

STAFF REPORT

HEARING BODY: Planning Commission
DATE & TIME: Tuesday, December 8, 2015 at 6:00 p.m.
LOCATION: Coos Bay Council Chambers, 500 Central Ave, Coos Bay

APPLICANT/OWNER: Boyd-Hargens House, 490 Johnson Avenue, Coos Bay, OR 97420
Rick Cooper, 790 Fenwick, Coos Bay, OR (Representative)

SUBJECT PROPERTY: 460 Johnson Avenue, Coos Bay, Oregon 97420
T.25, R.13, S.35CB Tax Lot 3600

SUBJECT: **LAND USE APPLICATION – VARIANCE #187-ZON15-048**
Variance to the lot coverage allowance in the Single-Family and Duplex Residential (R-2) Zoning District.

I. APPLICANT'S REQUEST

The applicant is requesting approval of a variance to accommodate a 180 square-foot roof cover over a new handicapped ramp, to provide covered access on the north side of the dwelling. The current lot coverage allowance in the Single-Family and Duplex Residential (R-2) zoning district is 40 percent (as outlined in the Coos Bay Municipal Chapter 17.150). Development on the lot currently exceeds the lot coverage allowance. Approval of the variance would allow a total of 51-percent lot coverage on the property.

II. BACKGROUND

There are two structures on the subject property. The existing church (490 Johnson Avenue) was constructed in 1951 (*Christian & Missionary Alliance*) and the detached single-family dwelling (460 Johnson Avenue) was constructed as in 1953 (*Christian & Missionary Alliance Parsonage*).

The property was purchased by the current owner in March of 2008, at which time the church became home to the "Boyd-Hargen's Young Life Club House" which is a non-profit organization. The church is used for club meetings, including games, skits and teachings. The hours of operation are: Monday, Wednesday and Sundays. Hours of operation are 6 pm to 9pm. Average attendance is 50 occupants. The dwelling is a rental house and the rent helps support the Young Life Club House.

III. APPLICABLE REGULATIONS

Coos Bay Municipal Code Chapter CBMC 17.10 Definitions

“Building coverage” means the usable floor area under the horizontal projection of any roof or floor above, excluding eave overhang.

Coos Bay Municipal Code Chapter CBMC 17.150 Single-Family and Duplex Residential

CBMC 17.40.050 (2) “Building Coverage. Maximum lot coverage shall not exceed 40 percent of total lot area”.

Coos Bay Municipal Code Chapter CBMC 17.350 Variance

IV. STAFF RECOMMENDATION

Staff prepared the following report based on the applicant’s submittal, information available at City Hall and the City of Coos Bay Land Development Code (CBMC Title 17).

Staff finds there is sufficient evidence in the record upon which an approval can be based; therefore, staff is recommending approval of application #187-ZON2015-0048 as found on page 4 of this staff report.

V. DESIGN REVIEW GOALS AND STANDARDS / FINDINGS AND CONCLUSION

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, conditionally approve or deny the application. Conditions may be imposed by the Commission in order to address concerns about the compatibility of the proposed use.

DECISION CRITERION #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. According to the applicant, the property (460 Johnson) is located in the Single- family & Duplex Residential (R-2) zoning district. The existing church (490 Johnson) building was established in the year 1951 and a separate single-family dwelling was established in 1953. The surrounding area (within 300-feet) is fully developed and is primarily developed with Single-Family Dwelling and Duplexes. There are a couple smaller Multiple Residential Units in the vicinity.

- 1b. The historical use of the property as a church/religious assembly with a separate on-site living unit is exceptional for the surrounding area and has generated a more concentrated developed area on the property relative to strictly residential uses in the district. All other uses/structures in the area are residential.

CONCLUSION: Staff agrees that based on the findings there are conditions applicable to the property involved which do not apply generally to other property in the same district. This review criterion has been adequately addressed and approval of the variance request can be supported.

DECISION CRITERION #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. According to the applicant, strict application of the lot coverage provision will constitute an unnecessary hardship based on the needs of a current resident who is dependent on a wheelchair to have cover from the weather when coming or going from the house.

CONCLUSION: Staff concurs that strict application of the lot coverage limit will constitute practical difficulty for the applicant. This review criterion has been adequately addressed and approval of the variance request can be supported.

DECISION CRITERION #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. Building Permit #187-S15-185 was issued on November 4, 2015 for an uncovered ADA wheel chair ramp and interior alterations for access and maneuverability.

