



CITY OF GEARHART

698 PACIFIC WAY • P.O. BOX 2510 • GEARHART, OREGON 97138
(503) 738-5501 • (503) FAX 738-9385

APPLICATION BEFORE THE CITY OF GEARHART PLANNING COMMISSION

PLANNING COMMISSION
2ND THURSDAY, 6:00 PM

DATE RECEIVED 1/23/23

- APPLICANT: Shawn Evjen PHONE: 503-871-3412
 MAILING ADDRESS: 16354 Boones Ferry Rd, Lake Oswego 97035
 EMAIL ADDRESS: shawn@evjen.com CELL PHONE: _____
vanillawood.com
- PROPERTY OWNER: Jane Paulson & Helen White PHONE: _____
 MAILING ADDRESS: 1829 NE STANTON ST, PORTLAND OR 97212
 EMAIL ADDRESS: helenwhite10s@gmail.com CELL PHONE: 503.789.7117
jp97070@yahoo.com
- SURVEYOR/ ENGINEER: Ryan Hardie, Allstructure PHONE: 503.620.4314
 MAILING ADDRESS: 16154 UPPER Boones Ferry Rd, Lake Oswego 97224
 EMAIL ADDRESS: ryan.h@allstructure.com CELL PHONE: _____
- LEGAL COUNSEL: _____ PHONE: _____
 MAILING ADDRESS: N/A
 EMAIL ADDRESS: _____ CELL PHONE: _____
- PROPERTY LOCATION: 702 G- Street
- LEGAL DESCRIPTION OF PROPERTY:
 (A) ASSESSORS PLAT AND TAX LOT: 61009A10 - 5900
 (B) ADDITION, BLOCK, AND LOT: \

PER SEC 13.080 OF THE GEARHART ZONING CODE ACTUAL EXPENSES INCURRED BY THE CITY DURING THE PROCESS OF TECHNICAL EVALUATION OF AN APPLICATION SHALL BE BORNE BY THE APPLICANT, IN ADDITION TO THE FILING FEES ESTABLISHED BY RESOLUTION. UNPAID PENALTIES, FINES OR INCUMBRANCERS OWED TO THE CITY OF GEARHART ARE GROUNDS FOR WITHHOLDING ISSUANCE OF A PERMIT. DO YOU OWE ANY MONEYS TO THE CITY OF GEARHART? (CIRCLE) YES NO

- SIGNATURE (APPLICANT) [Signature] DATE: 1-23-2023
 PRINT Shawn Evjen
- SIGNATURE (OWNER) [Signature] DATE: 1/23/2023
 PRINT Jane Paulson Helen White

NOTICE: ALL ITEMS MUST BE COMPLETED IN ORDER FOR THE APPLICATION TO BE DEEMED COMPLETE AND READY FOR PROCESSING.

TO BE COMPLETED BY STAFF
 DOES APPLICANT OWN ANY MONEY TO THE CITY? NO IF SO, AMOUNT _____
 FOR _____ ACCOUNT # _____ DEPARTMENT STAFF _____ (INITIAL)



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RECEIVED
JAN 23 2023
\$ PAID
1/23/23
CHK # 9131 (AP)

APPLICATION FOR VARIANCE

Vanillawood for:

APPLICATION FEE: \$1500.00 PD 1500.00

APPLICANT Jane Paulson + Helen White CONTACT PHONE # 503-305-8830

ADDRESS 16354 Boones Ferry Road, Lake Oswego, OR 97035

EMAIL ADDRESS shawn@vanillawood.com james@vanillawood.com

OWNER NAME (PRINT) Jane Paulson Helen White

OWNER SIGNATURE [Signature] [Signature]

PROPERTY ADDRESS 202 G Street PRESENT CITY ZONE DISTRICT R-1

LEGAL MAP & TAX LOT # L1009 AD 05900

DESCRIBE THE REQUEST Remove 134sf of covered walkway roof currently in Setback.
Replace 224sf of roof with roof deck and glass railing.

ATTACH A SITE PLAN SKETCH OF THE PROPOSAL DRAWN TO SCALE illustrating the size, and location, of existing uses and structures on the property and describing the proposed variance. (1"=20' scale will fit on an 8-1/2" x 11" sheet of paper.)

GEARHART ZONE CODE SECTION 9.030 CRITERIA FOR GRANTING VARIANCE: Variance to a requirement of this ordinance with respect to lot area and dimensions, setbacks, yard area, lot coverage, height of structures, vision clearance, decks and walls, and other quantitative requirements may be granted only if, on the basis of the application, investigation, evidence submitted and findings are made based on the four approval criteria. Please attach a narrative that answers the following approval criteria:

1. Explain how the request is necessary to prevent a hardship to the applicant; and
2. Will the proposed development that results from the granting of the variance be injurious to the adjacent area in which the property is located? Describe adjoining uses and possible impacts if the variance is granted; and
3. Is the request necessary to enable reasonable use of the property; and
4. Is the request in conflict with the Gearhart Comprehensive Plan?

