

CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
Variance V.4.21
Accessory Structure AS.4.21

DATE: December 7, 2021
TO: Planning Commission
FROM: Jennifer Dimsho, AICP, Associate Planner

APPLICANT: Jacob Hanna
OWNER: Same

ZONING: Moderate Residential (R7)
LOCATION: 2705 Columbia Blvd; 4N1W-5DC-1400
PROPOSAL: Variance to construct a 1,728 sq. ft detached accessory structure which is larger than the allowed maximum size

SITE INFORMATION / BACKGROUND

The subject property is 2.84 acres (123,710 square feet). It is accessed via Columbia Blvd through a 20' wide shared access easement that crosses multiple properties to the north of the subject property. There is an existing detached single-family dwelling (manufactured home) and detached accessory structure (garage) located on the property. These were built around 2008. Prior to that, there was an existing detached single-family dwelling located on the southeastern part of the property, which has since been removed.

The city's wetland inventory identifies a locally significant MC-21 wetland on the property. This is a Type II wetland per Chapter 17.40 SHMC and includes a 50' upland protection zone.



Left: Existing circular gravel driveway, proposed location of structure along fence in background.
Right: Existing shared private driveway, subject dwelling is tan next to the two tented RVs. Note that dates in photo are from 2020 (not 2019) due to improper camera setting).

PUBLIC HEARING & NOTICE

Public hearing before the Planning Commission: December 14, 2021

Notice of this proposal was sent to surrounding property owners within 100 feet of the subject properties on November 24, 2021 via first class mail. Notice was sent to agencies by mail or e-mail on the same date.

Notice was published on December 1, 2021 in The Chronicle newspaper.

The 120-day rule (ORS 227.178) for final action for this land use decision is February 22, 2022.

AGENCY REFERRALS & COMMENTS

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

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

ACCESSORY STRUCTURE:

SHMC.17.124.070 –Approval Criteria.

Maximum size allowed: Maximum *gross floor area* (GFA) allowed for an accessory structure in a residential zone depends on property size. The maximum GFA is 1,000 sq. ft. for properties greater than 2.5 acres in size. The property is 2.84 acres and the proposed accessory structure has a GFA of approximately 1,728 square feet. This is the reason for the Variance, which is discussed further later.

Finding: If the Commission approves the Variance to allow a structure larger than the maximum size allowed, this criterion is met.

Lot coverage: In the R7 zoning district, buildings and structures shall not occupy more than 40% of the lot area. This can also be increased 5% per SHMC 17.108.050(4) for new accessory structures. For this large lot, the maximum lot area buildings and structures could occupy is almost 50,000 square feet.

Finding: The lot coverage will be well below the maximum coverage allowed.

Yard requirements: the yard (setback) requirements of the zoning district are required to be met. The minimum front and rear setbacks is 20'. The minimum side setback is 7'. These are met. The minimum interior setback (distance between structures on the same lot) is 7'.

Finding: Yard requirements are met.

Easement or right-of-way encroachment: No accessory building or structure shall encroach upon or interfere with the use of any adjoining property or public right-of-way including but not limited to streets, alleys and public or private easements.

Finding: There does not appear to be any encroachment. However, owner/applicant bears the responsibility to avoid any encroachment.

Building Code applicability: The accessory structure appears to be large enough to require a structural Building Permit.

Finding: It is the applicant/owner's responsibility to obtain a Building Permit.

Architectural requirements: The roof pitch of the accessory building is required to be the same as the principal building if the accessory building exceeds 15 feet in height. There is also a maximum building height allowed per the zoning district of 35 feet. The proposed accessory structure is 20 feet in height. The plans submitted for the building permit must show a similar roof pitch to that of the principal building. The style and exterior materials are required to be similar as the principal building.

Findings: The proposed accessory structure will have similar vertical siding, a gable roof, and share similar vinyl windows of the existing principal building and thus will share architectural features.

Hard surface requirements: All areas used for the parking or storage or maneuvering of any vehicle, boat, or trailer are required be improved with asphalt or concrete surfaces or other similar type materials approved by the city.

The site is accessed via a 20' wide shared private easement that serves about 5 separate properties (including the subject property), each developed with a detached single-family dwelling. This shared drive is as narrow as 10' and predominately gravel, though partially paved at opposing ends. Under this scenario if under current standards, the minimum access easement would need to be 24' wide and at least 20' wide paved driveway. However, this is a grandfathered situation, and not a land division, which would create new parcels entitled to be developed (and be difficult to approve).

Gravel surface allowances are as follows per SHMC 17.80.050(10)(b) for certain non-residential uses and consistent with the following:

- (i) Gravel parking areas shall not be permitted within 20 feet of any residentially zoned area;
- (ii) Gravel parking areas shall not be allowed within 25 feet of any improved public right-of-way;
- (iii) A paved driveway of at least 25 feet in length shall connect a gravel parking area with any public street providing access to the gravel area; and
- (iv) Gravel parking areas shall not be allowed within 50 feet of any significant wetland or riparian corridor.

Because this is a residential area, technically, gravel is not allowed as a drivable surface. See discussion/findings under 17.108.050(1)(a) below.

Sensitive Lands: Per the City's wetland inventory, the majority of the site is encompassed by wetland MC-21, which is a Type II wetland per Chapter 17.40 SHMC and includes a 50' upland protection zone. No environmental assessment (per Chapter 17.40 SHMC) or wetland delineation with the Oregon Division of State Lands has been conducted; the information the city has is not field verified for accuracy as it is only based on the wetland inventory conducted in the 1990s. Rules protecting certain wetlands and establishing upland protection zones took affect in December 2003. As the site was developed long before this date, some grandfathered circumstances are probable.

