



# 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:** February 12, 2013 at 6:00 p.m.

**LOCATION:** Coos Bay Council Chambers, 500 Central Avenue, Coos Bay

**APPLICANT:** Gary Goodson, 1215 North 7<sup>th</sup> Court, Coos Bay, OR 97420

**LOCATION:** **1215 N 7<sup>th</sup> Court, Coos Bay, OR 97420**  
Lot 1, Block 39, Nasburg's Addition to Marshfield  
T. 25, R. 13, S. 26BC - Tax Lot 800  
Located on the NW corner of North 7<sup>th</sup> Court and Greenwood Avenue

**SUBJECT:** **Variance #187-ZON13-00003**  
Variance requests to the setback from street frontage; and to the street frontage setback with vehicular access in the Multiple Residential (R-3) zoning district.

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### REQUEST SUMMARY:

The applicant is requesting two variances. The first request is for a 5-foot variance to the 10-foot setback requirement to construct an 11-foot by 14-foot roof over an existing deck on the south side of the single-family dwelling abutting Greenwood Avenue. Approval of the variance would result in a 5-foot setback from Greenwood Avenue. The second request is for a 9-foot variance to the 10-foot setback requirement to construct a 15-foot by 20-foot carport with access that is perpendicular to the Greenwood Avenue right of way. Approval of the variance would result in a one-foot setback from the Greenwood Avenue right of way.

### 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.

**VARIANCE REQUEST #1** A 5-foot variance to the 10-foot setback requirement to construct a 11-foot wide cover over an existing deck on the south side of the existing single-family dwelling abutting Greenwood Avenue. Approval of the variance would result in a 5-foot setback from Greenwood Avenue.

**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 existing deck is legally located approximately six-feet from the south property line. The applicant's submitted information indicates the possible location of the 11-foot wide by 14-foot long roof is limited due to the size (4,200 square feet) and topography of the subject property (*see Attachment C*) and the location of the main entrance on the south side of the dwelling.
- 1b. The dwelling is approximately 16-feet from the south property line (facing Greenwood Avenue). There is approximately 10-foot between the property line and the beginning of the 12-foot wide gravel roadway of Greenwood Avenue.

**CONCLUSION:** There are physical conditions (size and topography) applicable to the property that does not generally apply to property in the same district. 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. The size of the lot and topography of the lot and the location of the existing dwelling (*see Attachment C*) creates difficulty in regards to meeting the required setbacks on one of the two street frontages. The front of the dwelling/main entrance into the dwelling faces Greenwood Avenue. The proposal will provide a cover over an existing deck for a safe and dry entrance to the dwelling.

**CONCLUSION:** The difficulty associated with the location of the existing structure is directly related to topography and limited development area on the subject property. 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 subject property which is 50-foot by 84-foot (4,200 square feet) is located in the Multiple-Residential (R-3) zoning district. The property contains a one-story single-family dwelling with a daylight basement and a uncovered, grade-level decks on the south and east side of the dwelling. Each floor is approximately 26-feet by 32-feet (832 square feet).

- 3b. The property immediately north, west and south of the subject property is zoned Multiple-Residential (R-3) and is developed with single-family dwellings.

Approximately one block north of the subject property the zone changes to Industrial-Commercial (I-C). The area is developed with single-family and multiple-family residential units, a warehouse and the Red Lion.

The property east and southeast of the subject property is zoned Single-Family and Duplex Residential (R-2) and is developed with single-family dwellings (See topography map at Attachment C).

- 3c. The Multiple-Residential (R-3) zone allows single-family dwellings a maximum of 44 percent lot coverage. Approval of the requested variance and construction of the proposed 11-foot wide by 14-foot long roof (154 square feet) would result in lot coverage of approximately 24 percent.
- 3d. The required setbacks in the Multiple-Residential (R-3) zone are regulated by the "General Yard Requirements of Chapter 17.150.

| <b>Property Line</b>            | <b>Requirements</b>                                      |
|---------------------------------|--|
| <i>Interior side</i>            | <i>5 feet</i>  |
| <i>Rear or alley frontage</i>   | <i>*5 feet</i>   |
| <i>Street frontage</i>          | <i>10 feet</i>   |
| <i>Street or alley frontage</i> | <i>10 feet to the habitable portion of the building*</i> |
| <i>with vehicular access</i>    | <i>20 feet to the garage or carport**</i>                |

*\* In no case shall the vision clearance area be obstructed.*

*\*\* This part of the setback may be 10 feet from a street or five feet from an alley if the entrance to the garage or carport is perpendicular to the street frontage and all of the required parking can be accommodated on private property. (See Figure 17.150.010 for the suggested entrance turning radius for the garage or carport approach.)*

- 3e. The existing uncovered deck (which is approximately six-feet from the south property line) is at grade; therefore, it is not required to meet the 10-foot setback requirement (from street frontage). Per CBMC Chapter 17.155.010. A covered deck must meet the ten-foot setback.

