

STAFF REPORT

HEARING BODY: Planning Commission

DATE & TIME: February 9, 2016 at 6:00 p.m.

LOCATION: Coos Bay Council Chambers, 500 Central Ave, Coos Bay

APPLICANT/OWNER: Daniel Wilson
2222 Leavenworth Street #304
San Francisco, California

LOCATION: 551 N. 2nd Street, Coos Bay, Oregon
T. 25S, R. 13W, S. 26CB, Tax Lot 6600

SUBJECT: Variance (VAR) #187-ZON15-055 to allow the reduction of both side yard setbacks from six (6) feet to four (4) feet for a two-story residence in the R4-P (Residential/Professional) zone district

I. APPLICANT'S REQUEST

The applicant is requesting approval of a variance to reduce the side yard setbacks to four feet each in order to allow the construction of a single-family residential dwelling. CBMC Chapter 17.150.010, Yards, requires a minimum of five (5) feet of side yard setback for a one-story residence and a minimum six (6) feet of side yard setback for a two-story residence in the R4-P zone district. The variance request proposes four (4) feet of setback on each of the two side yards with the intention of constructing a two-story residence.

II. BACKGROUND

The property is presently undeveloped although it once contained a single-family residence that has since been demolished. A remnant concrete porch still remains on the front of the lot as evidence of prior use.

III. APPLICABLE REGULATIONS

Coos Bay Municipal Code Chapter 17.50 Residential/Professional District (R-4P)
Coos Bay Municipal Code Chapter CBMC 17.150 Yards
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-ZON2015-055 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. The site is currently an undeveloped lot in the R4-P zone district that has access to existing urban services such as improved streets, potable water, sanitary sewer, and stormwater facilities as well as necessary utilities.
- 1b. The historical use of the property was established with a residential development that was demolished for unknown reasons.
- 1c. The property has dimensions of 28 feet (width) by 96 feet (depth). This narrow width creates a challenge in placing any kind of residential structure on the site without some kind of exception or relief. Part of the solution to developing the property is going vertical with a two-story structure in order to capture enough space for two off-street parking spaces to be located in a ground level garage and having sufficient living space.

CONCLUSION: Staff finds there are limiting conditions applicable to the property involved due to its narrow configuration. This is not a condition or situation that generally occurs with other properties in the same district or in the immediate neighborhood. In order for a residential structure to be rebuilt on this property, a creative solution is warranted and is provided with the applicant's proposed residence. This criterion is therefore met and the variance requested 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. The strict application of the setbacks will cause development of the lot to occur with a smaller, perhaps less desirable living unit which likely would not fit the neighborhood character. As the City tries to promote infill close to the downtown core, regulatory relief in instances such as this would promote a public benefit by allowing new development that adds value to the neighborhood.

The property owner did not create the hardship or difficulty of the lot configuration and there is no reasonable ability for the property to be enlarged through a boundary line adjustment or a re-plat due to existing development surrounding it.

CONCLUSION: Staff concurs that strict application of the setbacks will limit the ability of the property to be developed in a desired manner of compatibility with the neighborhood and both the hardship and difficulty of creating an infill development was not created by the property owner. This criterion is adequately satisfied and 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. The proximity of residential structures on both side yards, if built or added on to, should have been done with one-hour fire walls if they are less than three feet from the property line. The applicant is proposing four-foot side yard setbacks and will have to adhere to current building code requirements.

- 3b. Mailed notices were sent to the affected property owners and staff has not received any objections regarding the requested variance to the setback standards or any other comments regarding the proposed land use action.

CONCLUSION: Staff concludes, based on the findings, that the proposed setback will not negatively affect abutting properties and improvements in the immediate neighborhood nor create a safety hazard if built to current building code standards. This criterion is adequately satisfied and the variance request 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 Attachments "A" and "B", approve land use application #187-ZON15-055 allowing four (4)- foot setbacks on both side yards of a two-story residence 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.



