TO: Board of Adjustment
FROM: Ben Shumaker
DATE: March 2nd, 2017
SUBJECT: VAR2016-01- Front Yard Setback Variance

Introduction

The Stevenson Board of Adjustments is requested to review a proposal to vary the minimum front yard setback for a property in the R2 Two-Family Residential District. Section 17.20.040.D of the Zoning Code establishes the minimum front setback as 20 feet. The proposal asks to vary this requirement to allow an accessory shed/carport building to be located 8 feet from the front property line.

Recommended Action

Staff recommends the Board of Adjustment approve this setback variance as drafted in Attachment 1.

Relevant Regulations

Board of Adjustment Duties

SMC 2.14.010: Created—Powers and Duties

B. The Board of Adjustment shall be empowered to hear and decide:…

2. Variances. Applications for variances from the terms and provisions of the land use regulatory codes of the city when such power has been assigned by ordinance of the City Council, provided that any variance granted shall be subject to such conditions as the Board of Adjustment deems necessary and that no variance shall be granted unless the Board of Adjustments finds that:

a. The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is situated;

b. The strict application of the land use regulation is found to deprive subject property of rights and privileges enjoyed by other property in the vicinity and under identical zoning district classifications, because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings;

c. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zoning district in which subject property is situated;

d. The granting of the variance will not be detrimental to the purposes of the land use regulatory code from which the variance is requested, and will not conflict with the goals and policies of the Comprehensive Plan;

e. The hardship creating the need for a variance is not self-imposed and that the variance requested is the minimum variance which will alleviate the hardship.

Zoning Code

SMC 17.08.020: “General Intent”

It is the intent of the City Council to provide uniform, equitable and reasonable standards to govern the usage of land and structures in the interest of public health, safety and the general welfare.
SMC 17.20.005: “Purpose”

The Two-Family Residential (R2) District is intended to provide minimum development standards for higher-density residential uses where complete community services are available and where residential uses are separated from uses characteristic of more urban and more rural areas.

SMC 17.20.040: “Density and Dimensional Regulations”

a. Minimum front setback: Twenty feet.

SMC 17.10.890: “Yard, Front”

“Front Yard” means an open space on the same lot with the building, between the front line of the building (exclusive of steps or eaves) and the front property line. [Emphasis Added.]

Proposal Background

Site Characteristics

Owner/Applicant:  Stephen & Rita Tidyman/Hilary Evart & Brian Riffel
Purpose:  To construct a detached accessory shed/carport for a single-family home
Location:  Roselawn Avenue & Willard Street
Proposed Front Setback: 20 ft for residence, 8 ft for accessory building

Surrounding Property Characteristics

<table>
<thead>
<tr>
<th>Subject Property</th>
<th>Zoning</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>R2</td>
<td>Undeveloped right-of-way, Vacant property</td>
</tr>
<tr>
<td>East</td>
<td>R2</td>
<td>Single Family Residences</td>
</tr>
<tr>
<td>South</td>
<td>R3</td>
<td>Vacant/Single Family Residences</td>
</tr>
<tr>
<td>West</td>
<td>R3</td>
<td>Apartments</td>
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Aerial Photo
Overview

Proposal
The proposal (Attachment 2) includes construction of a new single family home and a detached accessory building on a vacant property steeply sloping away from the proposed property access on Roselawn Avenue at its intersection with Willard Street. As the applicant’s note in their narrative (Attachment 3), the Roselawn Avenue corridor continues past their site via a 20 ft-wide right-of-way, however the improved portion of the roadway ends at the eastern boundary of the property. On the proposed site plan the home is located on the eastern side of the property and sited to comply with the 20 ft setback. The shed/carport is sited to the west of the home and a 8 ft setback is requested to avoid additional grading and disturbance of the steep slope.

Critical Areas
According to the City’s Critical Areas Maps the property has no critical areas on site, and the steep slope is likely just less than the 25% threshold for designation as a Potentially Unstable Slope.

Alternatives
1. Approve the variance proposal based on the Findings of Fact and Conditions of Approval as stated in Attachment 1.
2. Deny the variance if any of the 5 required findings of SMC 2.14.010(B)(2) cannot be met.
3. Approve the variance proposal based on Findings of Fact and/or Conditions of Approval which are different from those stated in Attachment 1.