Legally established nonconformities (i.e., grandfathered circumstances) are addressed in SHMC 17.40.035(1)(h). This includes a range of grandfathered impacts from maintenance/mowing of ground cover vegetation to existing buildings. An important factor for consideration of this proposal is that grandfathered vegetation maintenance (like mowing) is different than a building. There are different degrees of grandfathered circumstances (e.g., the mowing may be grandfathered, but that non-conforming circumstance does not allow a new building or fill without additional sensitive lands considerations).

Staff inspected the site in late November. The gravel circular driveway is likely grandfathered (if within protection zone) and the area proposed for the accessory structure is assumed to be at least partially grandfathered regarding ground cover vegetation maintenance. The code allows the director to waive an Environmental Assessment (determination of wetland boundaries by a qualified professional) in certain circumstances. In this case, the site is very flat, and staff cannot fairly conclude where wetland boundaries are. The applicant's desire to have the building and access improvements to it, are westerly enough that the provisions of Chapter 17.40 SHMC cannot be overlooked.

See discussion/findings under 17.108.050(1)(a) below.



Westerly extent of area for proposed accessory structure looking north.

Westerly extent of proposed structure is more westerly than buildings on abutting property to the north, which also has the same wetland on it. This raises precedence concerns of impacts to the, what may be very close, wetland.

It is difficult to determine extent of grandfathered fill in this area, if any.



Westerly extent of area for proposed accessory structure looking south.

It is possible that an environmental assessment would show that this recently moved fill/debris pile was placed atop protected wetlands or protection zone.

Extent of wetland (and protection zone) is too difficult to determine without consultation with a qualified professional.

There is about 2' of fill material above the nature grade to the foreground and right.

VARIANCE:

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.
- Staff comments regarding the **size of the structure**. The subject property is secluded and given the unique access to the property, it is not visible from Columbia Blvd. **The**

Commission could find that due to the seclusion and placement of the structure on the large property, it will not be detrimental to surrounding properties.

- Staff comments regarding **sensitive lands**. Due to the city's records and uncertainty of wetland and upland protection zone boundaries, the Commission should:
 1. Allow the accessory structure in the location proposed only after an Environmental Assessment is conducted and any applicable Sensitive Lands Permitting is applied for and approved with all requirements thereof met; **or**
 2. Allow the accessory structure and related improvements (e.g., drive surface) in an alternate location that is undisputedly outside of any wetland or protection zone boundary (e.g., along the east property line south of the existing dwelling).
- Staff comments regarding **access and pavement requirements**. Because the property is at the terminus of a private drive with no other outlet and there are some grandfathered gravel surfaces, the Commission could require:
 1. A minimum paving requirement of the width of the shared drive 25 feet back from the property line and no gravel allowed within 50 feet of any significant wetland or riparian corridor; **or**

Note: This minimum requirement assumes the private drive should be paved as a shared facility and this property should paved 25 feet behind that to help protect the integrity of the shared drive (one basis for paved streets is to prevent damage from gravel).
 2. Require all areas necessary for vehicles within the property that will use the proposed accessory structure for parking and maneuvering to be paved.

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

- See applicant's narrative.
- Staff comment regarding the **size of the structure**: There are very few other properties in the same zoning district which are of the size of this subject property. A lot at 2.84 acres in City limits with R7 zoning is rare. The Commission can find that due the subject property's size, zoning and substantial wetland area, there are unique circumstances which apply to this variance.

(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.
- Staff comment regarding the **size of the structure**: The Commission can find that use of the property is the same as permitted within the code, and given conditions as applied by

the Commission regarding paving and sensitive lands, City standards will be maintained to the greatest extent that is reasonably possible

(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 comment: The Commission can find that given the conditions as applied by the Commission regarding sensitive lands and paving, the existing physical and natural systems will not be adversely affected as a result of the requested Variance.

(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 comment: The Commission must find that this issue is not self-imposed and that the variance is the minimum necessary to alleviate the hardship.

CONCLUSION & RECOMMENDATION

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

1. This Variance and Accessory Structure approval is valid for a limited time pursuant to SHMC 17.108.040 and SHMC 17.142.050(2).
2. Final plans submittal for Building/Development Permit issuance shall comply with (a) or (b) as follows:
 - a. Plans shall show proposed accessory building and all related improvements including but not limited to drive surfaces in an alternate location that is undisputedly outside of any wetland or protection zone boundary (e.g., along the east property line south of the existing dwelling); or
 - b. An Environmental Assessment must be conducted per Chapter 17.40 SHMC and any applicable Sensitive Lands Permitting must be applied for and approved with all requirements thereof met.
3. *[The Commission must select one paving alternative from below or propose a new alternative]*