***Permitted projections.*** Architectural features above the first story which project horizontally into required side and rear yards, and any roof overhang, may only extend to within three feet of the property line. All other architectural features may project into required front, side and rear yards provided they conform to the International Building Code, and they do not interfere with vision clearance requirements. [Ord. 93 § 3.6, 1987].

***"Architectural feature"*** means these features shall include, but not be limited to, a cornice, eave, belt course, sill, chimney, uncovered/unenclosed porch, platform landing, deck, or stairway.

- 3f. Approval of the variance would result in the proposed covered deck being located five-feet from the south property line, abutting the Greenwood Avenue right of way which is platted to be 60-feet in width.
- 3g. City staff conducted a site inspection on January 28, 2013 to review the future development potential of Greenwood Avenue and North 7<sup>th</sup> Court (abutting subject property) as well as verify the proposed development would not create a vision obstruction for vehicles or pedestrians.

Aerial photography suggests that the 12-foot wide gravel road is just north of the center of the Greenwood right of way. There are approximately ten-feet of undeveloped right of way between the property line and roadway.

Greenwood Avenue and North 7<sup>th</sup> Court are platted to be 60-feet in width and are currently graveled to approximately 12-feet in width. Further development of Greenwood Avenue and North 7<sup>th</sup> Court (surrounding the subject property) is limited do to topography. North 7<sup>th</sup> Court abutting the east property line of the subject property is at the top of a hill and it provides access to one single-family dwelling.

The photos (2) below show the house and gravel access, which indicate the location of the proposed cover over the existing deck, would not create a vision clearance issues (see Attachment A-Elevation drawing).



*View of Greenwood Avenue  
West side of subject property*



*View of Greenwood Avenue  
East side of subject property*

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

**CONCLUSION:** The proposed development will not create a vision obstruction for pedestrians or vehicles. The development potential of Greenwood Avenue and North 7<sup>th</sup> Court is limited due to topography. A five-foot setback along the south property line will not negatively affect abutting property, nor create a safety hazard. The review criterion has been adequately addressed and approval of the proposed five-foot variance 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 request #1 of application #187-ZON13-003 allowing a five-foot variance to the ten-foot setback requirement from street frontage along the south property line abutting Greenwood Avenue right of way for the proposed covered deck.

**VARIANCE REQUEST #2** A 9-foot variance to the 10-foot setback requirement to construct a carport with access that is perpendicular to the Greenwood Avenue right of way. Approval of the variance would result in a one-foot setback from the Greenwood Avenue right of way.

**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 dwelling is approximately 16-feet from the south property line (facing Greenwood Avenue). There is approximately 10-foot between the property line and the beginning of the 12-foot wide gravel roadway of Greenwood Avenue.
- 1b. The main entrance to the dwelling faces Greenwood Avenue via an existing grade level deck that extends from the dwelling to approximately six-feet from the south property line. The applicant's submitted information indicates the possible location of the carport with direct access to the dwelling is limited due to the size (50-foot x 84-foot) and topography of the subject property (*see Attachment C*) and the location of the main entrance

**CONCLUSION:** There are physical conditions (size and topography) applicable to the property that does not generally apply to property in the same district. 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. The size of the lot and topography of the lot and the location of the existing dwelling (*see Attachment C*) creates difficulty in regards to meeting the required setbacks on one of the two street frontages. The front of the dwelling/main entrance into the dwelling faces Greenwood Avenue. The proposal will provide a covered parking area over a safe and dry entrance to the dwelling.

**CONCLUSION:** The difficulty associated with the location of the existing structure is directly related to topography and limited development area on the 4,200 square foot subject property. 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 subject property which is 50-foot by 84-foot (4,200 square feet) is located in the Multiple-Residential (R-3) zoning district. The property contains a one-story single-family dwelling with a daylight basement and an uncovered, grade-level deck on the south and east side of the dwelling. Each floor is approximately 26-feet by 32-feet (832 square feet).

3b. The property immediately north, west and south of the subject property is zoned R-3 and is developed with single-family dwellings.

Approximately one block north of the subject property the zone changes to Industrial-Commercial (I-C). The area is developed with single-family and multiple-family residential units, a warehouse and the Red Lion.

