



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

MEMORANDUM

DATE: July 12, 2021
TO: City Council
FROM: Meg Leatherman, Community Development Director
SUBJECT: Public Hearing for Appeal (AP21-04) by Terri Delafiganieri of Astoria Planning Commission denial of Variance Request (V20-19) to exceed allowed 30% lot coverage at 1312-1316 Kensington Avenue in the R-1 Zone

Suggested Action

A Variance (V20-19) and Exterior Alteration (EX20-07) applications were received by the Community Development Department on October 15, 2020 for repair of a back-yard deck on a historic home at 1312-1316 Kensington. The deck is proposed to be repaired and extended, along with replacement of the stairs to the deck. The Exterior Alteration application went to the HLC but has been withdrawn by the applicant due to the APC's denial of the Variance application. The Appeal application before you is specifically for the Astoria Planning Commission's decision on the Variance. Ms. Delafiganieri is requesting a variance from lot coverage so that she can convert the existing deck that is designed for two-family use to a deck for single-family use. It would be in order for the City Council to hold a public hearing and make a decision on whether or not to uphold the Planning Commission's denial of this request.

Discussion/Analysis

Variance (V20-19) and Exterior Alteration (EX20-07) applications were received by the Community Development Department on October 15, 2020 for repair of a back-yard deck on a historic home at 1312-1316 Kensington. The deck is proposed to be repaired and extended, along with replacement of one of the stairs to the deck. The Exterior Alteration application went to the HLC but has been withdrawn by the applicant due to the APC's denial of the Variance application. The Appeal application before you is specifically for the Astoria Planning Commission's decision on the Variance.

Originally, Alexander Pappas was hired by the owner of the property, Terri Delafiganerie, to assist with the processing of these applications but unexpectedly discontinued working with Ms. Delafiganerie. Mr. Pappas prepared, submitted and planned to represent the owner at the public hearings. Mr. Pappas continued the public hearing several times during this transition. The owner is now representing herself. Below is a summary of the appellant's appeal request.

The site is located on the north side of Kensington Avenue mid-block between 12th and 14th Streets. The subject property is approximately 7,556 square feet (0.20 acres) of land area. The home is designated as historic by the City. The adjacent neighborhood consists of residential uses, most of which are considered historic. The property is zoned R-1, which has a maximum lot coverage of 30%. Historically, the home has been a duplex but the owner has done extensive work to convert it to a single-family home. Ms. Delafiganieri is trying to reconfigure the deck to allow for it to function for her use as a single-family home, while complying with City Codes. The internal work is about 75% complete. The original deck and staircase were designed for a duplex with two doors onto the deck from the home and two staircases from the deck to the backyard. In addition, a toilet-room divides the deck into two so that it functions as a private deck for each side of a duplex. The topography of the lot is sloped so that the front of the home is at ground level and the rear is approximately six feet above the ground. The elevation change creates a need for the deck to allow for egress out the rear of the home.

The home was constructed before the existing R-1 lot coverage standard was adopted. The existing code allows for up to 30% lot coverage and the home, including the deck, is at 32.55%. The site plan that was originally submitted includes a request to expand the lot coverage exceedance and encroach into the rear yard setback. During the process Ms. Delafiganieri learned of her neighbor's concerns regarding placement of the deck in the setback and modified the site plan to remove the deck from the setback. However, a variance is still needed for lot coverage. The most recent site plan, and the request in front of you, is to allow for a 33.78% lot coverage. Ms. Delafiganieri's re-design of the deck requires the slight expansion of the deck to allow for access around the toilet room, which currently divides the deck in two. Ms. Delafiganieri's expansion of the deck is three feet in width, which is the minimum width for proper circulation, including for those utilizing a wheelchair.

The City Council should first determine whether to hold an on the record or de novo hearing. On the record hearings allow the Council to only consider testimony issues raised at the earlier hearings while de novo allows for new points to be discussed. It is the City Council's past practice to hold de novo hearings in most cases.

Recommendation

It would be in order for the City Council to hold a public hearing and make a decision on whether or not to uphold the Planning Commission's denial of this request.

NOTICE OF APPEAL AP21-04
by
TERRI DELAFIGANIERE

of the

**ASTORIA PLANNING COMMISSION'S
DENIAL DECISION OF
VARIANCE REQUEST (V20-19)**

by
TERRI DELAFIGANIERE



Prepared by
City of Astoria
Community Development Department
1095 Duane St. • Astoria, OR 97103

July 12, 2021

NOTICE OF APPEAL AP21-04

by
TERRI DELAFIGANIERE

of the

ASTORIA PLANNING COMMISSION DENIAL DECISION OF VARIANCE REQUEST V20-19

by
TERRI DELAFIGANIERE

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NOTE: Page numbers are indicated as "AP-xx" so as not to be confused with previous document page #s.



