



STAFF REPORT

Melton Property

File No. MAJVAR22-04

Report Date: October 27, 2022

TO	Hearings Examiner	HEARING DATE	November 3, 2022, at 5 pm
PROPOSAL	To reduce the side and rear yard setbacks.		
LOCATION	The site is located at 726 NE 2nd Ave in the NE 1/4 Section 11, Township 1 North, Range 3 East, of the Willamette Meridian; and described as tax parcel 76890000.		
APPLICANT/ CONTACT	Jacob DeNeui 610 NE 2nd Ave Vancouver, WA	OWNER	Rob Melton 726 NE 2 nd Ave Camas, WA 98607
APPLICATION SUBMITTED	June 17, 2022	APPLICATION COMPLETE	July 26, 2022
PUBLIC NOTICES	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 10/6/2022. Legal publication #732110.		

APPLICABLE LAW: The application was submitted on 6/17/2022, 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

An application has been made to the City of Camas for Major Variance approval to reduce the side and rear yard setbacks of a site zoned Mixed Use (MX). The site contains a one-story music school. This application does not include a development proposal. The request is to reduce setbacks at this time.

The subject site is bordered to the north by a Safeway parking lot zoned Downtown Commercial (DC). To the east is a chiropractor's office zoned Mixed Use. To the south and west are single-family residences zoned Mixed Use.

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

Chapter 18.45 Variance

A. CMC 18.45.040.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 18.09.030 Table 1 the minimum front yard setback in the Mixed Use (MX) zone is a maximum of 10 feet, the minimum rear yard setback is 25 feet, and the minimum side yard setback is 10 feet. The subject site contains an existing music school with a side yard setback of 4 feet 10 inches on the east side, and 5 feet 5 inches on the west making it a nonconforming structure. The building currently meets the rear yard setback of 25 feet.

The applicant is requesting to reduce the side yard setback from 10 feet to 4 feet 10 inches on the east side and 5 feet 5 inches on the west to create setbacks that conform to the existing structure. The applicant is also requesting to reduce the rear yard setback to 3 feet 6 inches for a future addition to the music school.

There are several properties within the vicinity that encroach their side and rear yard setbacks leaving less than a few feet between their structure and property line. Directly east of the subject site is an office building that has an east, side yard setback of less than 10 feet and a rear yard setback of less than 20 feet. The building directly west, has a side and rear yard setback of less than a few feet. This site to the west also has a detached garage with a 0 foot east, side yard setback. There are several other properties within a couple of blocks that have reduced rear and side yard setbacks similar to the proposed variance request.

FINDING: Staff finds that reducing the side and rear yard setbacks as proposed will create a conforming structure and will not grant a special privilege since buildings within the vicinity have similar setbacks.

FINDING: The proposed variance would allow for a building to be located closer to neighboring buildings which may trigger additional fire and building requirements. To ensure the future building meets fire and building code, the Fire Marshals Office (FMO) requires a 13D/R modified fire sprinkler system for a 5 feet rear yard setback to provide a life safety factor along with potential property protection without the expense of a commercial 13 System. If the building setback is less than 5 feet, a full NFPA13 system is required. A condition of approval is recommended.

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 side and rear yards the same way the applicant is proposing. Due to the properties within the vicinity, staff finds the variance request permits the subject site to utilize their side and rear yard just like properties within the vicinity.

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.

DISCUSSION: The applicant has submitted a possible site plan and elevation for a future building (Exhibit 11). The future building would most likely be an addition to the front and rear of the building. The building will not be able to utilize the entire building envelope due to lot coverage, parking, and landscaping limitations. The maximum lot coverage for a single story is 60% and a two-story or more is

50%. Parking requirements will also limit the amount of square footage the applicant may add because parking is based on the square footage of the building. Landscape buffering will most likely be required for an addition which will further buffer the building from nearby uses.

Therefore, the size of a future expansion will be limited to development regulations such as lot coverage, parking, and landscaping which prevents an oversized building for the area.

FINDING: Staff finds the reduced setbacks will not be materially detrimental to the public even if a future building expansion is proposed because the development regulations would limit the size and scale of the building.

PUBLIC COMMENTS

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

CONCLUSION

Based on the above findings and discussion provided in this staff report, staff concludes that Melton Property (MAJVAR22-04) should be approved because it does comply with the applicable standards if all the conditions of approval are met.

RECOMMENDATION

Staff recommends APPROVAL of the Melton Property (MAJVAR22-04) 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 5 feet rear yard setback. If the building setback is less than 5 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.