

**CITY OF FLORENCE
PLANNING COMMISSION**

RESOLUTION PC 15 05 VAR 01

A REQUEST FOR A VARIANCE TO ENCROACH 10 FEET UPON THE 20-FOOT FRONT YARD SETBACK AND FIVE FEET UPON THE 10-FOOT SIDE YARD SETBACK AT 985 ALDER STREET IN THE RESTRICTED RESIDENTIAL ZONING DISTRICT.

WHEREAS, application was made by Mark Holden as required by FCC 10-1-1-4, and FCC 10-5-3; and

WHEREAS, the Planning Commission/Design Review Board met in a public hearing on April 14, 2015 as outlined in Florence City Code 10-1-1-5, to consider the application, evidence in the record, and testimony received, and

WHEREAS, the Planning Commission/Design Review Board determined per FCC 10-5-4, after review of the application, testimony and evidence in the record, that the application meets the criteria through compliance with certain Conditions of Approval; and

WHEREAS, the Planning Commission/Design Review Board of the City of Florence finds, based on the Findings of Fact, staff recommendation and evidence and testimony presented to them, that the application meets the applicable criteria.

NOW THEREFORE BE IT RESOLVED that the Planning Commission/Design Review Board of the City of Florence finds, based on the Findings of Fact and the evidence in record that:

The request for a variance to encroach 10 feet upon the 20-foot front yard setback and five feet upon the 10-foot side yard setback normally required by the Restricted Residential zone requirements at 985 Alder Street meets the applicable criteria in Florence City Code and the Florence Realization 2020 Comprehensive Plan with the conditions of approval as listed below.

Conditions of Approval:

1. Approval for shall be shown on:

”A” Findings of Fact

”B” Land Use Application and Supplemental Letter/Site Photos

”C” Site Plan

Findings of Fact attached as Exhibit “A” are incorporated by reference and adopted in support of this decision. Any modifications to the approved plans or changes of use, except those changes relating to Building Codes, will require approval by the Community Development Director or Planning Commission/Design Review Board.

2. Regardless of the content of material presented for this Planning Commission, including application text and exhibits, staff reports, testimony and/or discussions, the applicant agrees to comply with all regulations and requirements of the Florence City Code which are current on this date, EXCEPT where variance or deviation from such regulations and requirements has been specifically approved by formal Planning Commission action as documented by the records of this decision and/or the associated Conditions of Approval. The applicant shall submit to the Community Development Department a signed "Agreement of Acceptance" of all conditions of approval prior to issuance of a building permit and apply for all building permits necessary for this proposal.
3. As per FCC 10-5-2-I and 10-5-2-J, the applicant shall be granted a 10-foot variance to the required front yard setback and a 5-foot variance to the required side yard setback normally required by the Restricted Residential District. The applicant shall also be granted a variance to construct an accessory building in the front yard of their property.
4. The applicant shall submit building plans with their permit application which demonstrate the final location of the proposed structure. A copy of these plans shall be included in the record of this approval.
5. At the close of the appeal period, the variance shall become effective. The authorization for a variance shall be void after April 14, 2016 unless a building permit has been issued and substantial construction has taken place.

ADOPTED BY THE FLORENCE PLANNING COMMISSION/DESIGN REVIEW BOARD the 14th day of April, 2015.

CURT MUILENBURG, Chairperson
Florence Planning Commission

DATE

**FINDINGS OF FACT
FLORENCE COMMUNITY DEVELOPMENT DEPARTMENT
Planning Commission
Exhibit "A"**

Public Hearing Date:	April 14, 2015	Planner:
Date of Report:	April 7, 2015	Glen Southerland
Application:	PC 15 05 VAR 01	

I. PROPOSAL DESCRIPTION

Proposal: A request by Mark Holden for a setback and yard variance in order to construct a 24'x30' boat garage. The applicant has requested a variance to encroach 10 feet upon the 20-foot front-yard setback and five feet upon the 10-foot side-yard setback.

Applicant: Mark Holden

Property Owners: Mark & Elizabeth Holden

Location: 985 Alder Street

Site: Map # 18-12-27-32 Taxlots 05600, 05700, and 06700

Comprehensive Plan Map Designation: Low Density Residential

Zone Map Classification: Restricted Residential

Surrounding Land Use / Zoning:

Site:	Single-Family Residential / Restricted Residential
North:	Single-Family Residential / Restricted Residential
South:	Single-Family Residential / Restricted Residential
East:	Single-Family Residential / Restricted Residential
West:	Siuslaw River / Conservation Estuary

Streets / Classification:

