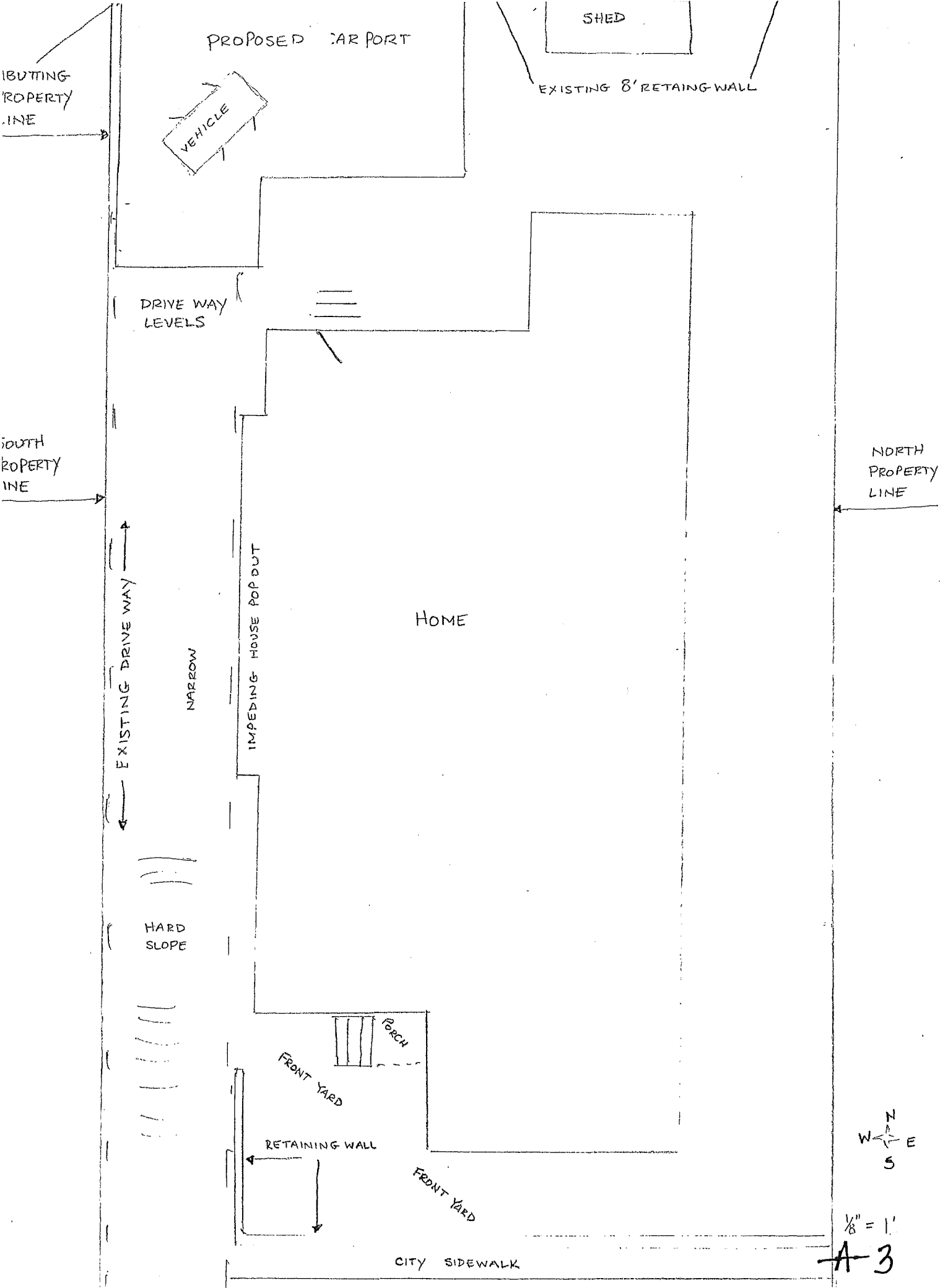
5-10-13
Date

Filing Fee: \$375

Date paid:

Revised 2/09 DE

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$\frac{1}{8}'' = 1'$

A-3

A variance is requested from the south/west corner of the property. Abutting Steve Metz 695 S 11th property to the south and a dead end alley to the west. We have obtained a signed letter of permission for a variance to the southern abutting by Steve Metz. To the west there is in place an existing 8 foot retaining wall that separates the property from the alley. We have no intention to in fringe or breach the wall.

Our mission is to avoid an unnecessary hardship of using street side parking and forcing an elderly couple to walk up a steep driveway to the home. By utilizing the existing driveway to reach the south/west corner of the property where the driveway levels out and widens we propose carport. This will avoid two more practical difficulties, which of course would be rain shelter and vehicle door accessibility.

We are requesting a full variance to the south over a distance of 18 feet from the south/west corner, and a full variance to the west over a distance of 24ft from the south/west corner.

To Whom it may concern:

Re: Variance to setbacks of address 681 of S. 11th st.

I Steve Metz give permission to Jim and Sue Piper to apply for a variance to the setbacks on S 11th street; between the Addresses of 681 and 695. The conditional use permit will allow for a carport centered on the existing driveway. A variance to existing setbacks will create practicality, ease of hardship and safety concerns for the new home owners by not having to park street side or walk up a steep wet driveway at their age.

Thank you for hearing our plea

Steve Metz 695 S. 11th st

(541) 267-4293

5/9/13

A-5