The property east and southeast of the subject property is zoned Single-Family and Duplex Residential (R-2) and is developed with single-family dwellings (See topography map at Attachment C).

3c. The multiple-Residential (R-3) zone allows single-family dwellings a maximum of 44 percent lot coverage. Approval of the requested variance and construction of the proposed 15-foot wide by 20-foot long carport (300 square feet) would result in lot coverage of approximately 27 percent. The lot coverage would increase to 30-percent if Variance request #1 is approved.

3d. The required setbacks in the Multiple-Residential (R-3) zone are regulated by the "General Yard Requirements of Chapter 17.150.

| <i>Property Line</i>            | <i>Requirements</i>                                      |
|---------------------------------|--|
| <i>Interior side</i>            | <i>5 feet</i>  |
| <i>Rear or alley frontage</i>   | <i>*5 feet</i>   |
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| <i>Street or alley frontage</i> | <i>10 feet to the habitable portion of the building*</i> |
| <i>with vehicular access</i>    | <i>20 feet to the garage or carport**</i>                |

*\* In no case shall the vision clearance area be obstructed.*

*\*\* This part of the setback may be 10 feet from a street or five feet from an alley if the entrance to the garage or carport is perpendicular to the street frontage and all of the required parking can be accommodated on private property. (See Figure 17.150.010 for the suggested entrance turning radius for the garage or carport approach.)*

3e. Approval of the variance would result in the proposed carport being located one-foot from the south property line, abutting the Greenwood Avenue right of way, with an access that is perpendicular to Greenwood Avenue.



- 3f. City staff conducted a site inspection on January 28, 2013 to review the future development potential of Greenwood Avenue and North 7<sup>th</sup> Court (abutting subject property) as well as verify the proposed development would not create a vision obstruction for vehicles or pedestrians.

Aerial photography suggests that the 12-foot wide gravel road is just north of the center of the Greenwood right of way. There are approximately ten-feet of undeveloped right of way between the property line and roadway.

Greenwood Avenue and North 7<sup>th</sup> Court are platted to be 60-feet in width and are currently graveled to approximately 12-feet in width. Further development of Greenwood Avenue and North 7<sup>th</sup> Court (surrounding the subject property) is limited do to topography. North 7<sup>th</sup> Court abutting the east property line of the subject property is at the top of a hill and it provides access to one single-family dwelling.

The photos (2) below show the house and gravel access, which indicate the location of the proposed carport, would not create a vision clearance issues.



*View of Greenwood Avenue  
West side of subject property*



*View of Greenwood Avenue  
East side of subject property*

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

**CONCLUSION:** The proposed development will not create a vision obstruction for pedestrians or vehicles. The development potential of Greenwood Avenue and North 7<sup>th</sup> Court is limited due to topography. A one-foot setback along the south property line will not negatively affect abutting property, nor create a safety hazard. The review criterion has been adequately addressed and approval of the proposed five-foot variance 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.

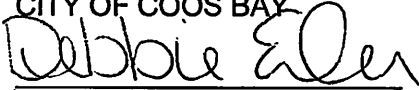
Staff finds there are sufficient findings upon which an approval can be based; therefore, staff is recommending the following action provided testimony during the public hearing does not render these conclusions unjustified.

**RECOMMENDED FINAL DECISION**

**Based on the findings, conclusions and applicant's submittal, attached hereto and incorporated herein by reference as Attachment "A", approve Variance request #2 of application #187-ZON13-003 allowing a nine-foot variance to the ten-foot setback requirement from street frontage along the south property line abutting Greenwood Avenue right of way for the proposed carport, with access that is perpendicular to Greenwood Avenue.**

Sincerely,

CITY OF COOS BAY



Debbie Erler, Planner

Date: February 5, 2013

Attachments: A - Application with submitted information including w/photos  
B - Overlay of area  
C - Topography map with zoning

c: Applicant/owner  
Dave Perry, DLCD

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Permit No. ZON20\_\_-00\_\_

## **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: 1215 N. 7<sup>th</sup> Court, Coos Bay, OR 97420

Township 25S Range 13 Section 26 Tax lot # 1600

Lot(s) 1 Block: 38 Addition: Nasburgs

#### **APPLICANT / OWNER**

Name of Applicant: Gary Goodson and Beverly Rice

Address: PO Box 1115, Coos Bay, OR 97420 Telephone: 541-267-4047

Name of Owner: Gary Goodson and Beverly Rice

Address: PO Box 1115, Coos Bay, OR 97420 Telephone: 541-267-4047

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?