CITY OF ASTORIA

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1095 Duane Street • Astoria, OR 97103 • Phone 503-338-5183 • www.astoria.or.us • comdevadmin@astoria.or.us

NOTICE OF PUBLIC HEARING

To fully participate remotely in public hearings, go to https://www.astoria.or.us/LIVE_STREAM.aspx for connection options and instructions. You may also use a telephone to listen in and provide public testimony. At the start of the meeting, call (253) 215-8782 and when prompted enter meeting ID# 503 325 5821.

The Astoria City Council will hold a public hearing on Monday, July 19, 2021 at 7:00 p.m., in the City Council Chambers at City Hall, 1095 Duane Street, Astoria. The purpose of the hearing is to consider the following request:

1. Appeal (AP21-04) by Terri Delafiganieri of Astoria Planning Commission denial of Variance (V20-19) to Exceed 30% Maximum Lot Coverage by 1%, at 1312-1316 Kensington Avenue (Map T8N R9W, Section 17BA, Tax Lot 90106 & 08800, North 20 feet of Lot 7 and North 65 feet Lot 6, Block 57 Shively's Subdivision); Low Density Residential (R-1) Zone. Development Code Standards in Sections 2.015, to 2.050 (R-1), Article 9 (Administrative Procedures), Article 12 (Variances), Comprehensive Plan Sections CP.005 to CP.028 (General Policies), and CP.040 to CP.045 (Central Residential) are applicable to the request.

A copy of the application, all documents and evidence relied upon by the applicant, the staff report, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. All such documents and information are available by request by contacting the Community Development Department at 1095 Duane Street, Astoria or by email at comdevadmin@astoria.or.us or by calling (503) 338-5183. The location of the hearing is ADA accessible. An interpreter for the hearing impaired may be requested under the terms of ORS 192.630 by contacting the Community Development Department at (503) 338-5183, 48 hours prior to the meeting.

All interested persons are invited to express their opinion for or against Appeal Request AP21-01 by email comdevadmin@astoria.or.us, by letter addressed to the Astoria City Council, 1095 Duane St., Astoria OR 97103, at the hearing, or remotely. Testimony and evidence must be directed toward the applicable criteria identified above or other criteria of the Comprehensive Plan or land use regulation which you believe apply to the decision. Failure to raise an issue with sufficient specificity to afford the Astoria City Council and the parties an opportunity to respond to the issue precludes an appeal based on that issue.

The public hearing, as conducted by the City Council, will include a review of the application and presentation of the staff report, opportunity for presentations by the applicant and those in favor of the request, those in opposition to the request, and deliberation and decision by the City Council. The City Council reserves the right to modify the proposal or to continue the hearing to another date and time. If the hearing is continued, no further public notice will be provided.

The City Council's ruling may be appealed to the Land Use Board of Appeals by the applicant, a party to the hearing, or by a party who responded in writing, by filing a Notice of Intent to Appeal within 21 days after the City Council's decision. Appellants should contact the Oregon Land Use Board of Appeals (LUBA) concerning specific procedures for filing an appeal with LUBA. If an appeal is not filed with LUBA within the 21 day period, the decision of the City Council shall be final.

THE CITY OF ASTORIA

MAILED: June 29, 2021

Tiffany Taylor
Administrative Assistant



CITY OF ASTORIA

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1095 Duane Street • Astoria, OR 97103 • Phone 503-338-5183 • www.astoria.or.us • comdevadmin@astoria.or.us

Connection options and instructions to participate remotely in the public hearing.

ONLINE MEETING

At start of our Public Meetings you will be able to join our online ZOOM meeting using your **mobile or desktop device** and watch the live video presentation and provide public testimony.

Step #1: Use this link: <https://www.astoria.or.us/zoom/>

Step #2: Install the Zoom software on your mobile device, or join in a web browser

Step #3: If prompted, enter the Meeting ID number: 503 325 5821

Note: Your device will automatically be muted when you enter the online meeting. At the time of public testimony, when prompted you may choose to select the option within the ZOOM software to "raise your hand" and notify staff of your desire to testify. Your device will then be un-muted by the Host and you will be called upon, based on the name you entered within the screen when you logged in.

TELECONFERENCE

At start of our Public Meetings you will be able to **dial-in using your telephone** to listen and provide public testimony.

Step #1: Call this number: [253-215-8782](tel:253-215-8782)

Step #2: When prompted, enter the Meeting ID number: 503 325 5821

*Note: Your phone will automatically be muted when you enter the conference call. At the time of public testimony, when prompted, you may dial *9 to "raise your hand" and notify staff of your desire to testify. Your phone will then be un-muted by the Host and you will be called upon based on your phone number used to dial-in.*



CITY OF ASTORIA
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COMMUNITY DEVELOPMENT



No. AP 21-04

☒ Fee Paid Date 6/8/21 By OK #563
Fee: \$500.00

NOTICE OF APPEAL

Property Address: 1312 + 1316 Kensington Ave Astoria

Lot N20FT #7 Block 57 Subdivision Shuley

Map T8N R9W Tax Lot 08880 Zone R-1

Appellant Name: TERRI Delafaniere

Appellant Mailing Address: 1312 + 1316 Kensington Ave Astoria

Phone: 510-501-6288 Business Phone: — Email: bwido2@aol.com

Issue Being Appealed: Variance Reg V20-19

Signature of Appellant: [Signature] Date: 6/1/21

Name of Appellant's Attorney (if any): —

Address of Appellant's Attorney (if any): —

This Appeal is filed with the City of Astoria, in accordance with Development Code Section 9.040,

on a decision and/or ruling dated 5/25/21 by the VARIANCE Committee ^{APC} denial of V20-19

Commission (Department/Commission/Committee/City Official)

Specific Criteria Appealed: Lot Coverage, ADA + Health & Safety

The specific grounds relied upon for review: See Attached

(If additional space is needed, attach additional sheets.)

