

City of Talent

Community Development Department - Planning



STAFF REPORT and **PROPOSED FINAL ORDER**

Type-3 Land Use Application — Planning Commission

Meeting date: October 22, 2015

File no: VAR 2015-001

Prepared by: Zac Moody

Item: Setback Variance

GENERAL INFORMATION

Applicant.....Suncrest Homes

Owner.....Suncrest Homes

Assessor's Map Number38-1W-25DC, Tax Lot 105

Site Location.....413 Creel Rd.

Site Area.....0.23Acres (10,019 sq. ft.)

Zoning.....RS-5 – *Single Family – Low Density Residential*

Adjacent Zoning and Land UsesRS-5 – *Single Family – Low Density Residential*

Applicable Code Sections.....Article 8-3L.4

120-Day Limit.....February 1, 2016

REQUEST

The request is for a variance of six (6) feet to the flag lot standard setbacks for a single story home as required by Section 8-2.630 (E)(1).

BACKGROUND

This lot was created from a 0.43 acre parcel as part of a flag lot partition in early October 2006. The minimum lot size at the time of partition was 8,000 square feet and met the minimum standards. The parcel is currently zoned RS-5, which also requires a minimum lot size of 8,000 square feet. The lot exceeds the minimum by 2,019 square feet or 21%.

In the Final Order for the original partition, Staff required that any potential building on the lot conform to the neighborhood context. Since more than 50% of the dwellings in the area are single story, Staff required new construction to be single story.

In addition, because this is a flag lot, the required setbacks are greater than required for a standard lot in the same zone. Both the previous and current zoning regulations require a minimum setback of 15 feet along all sides of the lot.



PROPERTY CHARACTERISTICS

The site is located along Creel Road between Lithia Way and Talent Avenue. The lot exceeds the minimum size and dimensional standards for the zone. The parcel is relatively flat with a slope towards the northeast. Adjacent to the flag lot access is a large Cottonwood tree. This is noted and shown below to identify a potential constraint to building.



Wastewater Service

Wastewater service is currently available to the subject parcel by Rogue Valley Sewer Service (RVS).

Stormwater

Stormwater on the site currently sheet flows in a north easterly direction off the site possibly on to neighboring properties. Lot drainage requirements are addressed in the findings (attached).

Water Service

Water service is currently available to the subject parcel by the City of Talent.

APPROVAL CRITERIA

8-3 Division L. Article 4 of the Talent Zoning Ordinance regulates Variances. The purpose of a variance is to “*provide modifications to standards where practical difficulties, unnecessary hardships and results inconsistent with the general purposes of this chapter at the Talent Comprehensive Plan result from the strict and literal interpretation and enforcement of the provisions of this chapter.*” Approval of the proposed site plan is contingent upon the approval of the requested variance.

AGENCY COMMENTS

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

PUBLIC COMMENTS

As of the date of this staff report, no public comment has been received. However, this application will be heard by the Planning Commission and is a public hearing, so any concerns can be addressed at that time.

ISSUES

As stated by the applicant, designing a single story home on this lot that was consistent with the neighborhood context was difficult because of the existing location of a large Cottonwood tree in relation to the required driveway access.

Staff feels that the requested setback variance is necessary to protect the existing tree and to provide proper, safe access to the dwelling. Allowing the reduced setback provides the property owner to provide a vehicle turn-around on the lot, eliminating the need to back out of the driveway on to Creel.

Attention should also be brought to the standard side and backyard setbacks in the RS-5 zoning district. In the RS-5 zoning district, the standard side yard and backyard setbacks are only five (5) and ten (10) feet respectfully. It is also important to know that this lot exceeds the minimum standards for area by more than 20%. Many lots in this zone either just meet the minimum or are substandard and are only required to meet the minimum setbacks.

Based on this information and the proposed design of the dwelling, allowing the reduced setback will have less of an impact on the neighboring properties than building a two-story home with the required fifteen (15) feet of setback.

RECOMMENDATION

Based on the findings for the Variance stated in the Proposed Final Order, staff recommends approval of the Variance, with conditions outlined in the Proposed Final Orders

ATTACHMENTS

The following information was submitted regarding this application:

- Applicants Statement
- Proposed Site Plan
- Proposed Final Order



Zac Moody, Community Development Director

October 7, 2015

Date

Staff has recommended this proposal for approval, but it will require at least one public hearing before the Planning Commission for a decision. The Talent Zoning Code establishes procedures for quasi-judicial hearings in Section 8-3M.150.

A public hearing on the proposed action is scheduled before the Planning Commission on October 22, 2015 at 6:30 PM at the Community Center.

For copies of public documents or for more information related to this staff report, please contact the Community Development Director at 541-535-7401 or via e-mail at zmoody@cityoftalent.org.