The requirement which we are asking for a variance is "Setback from road right of way to build a carport and deck roof combination. We would like to build a carport and deck cover on the south side of our building. The carport entrance runs parallel with the adjacent road right of way and access to the carport is from within the property. The carport would be built within one foot of the south property line. The Deck cover will be built as an extension of the carport cover but will remain 5 feet setback from road right of way.

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.  
**We do not have covered parking. Our building is located on the lot in such a way that the carport should be located where we are planning, on the south side of the building. Construction of the carport will allow for a safe and dry location close to the access door. Our property is not on an improved roadway and with no street lights, this house feels remote. This close in parking will help in providing a more secure environment.**
- B. How would a strict application of the ordinance provisions constitute an unnecessary hardship or practical difficulty which is not self-created?  
**If we were not allowed to construct a covered parking area in this location, the alternative is to construct on the sloped parking area to the West of our home. While this is possible, it is not ideal. The alternate area is sloped and remote from the main doors into the house.**
- C. Describe zoning and use of abutting properties in detail.  
**Our property is in a primary residential use with only single family residences nearby. There is only one abutting residence and that residence does not have access to Greenwood Avenue. It uses 7<sup>th</sup> street as access.**
- D. Will granting the variance have a negative affect on abutting properties? (explain).  
**No. As was stated, our house is on an un-improved roadway (Greenwood Avenue) which is a driveway totally maintained by the owners of the two properties on the roadway. There are only two houses on that roadway. The other house is actually at the end of the driveway and has a large parking area which is used for cars to turn around.**
- D. Will granting the variance create a safety hazard? (explain).  
**No. The carport and deck cover will enhance the safety, security, and functionality of this home. We will be able to park our car, step up onto the deck and enter our home in a lighted and dry condition.**
- E. One final comment.  
**We are owners of the only two houses on this unimproved right of way called Greenwood Avenue. We have owned the house at the dead end of this driveway since 1980. We have been the only source of road maintenance on this right of way for those 30 years.**

**We purchased the deteriorated home at 1215 N 7<sup>th</sup> court in 2007. Since that time we have invested lots of time and effort in making this home desirable. One of the issues that residents have in living here is the lack of covered parking. Additionally, the deck can be slippery when wet and due to the large number of trees, can have debris scattered around. This carport and deck-cover is planned to be "this year's improvement". It will help make this remote location safe, dry, well lighted and functional.**

**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.

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.

*Gary L. Jordan*  
Signature of Applicant or Authorized Agent

1-23-13  
Date

Filing Fee: \$375

Date paid:

Revised 2/09 DE

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# Variance Request for Carport and Deck Cover