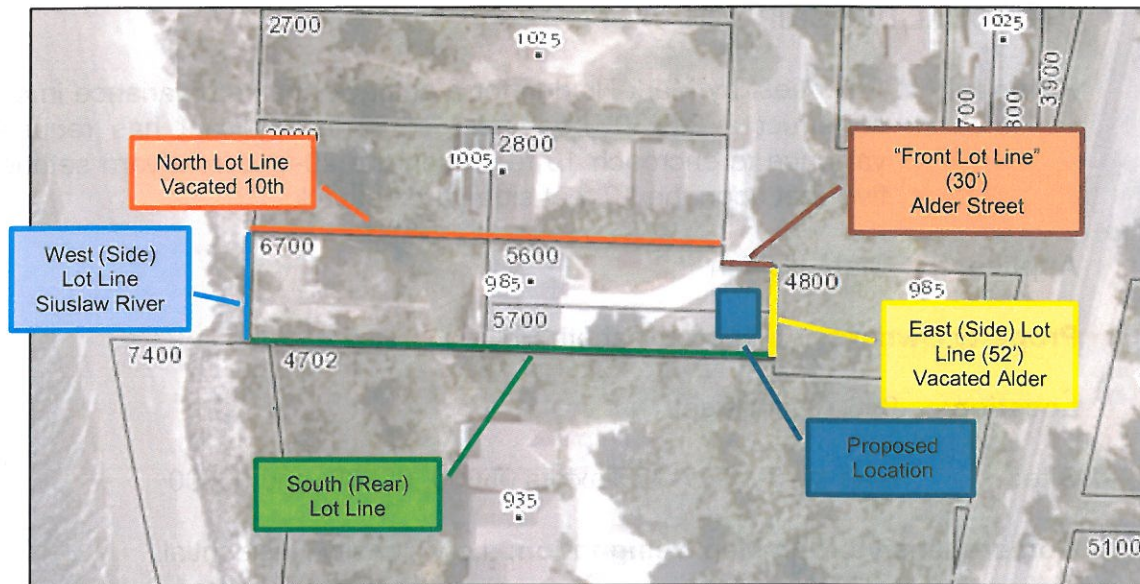
West – None/Siuslaw River (platted Rhododendron Drive right-of-way); North – Alder Street / Local; East – Rhododendron Drive / Minor Arterial & platted 10th Street right-of-way; South – None

II. NARRATIVE:

The home at 985 Alder Street was originally constructed in 1989. As part of the original construction of the home, the site was inspected by Emile Mortier, P.E. He found that the site was stable and adequate for the construction of the home. The site selected for the garage is adjacent to a steep slope, but located further east of the river than the home.

The applicant's property is located within the Residential Development Shoreland Management Unit. The property is adjacent to the Siuslaw River, but the home and the site selected for the garage are outside of the setbacks from the estuary.

The property, as illustrated below, has very specific issues that may not exist elsewhere in the City. The north lot line (for the majority of the northern side) is vacated 10th Street, the east lot line is vacated Alder Street, the south (rear) lot line is the location of the slope, and at the westernmost lot line is the Siuslaw River.



The narrowness of the lots (north to south) and the location of the street access make the placement of any additional structures on the lot difficult. The additional site constraint of the steep slope along the south (rear) lot line make this placement even more difficult. The vacation of 10th Street and Alder Street created a property which only has access through the 30' wide "front" lot line. From the front lot line to the rear, the lot is only 52' deep. The applicant requests a variance in order to contend with the issues posed by this property.

The applicant submitted an application for the variance on February 17, 2015. The applicant has proposed that the top of the bank of the steep slope to the south of the property can be avoided and their proposed 24' x 30' garage can fit comfortably upon a level surface ten feet from the edge of the property in the Alder Street front yard and five feet from the property line to the east. The site plan submitted by the applicant (Exhibit C) shows the location of the structure should a front setback variance not be granted in relation to the top of bank.

The applicant has proposed a garage structure with a second story that meets the height requirements of the zoning district and will match their home in appearance.

III. NOTICES & REFERRALS:

Notice: On March 23, 2015 notice was mailed to surrounding property owners within 300 feet of the property. On March 23, 2015 a sign was posted on the property. Notice was published in the Siuslaw News on April 8, 2015.

At the time of this report, the City had received no written comments.

Referrals: On March 24, 2015 referrals were sent to the Florence Building Department, Florence Public Works, Florence Code Enforcement, Florence Police Department, Western Lane Ambulance, and Siuslaw Valley Fire and Rescue.

At the time of this report, the City had received no referral comments.

IV. APPLICABLE REVIEW CRITERIA

Criteria Applying to this Matter for the application include:

Florence City Code, Title 10:

Chapter 1: Zoning Administration, Sections 1-4, 1-5, and 4

Chapter 5: Zoning Variances, Sections 2 through 5

Chapter 10: Restricted Residential District, Sections 2, 4, and 5

Florence Realization 2020 Comprehensive Plan:

Chapter 1: Citizen Involvement, Policies 4 through 6

V. PROPOSED FINDINGS

Code criteria are listed in **bold**, with staff response beneath. Only applicable criteria have been listed.

FLORENCE CITY CODE

TITLE 10: CHAPTER 1: ZONING ADMINISTRATION

10-1-4: DEFINITIONS: For the purpose of this Title, certain words, terms and phrases are defined below. Words used in the present tense include the future; the singular number includes the plural; and the word "shall" is mandatory and not directory. Whenever the term "this Title" is used herewith it shall be deemed to include all amendments thereto as may hereafter from time to time be adopted. Definition contained in the Florence Comprehensive Plan shall also be used to define terms used in this Title of the Florence City Code, and, where conflicts exist, the terms used in this Code shall apply to the respective Code requirements. Terms not defined in this Code shall have their ordinary accepted meanings within the context in which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered a standard reference.

