

**CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
Variance V.6.24**

DATE: September 3, 2024
TO: Planning Commission
FROM: Jennifer Dimsho, AICP, Associate Planner

APPLICANT: Columbia County Habitat for Humanity
OWNER: Same as applicant

ZONING: General Residential, R5
LOCATION: 554 S. 12th Street; 4N1W-4DD-4305
PROPOSAL: Variance to reduce front yard (setback)

SITE INFORMATION / BACKGROUND

The site is a currently vacant standard 5,800 sq. ft. lot. It is a level lot with a slope mostly on the south and rear sides. This lot is encumbered by both sanitary sewer and storm sewer mains.

This property was the subject a similar variance for a front yard (setback) in 2021, but the owner never moved forward with construction.



Two photos of the subject property viewed from S. 12th Street

PUBLIC HEARING & NOTICE

Public hearing before the Planning Commission: September 10, 2024

Notice of this proposal was sent to surrounding property owners within 100' feet of the subject property on August 21, 2024, via first class mail. Notice was sent to agencies by mail or e-mail on the same date.

Notice was published on August 28, 2024, in The Chronicle newspaper.

APPLICATION COMPLETENESS

The 120-day rule (ORS 227.178) for final action for this land use decision is **December 11, 2024**.

AGENCY REFERRALS & COMMENTS

As of the date of this staff report, no relevant agency comments have been received.

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

DISCUSSION:

The applicant has requested a reduced front yard (setback). The standard front setback is 20' in the R5 zone. The applicant requests this to be reduced to 2'. The applicant is proposing 2' eaves, so an exception to SHMC 17.64.050(1) is needed as part of the Variance approval. In addition, an exception to SHMC 17.64.050 (6) is needed to accommodate the dwelling to be placed within 3' of the front property line.

(1) Cornices, eaves, belt courses, sills, canopies/awnings, or similar architectural features may extend or project into a required front, interior, rear, or side yard not more than 4' provided the width of such yard is not reduced less than 3'.

(6) When there is a minimum yard requirement of the zoning district, no building, structure, or portion thereof, regardless of size and whether or not a permit is required for its placement, shall be placed closer than 3' to a property line or to another building or structure.

CRITERIA:

SHMC 17.108.050 (1) – Criteria for granting a Variance

- (a) The proposed variance will not be significantly detrimental in its consequence to the overall purposes of this code, be in conflict with the applicable policies of the comprehensive plan, to any other applicable policies and standards of this code, and be significantly detrimental in its consequence to other properties in the same zoning district or vicinity;
- (b) There are special circumstances that exist which are peculiar to the lot size or shape, topography or other circumstances over which the applicant has no control, and which are not applicable to other properties in the same zoning district;
- (c) The use proposed will be the same as permitted under this code and city standards will be maintained to the greatest extent that is reasonably possible while permitting some economic use of the land;

- (d) Existing physical and natural systems, such as but not limited to traffic, drainage, dramatic landforms, or parks, will not be adversely affected any more than would occur if the development were located as specified in the code; and
- (e) The hardship is not self-imposed and the variance requested is the minimum variance which would alleviate the hardship.

The Commission needs to find all these criteria **(a)** – **(e)** are met in order to approve the variance

FINDINGS:

(a) This criterion requires a finding that the variance will not be detrimental.

- See applicant’s narrative. The applicant notes that other dwellings in the vicinity have reduced front setbacks. The referenced dwellings were developed with reduced setbacks because of a wetland located on the rear of the lots.
- Staff comments: The S. 12th Street developed roadway is located within an oversized 80’ wide right-of-way (normal width if it were created today would be 50’) and the road is skewed to the opposite side. This is why there is approximately 50’ from the roadway to the property line of the subject property.
- It is common for a portion of the 20’ front setback to be used for a residential lot’s off-street parking requirements. This Variance would not exempt that requirement. The applicant has shown how they would still meet this requirement on their proposed site plan. This is a recommended condition of approval.

(b) The criterion requires a finding that there are special and unique circumstances.

