

CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
Variance V.2.24 & V.3.24

DATE: March 4, 2024
TO: Planning Commission
FROM: Jacob A. Graichen, AICP, City Planner

APPLICANT: Wayne Weigandt
OWNER: 1771 Columbia Boulevard, LLC

ZONING: General Residential, R5
LOCATION: 475 N. 12th Street; Lots 22 and 23, Block 5, Railroad Addition to St. Helens
PROPOSAL: Variances to allow a zero-foot side yard (setback) to allow two duplexes (one on each lot) to be attached at the property line

SITE INFORMATION / BACKGROUND

The site was developed with a detached single family dwelling since the early 20th century (per County Assessor records) until the use was discontinued and the dwelling razed. The demo permit to raze the building (749-22-000630-DEMO) was issued by the Building Department on December 29, 2022. Now it's a more-or-less level site with no significant features or vegetation.

The site was rezoned from Light Industrial, LI to General Residential, R5 via Ordinance No. 3298 earlier this year (file CPZA.2.23).

PUBLIC HEARING & NOTICE

Public hearing before the Planning Commission: March 12, 2024

Notice of this proposal was sent to surrounding property owners within 100 feet of the subject property(ies) on February 20, 2024 via first class mail. Notice was sent to agencies by mail or e-mail on the same date.

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

APPLICATION COMPLETENESS

This application was originally received and deemed complete on February 14, 2024. The 120-day rule (ORS 227.178) for final action for this land use decision is June 13, 2024.

AGENCY REFERRALS & COMMENTS

None.

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

DISCUSSION:

Both Variances V.2.24 & V.3.24 are identical so they are discussed in tandem instead of separately. There are two separate lots, and a Variance is required for each.

Being zoned R5, duplexes (detached single family dwellings too) have a normal side yard (setback) of 5 feet. Attached duplexes, where a shared wall sits atop a lot line so each duplex can be owned separately is not normally allowed. This is the proposal and subject of these Variances.

Attached dwelling are possible with a dwelling on each lot, allowing for separate ownership, but only in single unit form (i.e., attached single-family dwelling). As many as five attached single-family dwellings may be together and these are typically narrower lots with a minimum lot width of 25 feet versus 50 feet for duplexes. For the side not attached to another dwelling, the side yard (setback) is 5 feet for attached single-family dwellings.

In the case of a multidwelling structure (three or more units in a building on the same lot) the minimum side yard (setback) is 10 feet.

The front and rear yards are the same for all of the above-described residential types: 20 feet and 10 feet, respectively.

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 to approve the Variances.

FINDINGS:

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

- See applicant's narrative.
- Staff comment(s): The Commission could require that the side yard (setback) on the non-attached side of each duplex to be 7' as the applicant's site plan shows as a value between 5' for duplexes and 10' for multidwelling development. Basis could be to offset the lesser air light and space at the shared wall on the lot line. This included in the staff recommended conditions.

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

- See applicant's narrative.
- Staff comment(s): The applicant focuses on the unique opportunity the characteristics of the lots present, rather some weird aspect the lots present. Each lot lots are normal sized 50' x 100' lots and level.

(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(s): One thing to consider are the yard (setback) requirements of a zoning district and their intent on preserving a certain amount of air, light and space to coincide with an anticipated quality of life standard.

A single duplex on a lot would normally have a minimum side yard (setback) of 5 feet on each side. Thus, the total minimum side yards—combing the two sides—would be 10 feet. Having two adjacent side-by-side lots with a duplex on each lot, the combined minimum side yards would be 20 feet (i.e., 5' x 4).

Per the site plan for this proposal, the outer side yards (setbacks) are proposed to be 7-foot each, for a total of 14 feet. It could potentially have only 10' if the Variances were allowed without additional restrictions.

As proposed:

$$14'/20' = 0.70 \text{ or about } 70\% \text{ of the normal minimum total side yards.}$$

If minimum side yard was proposed with the attached duplex request:

$$10'/20' = 0.50 \text{ or about } 50\% \text{ of the normal minimum total side yards.}$$

The Commission should consider if the Variances be granted specific to the plan provided and with a minimum 7' yard (setback). This included in the staff recommended conditions.