ACCESSORY BUILDING Any detached subordinate building the use of which is incidental, appropriate and subordinate to that of the main building.

LOT LINE

- A. **Front:** The lot or parcel line abutting a street. For corner lots or parcels the lot or parcel front line is that with the narrowest street frontage. For double frontage lots or parcels the lot or parcel front line is that having frontage on a street which is so designated by the land divider and approved as part of a subdivision or partition as provided for in this Code.
- B. **Rear:** The property line which is opposite and most distance from the front lot line. In the case of triangular shaped lot, the rear lot line for building purposes shall be assumed to be a line ten feet (10') in length within the lot, parallel to and at the maximum distance from the front lot line.
- C. **Side:** Any property line which is not a front or rear lot line.

The applicant's property is shaped differently than originally platted due to a street and alley vacation which took place in 1978. During this vacation, 10th Street and Alder Street (Hayes Avenue) south of the property were vacated, extending the north and east boundaries of the property, respectively.

The vacation redesignated what would typically be the front lot line for the property. The lot line originally fronted the vacated portion of Alder Street (undeveloped). Following the vacation, the lot line abutting Alder Street at the northeast corner of the property became the front lot line. In keeping with this change, staff has determined that the rear lot line, which requires a five-foot setback in the Restricted Residential District, is now the southern lot line of the property rather than the western lot line. The side lot line, requiring a ten-foot setback in the Restricted Residential District, is now the eastern lot line.

YARD An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

YARD, FRONT An area lying between side lot lines, the depth of which is a specified horizontal distance between the street line and a line parallel thereto on the lot.

YARD, REAR An area lying between side lot lines, the depth of which is a specified horizontal distance between the rear property line and a line parallel thereto on the lot.

YARD, SIDE

An area adjacent to any side lot line the depth of which is a specified horizontal distance measured at right angles to the side lot line and being parallel with said lot line. (Ord. 625, 6-30-80) (Amended Ord. No. 9, Series 2009)

The above yard definitions are associated with the aforementioned and defined lot lines. They are informational for the discussion below as part of Title 10, Chapter 10.

TITLE 10: CHAPTER 10: RESTRICTED RESIDENTIAL

10-10-2: PERMITTED BUILDINGS AND USES:

- D. Accessory buildings and uses to the extent necessary and normal in a residential neighborhood. Accessory buildings are not permitted in the front yard.**

Accessory buildings are permitted within the Restricted Residential District. The applicant has proposed an accessory building within the front yard of this particular property. RV barns and accessory garages in addition to those garages for vehicular parking are typical on larger lots, specifically in the Restricted Residential District. The accessory building would not be possible in the rear yard because of the proximity of the Siuslaw River, the inconsistent site geography, and the narrow lots involved. A variance would allow the applicant to construct their garage within the "front yard" and receive a smaller setback in the front yard to contend with the site conditions.

10-10-4: LOT AND YARD PROVISIONS:

- A. Minimum Lot Dimensions:** To be designated a building site, a lot must be at least fifty feet (50') wide and at least eighty feet (80') in depth. For new subdivisions and newly platted lots, the minimum width shall be eighty feet (80') and the minimum depth shall be eight five feet (85').
- B. Minimum Lot Area:** To be designated a building site, a lot must be comprised of at least nine thousand (9,000) square feet.
- C. Lot Coverage:** The maximum coverage by all enclosed buildings shall not exceed thirty five percent (35%) of the lot area. The maximum coverage by all structures, driveways, parking spaces and surfaced areas shall not exceed sixty five percent (65%) of the lot area.

The applicant currently meets these criteria. The proposal by the applicant will not create a situation where these lot provisions will not be met.

D. Yard Regulations: Unless a variance is granted in accordance with Chapter 5 of this Title, minimum setbacks and yard regulations shall be as indicated below:

- 1. Front Yards: No garage or parking structures shall be closer than twenty feet (20') from the front property line. All other buildings shall be set back at least twenty feet (20').**

The applicant has requested a variance for the required front yard setback for a garage structure. The applicant has requested a 10-foot variance from the required 20-foot setback. The amount of the request is based upon the need to relocate the structure away from the slope to the south and the unusual lot orientation.

- 2. Side Yards: A yard of not less than ten feet (10') shall be maintained on each side of the lot. Corner side yards shall not be used for clotheslines, incinerators, permanent storage of trailers, boats and recreational vehicles or of any materials, nor shall said yard be used for the regular or constant parking of automobiles or other vehicles.**

The applicant has also requested a variance for the eastern side yard setback, as the relocation of the building away from the southern lot line will also require that the building be constructed to the east in order to keep the current driveway and garage useable, as well as to not interfere with the appearance of the current home.

- 3. Rear Yards: Dwelling units shall be set back not less than ten feet (10') from the rear property line. Accessory buildings shall be set back not less than five feet (5') from the rear property line.**

The applicant currently meets this criterion and has not requested a variance for the setback from the southern rear property line.