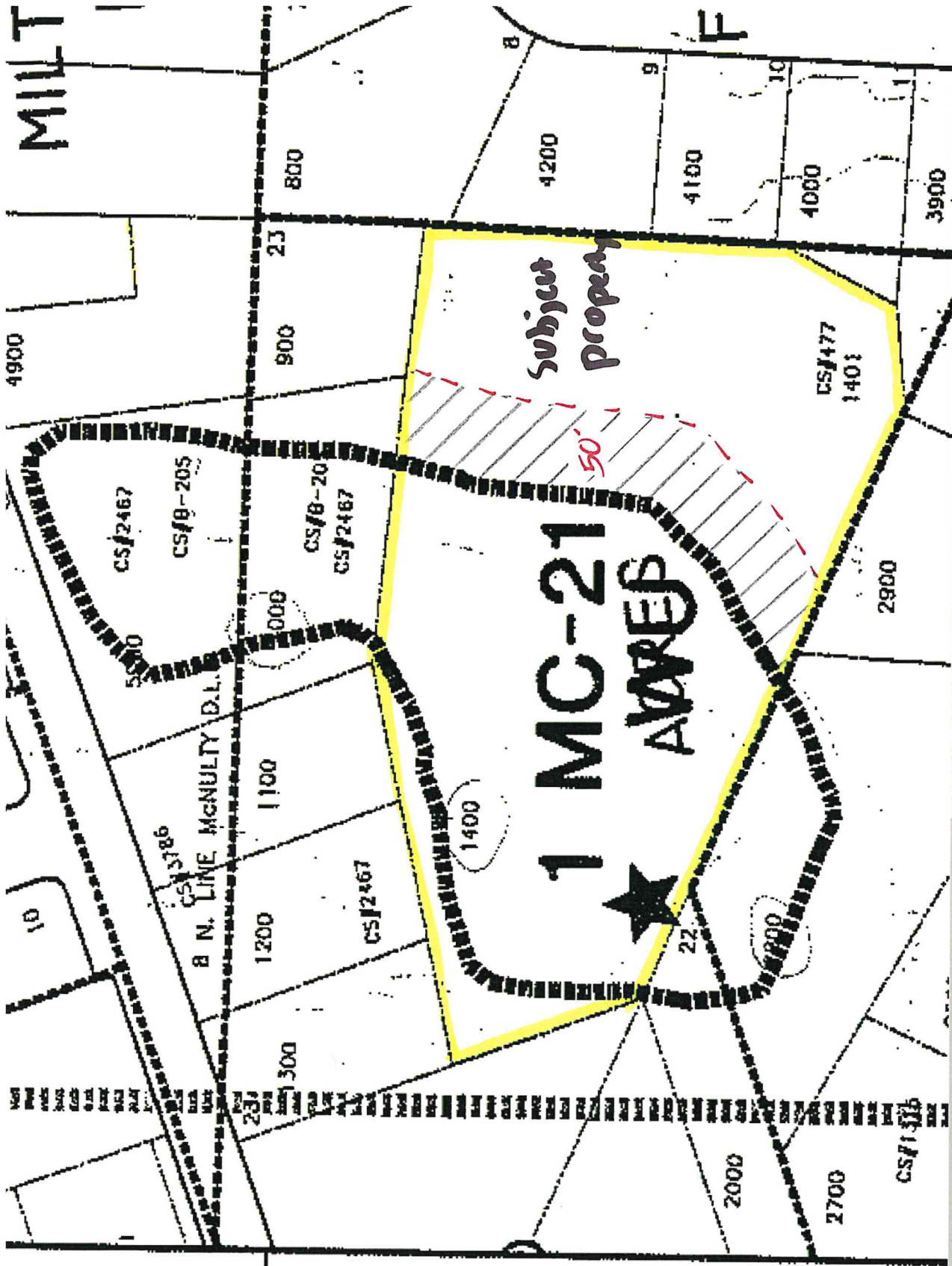
Driveway to be paved 25 feet back from the property line and no gravel allowed within 50 feet of any significant wetland or riparian corridor.

[or]

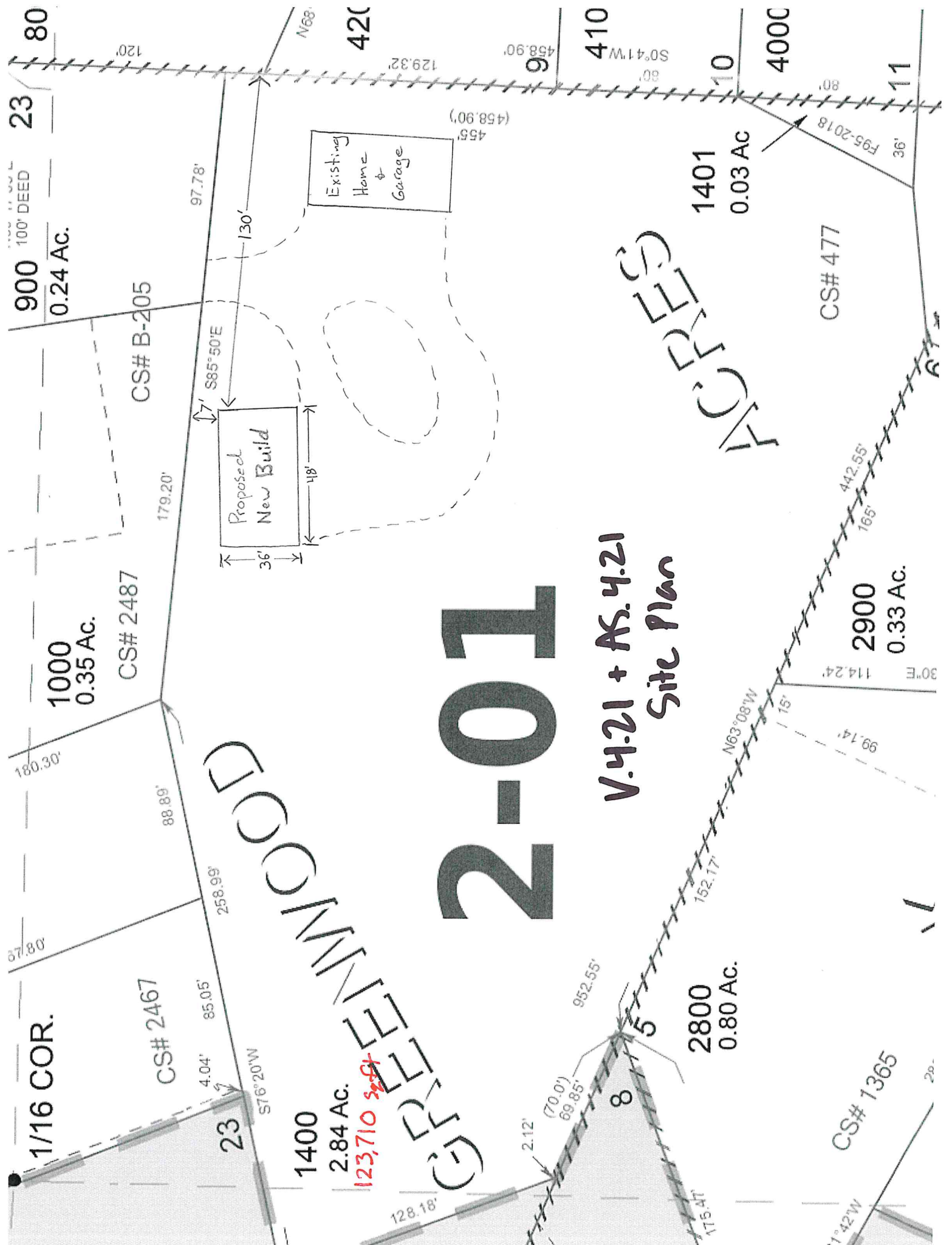
All areas necessary for vehicles within the property that will use the proposed accessory structure for parking and maneuvering must be paved.

