

CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
Variance V.1.21

DATE: April 5, 2021
TO: Planning Commission
FROM: Jennifer Dimsho, AICP, Associate Planner

APPLICANT: Steve Pegram & Paula Sheeley
OWNER: Same as applicant

ZONING: Apartment Residential AR
LOCATION: 164 S. 1st Street
PROPOSAL: Variance to allow a reduced front yard (setback)

The 120-day rule (ORS 227.178) for final action for this land use decision is **July 6, 2021**.

SITE INFORMATION / BACKGROUND

The site is developed with a detached single-family dwelling with paved access from S. 1st Street. River Street abuts the rear property line, making this property a “through lot” or a lot with frontage on two parallel streets. In 2020, the applicant received a 20-foot street vacation (VAC.1.20) of River Street, which increased the lot size from 5,800 sq. ft. to 6,960 sq. ft. There is an existing two-level deck/patio that runs along the rear of the property which was brought into compliance with setbacks with the granted street vacation. This rear deck/patio will not change in size with this request. The applicant’s variance request is part of a larger remodel of the home, which includes the following:

- Increase in the building footprint near the front entry
- Demolition of an existing two-car carport
- Demolition of a non-conforming detached accessory structure which encroaches into the S.1st Street right-of-way
- Construction of a new enclosed, attached two-car garage
- Construction of a new 2nd floor dwelling on top of the new garage

For the new garage and dwelling unit, the setback on the 1st floor is 16.5 feet, but the dwelling on the 2nd floor includes a 3-foot cantilevered structure which makes the front yard (setback) 13.5 feet. This is a variance request to reduce the 20-foot front setback to 13.5 feet.

Note that Development Code changes (CPZA.1.21) will allow duplexes on all lots that allow detached single-family dwellings. The specific code changes will go before City Council for approval on April 7, 2021 by City Council. If approved, the applicant will be utilizing these new code changes when they apply for their building permits. A duplex is possible on this lot now, however the standards that will apply based on CPZA.1.21 are different.

Photos of the structures on the property are included on the next page.



Top: Taken looking north on S. 1st Street.

White building is the detached non-conforming accessory structure to be removed with the remodel.

Carport next to white building will be removed and replaced with a 2-car garage and a dwelling on the 2nd floor. The location of the setback variance is in between the two structures.



Bottom: Taken looking at the front of the SFD from across S. 1st Street.

PUBLIC HEARING & NOTICE

Public hearing before the Planning Commission: April 13, 2021

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

Notice was published on March 31, 2021 in The Chronicle newspaper.

AGENCY REFERRALS & COMMENTS

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

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

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.

In addition, **SHMC 17.64.050 (1) Projections into required yards** is relevant to this proposal.

- (1) Cornices, eaves, belt courses, sills, canopies, or similar architectural features may extend or project into a required yard not more than 36 inches provided the width of such yard is not reduced to less than three feet.

The site plan shows a new eave along the northern property line about 2.5 feet from the property line. The applicant has stated that this eave is intended be at least 3 feet from the property line. If the new eave is less than 3 feet from the property line, a separate variance is required. The

Building Department would also have to approve it. If this Variance is approved, this is a recommended condition of approval.

FINDINGS:

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

- See applicant's narrative.
- Staff comments: The applicant will be removing an unsightly and non-conforming accessory structure that is currently entirely within the front setback. If granted, the negative visual impact of the new two-car garage and dwelling unit could be less significant since the new structure will be 13.5 feet from the property line, as opposed to a 1'7" encroachment into the right-of-way. The Commission can find that increasing setback conformance supports that this Variance will not be detrimental to neighboring properties.
- **Note:** The applicant was required to apply for a Site Design Review (Scenic Resource) since the new development is over 15 feet in height on S. 1st Street. Neighbors have until April 7, 2021 to comment on any potentially obstructed views of the Columbia River. As of the date of this staff report, no comments have been received. If no comments are received, the SDRsv decision will become final on April 19, 2021.

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

- See applicant's narrative.
- Staff comments: The existing detached single-family dwelling was built at least 60 years ago. It was developed with multiple setback requirements which do not meet current standards. The Commission can find that it is unique to have a lot with a structure that encroaches into the right-of-way. In pursuit of bringing the property into compliance with setback requirements, the applicant pursued a street vacation which is also unique to this property.

(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: The applicant is not requesting a use variance.

(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: Vision clearance is an important aspect to this criterion, given the proximity of the proposed setback variance to the driveway and S. 1st Street, which is classified as a collector street. The existing non-conforming structure absolutely creates a visual obstruction and safety hazard for vehicles pulling out onto S. 1st Street. The location of the proposed structure will be 16.5 feet from the property line with a 2nd floor

obstruction (no structure until 8 feet from the ground) 13.5 feet from the property line. Replacement of the existing structure with this proposed structure will improve vision clearance substantially.