Tom Dixon, Planning Administrator

DATE MAILED: January 29, 2016

cc: Applicant
Dave Perry, DLCD

ATTACHMENTS: A – Application and narrative
B – Site plan

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City of Coos Bay

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 Telephone 541.269.1181 • Fax 541.269.8916 • coosbay.org

DEC 17 2015

LAND USE DEVELOPMENT REVIEW APPLICATION

For Office Use Only	
STAFF CONTACT	PROJECT NO(S). <u>187-ZON15-055</u>

Type of Review (Please check all that apply):

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

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

Site Location/Address: <u>25S1326-CB-06600</u>	Assessor's Map No./Tax Lot(s): <u>Zoning: R-4P</u>
	Total Land Area: 2408 sq ft

Detailed Description of Proposal:

We request a side yard variance for the construction of a single family home in an R-4P zone. This change will permit the construction of a 20 ft wide home on the existing very narrow 28 feet wide lot. To build a home wide enough to provide a 2 car garage for required parking for new construction and ample width in the living space to provide a desirable home that fits with the character of the neighborhood, it's necessary to reduce the interior yard size to 4 feet to meet compliance with city parking requirements to have a 20 foot carport setback and 2 car parking to deliver a home with safe parking access and aesthetically pleasing features necessary to make a house that is practical and fits the character of the historic homes of the neighborhood.

Applicant/Owner Name: Daniel Wilson <small>(please print)</small>	Phone: 415-279-1256
Address: 2222 Leavenworth Street #304	Email: danielbwilson@sbcglobal.net
City State Zip: San Francisco, CA 94133	

Applicant's Representative: <small>(please print)</small>	Phone:
Address:	Email:
City State Zip:	

- 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.
- 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.
- Address the Decision Criteria or Goals/Standards outlined in the Coos Bay Municipal Code chapter(s) related to your request.
- Additional information: Date construction is expected to begin; estimated completion date of the total project and of individual segments; and anticipated future development.
- 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.

Daniel Wilson 12/15/15 Daniel Wilson 12/15/15
 Applicant's signature Date Owner's signature (required) Date

- (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.

Lots in the area are generally 50 feet wide, so traditional house sizes fit on those lots, but this lot is only 28 feet making it necessary to use a narrow design and to maximize the width of the lot beyond the side yard restrictions typical of this zone.

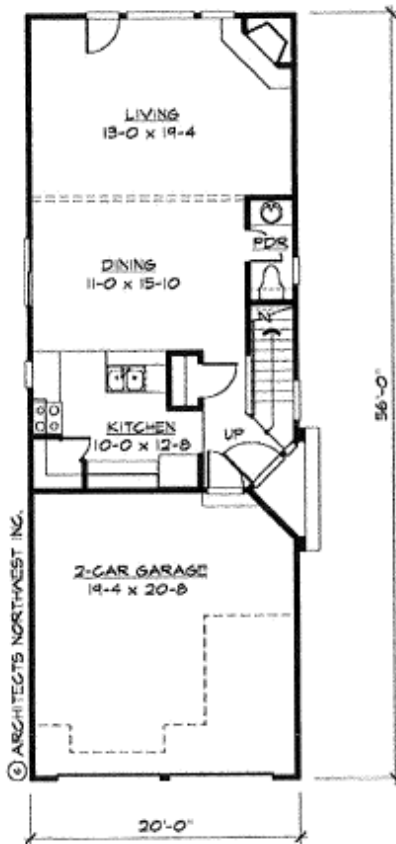
- (2) Strict application of the provisions of this title will constitute an unnecessary hardship or practical difficulty; provided that the hardship or difficulty was not created by the applicant or an owner of the property.

This lot has been 28 feet wide for decades and was purchased by the current owner and previous owner at its current size, so this difficulty was not created by the applicant or owner of the property.