(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.

(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(s): See staff comments about requiring the proposed plan and the 7 foot side setback (yard) on the non-attached sides

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.

CONCLUSION & RECOMMENDATION

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

1. This Variance approval is valid for a limited time pursuant to SHMC 17.108.040.
2. These Variances shall apply to the specific proposal presented in the application. The Variances shall not apply to different plans, except minimum variation to ensure compliance with condition 3 and/or to meet any other requirement.
3. The minimum side yard (setback) for the non-attached sides shall be seven feet.
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.

Attachment(s): applicant's narrative
site plan
elevations
floor plan
photo of Scappoose example

Response To Request For A Variance

The City of St. Helens Ordinance 17.108.050 provides Criteria for approval of a variance.

(a) The proposed variance will not be significantly detrimental in its consequence to the overall purpose 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.

Response: The subject property is located in an R-5 zone. The City of St. Helens ordinance 17.32.070 (1) describes the purpose and minimum development standards for residential purposes and to establish sites for single family homes, detached and attached units for medium density residential developments. (2) (a) lists duplex dwelling units as an outright use. In addition in (h) it provides for attached (five) units maximum together.

My variance request is for zero set back to allow the construction of duplexes on a common lot line of lots 22 and 23 Block 5, Railroad addition to the City of St. Helens. Both lot 22, and 23 would have a duplex constructed with the zero lot line on the common lot line. Please see attached plot plan.

The intent of the outright uses of the R5 zone is to provide for a home or duplex, or a row home construction. I am requesting this zero lot line construction on the common lot line for construction of a side by side attached duplex like the one I constructed in Scappoose, Oregon about 6 years ago. Please see plan set and pictures for design features and appearance and functionality. No variances other than the common lot line set back between lot 22 and 23 are requested. These duplex units can provide housing for everyone, and may be especially attractive to the aging population in that they are one level, and have an attached single car garage.

(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.

Response: There are 4 R-5 lots available . Two lots front N.12 and two front N. 13th. All the lots are 50 x 100. Each lot has access to public utilities or is served by public utilities, and are flat. They can provide uniqueness not available in very many places in our community.

(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.

Response: The property is zoned R -5 and an outright use is a duplex. Each lot will have a duplex and will not exceed the living units provided by the R-5 zone.