- There is currently no landscaping or permeable surface within the front setback of this property. The applicant is proposing to remove a structure and convert a portion of the existing paved driveway into a permeable driveway, which will assist with stormwater management.

(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. The applicant notes purchase of the property occurred in 2018.
- Staff comments: Regarding the minimum necessary, the applicant is proposing a 16.5 front setback on the first floor (as opposed to a 13.5 front setback on both floors), which helps reduce the visual impact of the variance request.
- **Given the improvements to setback compliance and vision clearance with the proposed remodel, does the Commission feel that this variance is the minimum necessary to alleviate the hardship?** The Commission can choose to grant a smaller front setback variance or the full request.

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. The new eave along the north property line is to be at least 3 feet from the property line, not 2.5 feet as shown on the site plan. **An eave less than 3 feet from the property line will require a separate Variance and approval from the Building Department.**
3. 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.

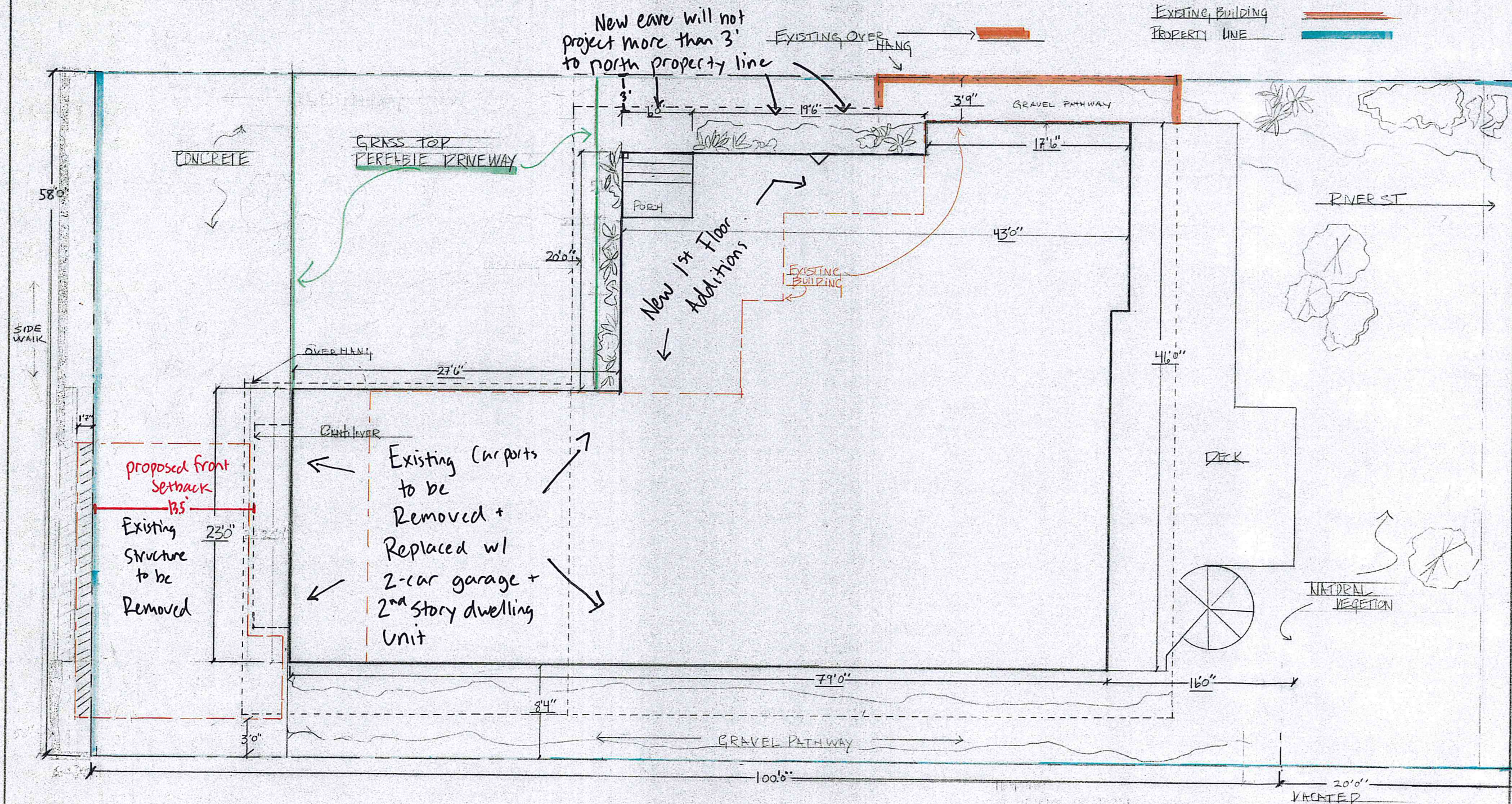
Attachments: *Site Plan, Building Elevations (2), Floor Plans (3), Applicant's Narrative (2)*