4. It is the applicant/owner's responsibility to obtain a structural Building Permit. All requirements of the Building Official shall be met. Building Permit plans must show a similar roof pitch to the principal dwelling unit.
5. No easement, private or public, or public right-of-way shall be encroached upon. Owner/applicant has the responsibility to avoid easements and rights-of-way.
6. Owner/applicant and their successors are still responsible to comply with the City Development Code (SHMC Title 17), except for the Variance granted herein.

Attachments: *City Wetland Inventory Excerpt,*
Site Plan
Applicant Packet (9)



City Wetland Inventory Except



GREENWOOD

2-01

V.4.21 + A.4.21
Site Plan

ACRES

1/16 COR.
CS# 2467
1400 2.84 Ac.
123710 500 ft
CS# 2487
1000 0.35 Ac.
CS# B-205
900 0.24 Ac.
23 80
100' DEED
179.20'
180.30'
88.89'
258.99'
4.04'
85.05'
S76°20'W
455'
130'
97.78'
N68°
420
458.90'
129.32'
S0°41'W
410
10
4000
F95-2018
36'
11
CS# 477
1401 0.03 Ac.
442.55'
165'
2900 0.33 Ac.
30°E
114.24'
99.14'
15'
N63°08'W
152.17'
952.55'
2.12'
(70.0')
69.85'
8
2800 0.80 Ac.
175.47'
1°42'W
CS# 1365
200'