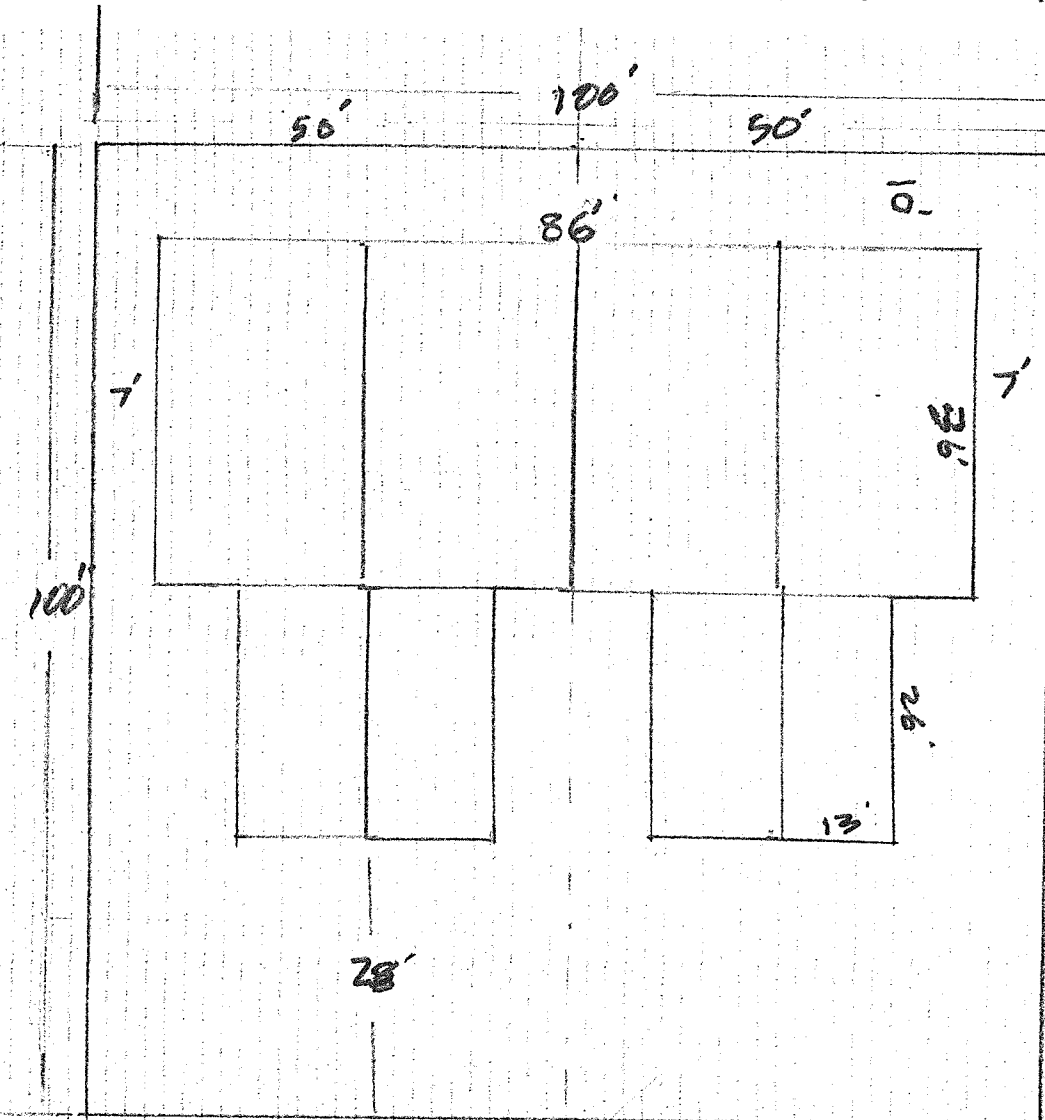
(d) Existing physical and natural systems such as but not limited to traffic, drainage, dramatic land forms, or parks, will not be adversely affected any more than would

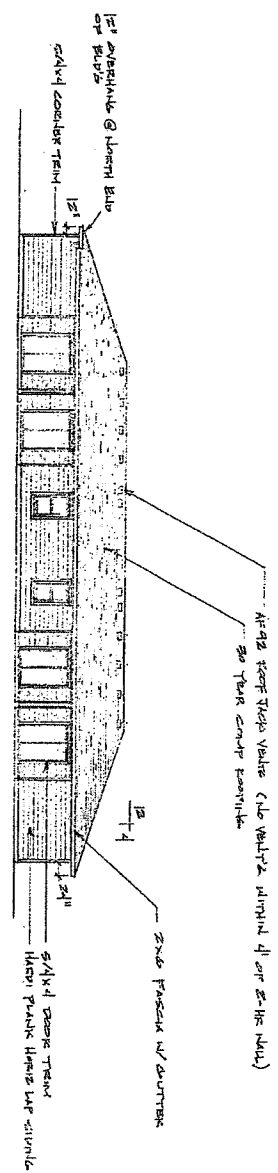
occur if the development were located as specified in the code.

Response: There are no natural systems, traffic, drainage, or dynamic land forms or parks that would be affected.

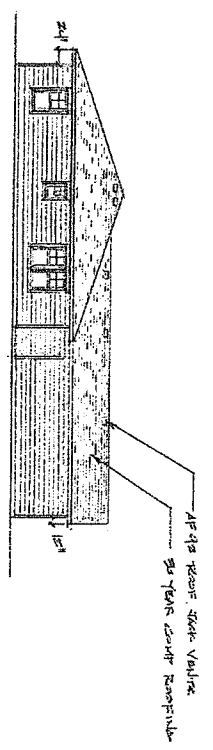
(e) The hardship is not self-imposed and the variance request is the minimum variance which would alleviate the hardship.

Response: The request for the zero lot line duplexes as described above is somewhat of a hybrid from what is described in 17.32.070 (1). Fire codes allow for zero lot line construction to be done on individual lots for single family homes, and row houses. I feel that the codes never considered two zero lot line duplexes as being a possibility or defined as provided by (c) above.