SDRsv.1.21 + V.1.21 Site Plan

REVISIONS	BY
2-21	

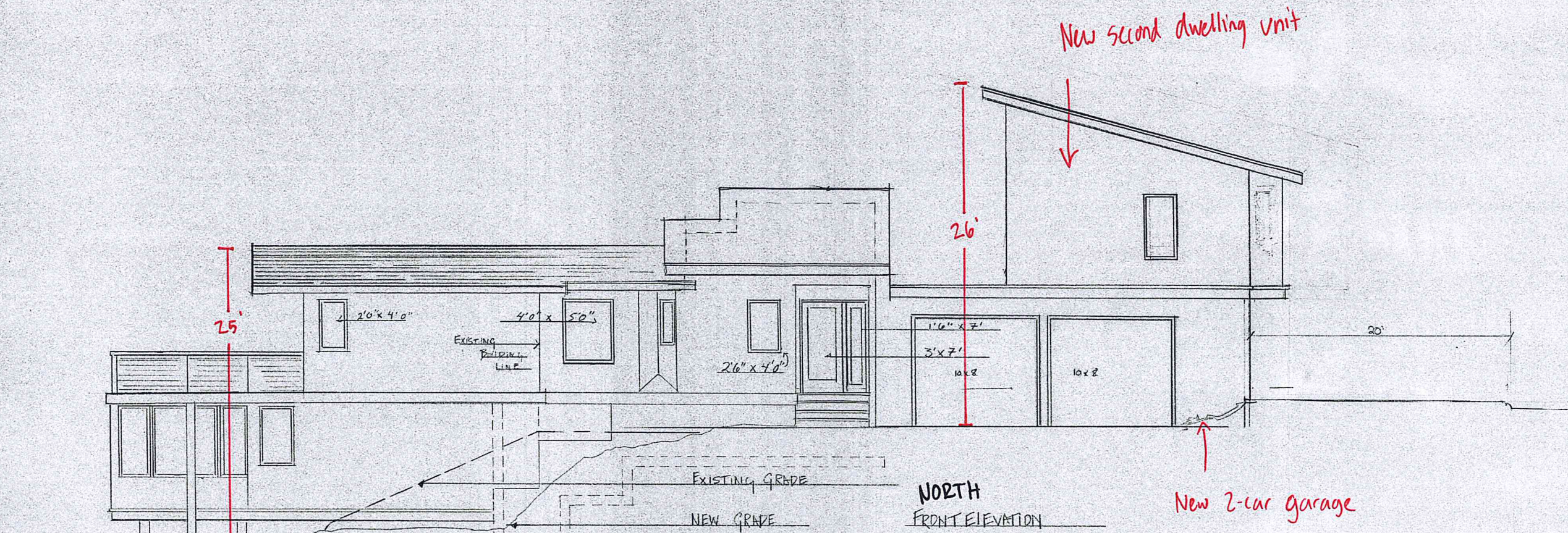


ENCROACHMENT
EXISTING BUILDING
PROPERTY LINE

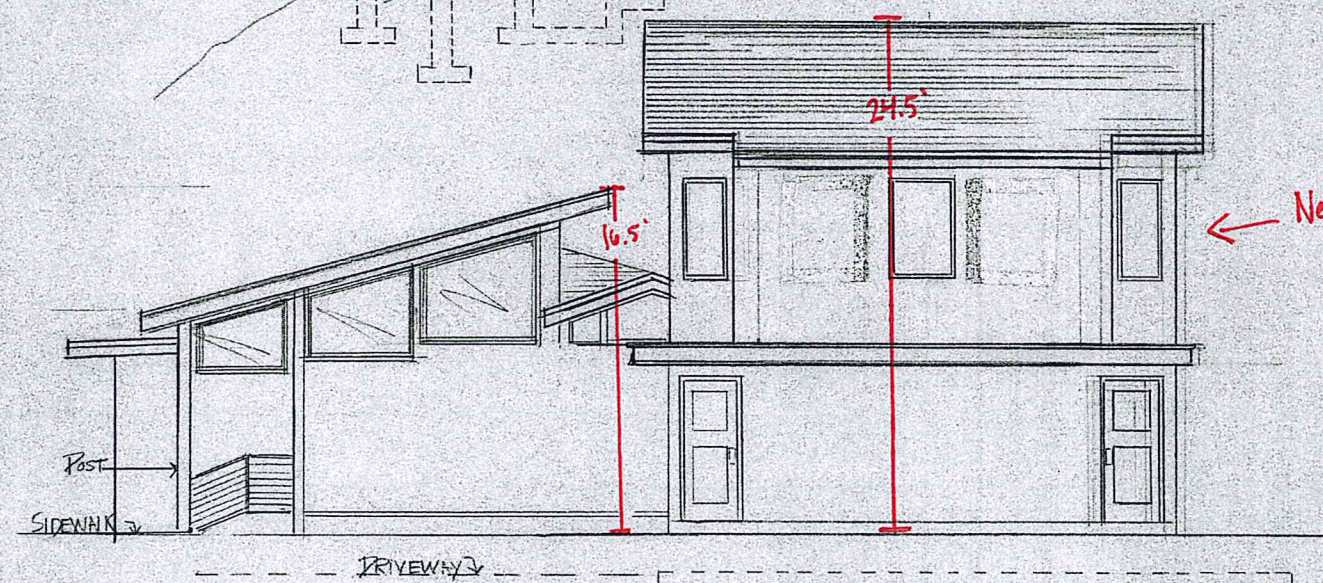


SDRsv.1.21 + V.1.21 Elevations (1)