PLEASE NOTE: In addition to the fee, costs may be incurred as a result of staff time investigating and/or writing of the staff report that may be required to be paid by the applicant. City Staff may determine that other material or information is deemed necessary for their evaluation. The applicant may find it beneficial to consult with the planning staff about the application.

COPIES: AFTER THE APPLICATION IS DEEMED COMPLETE SUPPLY 15 COPIES DRAWN TO SCALE NO SMALLER THAN 11" X 17" AND ONE PDF SENT TO planning@cityofgearhart.com

PUBLIC NOTICE: ATTACH LIST OF NAMES OF RECORD OWNERS OF CONTIGUOUS LAND WITHIN 100 FEET

NOTICE: ALL ITEMS MUST BE COMPLETED IN ORDER FOR THE APPLICATION TO BE DEEMED COMPLETE AND READY FOR PROCESSING.

MARCH 2020

VARIANCE

Paulson / White
Variance Narrative

1-20-23

A thick, horizontal black brushstroke graphic that serves as a background for the company name and tagline.

VANILLAWOOD
DESIGN. BUILD. LIVE.

I. INTRODUCTION / BACKGROUND

1. The applicant requests approval of the following variances from the Low Density Residential Zone R-1 standards in order to remodel the existing single-family residence on the site.

A. **Minimum R zone Setbacks.** The existing dwelling, originally built in 1949, does not meet the current 15-foot front or rear setback requirements. It does meet the current 10-foot corner setback and 5-foot side yard setbacks. The proposed remodel would remove 134 square feet of non-conforming construction along the front setback. This brings the property closer to compliance with front setback.

B. **Maximum Lot Coverage Standard.** The current house, covered walkway, deck and storage structure exceed the current 35% limit. The current lot coverage is 2,244 square feet (45%). With the removal of the covered walkway, this proposal more closely aligns with the Lot Coverage Standard at 2,110 square feet (42%).

Option A proposal, which is applicant's preferred option, requests to convert 32-foot by 7-foot (224 square feet) of existing roof to a roof deck with glass handrail. This conversion occurs entirely within the footprint of the existing roof framing and overhang. The deck framing will fall within the existing lower roof and not extended farther than the existing roof fascia. There is no change to lot coverage with the deck-to-roof modification. The proposed railing for the deck is glass to improve neighboring views.

Option B proposal requests to convert 16-foot by 7-foot (112 square feet) of existing roof to a roof deck. This conversion happens entirely within the buildable area and footprint of the roof. The deck framing will fall between the existing lower roof and not extended farther than the existing roof fascia. There is no change to lot coverage with the deck-to-roof modification. The proposed railing for the deck is glass to improve neighboring views.

2. The subject property is 5,000 square feet and has a single-family dwelling and storage outbuilding. The properties on all sides are also in the Low Density Residential Zone R-1 and are developed as single-family homes.

3. The site slopes significantly downhill from East to West but is built-up with an existing retaining wall that will remain untouched. There is a septic field serving the house on the upper level. This will also remain untouched.

II. SITE LOCATION AND PUBLIC NOTICE AREA



SUBJECT PROPERTY: 202 G Street 

PUBLIC NOTICE: Record owners of contiguous land within 100 feet 

III. COMPLIANCE WITH APPLICABLE STANDARDS

City of Gearhart – Zoning Ordinance

ARTICLE 3 OUTRIGHT OR CONDITIONAL USES PERMITTED IN
RESIDENTIAL AND COMMERCIAL ZONES

Section 3.1 Low Density Residential Zone R-1

Section 3.120 Outright Uses Permitted

Section 3.140 R-1 Zone Standards

ARTICLE 9 VARIANCES

Section 9.010 Purpose

Section 9.020 Conditions

Section 9.030 Criteria for Granting Variances

Section 9.070 Compliance with Conditions of Approval

Section 9.080 Vested Interest in Approved Variances

Section 9.090 Time Limit on a Permit for a Variance

ARTICLE 10 NONCONFORMING USES

Section 10.020 Continuation of Nonconforming Structure or Use

Section 10.040 Change of a Nonconforming Structure

Section 10.070 Completion of Structure

In the following sections, the applicant will demonstrate compliance with all applicable criteria as listed above.