The City of Coos Bay, Building Official has reviewed the plans for the proposed roof structure over the ADA ramp and found them to comply with building code standards. If the variance request is approved the roof structure would be added, as a revision, to the issued permit

- 3b. Other than the lot coverage requirement, all other developments standards (yards and building height) have been met and the use/intensity of the property will not change.

Interior side yard setback required 6-feet / Proposed approx. 8-feet
No change to other setbacks.

Building height allowed 3 stories or 35-feet / Proposed 1 story (13-feet)

- 3c. Mailed notice was sent to the affected property owners and the City has not received any objections regarding the request for a variance to the lot coverage standards.

CONCLUSION: Staff concurs, based on the findings, that the proposed eleven percent (11%) variance to the lot coverage standard 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.

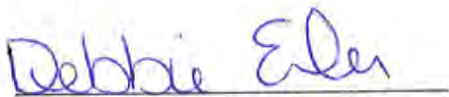
VI. RECOMMENDATION

Based on the adopted Findings and Conclusions, as supported by the applicant's submittal, attached hereto and incorporated herein by reference as Attachment "A" approve land use application #187-ZON2015-0048 allowing lot coverage of 51 percent as proposed.

EFFECTIVE DATE OF PERMIT APPROVAL:

Approval shall be withdrawn if the authorized construction or use is not commenced within one year or is not pursued diligently to completion; or, if authorized occupancy or use has been discontinued for over 120 consecutive days.

The effective date of the permit may be delayed if substantive conditions are attached to the approval. The Commission may grant an extension of time for a period not to exceed one year if circumstances beyond the control of the applicant cause delays.


Debbie Erler, Planner 1

DATE MAILED: December 1, 2015

cc: Applicant
Dave Perry, DLCD

ATTACHMENTS: A - Application, including site plan and construction plans
B - Subject property location map

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City of Coos Bay

Community Development · 500 Central Avenue · Coos Bay, Oregon 97420
Telephone 541.269.1181 · Fax 541.269.8916 · coosbay.org

LAND USE DEVELOPMENT REVIEW APPLICATION

For Office Use Only

STAFF CONTACT

PROJECT NO(S):

187-ZON15-048

Type of Review (Please check all that apply):

- | | | | | | |
|--|-------------|---|-------------|--|------------------|
| <input type="checkbox"/> Annexation | CBMC 17.385 | <input type="checkbox"/> Home Occupation | CBMC 17.260 | <input type="checkbox"/> Subdivision | CBMC 17.335 |
| <input type="checkbox"/> Appeal and Review | CBMC 17.305 | <input type="checkbox"/> Legislative/Text Amendment | CBMC 17.380 | <input type="checkbox"/> Temporary Use | Resolution 83-17 |
| <input type="checkbox"/> Architectural Design Review | CBMC 17.390 | <input type="checkbox"/> Lot Line Adjustment | CBMC 17.325 | <input type="checkbox"/> Vacation | CBMC 17.375 |
| <input type="checkbox"/> Conditional Use | CBMC 17.355 | <input type="checkbox"/> Partition | CBMC 17.330 | <input checked="" type="checkbox"/> Variance | CBMC 17.350 |
| <input type="checkbox"/> Cultural Resources | CBMC 17.365 | <input type="checkbox"/> Planned Unit Development | CBMC 17.270 | <input type="checkbox"/> Zone Change | CBMC 17.360 |
| <input type="checkbox"/> Estuarine Use/Activities | CBMC 17.205 | <input type="checkbox"/> Site Plan and Architectural Review | CBMC 17.345 | <input type="checkbox"/> Other | |

Pre-Application applications require a different application form available on the City website or at City Hall.

Site Location/Address:

460 Johnson Ave.
Coos Bay, OR 97420

Assessor's Map No./Tax Lot(s):

Zoning:

Total Land Area:

Detailed Description of Proposal:

Request a variance to the lot coverage in the Single-Family¹ Duplex Residential Zone to allow a roof cover over the recently approved ADA ramp to provide safe and comfortable access to the existing single-family dwelling. Also, to keep the elements of weather off the ^{ADA} ramp (rain, sleet, hail etc..)