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10/20/22	
2-21	



NORTH
FRONT ELEVATION

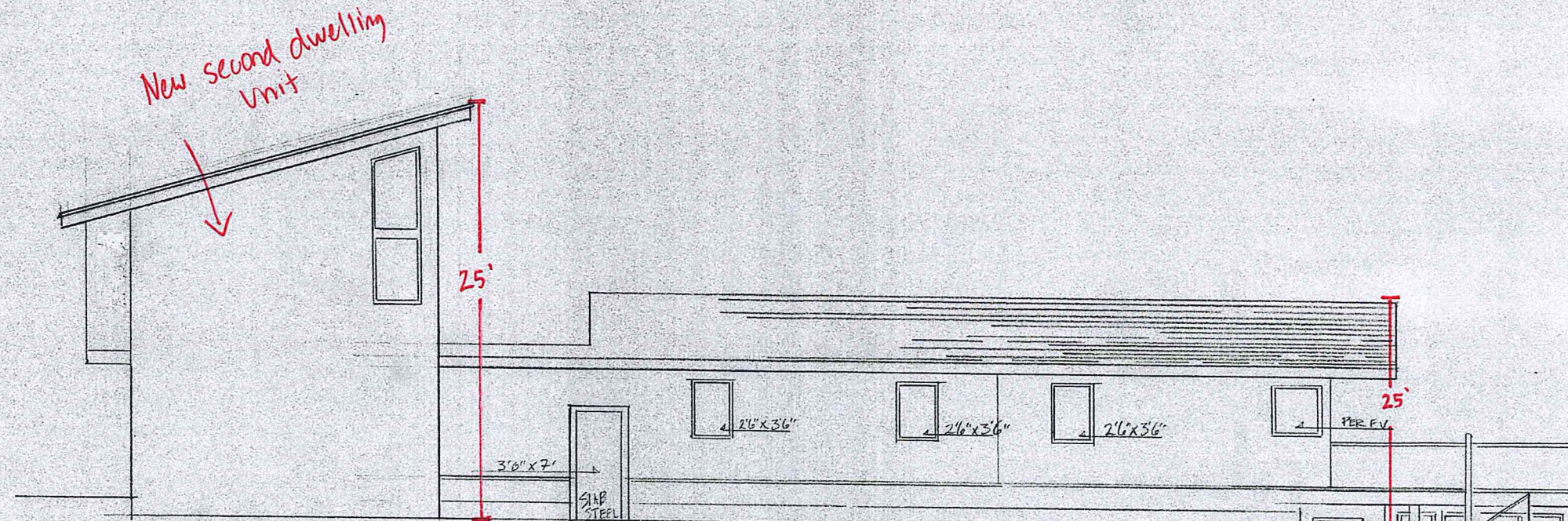


WEST
LEFTSIDE ELEVATION

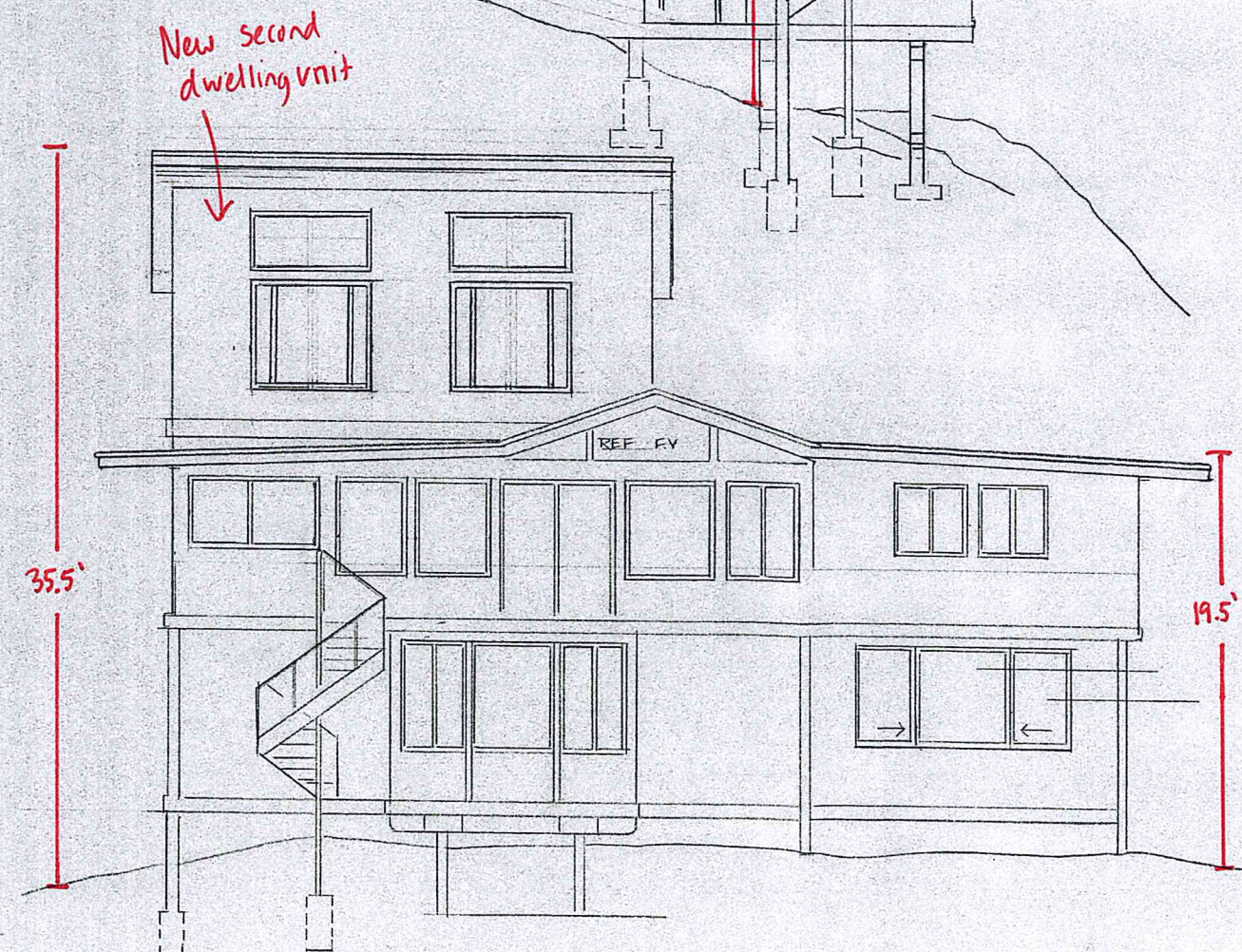
PEGRAM REMODEL
164 SOUTH 11TH ST
ST. HELENS, OR 97057

Date	
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Of	8 Sheets

SDP sv.1.21 + V.1.21 Elevations (2)



