



## CURRY COUNTY COMMUNITY DEVELOPMENT

94235 MOORE STREET, SUITE 113  
GOLD BEACH, OREGON 97444

Becky Crockett  
Planning Director

Phone (541) 247-3228  
FAX (541) 247-4579

### CURRY COUNTY DEPARTMENT OF PUBLIC SERVICES-PLANNING DIVISION ADMINISTRATIVE STAFF REPORT AND DECISION

IN THE MATTER OF THE REQUEST FOR A VARIANCE TO THE FRONT PROPERTY LINE SETBACK  
REQUIREMENT TO ALLOW THE CONSTRUCTION OF A POLE SHED ON A PARCEL ZONED  
RESIDENTIAL – TWO (R-2)

**APPLICANT** Carl D. Mosier

**FILE:** AD-2117

**OWNER:** Carl D. Mosier

#### MAP DESCRIPTION:

TWP: 40 S RANGE: 13 W SECTION: 31 B TAX LOT(s): 2700

**LOCATION:** The subject property is located at 97015 Dodge Ave. It is on the north side of Dodge Ave. and east of Webb Lane. It is inside the Brookings Urban Growth Boundary (UGB).

**NATURE OF APPLICATION:** A request for a variance to the front property line setback.

#### I. BACKGROUND INFORMATION

- 1) **Parcel Size:** 1.09 Acres
- 2) **Fire Protection:** City of Brookings
- 3) **Zoning:** Residential (R-2)
- 4) **Zoning Overlays:** None

The subject parcel historically had a dilapidated mobile home and associated debris on it. The owner has cleaned up the property and requests to build a pole shed to house various equipment and hobbies that he is working on. The focus of the property owner's proposed action is to continue to clean up the property. The property is narrow and abuts a stream (Eiler Creek). Construction of the proposed pole shed requires a variance to the 10-foot property line setback.

## II. APPLICABLE CRITERIA

To approve this application, the Planning Director must determine that it is in conformance with the following sections of the Curry County Zoning Ordinance (CCZO):

<b>Section 3.110</b>	<b>Residential-Two Zone</b>
<b>Section 8.030</b>	<b>Standards for Granting a Variance</b>

## III. FINDINGS OF CONFORMANCE WITH THE CCZO:

**CCZO Section 3.110** provides a description of the purpose of classification for the Residential-Two zone and states:

*The R-2 zone is designated to be applied to residential areas where a variety of types of single-family dwellings are appropriate. This zone is intended to be applied only within urban growth boundaries identified by the Comprehensive Plan.*

**FINDING:** The applicant resides in a single-family dwelling on this parcel. The proposed pole shed is allowed outright as an accessory use to the single-family dwelling. The property is within the Brookings Urban Growth Boundary (UGB). The existing and proposed uses are set forth as uses that are intended for this zoning district. This finding is met.

### **CCZO Section 8.010 – Authorization to Grant or Deny a Variance**

*The Director may grant variances from the provisions of this ordinance where it has been shown that owing to unusual topographic conditions, unusual conditions such as the shape of property or the location of a building on the property, or other conditions over which the applicant has had no control, the literal interpretation of this ordinance would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of property for purposes not authorized within the zone in which the proposed use would be located. In granting a variance, the Director may attach conditions which he/she finds necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purpose of this ordinance or the comprehensive plan.*

**Section 8.030** provides standards for granting a variance and states:

*A variance may be granted only in the event that the applicant can show that all of the following standards have been met:*

- 1) *Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size, shape, topography, or other circumstances over which the owner of the property has no control.*

**FINDING:** The existing tax lot is of a dimension which precludes the placement of the proposed pole shed without encroaching into the 10-foot front yard setback area. The lot configuration and size as well as the existing stream corridor (Eiler Creek) limit the



placement of structures on the subject property. Exceptional circumstances for the owner of the subject property have been created due to the historical placement of structures (pre-existing) on the property prior to the adoption of county land use ordinances. The parcel was also created prior to the county land division ordinance so its dimensions do not adhere to those that would normally apply to the creation of parcels. This criterion has been met.

- 2) *The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess.*

**FINDING:** Due to the Eiler stream corridor, the shape of the parcel, and the existing placement of structures, the applicant asserts that a variance is necessary to authorize the location of the proposed pole shed. The property owner is improving the aesthetic characteristics of the historically "junky" parcel by removing the junk and placing equipment and hobbies inside the pole shed. The Director accepts this assertion.

- 3) *The variance would not be materially detrimental to the purposes of this ordinance, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of the comprehensive plan or other county regulation.*

**FINDING:** Encroachment of the proposed pole shed within the front property line setback area will not increase or intensify the uses currently permitted on the subject parcel. Approval of the requested variance is not anticipated to be materially detrimental to or otherwise in conflict with and will allow for a use that is generally consistent with the intent of this ordinance and the comprehensive plan.

- 4) *The variance requested is the minimum variance which would alleviate the hardship.*

**FINDING:** This requested variance reduction is the minimum necessary to alleviate the hardship.

#### IV. DECISION

File AD-2117, a request for a variance to allow the proposed pole shed to encroach within the front property line setback area on property described as Assessor Map 4013-31B tax lot 2700, filed by Carl D. Mosier, is hereby **APPROVED** subject to the following conditions:


- 1) The proposed pole shed shall be sited according to the site plan submitted in the application and shall meet all other federal, state and county fire codes and standards.
- 2) This approval will **expire one (1) year** from the date this decision becomes final unless substantial construction of the dwelling has taken place, or an extension of time has been granted. Requests for extension of time shall be consistent with CCZO Section 7.050(5) and must be received by the Planning

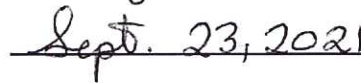
Department, in writing, with the appropriate fee, prior to the expiration date.

- 3) The pole shed will require a Planning Clearance and is not to be lived in.
- 4) The pole shed shall not encroach any further into the front property line setback area than is noted on the site plan as seven (7) feet.

This decision is limited to the Planning Director's review of applicable zoning rules and land use law, as outlined in the Curry County Comprehensive Plan and the Curry County Zoning Ordinance. Other County, State and Federal agencies may have regulatory review authority for development projects. The decision rendered herein neither implies nor guarantees compliance with the requirements of any other regulatory agency. It is the property owner's responsibility to ensure that the development complies with the requirements of any other regulatory agency or provisions of law prior to initiating the development. Notice of this decision is being sent to property owners in the vicinity of this property. This decision will not become final until 15 days after the date of the approval provided a timely appeal has not been filed. Appeals of Planning Director decisions require a de novo hearing before the Planning Commission. For further information contact the Planning Division.

**CURRY COUNTY PLANNING DIRECTOR**

  
Becky Crockett

  
Date