2705 Columbia

Driveway easment
to Columbia Blvd

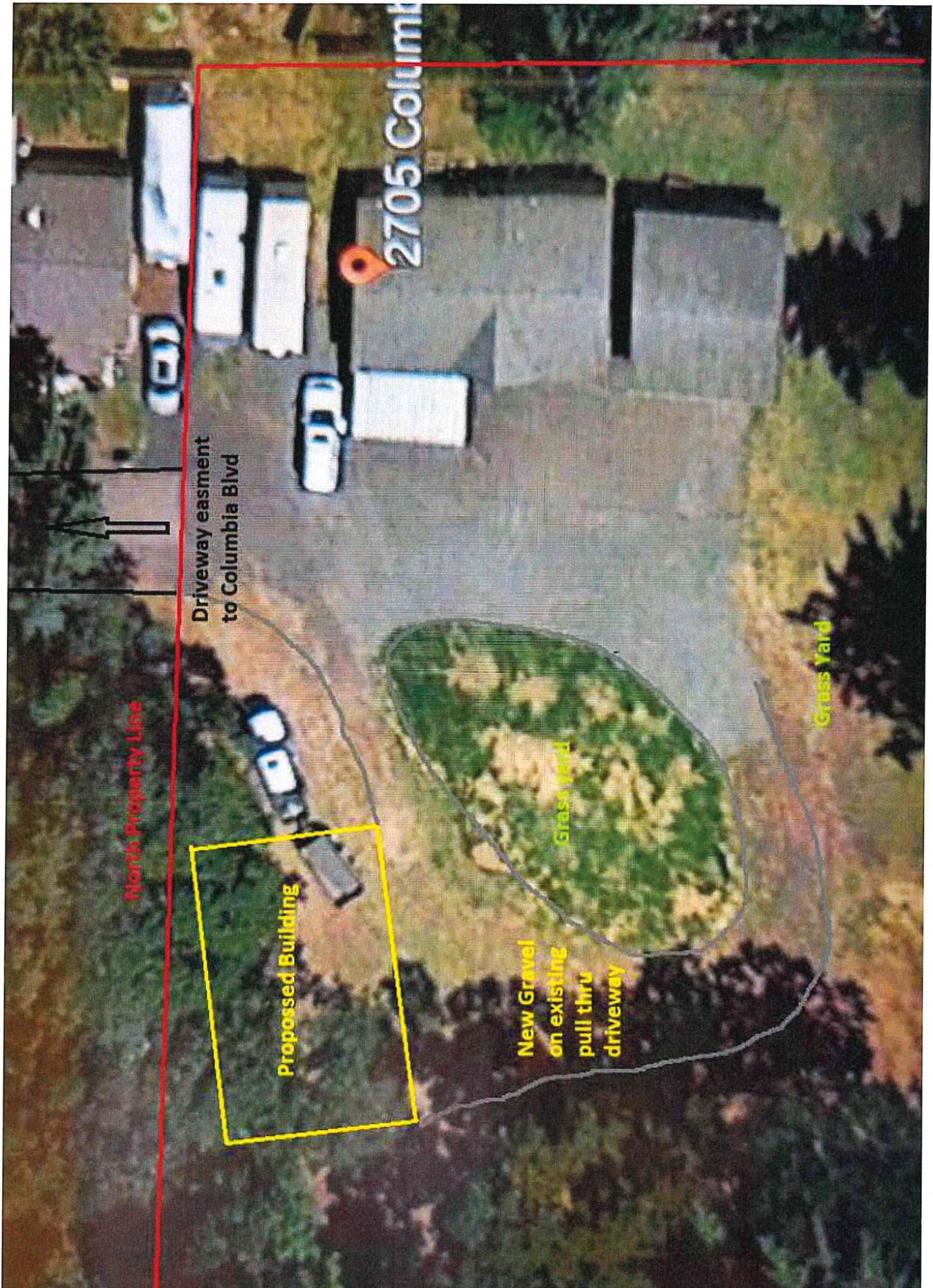
North Property Line

Proposed Building

New Gravel
on existing
pull thru
driveway

Grass yard

Grass Yard



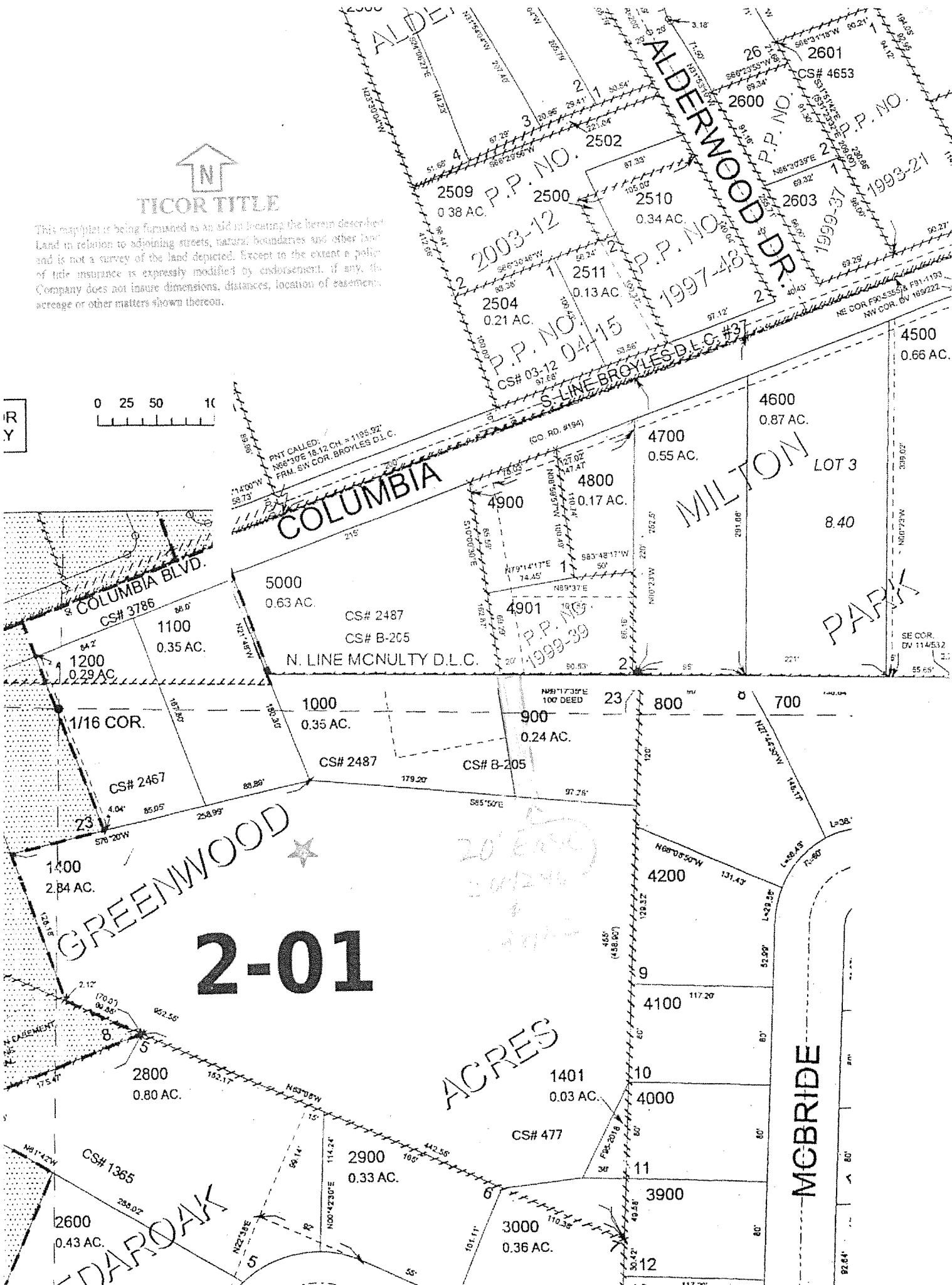


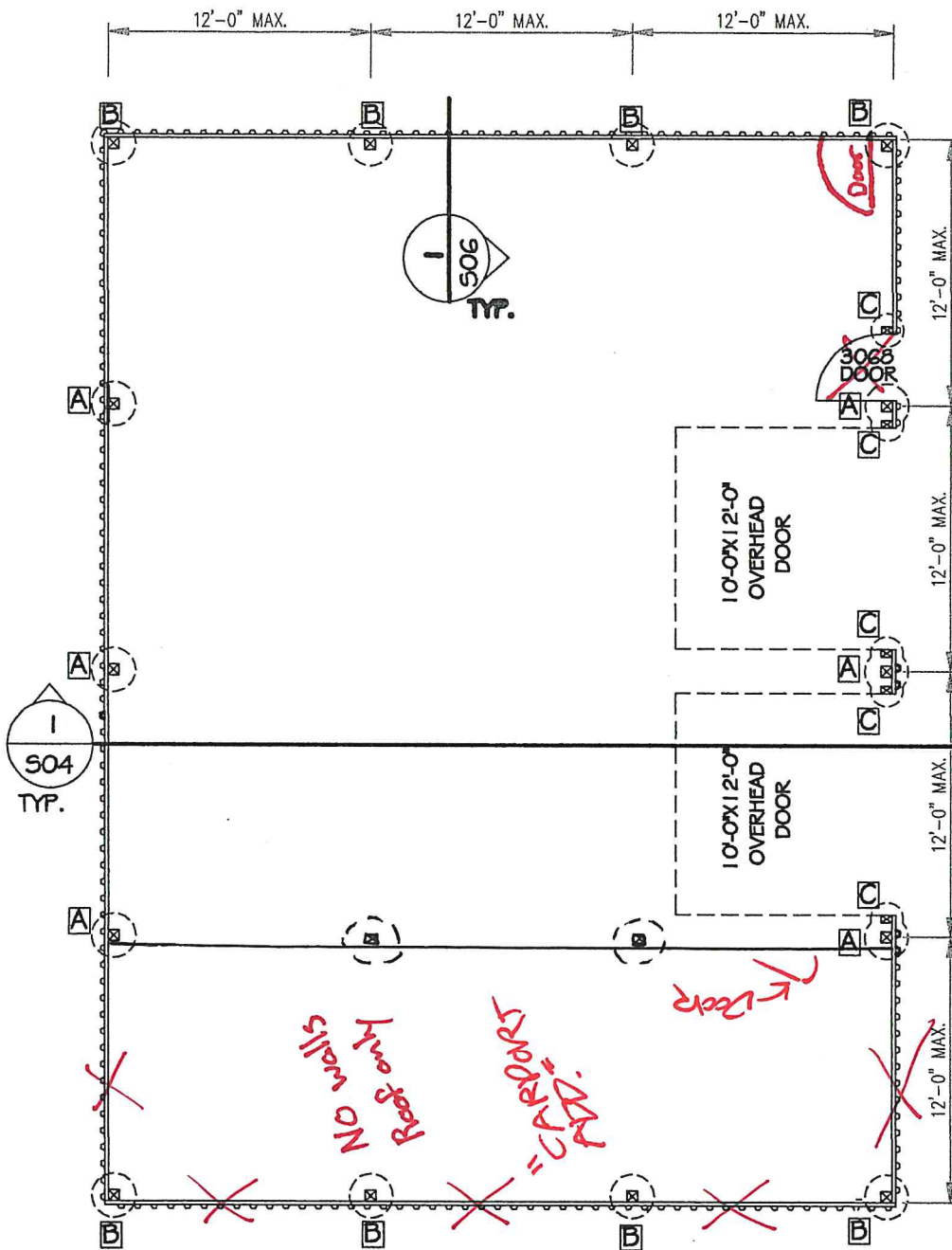
TICOR TITLE

This map/plot is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

0 25 50 100

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Y





POST	POST SIZE	HOLE DIA (IN)	HOLE DEPTH (IN)	REMARKS
A	P.T 6X6 HF#2	24	54	SEE DETAIL 2/S09
B	P.T 6X6 HF#2	24	54	SEE DETAIL 2/S09
C	P.T 4X6 HF#2	18	42	SEE DETAIL 2/S09

1 FOUNDATION/ FLOOR PLAN
S02

BUILDING CODES DIVISION

1535 EDGEWATER STREET NW
SALEM OR 97306
P.O.BOX 14470
TEL: (503) 378-4133 FAX: (503) 378-2322

READY BUILD PLAN #2014-01

PRESCRIPTIVE POST FRAME BUILDING
36'-0" X 48'-0" X 14'-0"