SOUTH
EAST RIGHT SIDE ELEVATION



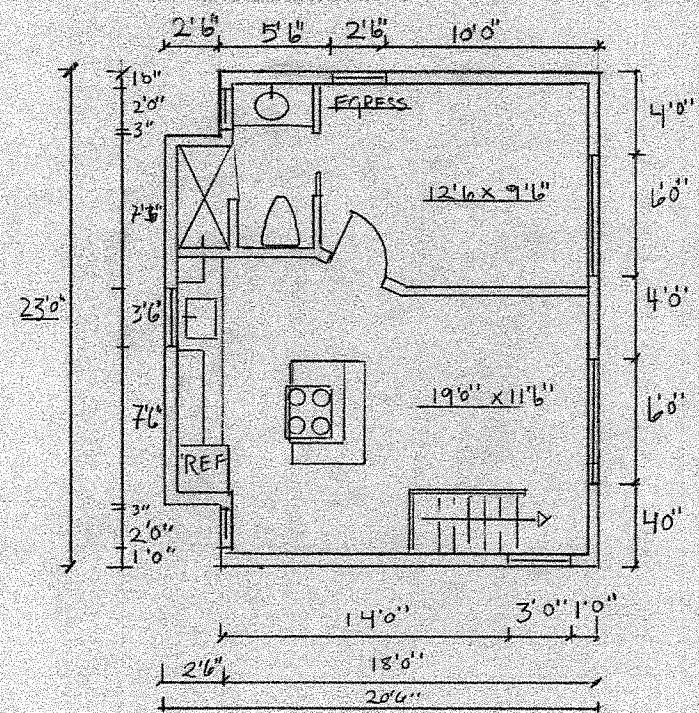
EAST
RIVERSIDE ELEVATION

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10/2020	
2-21	

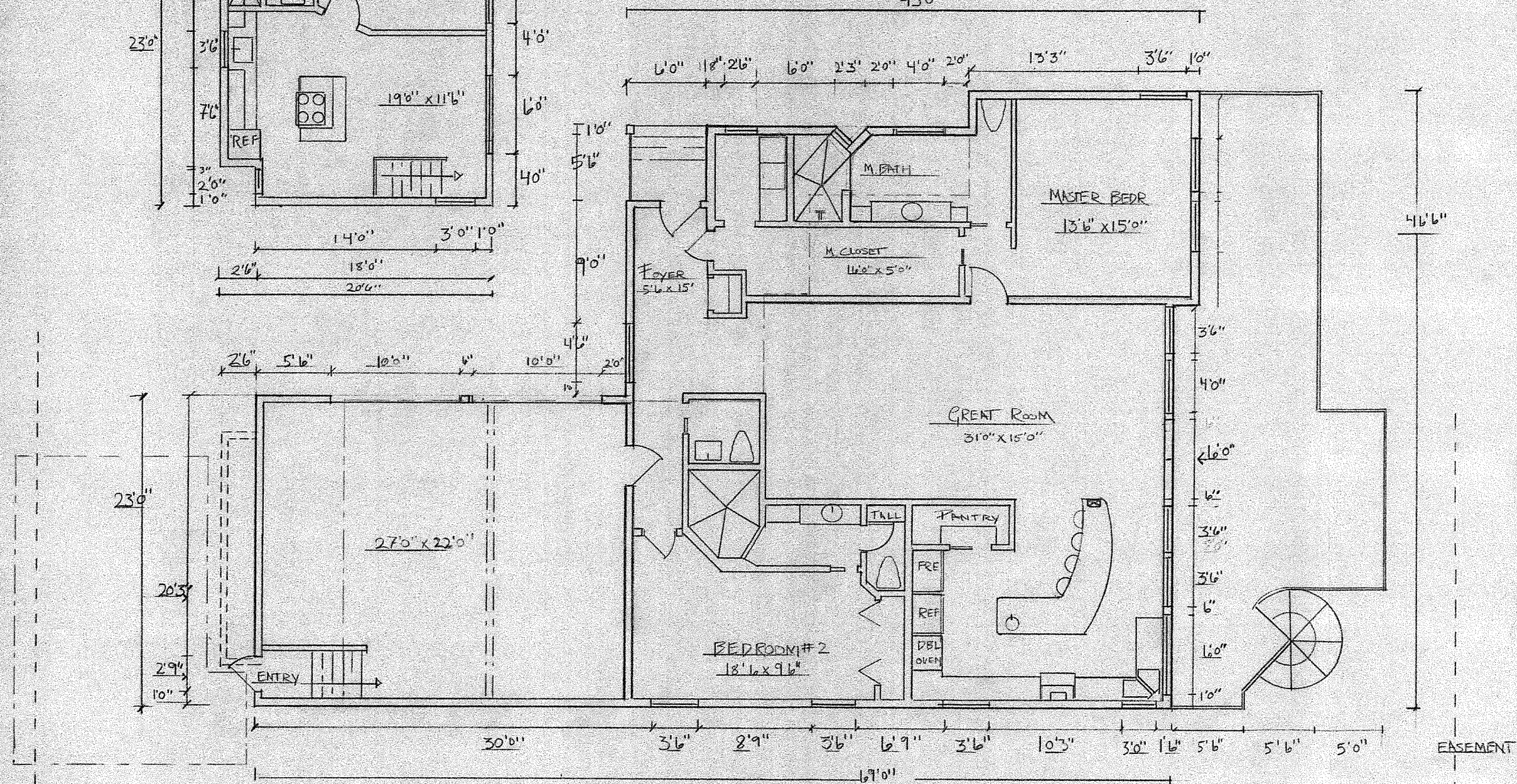
PEGRAM REMODEL
164 SOUTH 1ST
ST. HELENS, OR 97051

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2nd Story Dwelling Above Garage