- See applicant’s narrative.
- Staff comments: There are storm and sanitary sewer mains which cut diagonally across the property in two different places. Note that the City’s Engineering Department will not allow any eave projections into the easements to ensure that there is adequate access for maintenance. This shall be a recommended condition of approval.

(c) This criterion prohibits a use variance and requires a finding that the applicable standards are maintained to the greatest extent that is reasonably possible.

- See applicant’s narrative. The applicant discusses in their narrative about the need for accessible single-story homes in the community because more than half of their applicants have a family member with a disability. They mention the need for more homes where residents can “age in place.”
- Staff comments: This is not a use variance. The applicant’s plans are for a single-story, two-bedroom dwelling at 1,000 square feet.

- The Commission could consider that unless the applicant were to build a single-bedroom home or a two-story home, there would be no other alternative to reduce the front setback Variance request further than they already have.

(d) This criterion requires a finding that existing physical and natural systems will not be adversely affected as a result of the requested Variance.

- See applicant's narrative.
- Staff comments: As noted above, the road for S. 12th Street is skewed to the opposite side of the right-of-way from the subject property. The reduced yard is thus not anticipated to impact through travel.
- The sanitary and storm sewer mains need to remain encumbered (including eaves) for access. The Commission could consider that this request is a balance of maintaining clear access of the utilities while still allowing reasonable use of the land.

(e) This criterion requires a finding that the variance issue is not self-imposed and that the variance is the minimum necessary to alleviate the hardship.

- See applicant's narrative.
- Staff comments: The Commission could consider that this Variance is not self-imposed given the preexisting nature of the utilities.
- The Commission could consider that granting a 2' front yard is the minimum necessary to alleviate the hardship because the existing utilities are so impactful to the available building envelope.

The Commission needs to find all these criteria **(a)** – **(e)** are met in order to approve the variances. If you think one of these is not met, we'll need to address why.

The Commission can find all criteria are met based on the above and/or any other findings, or specify which criteria are not met and why as a basis for Variance denial.

CONCLUSION & RECOMMENDATION

Based upon the facts and findings herein, staff recommends approval of this Variance with the following conditions:

1. This Variance approval is valid for a limited time pursuant to SHMC 17.108.040.
2. **Prior to building permit issuance**, the applicant must verify with a licensed surveyor that there will be no encroachments into the utility easements, including with eaves or other projections. Plans shall be revised accordingly.

3. The off-street parking requirements of the Development Code still apply.
4. Owner/applicant and their successors are still responsible to comply with the City Development Code (SHMC Title 17), except for the Variance(s) granted herein.

Attachments: Applicant's Narrative
Applicant's Plans (3 pages)



We build strength, stability, self-reliance *and* shelter.

August 12, 2024

RE: 554 South 12th Street, St. Helens

Dear Planning Commission:

I am writing to reapply for a variance that was conditionally approved for John McGhie on this property at a Planning Commission public hearing on October 12, 2021. Mr. McGhie's plans changed and he generously donated this property to Columbia County Habitat for Humanity with the intention of helping a low-income family.

While the "affordable housing" conversation can refer to a variety of strategies spanning from subsidized rental options to affordable home purchase opportunities, the latter has always been the focus for Habitat for Humanity for many reasons. Home ownership allows for stability and self-reliance for local families. Studies have demonstrated that homeowners are more likely to vote, be involved with their children's school and to repair or improve their homes over time. Habitat homeowners are rooted in the community. Most would be considered "essential workers." They have consistent income, low debt and have passed criminal background checks.

Habitat families help build their own homes alongside volunteers. Through financial education and sweat equity, they achieve the strength, stability and independence they need to build a better life. Each homeowner pays a mortgage, property taxes and insurance that are no more than 30 percent of their gross income. The rest of the sales price is subsidized by a forgivable zero-interest loan, down payment assistance and/or IDA matched savings funds. This two-pronged approach of saving money on the building process and pulling together funding for affordable mortgages allows us to offer the best homeownership opportunity for low-income families by far.