Community Input
A legal notice was published in the Skamania County Pioneer on the 22nd of February and 1st of March, 2017, letters were mailed to all property owners within 300 feet, and three public notices were posted near the proposal area. As of this writing no public comments have been received regarding this request.

Prepared by:

Ben Shumaker
Planning Director

Attachments:

1-Recommended Variance (VAR2016-01) (2)
2-Site Plan (1)
3-Application
DISCUSSION
The Stevenson Board of Adjustment held a public hearing on March 2nd, 2017 to consider a request from Hilary Evart and Brian Riffel to vary the minimum front setback as it applies to a proposed accessory structure on Tax Lot 03-07-36-3-4-5600-00 at the intersection of Roselawn Avenue and Willard Street. The proposal asks for approval of an 8’ setback for this structure in the R2 Two-Family Residential District.

FINDINGS
After considering public testimony and the staff report prepared by Ben Shumaker, the Board of Adjustment finds the following to be fact:

1. The granting of this variance will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is situated. Specifically, this project will:
   a. Allow only one residential outbuilding, which is consistent with existing policies deterring serial proliferation of residential outbuildings.

2. The strict application of the land use regulations is found to deprive subject property of rights and privileges enjoyed by other property in the vicinity and under identical zoning district classifications, because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings. Specific special circumstances include:
   a. There is a predominance of steep slopes throughout this property which leave minimal room for a building pad.
   b. These slopes are a natural barrier that has prevented development of this property since it was platted in 1913.
   c. The property fronts on a 20’ public right-of-way, which is not currently improved.
   d. The construction of the Cascade Village apartment complex and the siting of its buildings block any future continuation of the Roselawn Avenue corridor.
3. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zoning district in which subject property is situated.

4. The granting of the variance will not be detrimental to the purposes of the land use regulatory code from which the variance is requested, and will not conflict with the goals and policies of the Comprehensive Plan.

5. The hardship creating the need for a variance is not self-imposed and that the variance requested is the minimum variance which will alleviate the hardship.

CONCLUSIONS OF LAW

The proposal to vary the setback satisfies the requirements of SMC 2.14.010(B)(2), and the Board of Adjustment grants this request subject to the conditions below.

CONDITIONS

1. The granting of this variance applies to the accessory structure proposed on this lot, not the principal structure.

2. The granting of this variance applies to the front yard setback only and the structure allowed by this variance shall not be located closer than 8 feet from the front property line.

3. This variance approval shall be made a public record by recording the document with the Skamania County Auditor.
VARIANCE APPLICATION

Applicant/Contact: JEFF STERN IN SITU ARCHITECTURE
Mailing Address: 811 E BURNSIDE #210 PORTLAND OR 97214
Phone: 503-957-3172  Fax: 
E-Mail Address (Optional): 

Property Owner: HILARY EVANS & BRIAN PIFFEL
Mailing Address: 2545 NE 39TH AVE PORTLAND OR 97212
Phone: 503-249-0372  Fax: 

If There are Additional Property Owners, Please Attach Additional Pages and Signatures as Necessary

Property Address (Or Nearest Intersection): 5560 ROSELAWN

Tax Parcel Number: 03073634560000 (Lot 5) Zoning: R2
Lot Size: .20 ACRES  Current Use of Property: VACANT
Brief Narrative of Request: PROPOSING A VARIANCE TO 17.10.040 D "MINIMUM FRONT SETBACK" REQUIREMENTS TO Locate A SMALL CARPORT / SHED WITHIN THIS SETBACK.

PLEASE SEE ATTACHED NARRATIVE & DIAGRAM.

Water Supply Source: CITY  Sewage Disposal Method: CITY

I/we hereby provide written authorization for the City to reasonably access to the subject property to examine the proposal and carry out the administrative duties of the Stevenson Municipal Code.

I/we hereby certify my/our awareness that application fees are non-refundable, there is no guarantee that a permit will be issued, and that any permit issued as a result of this application may be revoked if at any time in the future it is determined that the statements in support of this application are false or misleading.

Incomplete applications will not be accepted.  •  Please ensure that all submittals are included

Signature of Applicant:  Date: 10-31-16
Signature of Property Owner:  Date: 10-26-16

Date Application Received 11/3/16  •  Date Application Complete

For Official Use Only:  

VarianceApplication2011.docx
The Owners of 5560 Roselawn Avenue, Hillary Evart and Brian Riffel, are planning a new residence to begin construction in spring or summer 2017. The site presents challenges with its steeply sloping topography and unusual street configuration.