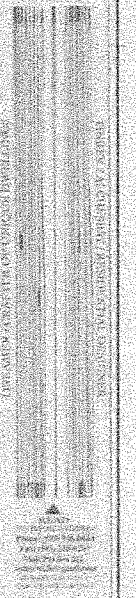


SFD Main Floor



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2-21



PEARNA REMODEL
164 SOUTH 1ST
ST. HELENS, OR 97051

Date 2-21

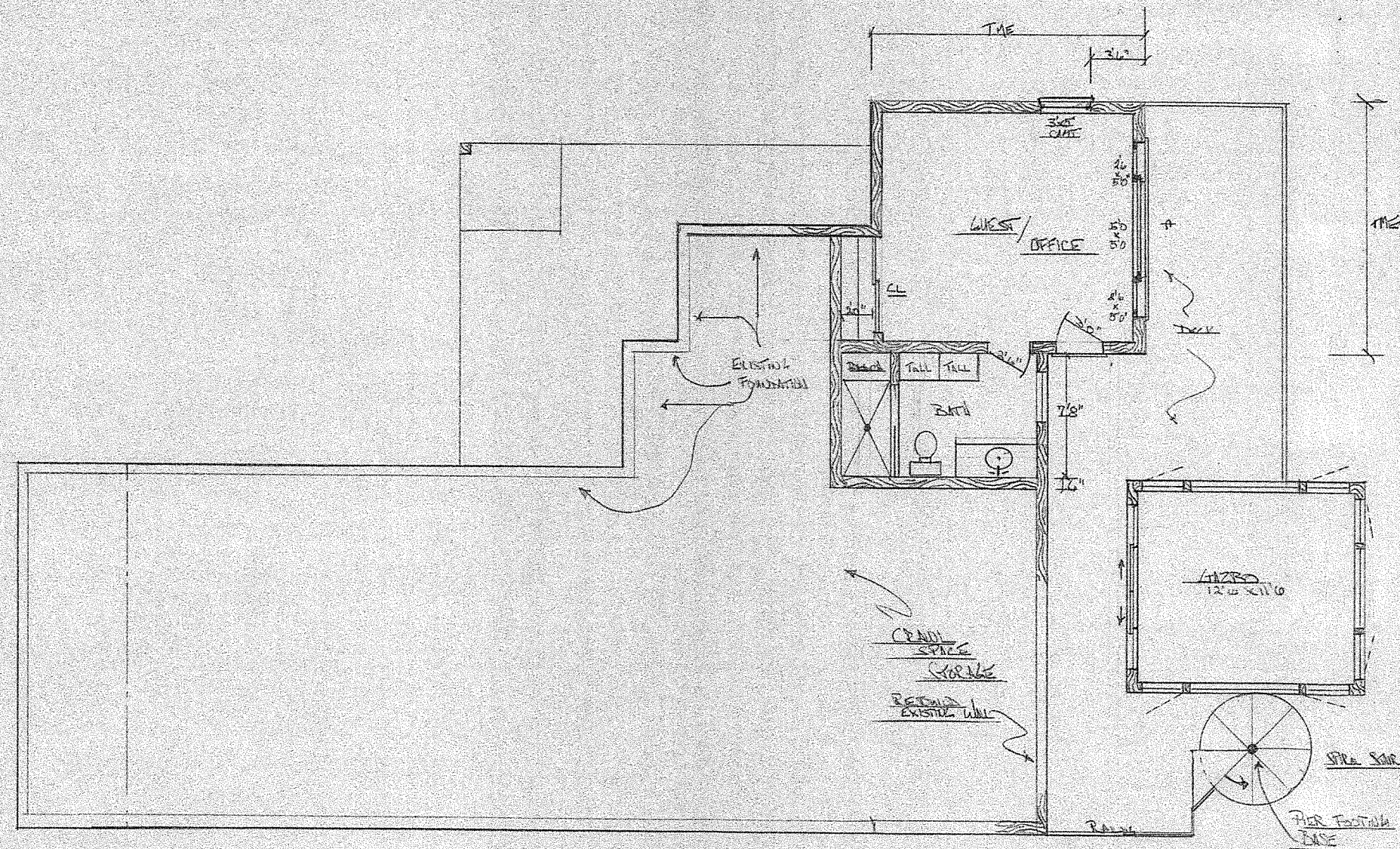