LOW DENSITY RESIDENTIAL ZONE R-1 (Article 3, Section 3.1)

The site and existing 1949 house have several nonconformities, as follows:

The subject properties total lot area of 5,000 square feet is less than the 10,000 square foot minimum requirement in the R-1 Zone, therefore it is nonconforming with respect to lot size. Neighboring properties are also on 5,000 square foot lots.

The existing dwelling does not conform to the front or rear setbacks of the R-1 Zone, as the front door and driveway are located off G Street in the short dimension of the property. Additionally, the existing 2,923 square foot building and storage shed represent a 45% lot coverage. This exceeds the 35% maximum lot coverage for the zone.

Section 3.120 Outright Uses Permitted

4. Residential home.

The site contains a residential home and small storage shed.

Section 3.140 R-1 Zone Standards

1. Lot Size: Lot size shall be a minimum of 10,000 square feet.

Existing lot is 5,000 square feet.

2. Density: The overall density on any parcel shall not exceed 4 dwelling units per acre.

Only 1 dwelling on the parcel.

3. Front Yard: A front yard shall be at least 15 feet.

The main structure of the house is 8.9 feet from the property line. The existing wrap around covered walkway is 4 feet wide, with a 2 foot overhang. Therefore, the existing house is 2.9 feet from the property line and is nonconforming.

4. Side yard: A side yard shall be at least 5 feet on one side and 9 feet on the other, except where the on-site waste disposal facility is accessible from a right of way or easement (then 5 feet both side yards). Except on corner lots a yard abutting the side street shall be at least 10 feet.

The main structure is located on a corner lot. The house sits 11.43 feet off East property line and meets the 5 feet setback. The house sits 40.64 feet from West property line and 33.64 feet from covered walkway. This meets the 10 feet corner lot yard abutting side street setback.

5. Rear yard: A rear yard shall be at least 15 feet, except accessory buildings may extend to within 5 feet of rear property line.

The house sits 5.11 feet from North property line and is therefore nonconforming.

6. Height restriction: Maximum height of a structure shall be 30 feet or 2 stories whichever is less.

The existing house measures 29.37 feet above existing average grade as measured from the 4 property corners. The proposed gable extension will match the existing ridge and is within allowable building area. This gable replaces the current shallow roof over the deck.

7. Lot coverage: Maximum area that may be covered by a dwelling structure and accessory buildings shall not exceed 35% of the total area of the lot.

The existing dwelling and shed occupy 2,244 square feet representing 45% of the lot coverage. The proposed design removes 134 square feet of walkway within the setback, reducing lot coverage to 42% at 2,110 square feet. Therefore, the existing structure is nonconforming.

The matrix, below, illustrates existing conditions, the proposal and compliance with the R-1 standards. Standards to which the applicant is requesting a variance are noted in **BOLD**.

Article 3, Section 3.1 Low Density Residential Zone R-1

Standard	Required/ Allowed	Existing	Proposed
Front Yard Setback	15 ft	2.9 ft ** Nonconforming	2.9 ft Remove 21 ft / 134 sf of roof * IMPROVED
Side Yard Setbacks	5 ft and 10 ft corner	11.43 ft 33.64 ft	11.43 ft 33.64 ft Unchanged
Rear Yard Setback	15 ft	5.11 ft	5.11 ft Unchanged
Height	30 ft	29.37 ft	29.37 ft Unchanged
Maximum Lot Coverage	35% 1,750 sf	45% ** (2,244/5,000 sf) Nonconforming	42% (2,110/5000) sf * IMPROVED

* Exceptions requested through Variance process

** Existing nonconforming setbacks and lot coverage

Section 9.030 Criteria for Granting Variances

Variance to a requirement of this ordinance, with respect to lot area and dimensions, setbacks, yard area, lot coverage, height of structures, vision clearance, decks and walls, and other quantitative requirements, may be granted only if, on the basis of the application, investigation and evidence submitted findings are made based on the four criteria listed below: No variance may be granted which will permit a use not permitted in the applicable zone.

1. The request is necessary to prevent a hardship to the applicant; and

The existing dwelling was built in 1949 before zoning codes implemented setbacks and lot coverage areas. The current lot size at only 5,000 square feet is half of the 10,000 square feet required for R-1 zone. With the driveway and front door located off G Street in the short dimension of the property, current zoning for front and rear setbacks only allows a 20-foot wide section of buildable area on the site. Designing and building on 5,000 square foot lot is not practical when setbacks are meant for a minimum 10,000 square foot lot.

The change from roof to a roof deck we propose in Option A removes 134 square feet of roof and is limited to the overhangs of the existing roof, changing impervious area for impervious area. This version gives the best views for all neighbors as the deck with glass rail is thinner than the roof profile.

The change from roof to a roof deck we propose in Option B removes the same 134 square feet of roof, but limits deck to area between the setbacks.

