



STAFF REPORT

Volke Deck Major Variance

File No. MajVar20-01

Type III

Date: October 8, 2020

TO	Hearings Examiner	HEARING DATE	October 15, 2020
PROPOSAL	The applicant is proposing to reduce the front yard setback from 20 feet to 8 feet 6 inches.		
LOCATION	325 NW 14 th Ave. Parcel No. 81290000. NW ¼ of Section 11, Township 1 North, Range 3 East of the Willamette Meridian, Clark County.		
APPLICANT/ CONTACT	Ryder Group NW, Inc Attn: Steve Ryder 410 NW 44 th St Vancouver, WA 98660	OWNER	David and Lisa Volke 325 NW 14 th Ave Camas, WA 98607
APPLICATION SUBMITTED	February 28, 2020; Resubmitted April 29, 2020	APPLICATION COMPLETE	May 12, 2020
PUBLIC NOTICES	Notice of Application was mailed to property owners within 300 feet of the site and published in the Post Record on May 2, 2020, Legal publication #405130. Notice of Public Hearing was mailed to property owners within 300 feet of the site on September 16, 2020, and published in the Post Record on September 17, 2020. Legal publication #450310.		

APPLICABLE LAW: The application was submitted on February 28, 2020 and the applicable codes are those codes that were in effect at the date of application. Camas Municipal Code (CMC) Title 16 Environment, Title 17 Land Development, and Title 18, specifically (but not limited to): Chapter 18.45 - Variances, and Chapter 18.55 - Administrative Procedures.

BACKGROUND

The applicant is currently seeking a major variance approval to reduce the minimum front yard setback from 20 feet to 8 feet 6 inches to construct a deck. The existing residence has a 21.5 foot front yard setback. The proposed decks dimensions are 36 feet wide by 8 feet deep with the stairs extending approximately 8 feet beyond the proposed deck.

The site is zoned Single-Family Residential (R-7.5) and approximately 5,066 square feet. The site is surrounded by Single-Family Residential (R-7.5) zoning. To the north and west are multifamily units. To the east and south across the street are single-family residences. There are multiple residences within the vicinity that have a front yard setback of less than the required 20 feet.

The projects required permits and approvals from the city include: Major variance approval, and building permits.

PUBLIC COMMENT

One public comment was received on June 3rd requesting the property information. No other comments were received.

FINDINGS

Chapter 18.45 Variances

- A. *The board of adjustment (or hearing examiner, or planning commission, in accordance with Section 18.45.020(B)) shall consider all requests for major variances from the zoning code.*
- B. *Approval of a major variance must demonstrate with findings of compliance with all of the following criteria:*
 - 1. *The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the subject property is located;*

DISCUSSION: Per CMC 18.09.040 Table 2 the minimum front yard setback is 20 feet. The deck and staircase are proposed to be located 5 feet 6 inches from the front property line. Per CMC 18.09.130 stairways may extend into a front yard not more than 3 feet, therefore the applicant is proposing to reduce the front yard setback to 8 feet 6 inches.

There are several other properties within the vicinity that encroach the minimum front yard setback. Exhibit 12 shows properties within the vicinity with reduced front yard setbacks varying from 13 feet to less than 1 foot.

FINDING: Staff finds the major variance request to reduce the front yard setback does not grant special privilege to the specific site as there are many properties within the vicinity that encroach the front yard setback.

- 2. *That such variance is necessary, because of special circumstances or conditions relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use, rights, and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located;*

FINDING: There are other properties within the area that are able to utilize their front yard. Due to the slopes on site, the applicant is requesting a variance to utilize their front yard in a similar way to their neighbors. Staff finds a reduced front yard setback will allow the owner to utilize space in the front yard due to topographic issues.

- 3. *The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and in the zone in which the subject property is located.*

FINDING: Per the applicants email (Exhibit 20), there was an existing front yard staircase that was located approximately 8 feet 2 inches from the front property line. Since the proposal is to extend the stairs and add a deck, staff finds the deck will not be detrimental to the public welfare.

RECCOMENDATION

Major Variance Review for the **Volke Deck (MajVar20-01)** is recommended to be approved with the following conditions:

CONDITIONS OF APPROVAL:

1. The front yard setback shall be reduced to 8 feet 6 inches.
2. Coordinate with the Community Development Engineering Project Manager for any changes to engineering requirements.