While 5560 Roselawn Avenue is at the intersection of Roselawn and Willard Streets, a 20’ unimproved right-of-way extends to the west along the north edge of the property and dead-ends at the west property line. While this narrow dead-end right-of-way extension will provide access to the Evart Riffel residence, all other adjacent properties have direct access from the main streets. The primary purpose of this right-of-way appears to be the conveyance of stormwater into the existing drainage along the west edge of the property.

Because of the configuration of the site, this unimproved dead-end segment of right-of-way is considered the front of 5560 Roselawn, and therefore requires a 20’ front setback for its entire length.

*We are proposing a variance to 17.10.040 D “Minimum front setback” requirements to locate a small carport / shed within this setback.* The proposed carport / shed is located more than 65’ from the northeast property corner at Roselawn and Willard, and 8’ from the north property line (which would be defined as the side of the adjacent property to the north). Side setbacks are required by code to be 5’.

While it is technically feasible to locate the carport / shed outside of the 20’ setback, it would require building it further down the slope requiring much taller retaining walls and more driveway surface, all at a significantly increased cost. We believe the proposed location maintains the intent of the setback while allowing a more common sense location for the carport / shed.

1. This does not represent a special privilege, as the location of all structures on the site respect the pattern of development and provide ample setbacks from the paved right of way and adjacent properties.

2. The unusual circumstances related to an unimproved dead-end right-of-way extension defined as the front / street combined with the steep topography of the site creates a hardship that is unique to this particular site.

3. Granting of the variance will not effect properties in vicinity or be detrimental to public welfare.

4. The proposed variance supports the purposes of the land use regulatory code, as separation of functional public right of way and adjacent properties from built structures is maintained.

5. Conditions creating the need for a variance are related to the topography and unusual dead-end right-of-way configuration, and are not self-imposed.
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tidyman, Steven &amp; Rita</td>
<td>PO Box 330 Stevenson, WA 98648</td>
</tr>
<tr>
<td>Vanderpool, Jackson</td>
<td>PO Box 403 Stevenson, WA 98648</td>
</tr>
<tr>
<td>Gittins, John V</td>
<td>PO Box 1458 Stevenson, WA 98648</td>
</tr>
<tr>
<td>Craig, James Robert</td>
<td>PO Box 363 Stevenson, WA 98648</td>
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<tr>
<td>Hennig, Susan</td>
<td>12004 NW 12th Ave. Seattle, WA 98177</td>
</tr>
<tr>
<td>Ecoff, Gregory</td>
<td>PO Box 355 Stevenson, WA 98648</td>
</tr>
<tr>
<td>Taylor, Shona</td>
<td>PO Box 875 Carson, WA 98610</td>
</tr>
<tr>
<td>Medlin, Anette &amp; John</td>
<td>145 NW Roosevelt Ave. Stevenson, WA 98648</td>
</tr>
<tr>
<td>Fox, Aurther</td>
<td>PO Box 1125 Stevenson, WA 98648</td>
</tr>
<tr>
<td>Shull, Tammy R</td>
<td>PO Box 297 Stevenson, WA 98648</td>
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<tr>
<td>Chaney, Marla &amp; Rich Miller</td>
<td>PO Box 1132 Stevenson, WA 98648</td>
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<tr>
<td>Clarke, Tracey Lee</td>
<td>PO Box 604 Stevenson, WA 98648</td>
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<tr>
<td>McKenzie, Kylan J &amp; Giselle E</td>
<td>PO Box 711 Stevenson, WA 98648</td>
</tr>
<tr>
<td>McKenzie, Marlea &amp; Doug</td>
<td>PO Box 461 Stevenson, WA 98648</td>
</tr>
<tr>
<td>Mercy Properties Washington I</td>
<td>1999 Broadway Suite 1000 Denver, CO 80202</td>
</tr>
<tr>
<td>Lasher, LLC.</td>
<td>PO Box 461 Stevenson, WA 98648</td>
</tr>
<tr>
<td>Hahn, Allice J Trustee</td>
<td>PO Box 65572 Vancouver, WA 98665</td>
</tr>
<tr>
<td>C/O Terry Hahn</td>
<td></td>
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<tr>
<td>Karkosky, David J</td>
<td>21326 N Tangle CK. LN. Spring, TX 77388</td>
</tr>
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