The lot located at 554 South 12th Street is ideally suited to this project. It is in a residential neighborhood near other Habitat homes built on South 8th and South 7th Streets. Although the lot is encumbered with storm and sanitary sewer lines than cut diagonally across the property, there is room (with a variance) to build a modest home at the front of the property. The distance between the front property line and the paved street is 45 feet. This request is not an anomaly for this street. Homes located at 596 and 598 South 12th Street also have reduced front yards. Even with the proposed house moved forward to the property line, there is a significant distance to the street.

I am attaching a draft of the home we hope to build. It is a small two-bedroom, handicap accessible home which will be an asset to the housing stock in St. Helens. We have not

selected a family for this home, but typically more than half the applicants for Habitat homes have a family member with a disability. In fact, 3 out of the last 5 Habitat home were for people with disabilities. With the trend toward "aging in place," this design feature makes sense.

I appreciate your time in considering this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Anderson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jennifer Anderson
Executive Director
Columbia County Habitat for Humanity

Architectural
Design
Services

David Bonn
bonndesign@yahoo.com
971.203.3633

CLIENT:

COLUMBIA COUNTY
HABITAT FOR HUMANITY
ST HELENS, OR

PROJECT:

NEW SINGLE FAMILY
RESIDENCE
ON A VACANT LOT AT
554 S 12TH STREET
SAINT HELENS, OR
97051

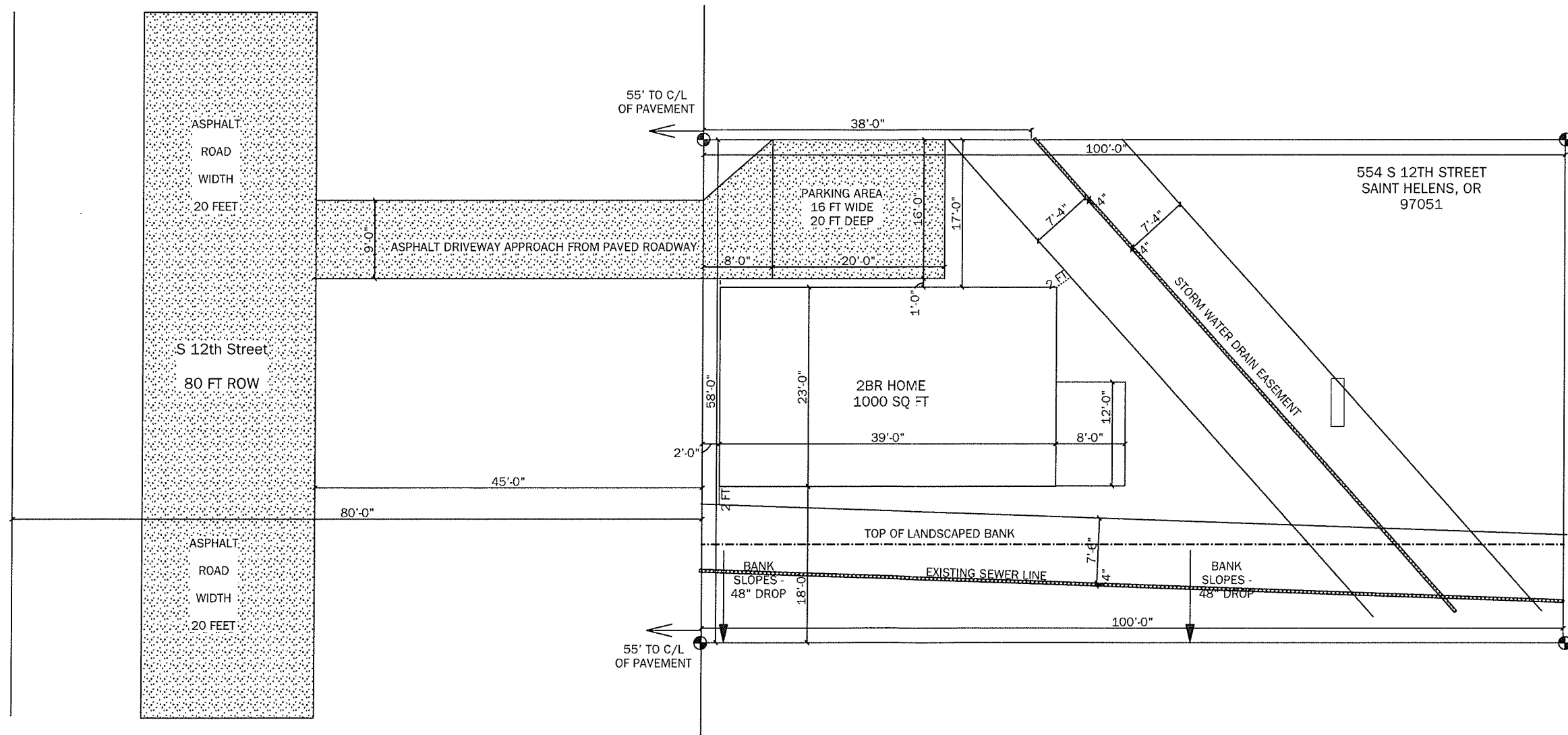
REVISIONS

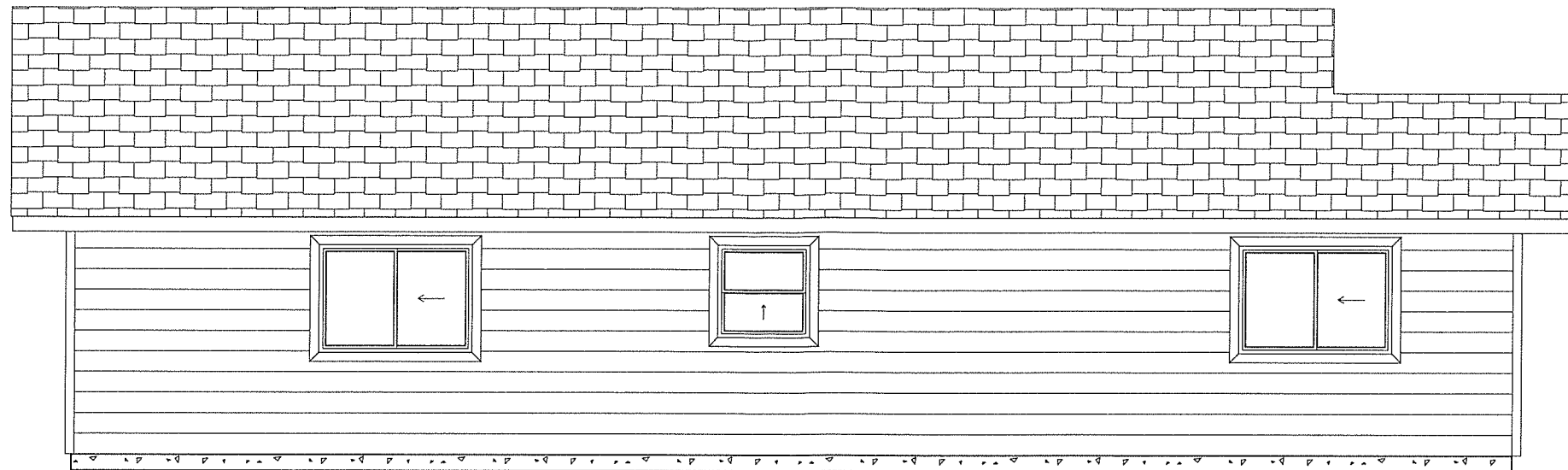
DATE	REVISION
10 AUG 24	VER 5

DATE	10 AUG 2024
SCALE	1" = 15'