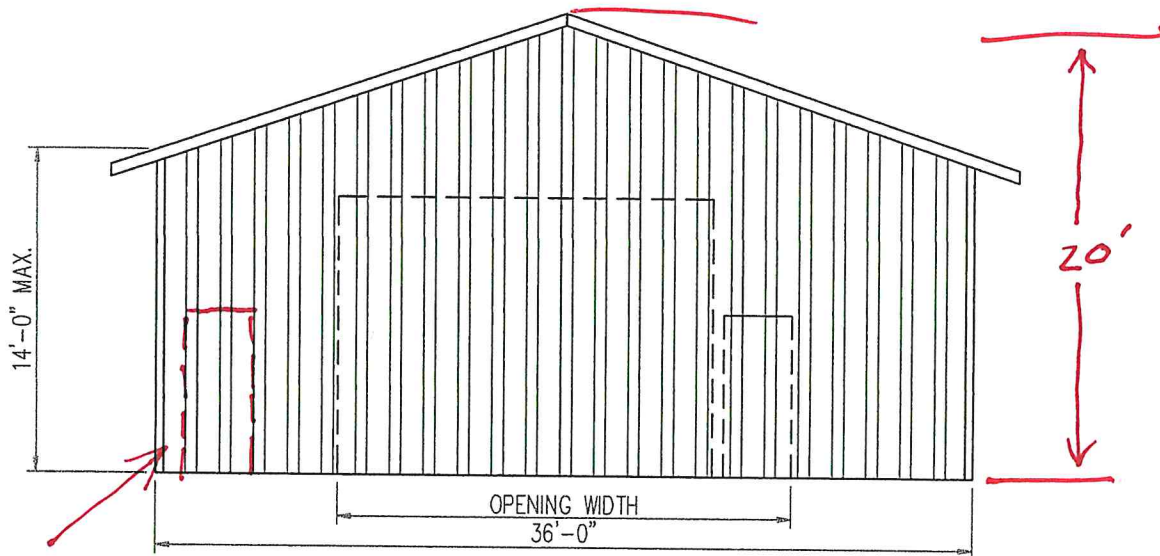
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SNOW: 30 PSF

BUILDING CODE:

OSSC:2010

Sheet:

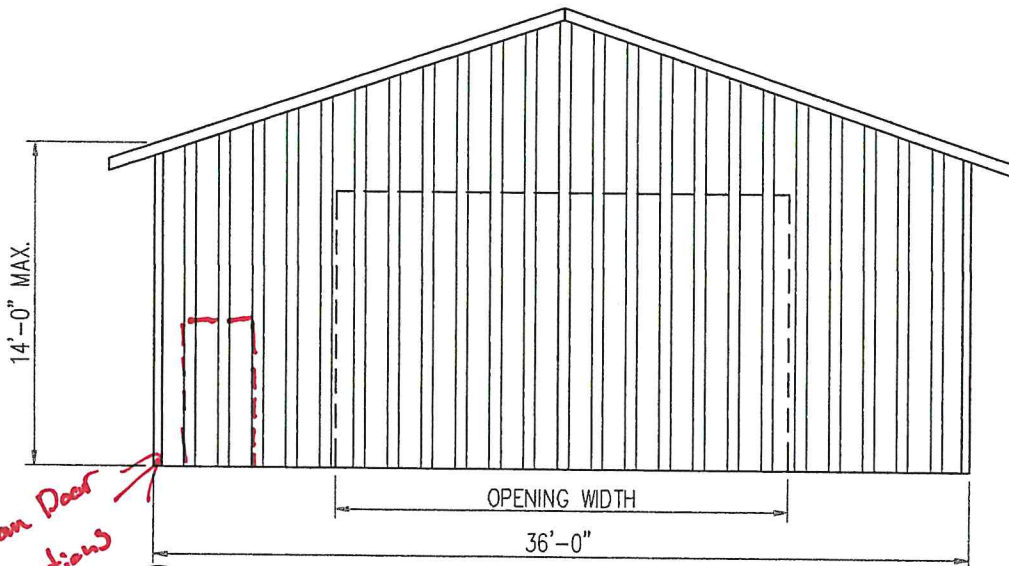
S02



1
S12 GABLE ELEVATION

PLAN NOTES:

1. MAXIMUM OPENING WIDTH IS 20'-0"
2. SEE 1/S11 FOR TRUSS BOTTOM CHORD BRACING FOR OPENING GREATER THAN 14'-0"
3. STITCH WALL PER S10 WHEN OPENING IS EQUAL OR GREATER THAN 16'-0"



Man Door
Locations

2
S12 GABLE ELEVATION

BUILDING CODES DIVISION

1535 EDGEWATER STREET NW
SALEM OR 97306
P.O. BOX 14470
TEL: (503) 378-4133 FAX: (503) 378-2322

READY BUILD PLAN #2014-01
PRESCRIPTIVE POST FRAME BUILDING
36'-0" X 48'-0" X 14'-0"