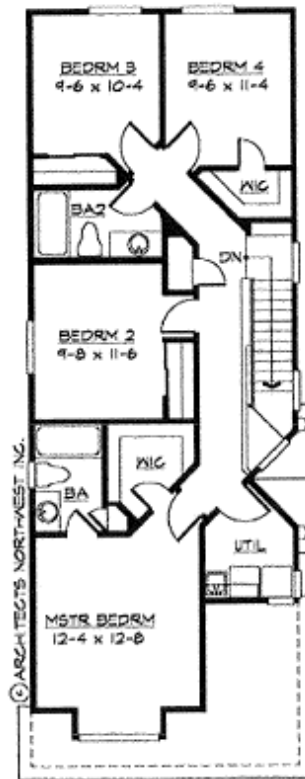
Strict application of the provisions would constitute a practical difficulty to build a home on the lot that would comply with parking, setbacks and fit within the character and aesthetics of the block with space around the home since it is not there. It would be impractical to build a viable home that would be comfortable, aesthetically pleasing and economically viable on this site without this variance.

- (3) The variance will not negatively affect abutting property or improvement in the district, nor create a safety hazard.

The variance will permit the construction of a home that will greatly improve the district and the abutting properties further improving their property values and those of the block. The lot currently includes the remnants of a porch foundation from the home that was on the lot decades ago, and the remnants are an eyesore. The requested variance reduction of side yard setbacks to 4 feet is still within acceptable safety regulations and should pose no safety hazards by statute. The addition of the house should create a more safe and welcoming neighborhood with a highly desirable home replacing an empty lot that is underutilized in a convenient location to the historic downtown area.

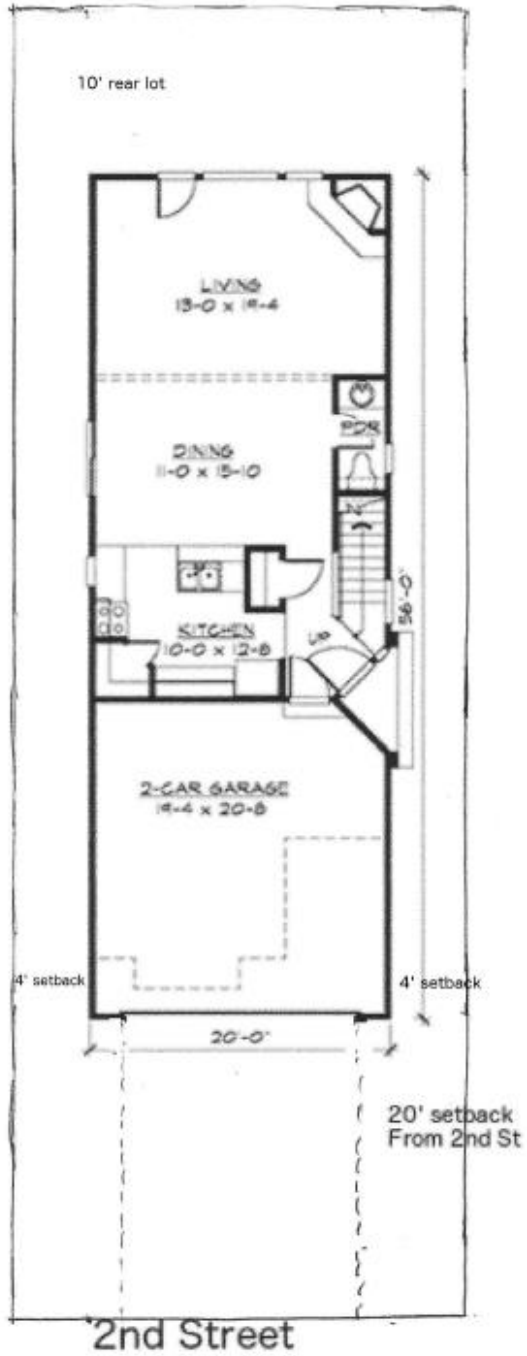


MAIN FLOOR PLAN



UPPER FLOOR PLAN

Attachment B



North

Scale: 1" = 10'