TITLE 10: CHAPTER 5: ZONING VARIANCES

10-5-2: LIMITATIONS: A variance shall not be granted as a substitute for, or in lieu of, a change in zone. A variance does not apply to use regulations. The Planning Commission may grant a variance to a regulation prescribed by this Title with respect to the following:

- C. Front, side or rear yards.**
- F. Accessory buildings.**
- I. Grant only the minimum variance necessary to meet the hardship or practical difficulties.**
- J. Attach such conditions to the granting of all or a portion of any variance as necessary to achieve the purpose of this chapter.**

The applicant has asked for front and side yard variances to allow an accessory building. A reduction in these setbacks will allow the applicant to build upon existing level ground and avoid construction of a foundation for the building that would allow the garage to extend into the steeply-sloped area of the lot. As per FCC 10-5-2-I and 10-5-2-J, the applicant shall be granted a 10-foot variance to the required front yard setback and a 5-foot variance to the required side yard setback normally required by the Restricted Residential District. The applicant shall also be granted a variance to construct an accessory building in the front yard of their property. (Condition 3)

Because the applicant has not yet selected a final location for the proposed building, the applicant may submit building plans with their permit application which demonstrate the final location of the proposed structure. A copy of these plans shall be included in the record of this approval. (Condition 4)

10-5-3: APPLICATION: The application for variance shall be made in writing to the Planning Commission by the owner(s) of the land in consideration or their agent(s), duly authorized in writing. The applicant shall set forth in detail:

- A. The practical difficulties and physical hardships involved.
- B. Existing conditions on the site.
- C. Reasons for a variance being the most practicable solution to the problem.
- D. Any other pertinent information requested by the Planning Commission.

The applicant has submitted adequate information regarding the site conditions, the practical difficulties and physical hardships involved, and the need for a variance being the most practicable solution to the problem.

The applicant has submitted an application for a variance which describes their needs as stated above, but have also included information from their contractor which describes the cost implications of building on the site without a variance.

10-5-4: CONDITIONS: The Planning Commission may grant a variance to a regulation prescribed by this Title if, on the basis of the petition, investigation and evidence submitted, the Planning Commission finds:

- A. Strict or literal interpretation and enforcement of the specified regulations would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this Title.

In this case, the strict interpretation and enforcement of the setback requirements for the Restricted Residential District may incur the applicant with a significant financial burden or may make the construction completely unfeasible. The letter submitted by the applicant and their contractor (Exhibit B) cite that a closer proximity to the

southern rear lot line could increase construction costs by \$25,000 or more for retaining walls and foundations.

A literal interpretation of the front yard setback and the irregular lot orientation due to the 1978 street vacations would create additional practical difficulties and hardships for the property owners due to the adjacent steep slope. The front yard of the property would typically be a side yard in any other narrow lot in the City.

B. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties classified in the same zoning district, or

The site conditions and circumstances surrounding the proposal do not exist in many areas zoned Restricted Residential. The site in question is long and narrow and adjacent to a steep slope with an approximate 50-70% grade. The lot also does not have secondary access through an alley. Many other residential lots within the City contend with only one of these issues, if at all. All three issues call for the issuance of a variance in order to make the proposed project possible. There are exceptional and extraordinary circumstances applicable to this property.

C. The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district, and

The granting of this variance will not constitute a grant of special privilege. Garages are a permitted use within the Restricted Residential District. The applicant has not proposed a structure which would not be allowed within this or any other City zoning district. The Restricted Residential zoning requires larger lot sizes and widths to accommodate larger homes & multiple structures on lots. The street vacation, steep slope, and river setback are limitations not found on most other Restricted Residential lots. Granting of this variance will allow the applicant to appropriately adjust the location of their garage to meet their site conditions and make use of their property.

D. The granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

Granting of the variance will not be detrimental to public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity. The proposed use is permitted throughout the City. The proposed setback variances are reasonable and do not pose a threat to members of the public or the character of the area. Permitting this variance will not materially injure property or other improvements in the vicinity.

Granting the variance will allow the safe placement of the proposed structure by allowing the property owner to avoid placing the structure along/within the steeply sloped area. The location of the proposed structure will not affect the owners of other properties due to the distance between the proposed location and existing

structures. The closest neighboring structure, due to the orientation of the lot, would be the garage/accessory building located to the north at 1005 Alder Street. This structure would be approximately 50 feet away from the proposed building. The structures on properties to the east and north would be approximately 60 feet and 90 feet away, respectively. Public health and solar access will be unaffected by the proposed structure.

10-5-5: PUBLIC HEARING: Upon receipt of a complete application for a variance, a public hearing will be scheduled in accordance with the requirements of Section 10-1-1-5 of this Title. (Ord 26, 2008)

The application was deemed complete on March 18, 2015. A public hearing was scheduled in accordance with the requirements of FCC 10-1-1-5 for April 14, 2015.

10-5-6: EFFECTIVE DATE: A variance shall become effective at the close of the appeal period.

10-5-7: EXPIRATION OF VARIANCE: Authorization of a variance shall be void one (1) year after the date of approval of a variance application, unless a building permit has been issued and substantial construction pursuant thereto has taken place. Substantial construction shall be considered to be completion of a building foundation. The applicant may apply to the Planning Commission for a one-time extension of one (1) year maximum duration based on compliance with the following criteria:

- A. The request for an extension is made in writing prior to expiration of the original approval
- B. There are special or unusual circumstances that exist which warrant an extension
- C. No material changes of surrounding land uses or zoning has occurred.