Applicant/Owner Name:

Boyd-Hargens House

Phone: 541-290-6708

Address:

490 Johnson

Email: ToddTardie@hotmail.com

City State Zip:

Coos Bay, OR 97420

Applicant's Representative:

Rick Cooper

Phone: 541-404-5567

Address:

790 Fenwick

Email: rsbjcooperfamily@charter.net

City State Zip:

Coos Bay, OR 97420

1. Provide evidence that you are the owner or purchaser of the property or have the written permission of owner(s) to make an application for architectural design review. In either case, include a copy of the deed for the subject property.
2. 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 role and (b) an assessor's map showing all lots and parcels of land within that area.
3. Address the Decision Criteria or Goals/Standards outlined in the Coos Bay Municipal Code chapter(s) related to your request.
4. Additional information: Date construction is expected to begin; estimated completion date of the total project and of individual segments; and anticipated future development.
5. Ten (10) complete hard-copy sets (single sided) of application materials must be submitted with this application. One (1) complete set of digital application materials must also be submitted electronically or on CD in Word format. Additional copies may be required as directed by the Coos Bay Director of Community Development.

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Coos Bay Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

Applicant's signature

Date

Todd Tardie
Owner's signature (required)

11-9-15
Date

*Chapter 17.350
Variance*

17.350.040 Decision:

Decision Criteria (1): The property (760 Johnson) is located in the Single- family & Duplex Residential (R-2) zoning district. The existing church (490 Johnson) was developed in the year 1951 and a separate single-family dwelling was established in 1953. The surrounding area (within 300-feet) is fully developed and is primarily developed with Single-Family Dwelling and Duplexes. There are a couple smaller Multiple Residential Units in the vicinity of the addresses listed above.

Decision Criteria (2): Strict application of the lot coverage provision will constitute an unnecessary hardship for the occupant's child who was severely injured in a recent ATV accident and was flown to OHSU and was diagnosed with being a paraplegic and is now having to use a wheel chair to get around.

Decision Criteria (3): The City of Coos Bay Building Official has reviewed and approved the construction plans proposed improvement (roof covering) to be in compliance with the Oregon State Building Codes. A permit was recently issued by the City of Coos Bay for an *ADA wheel chair* compliant ramp and alterations in the dwelling for access and maneuverability. Other than the lot coverage, all other developments standards have been met.

I appreciate the planning commission taking the time and looking into our application for this variance.
Any questions about this application feel free to contact me.

Many Thanks,



Rick Cooper
Project Coordinator for the Kendra Project
(541) 404-5567

From: [Debbie Erler](#)
To: [Debbie Erler](#)
Subject: FW: Property Uses
Date: Tuesday, December 01, 2015 1:37:08 PM
Attachments: [The property uses are as follows.docx](#)

-----Original Message-----

From: Rick Cooper [<mailto:rsbjcooperfamily@charter.net>]
Sent: Monday, November 09, 2015 11:56 AM
To: Debbie Erler
Subject: Property Uses

Debbie,

Here you go.

The property uses are as follows:

- 460 Johnson is a rental house. Its rent supports the Boyd-Hargen's Young Life Club House at 490 Johnson that is a non-profit organization.
- 490 Johnson is the Boyd-Hargen's Young Life Club House. It is a non-profit organization. It is used for club meetings, including games, skits and teachings.
Its hours of operation are: Monday, Wednesday and Sundays. Hours of operation are 6 pm to 9pm. Average attendance is 50 occupants.