Address: 1215 N. 7th Court, Coos Bay, OR 97420

Applicants: Gary Goodson and Beverly Rice

PO Box 1115, Coos Bay, Oregon

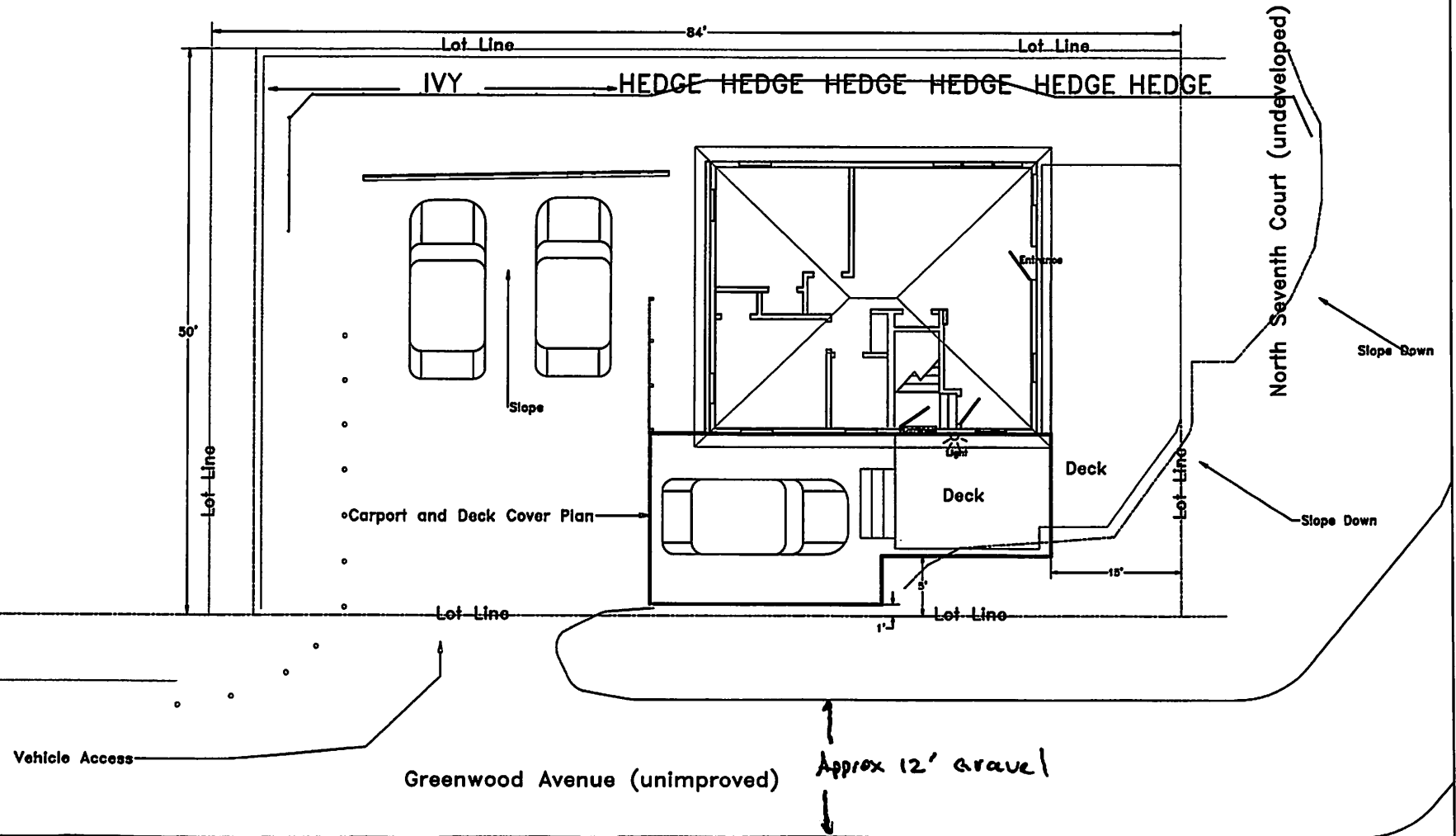
541-267-4047 Home 541-912-4124 Cell

email gary.goodson@charter.net

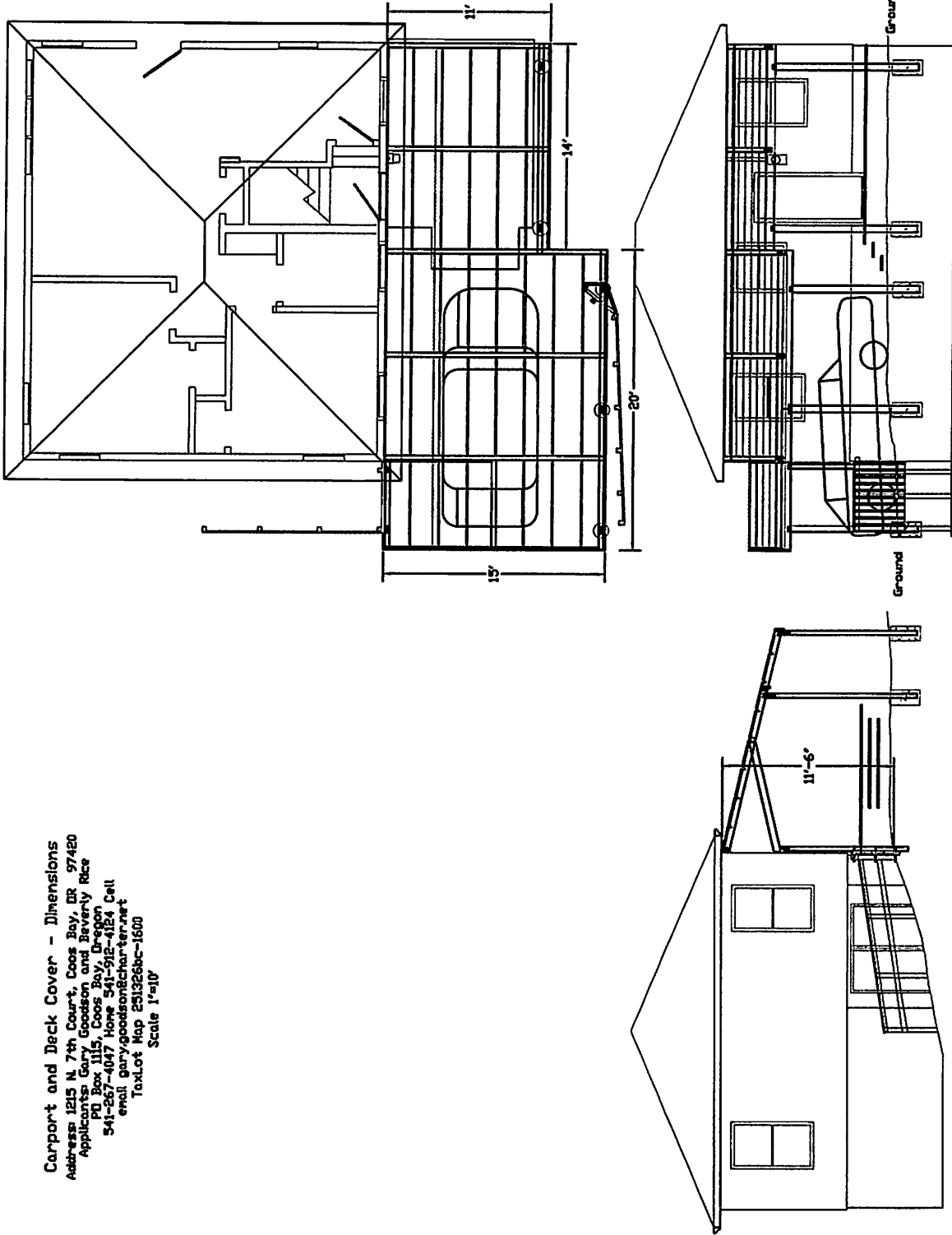