The Planning Commission may deny the request for an extension of a variance if new land use regulations have been adopted that affect the applicant's proposal. (Ord. 26, 2008)

At the close of the appeal period, the variance shall become effective. The authorization for a variance shall be void after April 14, 2016 unless a building permit has been issued and substantial construction has taken place. (Condition 5)

FLORENCE REALIZATION 2020 COMPREHENSIVE PLAN

CHAPTER 1: CITIZEN INVOLVEMENT

PUBLIC SAFETY AND HEALTH-RELATED SERVICES

POLICY 4. Official City meetings shall be well publicized and held at regular times. Agendas will provide the opportunity for citizen comment.

POLICY 6. Planning documents and background data shall be available to interested citizens.

The meeting has been publicized through property owner mailings and newspaper notice, published on April 8, 2015. Documents and background data have been and shall continue to be available to interested citizens prior to and after the public hearing. To date, no requests for information have been made by members of the public.

VI. ALTERNATIVES

1. Approve the application based on the findings of compliance with City regulations.
 2. Modify the findings, reasons or conditions, and approve the request as modified.
 3. Deny the application based on the Commission's findings.
 4. Continue the Public Hearing to a date certain if more information is needed.
-

VII. CONCLUSIONS AND RECOMMENDATIONS

Staff finds that the proposed application meets the requirements of City Code with the conditions as follows, and recommends approval of the application.

VIII. CONDITIONS OF APPROVAL

The application, as presented, meets or can meet applicable City codes and requirements, provided that the following conditions of approval are met.

1. Approval for shall be shown on:
 - "A" Findings of Fact
 - "B" Land Use Application and Supplemental Letter/Site Photos

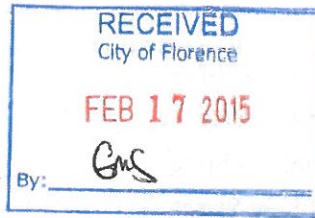
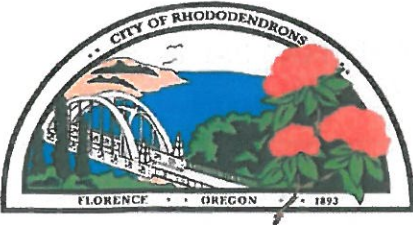
"C" Site Plan

Findings of Fact attached as Exhibit "A" are incorporated by reference and adopted in support of this decision. Any modifications to the approved plans or changes of use, except those changes relating to Building Codes, will require approval by the Community Development Director or Planning Commission/Design Review Board.

2. Regardless of the content of material presented for this Planning Commission, including application text and exhibits, staff reports, testimony and/or discussions, the applicant agrees to comply with all regulations and requirements of the Florence City Code which are current on this date, EXCEPT where variance or deviation from such regulations and requirements has been specifically approved by formal Planning Commission action as documented by the records of this decision and/or the associated Conditions of Approval. The applicant shall submit to the Community Development Department a signed "Agreement of Acceptance" of all conditions of approval prior to issuance of a building permit and apply for all building permits necessary for this proposal.
3. As per FCC 10-5-2-I and 10-5-2-J, the applicant shall be granted a 10-foot variance to the required front yard setback and a 5-foot variance to the required side yard setback normally required by the Restricted Residential District. The applicant shall also be granted a variance to construct an accessory building in the front yard of their property.
4. The applicant shall submit building plans with their permit application which demonstrate the final location of the proposed structure. A copy of these plans shall be included in the record of this approval.
5. At the close of the appeal period, the variance shall become effective. The authorization for a variance shall be void after April 14, 2016 unless a building permit has been issued and substantial construction has taken place.

IX. EXHIBITS

"A" Findings of Fact
"B" Land Use Application and Supplemental Letter/Site Photos
"C" Site Plan



City of Florence
Community Development Department
250 Highway 101
Florence, OR 97439
(V): (541) 997-8237
(F): (541) 997-4109
www.ci.florence.or.us

Land Use Application for Variance

(please also refer to FCC 10-5 for limitations, process and criteria)

I. Applicant Information (*required information)

*Name: Mark Holden *Phone: [REDACTED]
Email Address: [REDACTED]
*Mailing address: [REDACTED]
Eugene, OR 97402
*Signature: Mark Holden *Date: 2/16/15

II. Property Owner Information (*required information)

*Name: Same as *Phone () -
Email Address: _____
*Mailing address: _____
*Signature: _____ *Date: _____

If applicant and property owner are not the same, either sign or submit a letter of authorization to allow the applicant to act as agent for the property owner. The property owner agrees to allow Planning Staff and Planning Commission on the property. Please let staff know if notification or special arrangements are needed.

