

**BEFORE THE LAND USE HEARINGS EXAMINER
FOR THE CITY OF CAMAS, WASHINGTON**

Regarding an application by Jacob DeNeui for approval of a major variance to reduce the front and side yard setbacks on a 0.11-acre parcel in the MX zone at 726 NE 2nd Avenue in the City of Camas, Washington) **FINAL ORDER**
)
) **MAJVAR22-04**
) **(Melton Variance)**

A. SUMMARY

1. The applicant, Jacob DeNeui, requests approval of a major variance to reduce the front and side yard setbacks on a 0.11-acre parcel located at 726 NE 2nd Avenue, also known as tax assessor’s parcel No. 776890-000 (the “site”). The site and surrounding properties to the east, west, and south are zoned MX (Mixed Use). Properties to the north, across NE 2nd Avenue, are zoned DC (Downtown Commercial). The site is currently developed with a single-family residential structure that is used as a music school. Although no development is proposed with this application, the applicant is requesting the variance to facilitate a planned expansion of the existing music school to include a dance room, additional music rooms, and associated uses.

2. City of Camas Hearing Examiner Joe Turner (the “examiner”) conducted a public hearing to receive testimony and evidence about the application. City staff recommended that the examiner approve the application subject to conditions. See the Staff Report and Recommendation to the Hearings Examiner dated October 27, 2022 (the "Staff Report"). The applicant accepted the findings and conditions in the Staff Report without exceptions. No one else testified orally or in writing.

3. Based on the findings provided or incorporated herein, the examiner approves the proposed variance, subject to the conditions at the conclusion of this final order.

B. HEARING AND RECORD HIGHLIGHTS

1. The examiner received testimony at a public hearing about this application on November 3, 2022. All exhibits and records of testimony are filed at the City of Camas. At the beginning of the hearing, the examiner described how the hearing would be conducted and how interested persons could participate. The examiner disclaimed any *ex parte* contacts, bias, or conflicts of interest. The following is a summary by the examiner of selected testimony and evidence offered at the public hearing.

2. City planner Madeline Sutherland summarized the Staff Report.

a. The site and surrounding properties to the east, west, and south are zoned MX (Mixed Use). The MX zoned requires a minimum ten-foot side yard setback and a minimum 25-foot rear yard setback. There is no minimum front yard setback and a maximum ten-foot front setback is required. The existing building on the site is setback four feet ten inches from the east side yard boundary and five feet five inches from the west boundary. The applicant requests approval of a variance to retain the existing side yard setbacks and reduce the rear yard setback from 25 feet to three feet six inches.

b. The applicant is not proposing any development at this time. The variance request is intended to facilitate future development on the site. The site is currently used as a music school. Exhibit 11 illustrates a potential expansion of the existing building. Actual development on the site would be subject to the maximum 60-percent lot coverage, parking, landscaping, and other requirements of the MX zone, that would limit the actual building envelope.

3. Architect Brent Young and property owner Rob Melton appeared on behalf of the applicant.

a. Mr. Young summarized the proposed development. The applicant currently operates a music school in the existing building on the site. The applicant intends to expand the existing building to add a dance room on the rear of the building and create a “street friendly” front entrance with a café. The planned expansion would match the existing side yard setbacks. The café would be located abutting the sidewalk on one half of the building frontage with a covered patio on the other half, similar to that shown in Exhibit 11.

b. Mr. Melton testified that he has been operating a music school in the City of Camas since 2015. The school is currently at capacity, with 250 students. The planned expansion will allow for additional music classrooms as well as a dance room, which will allow parents to bring their children to music and dance lessons in the same location, rather than “driving across town.” He noted that existing development on other properties in the surrounding area have setbacks that are “all over the place.”

4. Michael Helmeste, a patron of the existing music school, testified in support of the application. He testified that there is ample parking available on streets in the area surrounding the site and no noise is audible outside the existing building.

5. No one else testified orally or in writing regarding this application. At the conclusion of the hearing the examiner closed the record and announced his intention to approve the application subject to the findings and conditions of approval in the Staff Report.

C. DISCUSSION

1. City staff recommended approval of the application, based on the affirmative findings and subject to conditions of approval in the Staff Report. The applicant accepted those findings and conditions without exceptions.

2. The Examiner finds that the Staff Report identifies all of the applicable approval standards for the application and contains sufficient findings showing the application does or can comply with those standards, subject to conditions of approval. These findings were not disputed and are supported by substantial evidence in the record. The Examiner adopts the findings in the Staff Report as his own.

D. CONCLUSION

Based on the above findings and discussion, the examiner concludes that MAJVAR22-04 (Melton Variance) should be approved, because it does or can comply with the applicable standards of the Camas Municipal Code and the Revised Code of the State of Washington, subject to conditions of approval necessary to ensure the final plat and resulting development will comply with the Code.

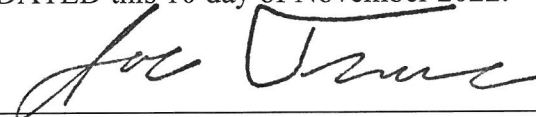
E. DECISION

Based on the findings, discussion, and conclusions provided or incorporated herein and the public record in this case, the examiner hereby approves MAJVAR22-04 (Melton Variance), subject to the following conditions of approval:

Conditions of Approval

1. The minimum side yard setbacks shall be 4 feet 10 inches on the east side and 5 feet 5 inches on the west side.
2. The minimum rear yard setback shall be 3 feet 6 inches.
3. A 13D/R modified fire sprinkler system is required for a five foot rear yard setback. If the building setback is less than five feet, then a full NFPA13 system is required.
4. Future building additions or expansions may be subject to additional permits.
5. If additional land use permits are required, they shall be obtained prior to building permit issuance.

DATED this 10 day of November 2022.



Joe Turner, AICP
City of Camas Land Use Hearings Examiner