TaxLot Map 251326bc-1600

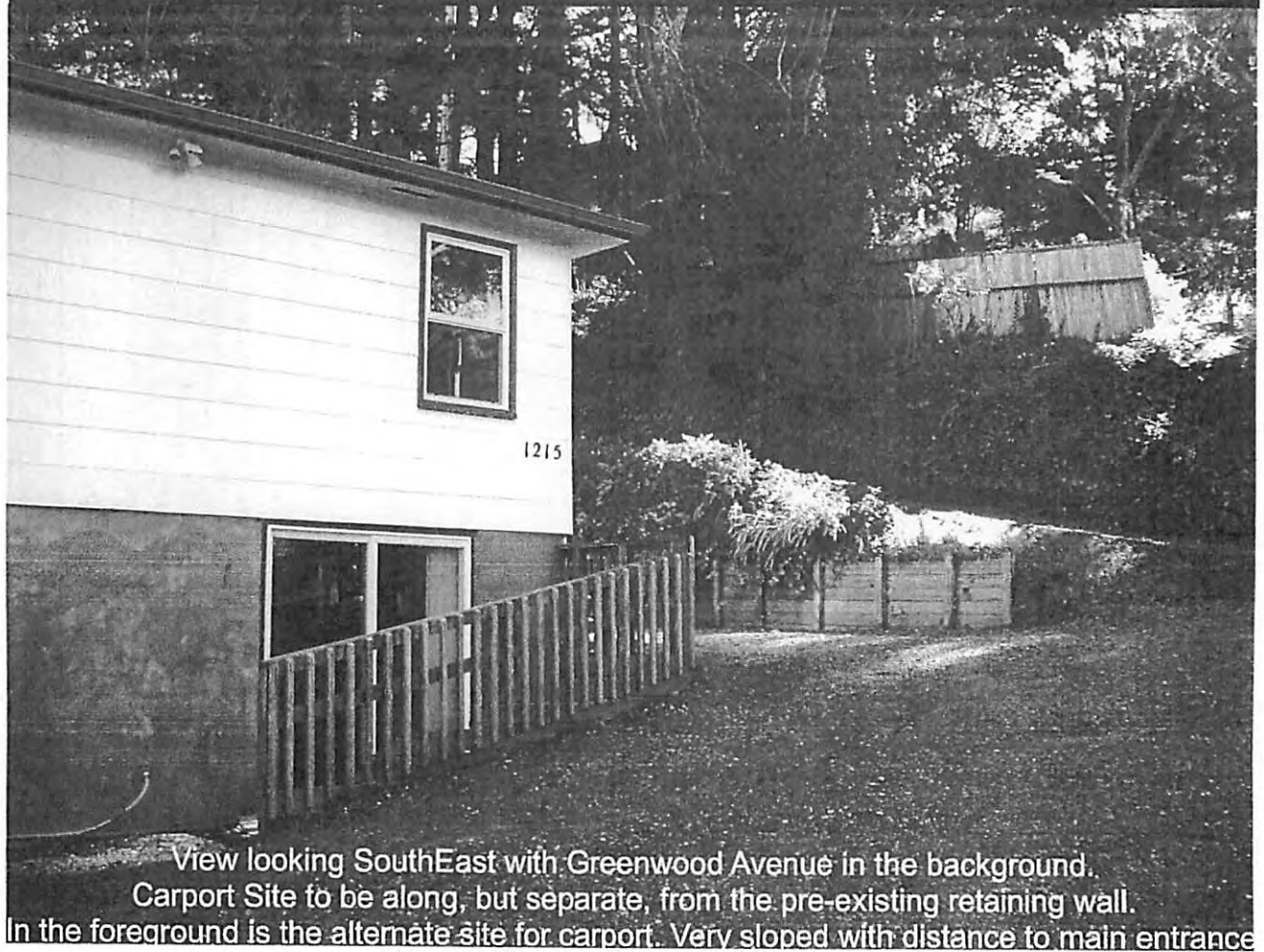
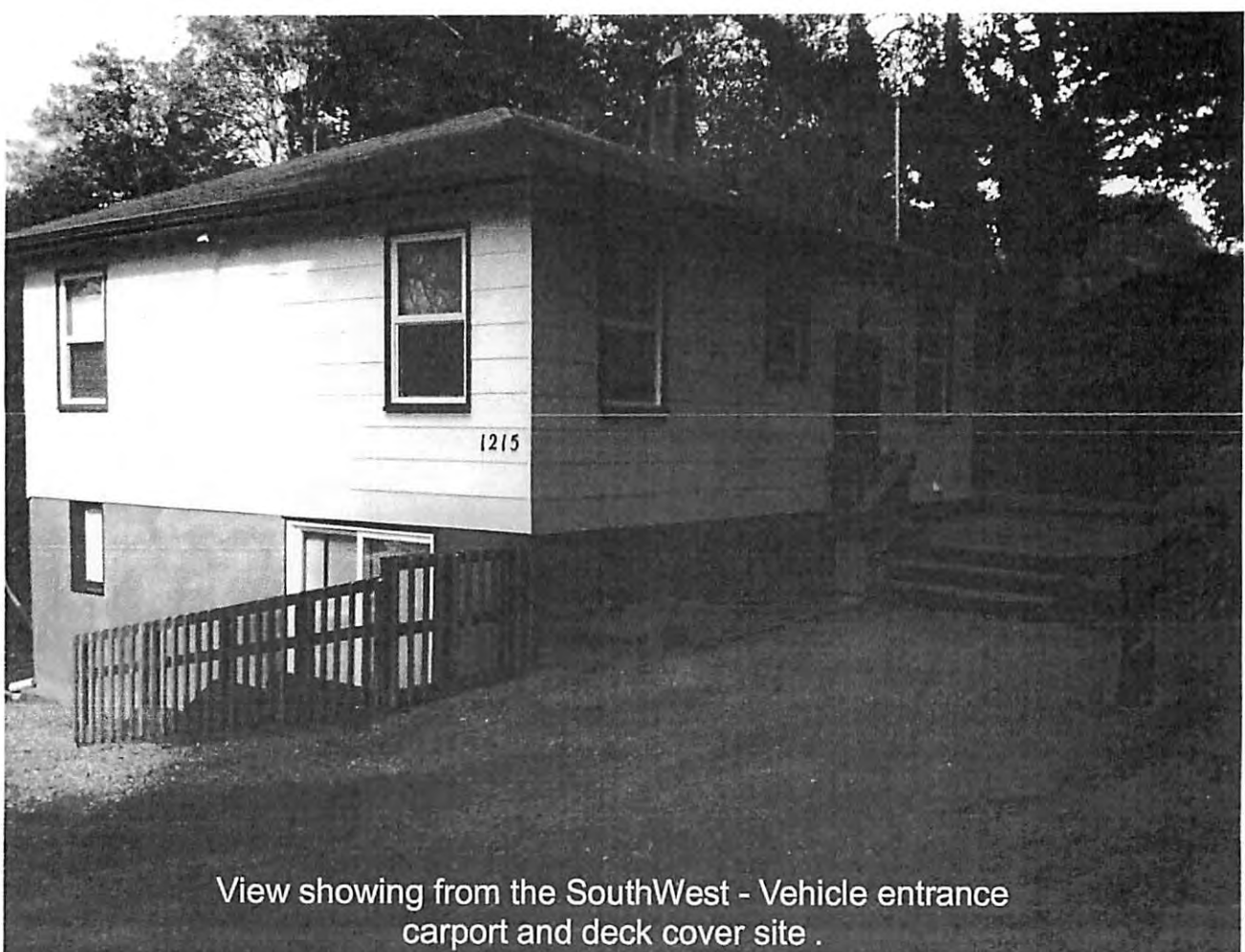
January 20, 2013