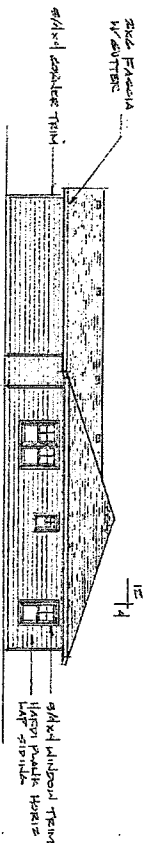




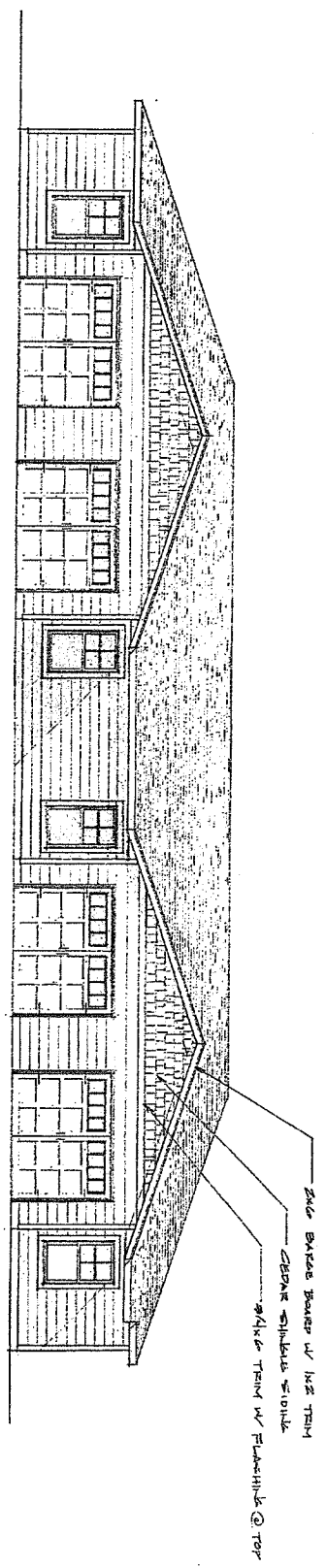
WEST ELEVATION
1/2" = 1'-0"



SOUTH ELEVATION
1/2" = 1'-0"



EAST ELEVATION
1/2" = 1'-0"



NORTH ELEVATION
1/2" = 1'-0"