2. The proposed development that will result from the granting of the variance will not be injurious to the adjacent area in which the property is located; and

The resulting development removes nonconforming construction, thus improving neighboring views. In addition, the proposed roof deck construction replacing existing roofing in Option A is lower in profile than the existing roof. A glass handrail is proposed on all sides which enhance neighboring views.

3. The request is necessary to enable reasonable use of the property;
and

The modification is necessary to provide coverage for existing sliding glass doors facing the ocean, in order to protect them from weather and water damage.

4. The request is not in conflict with the Comprehensive Plan.

This dwelling is a single family residence which is allowed outright in the zone. This dwelling already exceeds setbacks and lot coverage areas and this variance request removes 134 square feet of nonconforming lot coverage, bringing the whole property closer to alignment with the Gearhart Comprehensive Plan.

5. Relevant factors to be considered in determining whether a hardship exists include:

- a. Physical circumstances related to the property involved;
- b. Whether reasonable use can be made of the property without the variance;
- c. Whether the hardship was created by the person requesting the variance.

Physical circumstances of the property do not allow applicant to move the driveway and front door to Ocean Avenue and have reasonable setbacks aligned with the property. There is an existing concrete retaining wall on both G Street and Ocean Avenue. The septic system is also on the west side of the property between house and Ocean Avenue. These were all existing conditions at the time of purchase and not hardships created by the new owners.

6. Relevant factors to be considered in determining whether the proposed development will be injurious to the adjacent area include:

- a. The physical impacts such development will have such as:
 - i. Views from adjacent property;
 - ii. Privacy available to adjacent property;
 - iii. Ability to provide and maintain public improvements such as streets, utility and drainage;
 - iv. Potential for geologic hazard; and
 - v. Noise generated.

Views from adjacent properties will enhance in preferred Option A or be maintained in Option B. There is already an existing smaller roof deck at this location on the house. There are no privacy concerns with the new roof deck as there are no windows nearby or in alignment. These improvements will not affect public improvements, streets, utility or drainage. With the removed 134 square feet of roof, drainage should be improved as the patio is pervious. We are working within existing lot coverage, there will be no additional potential for geologic hazard. No additional noise will be generated.

Section 9.070 Compliance with Conditions of Approval

Compliance with conditions imposed in the variance, and adherence to the submitted plans, the approved is required. Any departure from these conditions of approval and approved plans constitutes a violation of this ordinance.

Section 9.080 Vested Interest in Approved Variances

A valid variance supersedes conflicting provisions of subsequent rezonings or amendments to this ordinance unless specifically provided otherwise by the provisions of this section or the conditions of approval to the variance.

Section 9.090 Time Limit on a Permit for a Variance

Authorization of a variance shall be void after one (1) year, unless substantial construction pursuant thereto has taken place. However, the city may in its discretion extend authorization for an additional six (6) months upon request.

NONCONFORMING USES (Article 10)

Section 10.020 Continuation of Nonconforming Structure or Use

Subject to the provisions of this article, a nonconforming structure or use may be continued and maintained in reasonable repair but shall not be altered or extended.

Section 10.040 Change of a Nonconforming Structure

Except for signs, a structure conforming as to use but nonconforming as to height, yard requirements, or lot coverage may be altered or extended

providing the alteration or extension does not shall not be altered or extended except to make it comply with the requirements of this ordinance.

Section 10.070 Completion of Structure

Nothing contained in this ordinance shall require any change in the plans, construction, alteration, or designated use of a structure for which a building permit has been issued and construction work has commenced prior to the adoption of this ordinance, provided the building, if nonconforming or intended for a nonconforming use, is completed and in use within one year from the time the building permit is issued.

CONCLUSION

The existing dwelling is nonconforming in nature and the site does not lend to a conforming structure. The project will result in removing some nonconforming construction, provide a more defined entry and improved views for neighboring properties.

While not part of the Variance process, we feel it important to point out the current dwelling is a two-toned yellow house with a red metal roof. This is in harsh contrast to neighboring houses. The proposed remodel will replace yellow horizontal siding with natural cedar shingles, new windows with white trim, and a grey metal roof to bring it in harmony with the community.

The applicant has presented the appropriate forms, drawings and other materials, providing substantial evidence in the record to support the proposal. Based on the analysis and findings presented above, along with submitted record materials, the proposed Variance comply with all applicable regulations and standards of the City of Gearhart. The approval of the variance will yield a more compatible, positive relationship between the existing dwelling and characteristics of the neighborhood. The applicant respectfully requests approval of Proposed Option A. The applicant respectfully requests Proposed Option B be considered as an alternative if Option A is not granted.