III. Property Description

Property Address: 985 Alder St. Florence OR 97439
General Location (example: City Hall is at the SE corner of 2nd and Highway 101): _____

Assessor's Map and Tax Lot 18-12-27-32, 05600, 05700 Lot Size: 1.4 acres

Zoning District: restricted residential

Describe the conditions and land uses of all land within 600 feet from the proposed site that is one acre or larger and within 100 feet the site that is less than an acre or attach a map: Residential

Please explain the existing conditions of the site: gravel parking area with sloping south bank

(Continue on the next page)

IV. Utilities

List public services currently available to the site: (see Florence City Code (FCC) 10-1-1-4-B3)

Note: For help in filling this section out, please call Dig Safely Oregon 1-800-332-2344 or 811

Water Supply: ☒ - inch line available in Street(s) _____

Sanitary Sewer: ☒ - inch line available in Street(s) _____

Storm Sewer: _____ - inch line available in Street(s) _____

Telephone: ☒ is ☐ is not available in Street(s) _____

Cable TV: ☒ is ☐ is not available in Street(s) _____

Electrical: ☒ is ☐ is not available in Street(s) _____

Other (such as fiber optics): _____

Is your variance application tied to another application? ☐ yes ☒ no, If so, please list the other applications you have submitted: _____

V. Project Description

Proposal: *Attach additional sheets if necessary (double sided copies please). Describe the project in detail, what is being proposed, size, objectives, what is desired by the project.

Proposed 24X30 heat garage with living space upstairs with bathroom only.

Please explain the variance request: *Asking for 3' maximum on South line and 12' maximum on North side. Placement of building is yet to be finalized.*

What are the practical difficulties and physical hardships involved? *The south side slope creates site placement considerations. Concrete estimate is almost double because of slope. It will require large retaining wall and engineering expenses.*

Please explain the reasons for a variance being the most practicable solution to the problem: *North side variance setback may be needed due to south line slope.*

(Continue on the next page)

VI. Criteria (FCC 10-5-4)

The Planning Commission may grant a variance to a regulation prescribed by this Title if, on the basis of the petition, investigation and evidence submitted, the Planning Commission finds:

- A. Strict or literal interpretation and enforcement of the specified regulations would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this Title.
- B. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties classified in the same zoning district, or
- C. The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district, and
- D. The granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.
- E. In the case of a variance to the sign provisions, the power to grant variances does not extend to the convenience of the applicant, nor is it intended to extend to the convenience of regional or national businesses which wish to use a standard sign when these do not conform to these provisions.

Please explain how you meet the criteria Attach additional sheets if necessary (double sided please):

This is a residential project requesting variance needed to complete proposed garage. The finished dimensions have not yet been determined due to placement variances

V. Additional Information Required

The below is check list of the required information to determine an application complete. Florence City Code (FCC) references are provided for your convenience. FCC is available at City Hall or on-line at www.ci.florence.or.us, click on "City Code". Copies of the *Florence Transportation Plan*, *Downtown Architectural Guidelines*, and *Highway 101 Access Management Plan* are available at the City Hall for review or purchase as well as on-line, under "City Services" click on Planning. The plans are found on the right menu.

FCC Title 10, Chapter 1 states that staff has 30 days to review the application for completion. A written notice explaining application deficiencies or acknowledging a complete application will be provided to the applicant and/or representative. Please be aware that the applicant has the burden of proof to show how the project meets the applicable criteria as (refer to FCC 2-10-6). If you have questions, contact the Planning Department at 541-997-8237.

(Continue on the next page)

- ☐ Title Report from a Title Company (per FCC 10-4-3-C and 10-6-6-E)- indicating liens, access and/or utility easements, legal description
- ☐ Site Plan (per FCC 10-5)- drawn to scale showing dimensions, illustrating the size and location of existing use and structures on the property.
- ☐ Off-Site Conditions- (per FCC 10-1-1-4-B-3) 600 feet from the proposed site that is one acre or larger and within 100 feet the site that is less than an acre (300 feet for a conditional use permit as per FCC 10-4-3-B). Drawing needs to include property lines, utility locations and sizes, existing and future streets, significant grade changes and natural features such as streams, wetlands and sand dunes. If possible, please include adjacent property's ingress and egress locations.
- ☐ Old Town District:
 - ☐ Survey (for Old Town Zoning District) (per FCC 10-17A-4-K-1-a, 10-17B-4-K-1-a, and 10-17C-4-K-1-a)-All new development, redevelopment, and additions require a recent survey map drawn to scale which shows property lines, easements, 2' contours, existing structures (including height of sea-wall, if appropriate), floodplain, and highest observed tide.
 - ☐ Visual Aids (for new construction or story addition in Old Town)- Please refer to FCC 10-17A-4-K-1-b, 10-17B-4-K-1-b, and 10-17C-4-K-1-b for the requirements for each subsection.
- ☐ Access permit (for properties along State or County Roads) (see FCC 10-35-2-4)- A State or County complete access permit or application is required. For properties on Highway 101 located between Highway 126 and the bridge, please refer to the *Highway 101 Access Management Plan*.
- ☐ Stormwater: (only one applies) meeting design requirements outlined in FCC 9-5-3:
 - ☐ Preliminary Development Plan (per FCC 9-5-2-A-4): (projects which are under 1 acre adding 500 square feet or greater of impervious surface area or clearing 10,000 square feet or greater per FCC 9-5-2-2-C) Shall include a general description of the proposed project property and description of existing structures, buildings, and other fixed improvements located on the property and surrounding properties. The plan shall also include natural water flow of the existing property, soils, storm water drainage, flooding from high groundwater table. The Plan also shall identify the features outlined in FCC 9-5-2-A-4.
- (Continue on the next page)
- ☐ A Stormwater Management Plan (per FCC 9-5-2-3): Stormwater Management Plan is required for projects over 1 acre is required with construction drawings, please refer to FCC 9-5-2-3 for submittal requirements.