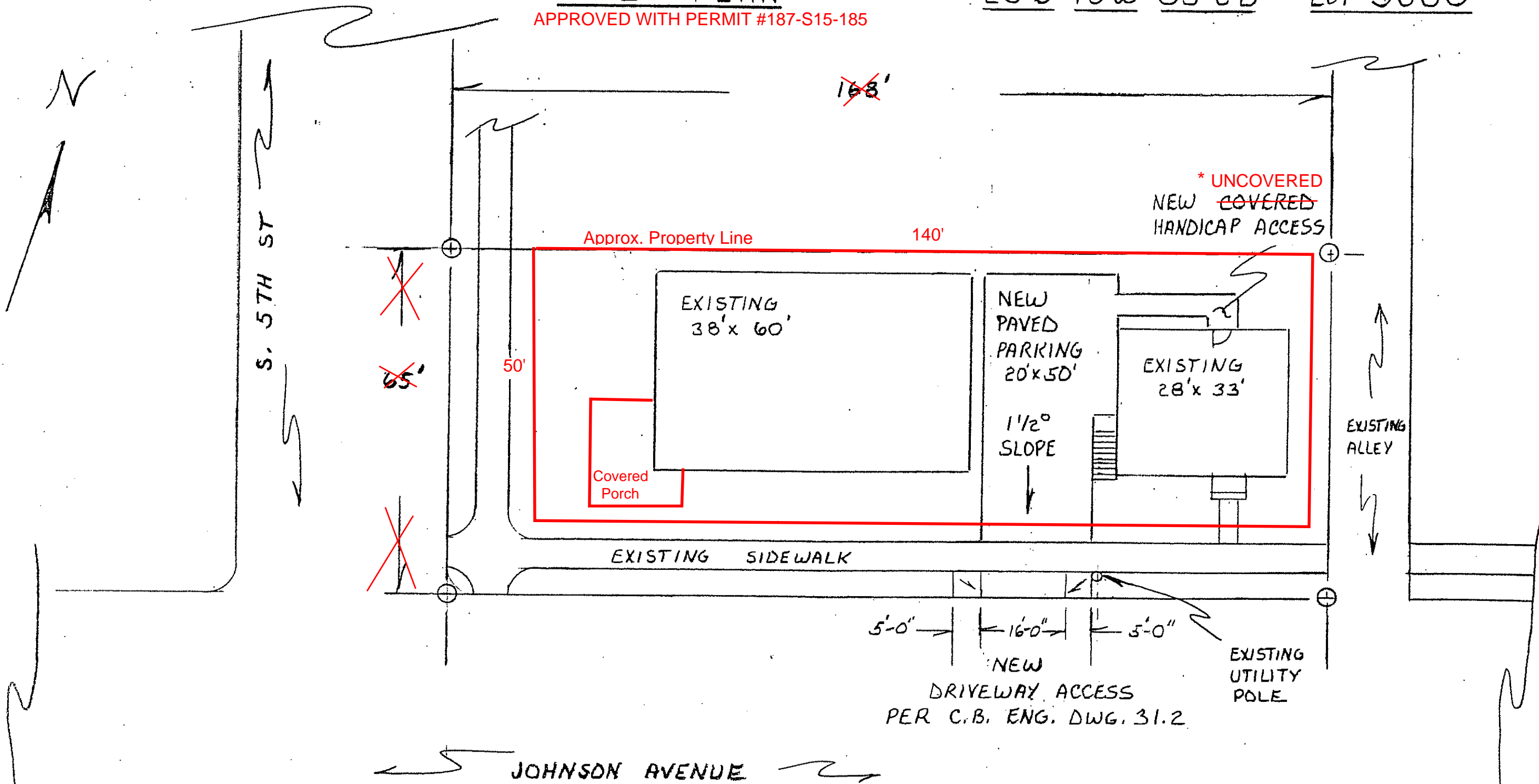
Thanks,

Rick

SITE PLAN

25 S 13W 35 CB Lot 3600

APPROVED WITH PERMIT #187-S15-185



* UNCOVERED
NEW ~~COVERED~~
HANDICAP ACCESS

Approx. Property Line 140'

50'

EXISTING
38' x 60'

NEW
PAVED
PARKING
20' x 50'

1 1/2°
SLOPE

EXISTING
28' x 33'

Covered
Porch

EXISTING SIDEWALK

5'-0" 16'-0" 5'-0"

NEW
DRIVEWAY ACCESS
PER C.B. ENG. DWG. 31.2

EXISTING
UTILITY
POLE

EXISTING
ALLEY

S. 5TH ST

JOHNSON AVENUE

Notes: AREA OF NEW CONSTRUCTION: 1180 S.F.

Project: HANDICAP ACCESS DWG# SP-1
 Client: BOYD HARGENS Date: 10-15
 490 JOHNSON ST Scale: 20:1
 COOS BAY 97420 Sheet 1 of