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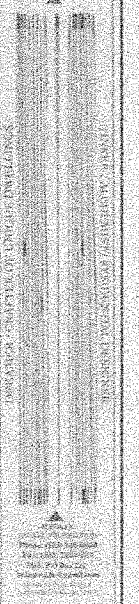
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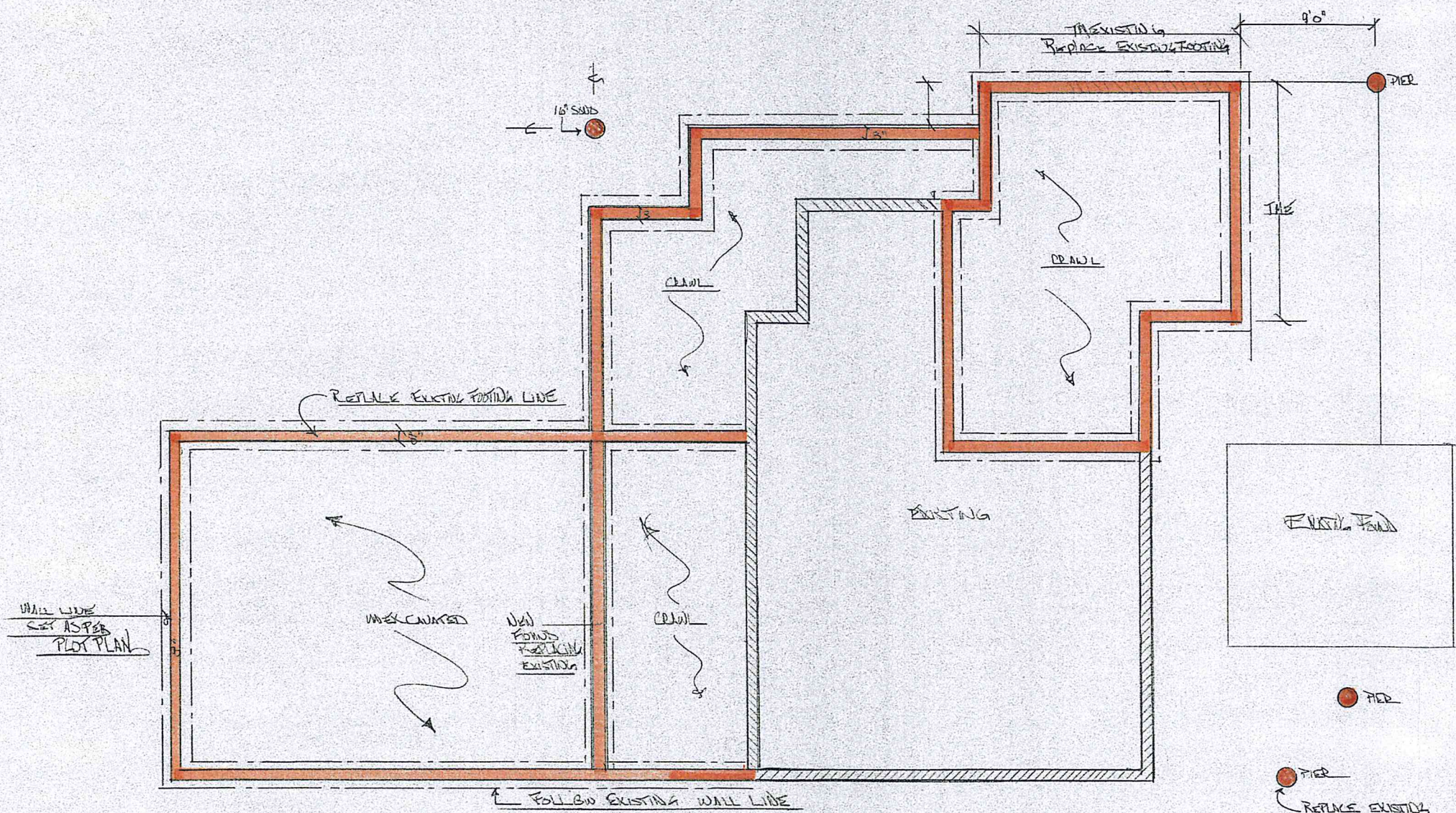
DUPPLICATED LOWER LEVEL

