



## STAFF REPORT

### 6th Avenue Major Variance

File No. MAJVAR23-01

Report Date: June 6, 2023

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<b>TO</b>	Hearings Examiner	<b>HEARING DATE</b>	June 14, 2023, at 5:00 p.m.
<b>PROPOSAL</b>	To reduce the side yard setbacks from 10 feet to 5 feet.		
<b>LOCATION</b>	The site is located at 2508 SW 6th Ave in the SE Quarter Section 09, Township 1 North, Range 3 East of the Willamette Meridian, of the Willamette Meridian; and described as tax parcel 83042000.		
<b>APPLICANT/ OWNER</b>	Michael Andreotti 9600 NE 126th Ave Vancouver, WA 98682	<b>OWNER</b>	La Bola, LLC Attn: Jeff Glavin 3495 NE Alocler Dr Hillsboro, OR 97124
<b>APPLICATION SUBMITTED</b>	2/28/2023	<b>APPLICATION COMPLETE</b>	4/5/2023
<b>PUBLIC NOTICES</b>	A Notice of Application and Public Hearing was mailed to property owners within 300 feet of the site and published in the Post Record on 5/11/2023. Legal publication #802370.		

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APPLICABLE LAW: The application was submitted on 2/28/2023, and the applicable codes are those codes that were in effect at the date of the application's first submittal. Camas Municipal Code (CMC) Title 16 Environment, Title 17 Land Development, and Title 18 Zoning, specifically (but not limited to): Chapter 17.11 Subdivision, Chapter 18.11 - Parking, Chapter 18.13 - Landscaping, and Chapter 18.55 Administrative Procedures. [Note: Citations from Camas Municipal Code (CMC) are indicated in *italic type*.]

## SUMMARY

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An application has been made to the City of Camas for Major Variance approval to reduce the side yard setbacks from 10 feet to 5 feet. The subject site is zoned Single-Family Residential (R-15). The proposal only includes a major variance request at this time. There is no construction proposed.

The subject site is bordered to the north by single-family residences zoned Single-Family Residential R-7.5. To the east and west are single-family residences zoned Single-Family Residential R-10. To the south is BNSF Railroad zoned Heavy Industrial. The single-family residence on site was recently demolished, leaving a vacant site consisting of a few trees and little vegetation. There are geological hazardous areas on site that will require Critical Area Review prior to building on site.

The proposed Major Variance does or can comply with the applicable standards of the Camas Municipal Code (CMC) and Revised Code of Washington (RCW).

## FINDINGS

### Chapter 18.45 Variance

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A. CMC 18.45.040.B - Approval of a major variance must demonstrate with findings of compliance with all 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 side yard setback is 10 feet for lots between 12,000 and 14,999 square feet. The applicant is proposing to reduce the side yard setback to 5 feet.

There are several properties within the vicinity that have reduced side yard setbacks. [Exhibit 10] identifies the property directly east, and three parcels to the west that have a side yard setback that varies from 10 feet to only a few feet.

The applicant has not submitted an application for a single-family home at this time. However, it is their intention to submit for permits if the variance is approved. If approved, a critical area and additional permits will be required for a single-family home and is recommended to be conditioned as such.

**FINDING:** Staff finds the major variance request to reduce the side yard setback does not grant special privilege as there are several properties within the vicinity that encroach on the side 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:** Per CMC 18.09.040 Table 1, the R-15 zoning dimensional standards require lots to be a minimum of 100 feet wide. The R-6 and R-7.5 zoning dimensional standards require lots to be a minimum of 60 and 70 feet wide. Per CMC 18.09.040 Table 2, setbacks are based on lot size. Therefore, lots that fall within the R-15 dimensional standards require a 10-foot wide side yard setback and lots within the R-6 and R-7.5 dimensional standards require a 5-foot side yard setback.

The subject site is 13,393 square feet and only 65 feet wide. The lot width fits within the R-6 and R-7.5 lot width standards, however, because the lot is 13,393 square feet, a 10-foot wide side yard setback is required. Based on the lot width, a side yard setback of 5 feet fits the lot width of 65 feet.

**FINDING:** Staff finds that a 5-foot side yard setback is necessary due to special circumstances related to the narrow lot width.

**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:** As discussed above, staff finds the variance would not grant special privileges as there are lots within the vicinity with similar setbacks as requested and the lot has a narrow lot width for the R-15 zoning.

## **PUBLIC COMMENTS**

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As of the writing of this staff report, staff has not received any public comments.

## **CONCLUSION**

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Based on the above findings and discussion provided in this staff report, staff concludes that 6th Avenue Major Variance (MAJVAR23-01) should be approved because it does comply with the applicable standards if all the conditions of approval are met.

## **RECOMMENDATION**

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Staff recommends APPROVAL of the preliminary plat of 6th Avenue Major Variance (MAJVAR23-01) subject to the following conditions of approval:

## **CONDITIONS OF APPROVAL**

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1. The applicant shall receive Critical Area Permit approval prior to issuing building permits.
2. Coordinate with the Community Development Engineering Department for engineering requirements.