REVIEWED
By Aaron Real at 9:48 am, Oct 30, 2015

REVIEWED
By M. J. Smith, CBO at 1:13 pm, Oct 29, 2015

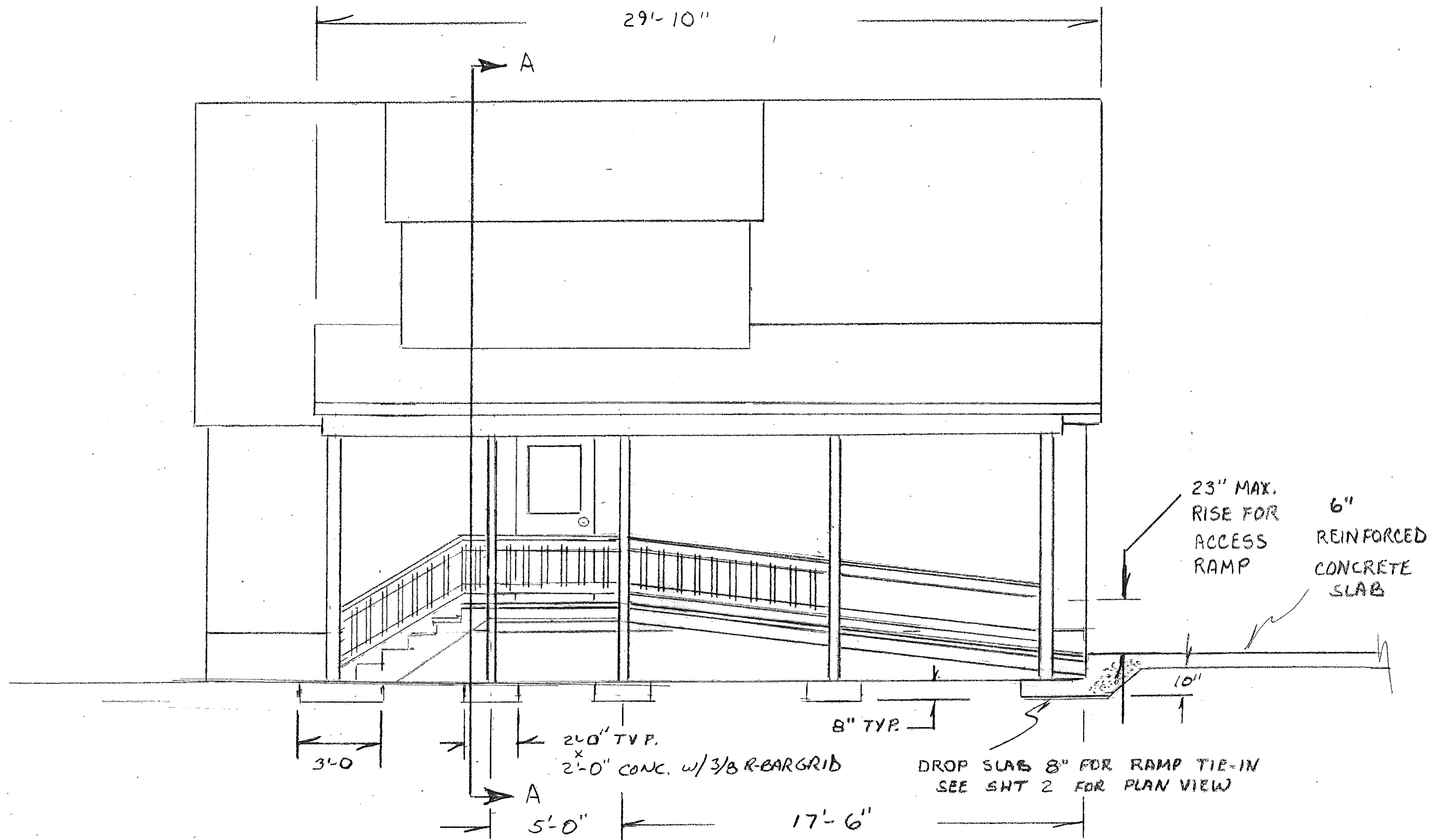
REVIEWED
By Debbie Erler at 9:44 am, Oct 30, 2015

* Covering the proposed handicap deck/ramp is not authorized without prior approval of a Variance application. Current lot coverage exceeds the 40% allowance for the Single-Family & Duplex Residential zone.



CCB# 157337 • Phone (541) 290-7566

460 JOHNSON AVE
NORTH SIDE



Notes:

Project: HANDICAP ACCESS DWG# DET-2
Client: BOYD HARGENS Date: 10-15
490 JOHNSON AVE Scale: 1/4" = 1'
COOS BAY, OR. 97420

Sheet 3 of 4



CCB# 157337 • Phone (541) 290-7566

DROP SLAB 8" FOR RAMP TIE-IN
SEE SH2 FOR PLAN VIEW

23" MAX.
RISE FOR
ACCESS
RAMP

6"
REINFORCED
CONCRETE
SLAB

2'-0" TYP.
2'-0" CONC. w/ 3/8 R-BAR GRID

8" TYP.