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1	MAJ 21 75



PROGRAM RECONSTRUCTION
101 SOUTH 1ST
ST. HELENS, OR 97057

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EXISTING FOUNDATION LINE =

NEW FOUNDATION =

NOTE: VERIFY ALL FOUNDATION DETAILS REFER TO ENGINEERING REPORT

REVISIONS	BY
March 21, 2010	

Date: 03 December 2020

To: City Planner

From: Steve Pegram

Subj: 160 S 1st St Variance Request (V.1.21 Narrative)

We are requesting a variance to the setback requirements at the above captioned property. I have addressed the five variance criteria below.

- 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 not be significantly detrimental in its consequence to other properties in the same zoning district or vicinity.

The existing buildings are non-conforming since originally constructed in 1960. There is currently a building that abuts the sidewalk (property line) and is actually 1' 7" over the line. In addition to being nonconforming, this is unsightly and poses a significant hazard for ingress and egress to the property.

As part of the remodel, we propose to demolish this building. We will also be demolishing the existing carports and replacing them with a two-car garage. The new building will be 13.5' setback from the property line. However, this does not meet the full setback (front) requirement of 20' feet. We are requesting a 6.5' variance for this distance.

- 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.

The buildings that have been in place since 1960 do not meet current setback requirements. In order to help mitigate these discrepancies, we requested and were granted a vacation from the City of Saint Helens of 20' on the rear of the property (the existing house was actually about 5' over the rear property line). Removing the existing building that encroaches the sidewalk will improve neighborhood esthetics and greatly improve safety of ingress and egress to the street.

- 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.

The house is currently zoned residential, and it will remain in residential use. No zoning change requested.

(River Street)

- 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.

Ingress and egress to the property is currently unsafe due to the existing building blocking the view of the driver, particularly when exiting the property. The proposed variance will eliminate this hazard.

We are proposing a permeable driveway system (addressed separately) that will replace the existing asphalt. Currently, 100% of the property between the house and the sidewalk is paved or covered by a structure. The permeable system will replace a substantial portion of this pavement allowing much better drainage and storm water management. There will be a paved transition from the sidewalk to the permeable driveway system of approximately 20 feet due to the sloping nature of the property and to mitigate any possible carrying of debris onto the public sidewalk or street.

- E. The hardship is not self-imposed, and the variance requested is the minimum variance which would alleviate the hardship.

The requested variance is due to the way this property was laid out and the buildings constructed and sited in 1960. The current owners acquired the property in 2018. The hardship is historical and not self-imposed.