



**CITY OF ROCKAWAY BEACH
PLANNING COMMISSION ACTION**

STAFF REPORT

Case File #VAR-23-05

Special Meeting Date: January 25, 2023

APPLICANTS: Stuart M. and Karen C. Hunt

REQUEST: The Applicants are seeking a variance to build a new home. The Applicants seek a height variance and a reduction in the front yard setback to construct the home. The property is located in the R1 zone which has a 15-foot front yard setback. The Applicants are requesting the front yard setback be reduced 3'3", for an 11'7" front yard setback. Building height for this property is limited to 29'. The Applicants seek to construct a home that is 39' in height.

CONCLUSION

Staff conclude that the criteria required to approve the requested building height and front yard setback variances have substantially been met. However, Staff direct the Planning Commissioners to carefully consider Section 8.020. (d) and make a determination if this criterion has been met.

Rockaway Beach Zoning Ordinance §8.020 (d): *That the granting of the variance would support policies contained within the Comprehensive Plan. Variances in accordance with this subsection should not ordinarily be granted if the special circumstances upon which the applicant relies are a result of the actions of the applicant or owner.*

The criteria specifically states that the variance should not be granted if the "special circumstances" for needed a variance are a "result of the actions of the applicant or owner". Since the proposal and variance requests are for a home yet to be constructed, Staff question if the Applicants are creating the special circumstance. However, it cannot be overlooked that the subject lot is extremely sloped and that even a smaller home could possibly require a height variance.

The Planning Commission should carefully consider the request, including all oral and written testimony on record and presented at the public hearing. After considering the testimony as it relates to the applicable criteria, the Planning Commission will need to make a decision on the request.

If the Commission determines that sufficient facts exist to grant the variance request and the standards of the Rockaway Beach Zoning Ordinance have been met, it can make a motion to approve the variance request, including a statement that generally reflects the facts and rationale relied upon to reach the decision. The motion should also direct staff to prepare findings, conclusions, and final order to implement the decision.

A motion to deny the variance request should set forth the general facts and rationale for the decision and direct staff to prepare the final order.