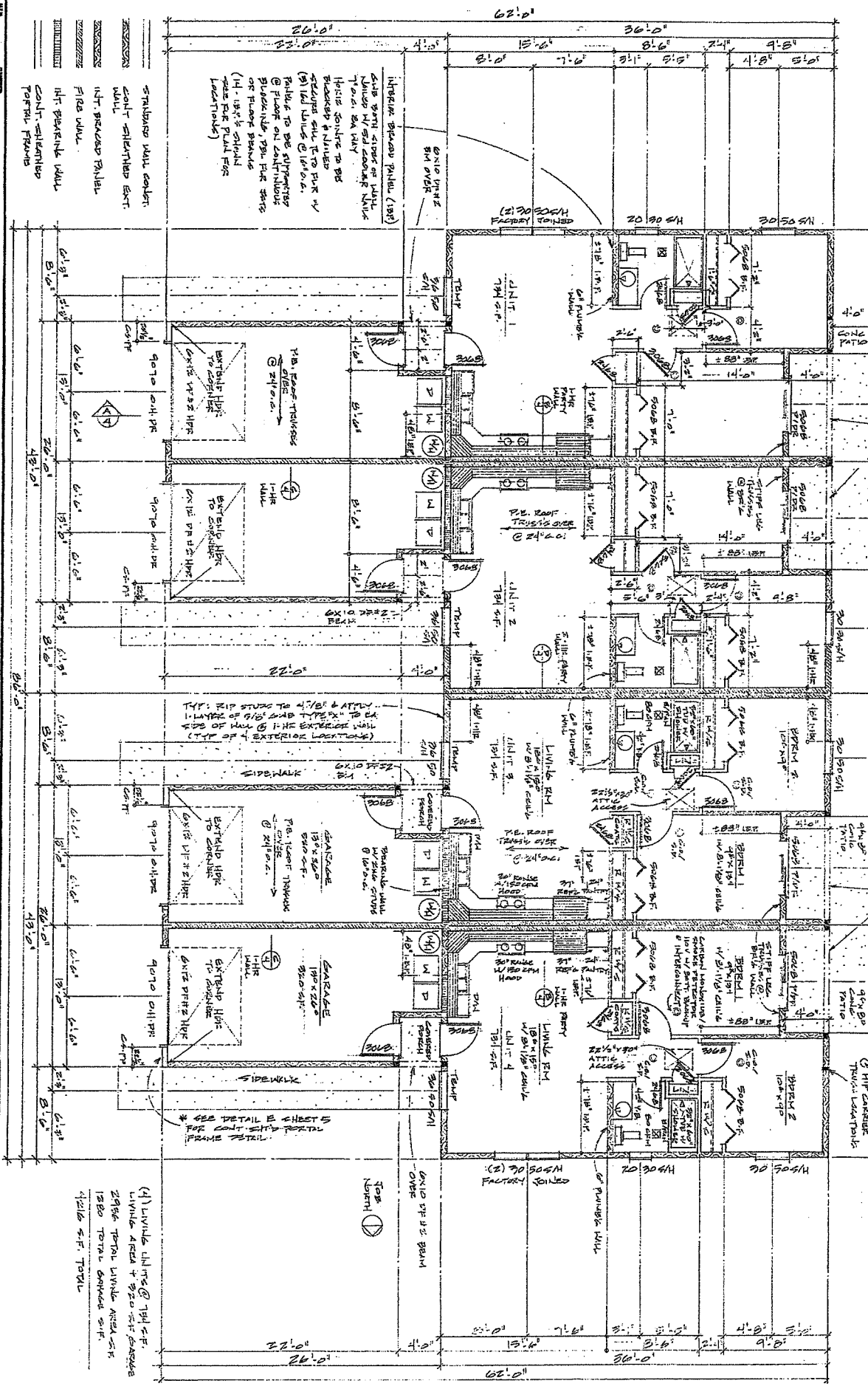
ELEVATIONS

NEW 4 PLEX FOR:
WAYNE NESSAUNT
2ND & OAK
SCAPPOOSE, OR 97056
(503) 396-0065

CLARK & ASSOCIATES
BUILDING DESIGNERS
400 CLARK STREET WEST
KELSO, WA 98626
(360) 577-1395

Date	9-1-15
Drawn by	W. J. B. / B. B.
Checked by	B. B.
Job No.	10518
Scale	1" = 1'-0"

VERTICAL PANELS (SEE UNIT)
 - EXTERIOR WALLS TO HAVE
 SYSTEM OF TYPICAL VENTILATION
 SHOWN IN UNIT 100. VENTILATION
 OF UNIT 100 TO BE APPLIED VERTICALLY
 THROUGH THE EXTERIOR WALLS
 THROUGH THE EXTERIOR WALLS



STANDARD WALL COULTS
 CONT. STAIRPORT EXT.
 WALL
 INT. BRICKED PANEL
 FIRE WALL
 INT. STAIRWELL WALL
 CONT. STAIRPORT
 PORTAL FRAME

TYPE 210 STUCCO TO 1/2" & APPLY
 1 LAYER OF 6/8" GAB TYPE 'X' TO ALL
 4 SIDES OF WALL @ 1" IN EXTERIOR WALL
 (TYPE 4 EXTERIOR LOCKING)

(1) LIVING LINENS @ 791 SF.
 LIVING AREA + 920 SF FURNITURE
 2916 TOTAL LIVING AREA SF
 1280 TOTAL GARAGE SF
 4216 SF TOTAL

REAR 4 CHAIRMAN HEADERS UNDER
 LIVING CHAIRMAN
 * INTERIOR & EXTERIOR STAIR
 WALKER HEADERS AS PER 2011
 FEDERAL INTERNATIONAL SPECIFICITY
 CODES

PHOTO OF ATTACHED DUPLEX
DEVELOPMENT IN SCARPOOSE

