

Benson
498 A Street
Variance Narrative

09.30.24

VANILLAWOOD

I. INTRODUCTION / BACKGROUND

1. The applicant requests approval of the following variance from the Medium Density Residential Zone R-2 standards in order to expand the existing entryway for the single-family residence on the site.

- A. **Minimum R Zone Setbacks.** The existing dwelling, originally built in 1930, does not meet the current 15-foot front setback requirement.

Option A proposal requests an 11 square foot addition to the existing entryway and a new exterior landing and stair with railing. This proposed addition would not encroach further on the front property line, as it would be in line with the existing structure.

Option B proposal requests a 20 square foot addition to the existing entryway and a new exterior landing and stair with railing. This proposed addition would encroach 1 foot towards the front property line.

Both options propose a 230 square foot deck on the rear of the home and a partial garage conversion to living space within the existing structure footprint.

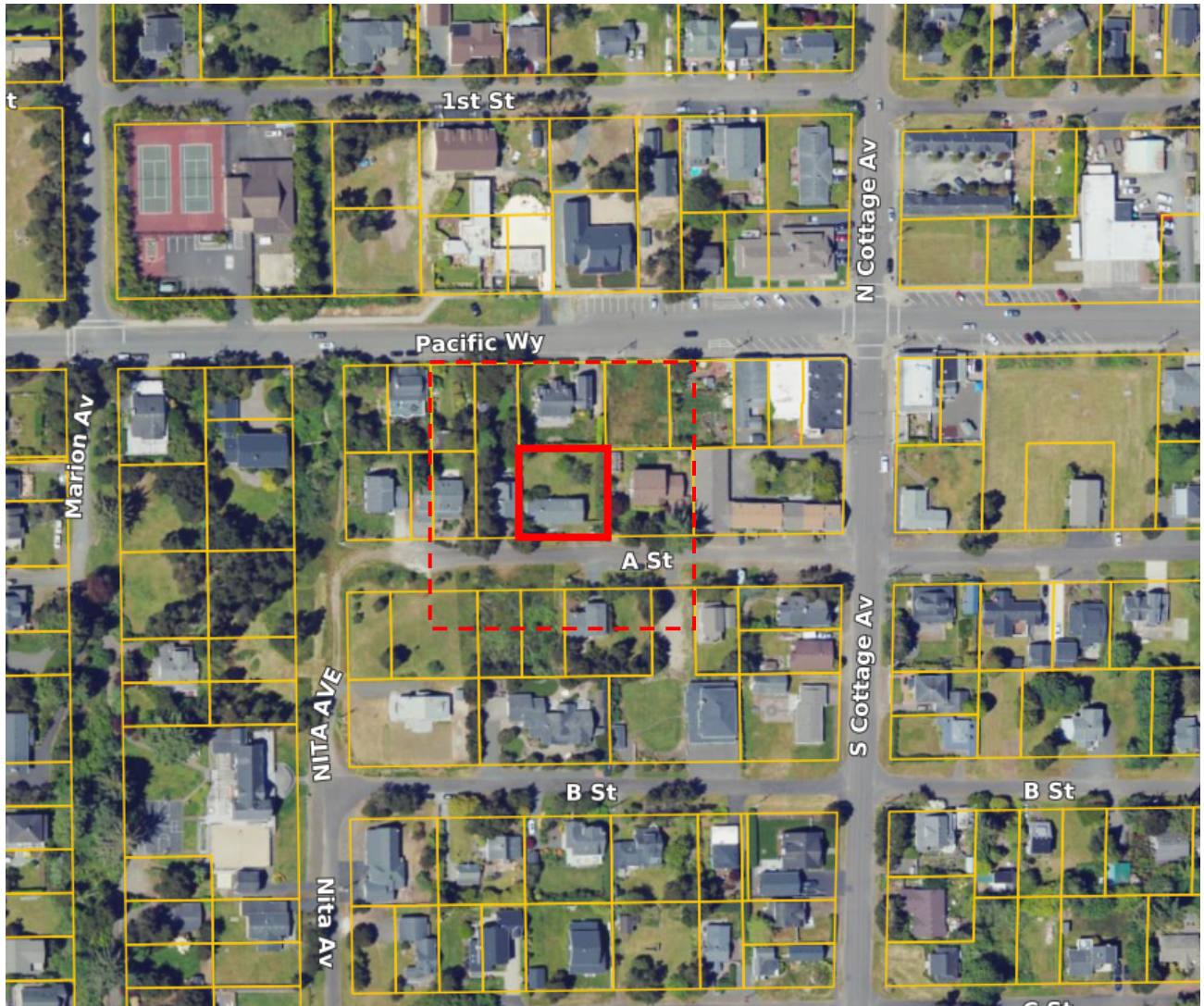
- B. **Maximum Lot Coverage Standard.** The current house does not exceed the current 35% limit. The current lot coverage is 1,640 square feet (16.4%).

Option A proposal would add 241 square feet to the lot coverage (11 sf addition and 230 sf deck), increasing to a total of 1,881 square feet (18.8%).

Option B proposal would add 250 square feet to the lot coverage (20 sf addition and 230 sf deck), increasing to a total of 1,900 square feet (19%).