SITE PLAN

A 1.0

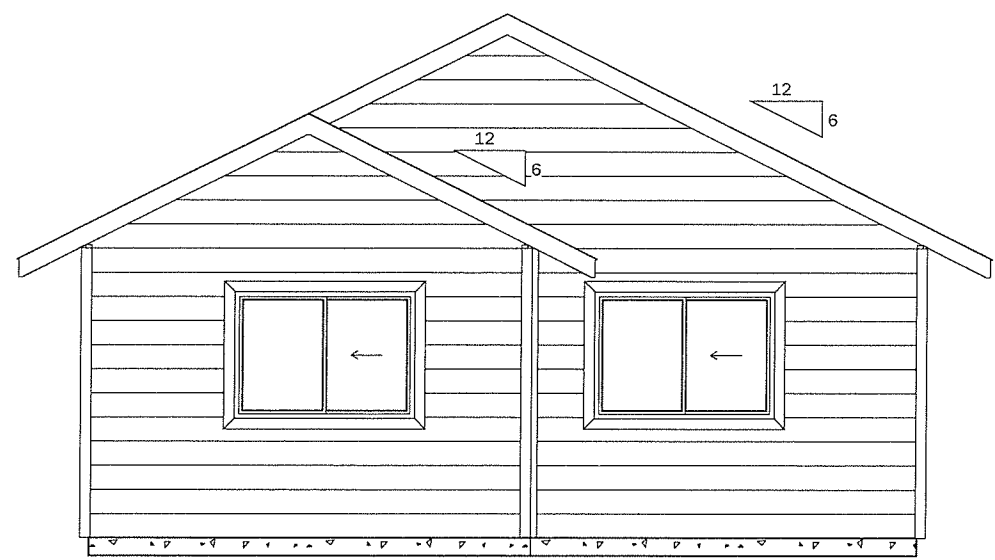




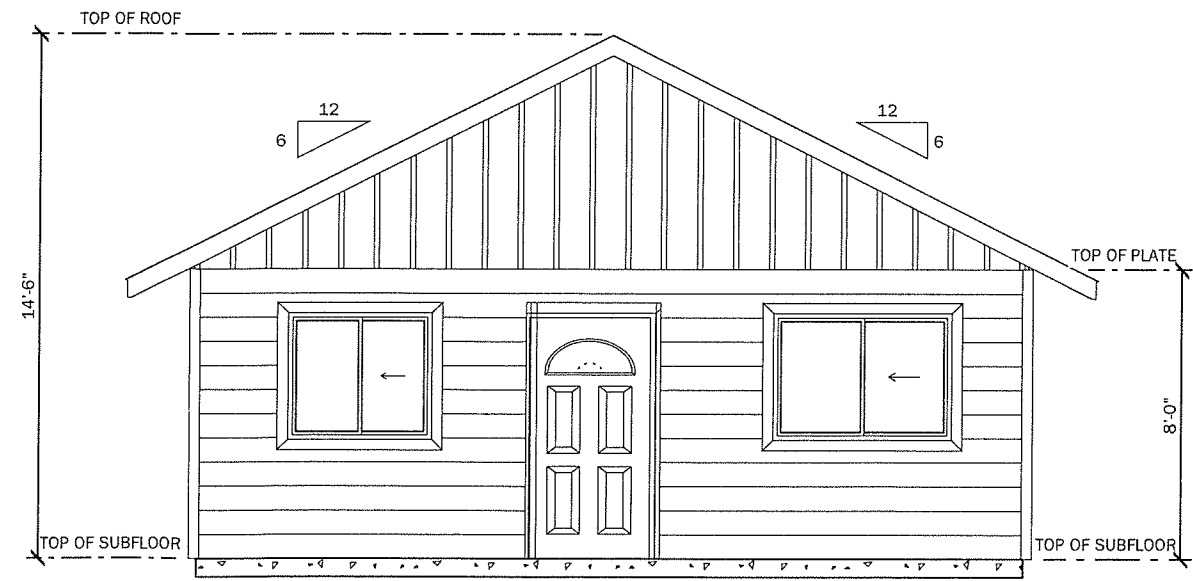
ELEVATION - RIGHT OF FRONT



ELEVATION - LEFT OF FRONT



REAR ELEVATION



FRONT ELEVATION

Architectural
Design
Services

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PROJECT:

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REVISIONS

DATE	REVISION
10 AUG 24	VER 5

DATE	10 AUG 2024
SCALE	3/16" = 1'- 0"

ELEVATIONS

A 1.1

Architectural
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REVISIONS

DATE	REVISION
10 AUG 24	REV 5

DATE	10 AUG 2024
SCALE	1/4" = 1'-0"

FLOOR PLAN

A 1.2