FCC 10-5-7 states, "EXPIRATION OF VARIANCE: Authorization of a variance shall be voice one (1) year after the date of approval of a variance application, unless a building permit has been issued and substantial construction pursuant thereto has taken place. Substantial construction shall be considered to be completion of a building foundation. The applicant may apply to the Planning Commission for a one-time extension of one (1) year maximum duration based on compliance with the following criteria:

- A. The request for an extension is made in writing prior to expiration of the original approval
- B. There are special or unusual circumstances that exist which warrant an extension.
- C. No material changes of surrounding land uses or zoning has occurred.

The Planning Commission may deny the request for an extension of a variance if new land use regulations have been adopted that affect the applicant's proposal. (Ord 26, 2008)"

RE: Land use Variance
985 Alder Street
Florence, Oregon

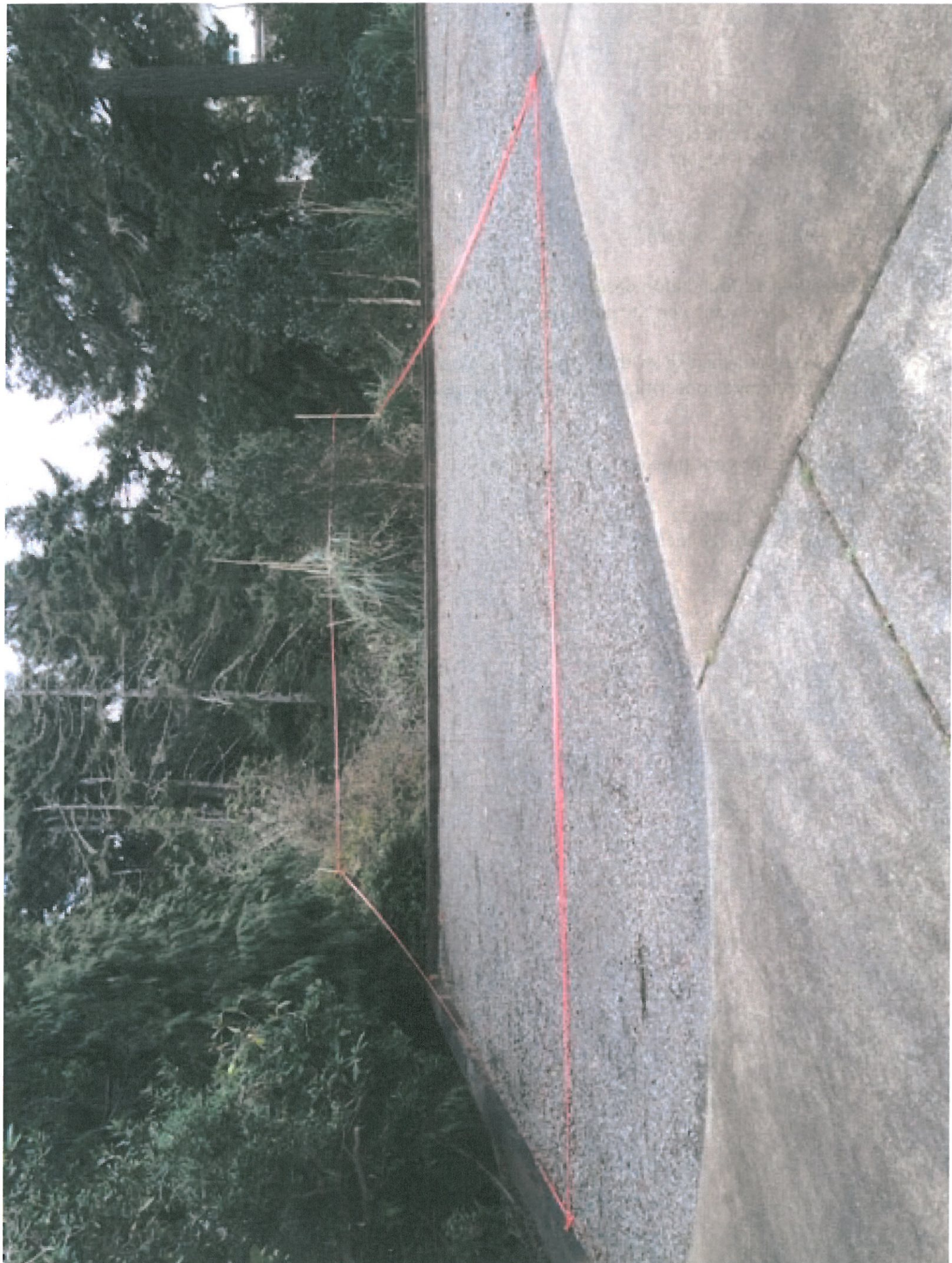
To whom it may concern,

The estimated foundation cost is \$21,000 due to the slope on the south line. We are asking for a variance on the north line of 12 feet (or less) which could be a savings of 25% or greater.