2. The subject property is 10,000 square feet and has a single-family dwelling. The surrounding properties within 100 feet are in the Medium Density Residential Zone R-2 and the Low Density Residential Zone R-1, and are developed as single-family homes or are undeveloped.
3. The site slopes slightly downhill from West to East.

II. SITE LOCATION AND PUBLIC NOTICE AREA



SUBJECT PROPERTY: 498 A 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 3.2 Medium Density Residential Zone R-2
- Section 3.220 Outright Uses Permitted
- Section 3.240 R-2 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.

MEDIUM DENSITY RESIDENTIAL ZONE R-2 (Article 3, Section 3.2)

The existing 1930 house has a nonconformity, as follows:

The existing dwelling does not conform to the front setback of the R-2 Zone, as the existing entryway is located beyond the 15’ requirement.

Section 3.220 Outright Uses Permitted

1. Residential home. (A use permitted outright in an R-1 Zone.)

The site contains a residential home.

Section 3.240 R-2 Zone Standards

1. Lot Size: Lot size shall be a minimum of 7,500 square feet for a single family dwelling.

Existing lot is 10,000 square feet.

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

The existing main structure of the house is 11 feet from the property line and is nonconforming.

3. 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 existing main structure of the house is located 8'-2" from the West side setback and 28'-6" from the East side setback. This meets the requirements for side yard setbacks.

4. 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 existing main structure of the house is 59'-6" from rear property line. This meets the requirements for rear yard setback.

5. Height restriction: Maximum height of a structure shall be 30 feet.

The existing house measures 16'-8" above existing average grade as measured from the 4 property corners. The proposed entryway roof extension would be 13'-8". This meets the requirements for height restriction.

6. 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 occupies 1,640 square feet representing 16.4% of the lot coverage. The proposed design A increases lot coverage to 18.8% at 1,881 square feet. The proposed design B increases lot coverage to 19% at 1,900 square feet. Therefore, either option would conform.

The matrix, below, illustrates existing conditions, the proposal and compliance with the R-2 standards. Standards to which the applicant is requesting a variance are noted in **BOLD**.

Article 3, Section 3.2 Medium Density Residential Zone R-2

Standard	Required/ Allowed	Existing	Proposed
Front Yard Setback	15 ft	11 ft * Nonconforming	11 ft (Option A) 10 ft (Option B)
Side Yard Setbacks	5 ft and 9 ft	8 ft 2 in 28 ft 6 in	8 ft 2 in 28 ft 6 in Unchanged
Rear Yard Setback	15 ft	59 ft 6 in	59 ft 6 in Unchanged
Height	30 ft	16 ft 8 in	16 ft 8 in Unchanged
Maximum Lot Coverage	35% 3,500 sf	16.6% (1,640 sf)	18.8% (1,881 sf – Option A) 19% (1,900 sf – Option B)

* Existing nonconforming setbacks

The proposed complies with R-2 zone dimensional requirements, except for the front yard setback. The applicant is requesting exceptions to this standard through the Variance process.

VARIANCES (Article 9)

The applicant is requesting approval of a variance to the following standard to extend the existing entryway on the site.

Section 9.010 Purpose

The purpose of a variance is to provide relief when a strict application of the zone requirements would impose unnecessary hardships on the applicant.

Section 9.020 Conditions

Reasonable conditions may be imposed in connection with a variance as deemed necessary to protect the best interests of the surrounding property or neighborhood, and otherwise secure the purpose and requirements of this section. Guarantees and evidence may be required that such conditions will be and are being complied with.

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 1930 before zoning codes implemented setbacks. Current zoning for the front yard setback requires this variance in order to develop and improve the existing entryway. The existing entryway is posing a safety and accessibility issue for the applicant's elderly family members.

The addition we propose in Option A adds 11 square feet of entryway and an exterior landing and stair with railing, and remains in line with the existing entryway condition. This option would improve the safety and accessibility into the home.

The addition we propose in Option B adds 20 square feet of entryway and an exterior landing and stair with railing, and would encroach 1 foot towards the front property line. This option would greatly improve the safety and

accessibility into the home, as it would increase the entryway width as well as the length and exterior stairs.



Existing entryway and exterior stair conditions.

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 proposed options would not impede on any neighboring views.

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

The modification is necessary to provide safer accessibility and prevent future injury.

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.

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.

The front yard setback for the property does not allow the applicant to improve the entryway and have reasonable and safe access to the home without a variance. This was an existing condition at the time of purchase and not a hardship created by the current 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 not be hindered with either proposed option. These improvements will not affect public improvements, streets, utility or drainage. 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 and the front yard setback does not lend to improvements to this nonconforming portion of the structure without a variance. The proposed will result in providing a safer entry for the applicant's elderly family members.

While not part of the variance process, we feel it important to point out that the current dwelling is in need of repair. The proposed work will replace all siding, roofing, windows, and trim to greatly improve its appearance within 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 complies with all applicable regulations and standards of the City of Gearhart. The applicant respectfully requests approval of either proposed Option A or B, with preference towards Option B as it would greatly improve the safety upon entering their home. This home belonged to the applicant's grandparents, Pete and Carol Benson. They were the original owners of about 80 years and were beloved members of the Gearhart community.