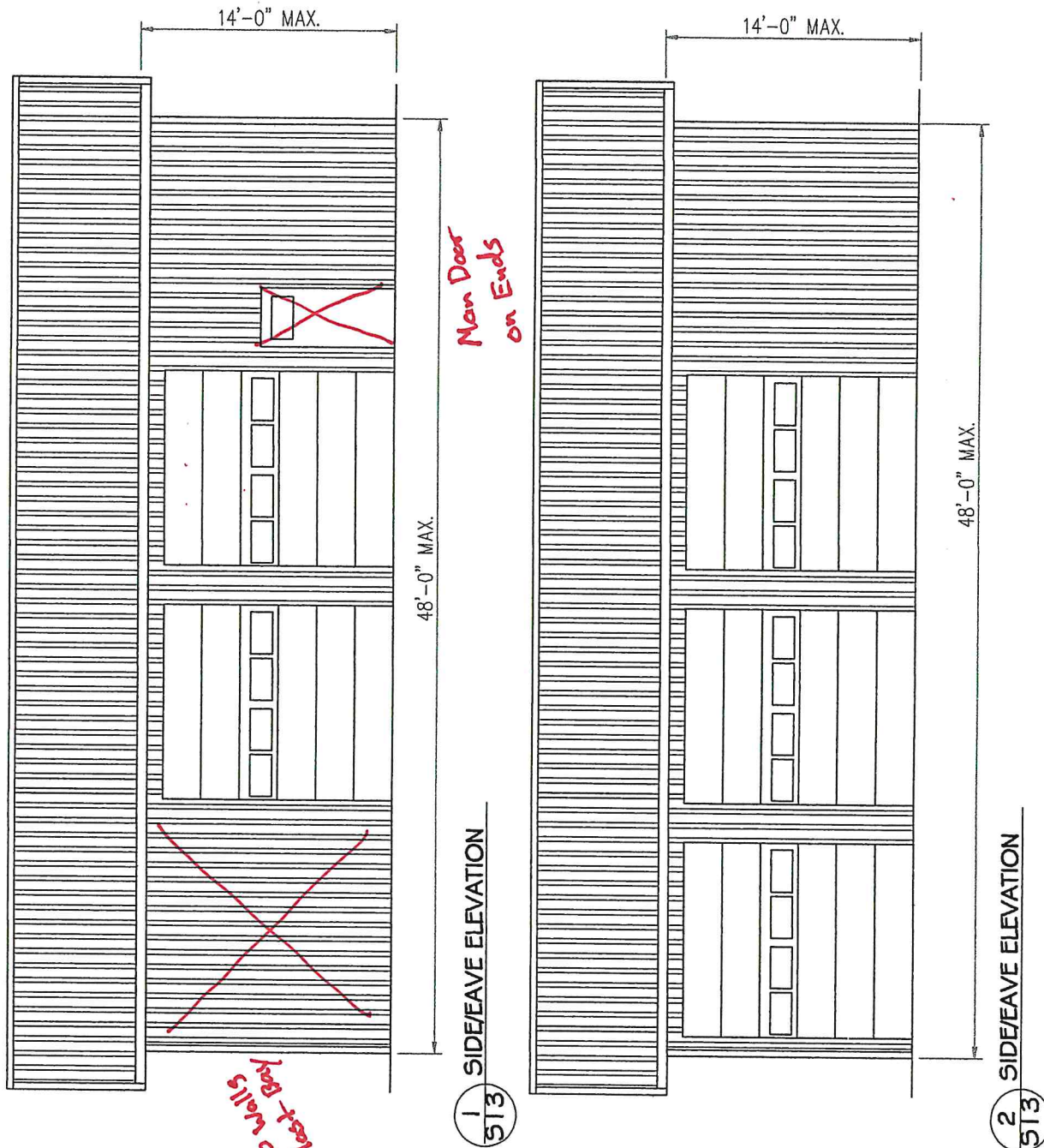
WIND: 95 MPH EXPOSURE "B"
SNOW: 30 PSF

BUILDING CODE:

Sheet:

OSSC: 2010

S12



PLAN NOTES:

1. MINIMUM 12'-0" SOLID WALL
2. (3) 10'-0" WIDE OVERHEAD DOORS OR (2) 10'-0" WIDE OVERHEAD DOORS AND 1 MAN DOOR CAN BE PLACED IN THE EAVE WALL
3. STITCH WALL PER S10 WHEN THE SOLID WALL IS 12'-0"

BUILDING CODES DIVISION

1535 EDGEWATER STREET NW
SALEM OR 97306
P.O. BOX 14470
TEL: (503) 378-4133 FAX: (503) 378-2322

READY BUILD PLAN #2014-01
PRESCRIPTIVE POST FRAME BUILDING
36'-0" X 48'-0" x 14'-0"

WIND: 95 MPH EXPOSURE "B"
SNOW: 30 PSF

BUILDING CODE:

OSSC: 2010

Sheet:

S13

Planning commission,

I am writing you as a property owner seeking a building size variance for a detached shop to be situated at my address; 2705 Columbia Blvd, St. Helens. My tax lot 1400 is nearly 3 acres in size and currently my home and detached garage are the only structures.

City code has a max size requirement of 1000 square foot for detached out buildings. I am submitting plans to build a 48' wide x 36' deep shop, which would be a 1728 square foot building. The size for my proposed shop is based on the amount of covered storage I am looking for. I hope to use plans from Dahlgren's Building Center for the structure.

My tax lot 1400 parcel is tucked back behind multiple tax lots that front on Columbia Blvd, making my parcel difficult to see from the road. I believe the unique size and location of my property sets it apart from the other surrounding tax lots, making it easier to fit a larger building onto my lot without looking oversize. I have reached out and spoken with both of my neighbors that own the property adjacent to the location I have selected. They have no objections and think that a building will look better than the current tarps and covers I use for storage. This building will not block any views or have any negative visible impact on the neighborhood.

I have chosen the location for the building based on the configuration of my current driveway which will allow access for moving large trailers in and out of the building. Our circular driveway makes it functional while not disrupting my current yard and play space for my kids. The proposed building is for storage of 2 large camping trailers, a boat, and my truck, along with various other outdoor items that currently sit out under covers or tarps. My building plans show a very similar roof pitch and overhangs that will match my already existing manufactured home. I also hope to match our home colors with those I choose for the shop, once the structure is completed. If I can provide any further information that will assist you in allowing this variance, please let me know.

Best Regards,

Jake Hanna

503 616 1470

street views from
these locations



errywood Dr

Columbia Blvd

2705 Columbia Blvd,
St Helens, OR 97051



7 min drive - home

Forest / Trees and
thick vegetation

McBride St

McBride St

Google

rd Dr



Google