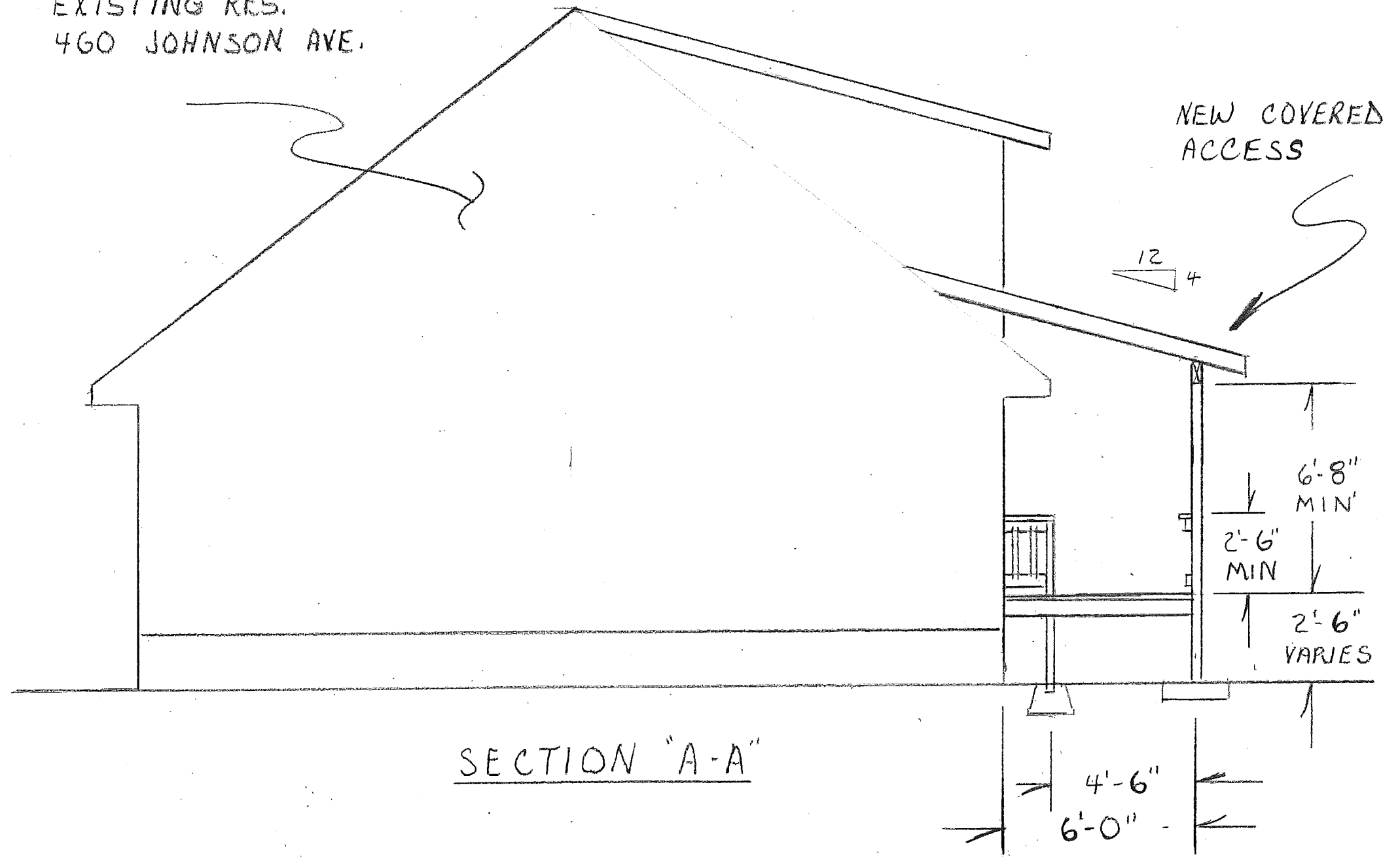
5'-0"

17'-6"

3'-0"

10"

EXISTING RES.
460 JOHNSON AVE.



Notes:

Project: HANDICAP ACCESS DWG# DET. 3

Client: BOYD HARGENS Date: 10-15

470 JOHNSON AVE Scale: 1/4" = 1'

COOS BAY, OR 97420

Sheet 4 of 4



CCB# 157337 • Phone (541) 290-7566