Scale 1=160



Carport and Deck Cover - Dimensions  
 Address 1215 N. 7th Court, Coos Bay, OR 97420  
 Applicants Gary Goodson and Beverly Rice  
 PO Box 1115, Coos Bay, Oregon  
 541-267-4047 Home 541-912-4124 Cell  
 email gary.goodson@charter.net  
 TaxLot Map 2513266c-1600  
 Scale 1"=10'









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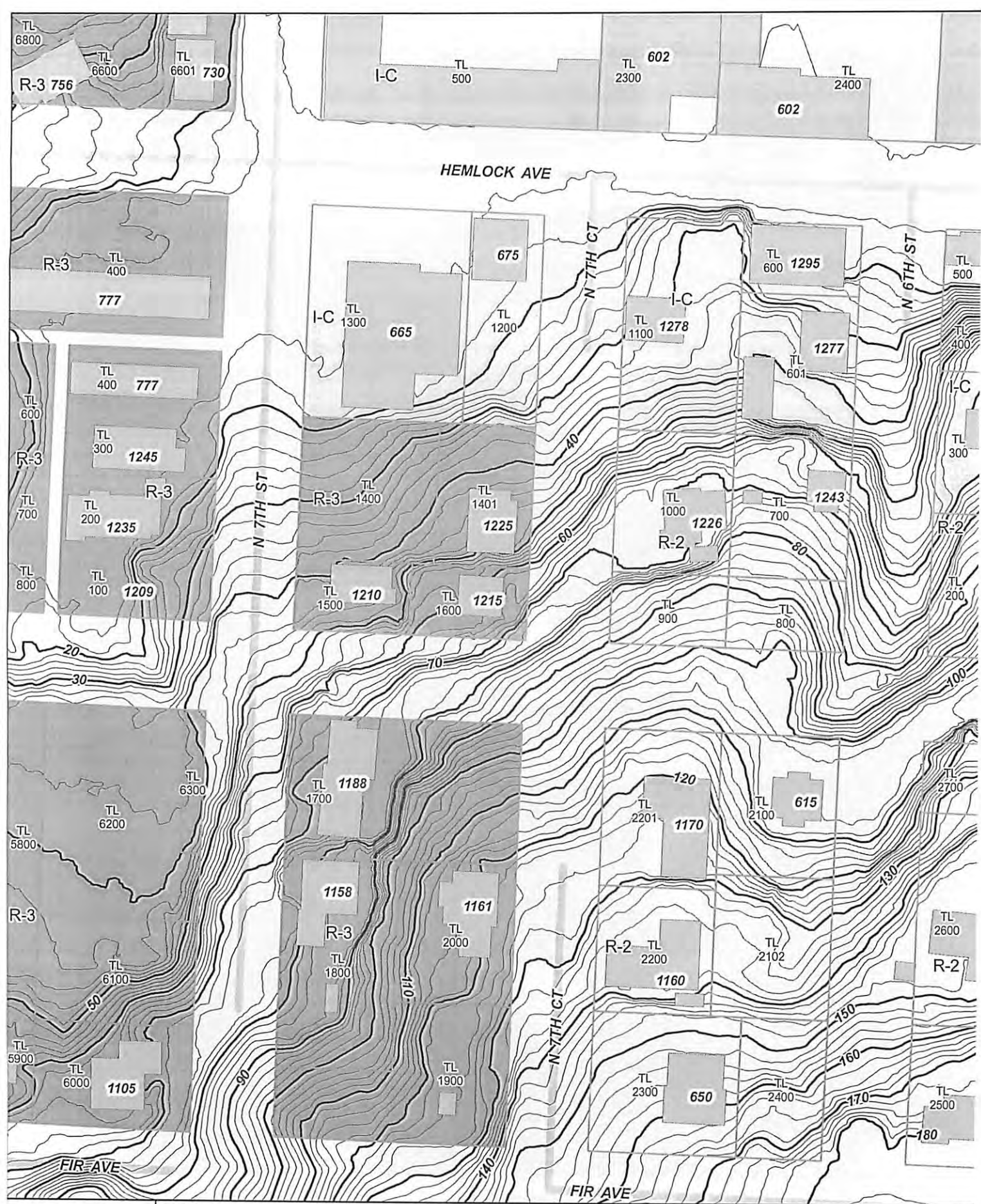
Date: 1/23/2013



1 inch = 82 feet

B





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Date: 1/25/2013



1 inch = 88 feet

C