The photos attached show the proposed position of the new building which shows the dramatic change concerning the south line slope.

Thank you for your time and consideration.

Joachim R. Schoening
Mark and Libby Holden





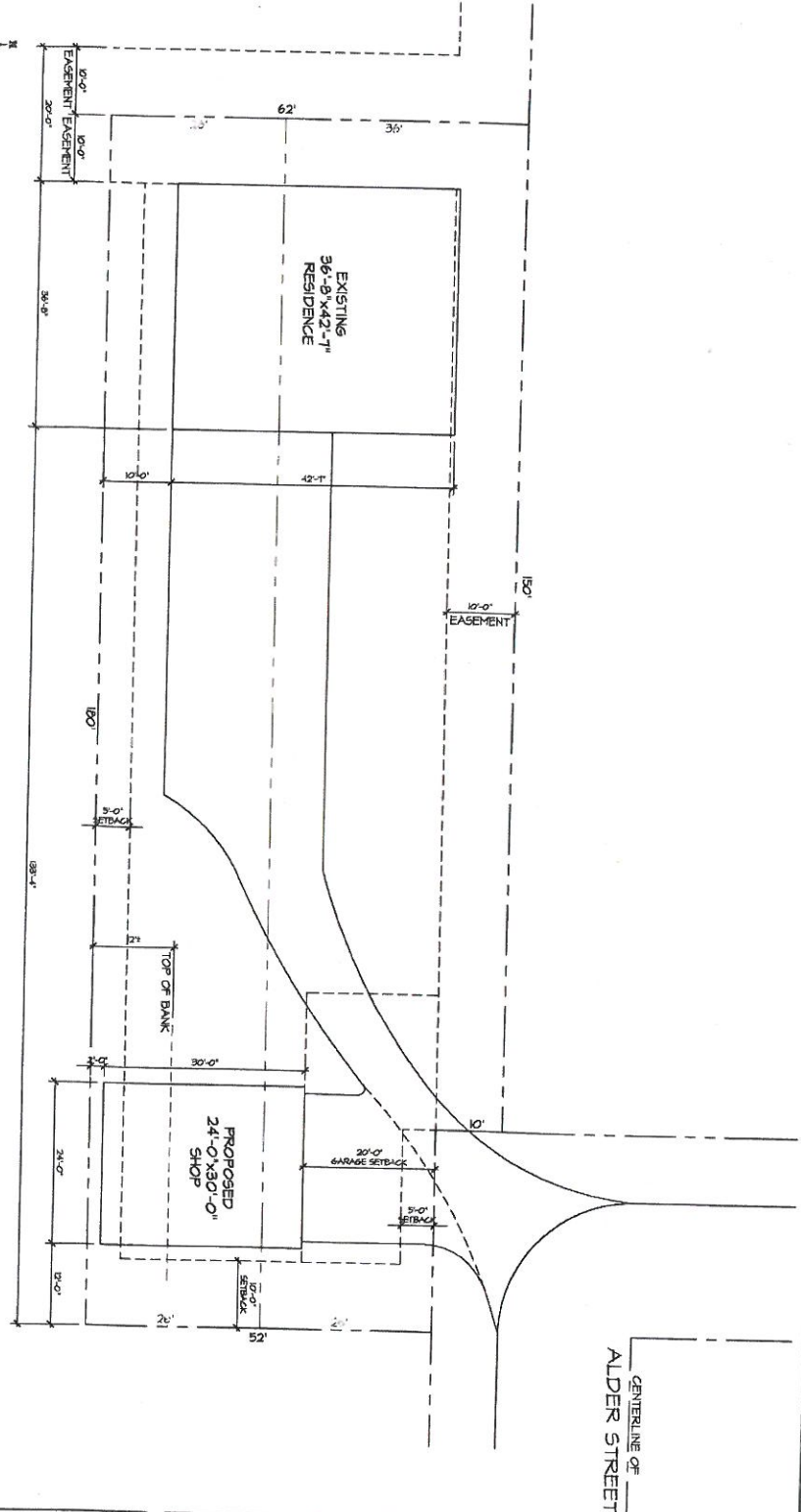






SITE PLAN

SCALE: 1"=30'-0"



- NOTES:
- 1) USE PRESCRIPTIVE ENVELOPE REQUIREMENTS (TABLE 1001.10).
 - 2) STORM DRAIN CONNECTED TO EXISTING.
 - 3) SOLAR SETBACK:
 - 4) GRADE ELEVATIONS BY OTHERS, FIELD VERIFY.
- A SHOP FOR:
- JOACHIM SCHOENING**
- 485 ALDER STREET
TAX LOT # 5600
MAP # 18-12-21-23
FLORENCE, LAKE COUNTY, OREGON

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PROJECT:	155-004
DATE:	02/12/15
DRAWN BY:	KA
CHECK BY:	

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TITLE SITE PLAN	
DATE: 02/12/15	SCALE: 1"=30'-0"
DRAWN BY: KA	CHECK BY: BY: -

PREPARED FOR:
JOACHIM SCHOENING
3146 SUMMIT SKY BLVD.
EUGENE, OR. 97405
PHONE: (541) 729-2121

EXHIBIT C