For office use only:

Application Received :	<u>6/8/21</u>	Standing to Appeal	Yes		No	
Appeal Criteria:						
Application Complete:		Permit Info Into D-Base:	<u>6/8/21</u>			
Labels Prepared:		Tentative Meeting Date:				
120 Days:						

Grounds for Review

I believe that the 4–2 decision of the Planning Commission that denied my request for variance (V-20-19) is in error. Specifically:

1. *Finding: The physical site characteristics...do not create an unnecessary hardship. ... The need to age in place ... and to provide ADA access around the bathroom is not sufficient reasoning to find that a hardship exists....*

Response: At the deck's current size, no one can pass from one side of the deck to the other side; rather you have to enter the house and maneuver through the kitchen to the other side of the deck. This would be especially difficult for anyone using a walker or wheelchair. During the debate, Commissioner Price argued that since many historic homes do not have ADA access, such access is not necessary. The aging-in-place aspect of the proposed expansion was similarly dismissed.

2. *Finding: The testimony of Ms. Lederer, property owner to the north, offered a point of view that the increase in lot coverage is substantially injurious to their backyard.*

Response. It is not clear to me how a 3-foot widening of the deck (an expansion of 1.23% over current coverage) would substantially impact the neighbor's backyard. Yes, the neighbor's back yard is downhill from the duplex, and yes, anyone on the deck can look down into it. This is true regardless of deck size.

3. *Finding: "...the property owner has a relatively flat backyard that can be used without expanding the deck, thus the variance is not necessary to make reasonably use of the property."*

Response: The backyard is not usable for anyone in a wheelchair; thus, the opportunity for a wheelchair-bound person to enjoy the river view on the current deck is minimal. I can imagine such mobility issues as I age, and I do not want the city's code to prevent me from enjoying my river view outside the house.

4. *Finding: "...the applicant's statement that there are no conflicts to the Comprehensive Plan is not sufficient."*

Response: I believe that the conflict is not with the Comprehensive Plan—since the Planning Commission routinely grants variances—but rather with a rigid interpretation of the code.

Summary

The four commissioners voting in favor of the denial ignored the findings of the professionals in the Astoria Planning/Development Department. Instead they gave full credence to a perceived and non-specific injury to the downhill neighbor. Furthermore, none of these four members voting expressed any understanding of my desire to renovate this historic duplex with an eye to aging in place. In fact, several expressed the belief that, since ADA requirements are not in the city code, they are not relevant to the application. I respectfully hope that the City Council can take a more sympathetic view to the concept that aging-in-place is relevant and that a 1.23% increase in lot coverage surely is not reason enough to thwart my plans to remain in my home as I grow older.

Visible Inspection of the porch at 1312 & 1316 Kensington Duplex

There is a lot of missing trims {pictures} on both sides. Noted a lot of the trim is rotted and very flimsy wood had been done for repairs. We plan to take pieces to McCoy's Wood Work in Portland had have it milled to match the existing trim in clear Douglas fir. Once replaced sealed and painted to match house. All rotted wood that cannot be seen will be replaced with pressure treated wood and covered with this trim.

Underneath the floors are full of wood burrowing beetles, green moss and mold. Some will need to be replaced. We will be using Douglas fir tung and groove to match what is ruined. {pictures}

Main support for the porch has had several bad repairs. There is one pressure treated post that will need to be replaced and 2 that may be rotted. Once we add additional post {currently 3 we want to have 4 to match porch structure above} we should be able to jack porch up 1-3 inches to put new concrete pilings to put the new pressure treated 4x4's. Those will be wrapped up in same trim profile that the rest of the structure has. All trim will be Douglas fir and painted to match house.

Toilet on the porch has a lot of rot across the top of room where it attached to the roof/2nd floor deck. {pictures} the extent will not be known until siding removed.

It appears the exterior walls on 1312 are damaged due to age, water, wind, and a remodel that was done in 1947 when they took out 2 windows and 2 pie coolers. They used pieces of the original cabinets to fill the holes/windows, but they have been leaking for years. They added large picture window that is now rotted. We found serious rot from 2nd floor bathroom down to basement. This siding will need to be replaced with milled Douglas fir. We will replace all rotted lumber, tar paper and put on siding. {pictures} exact damage will not be known until we remove siding.

A & A Pest Control
5827 SE 91st Avenue
Portland, OR 97266-4609
503-222-7128 1-800-852-3671

SERVICE SLIP/INVOICE

0014737B

PAGE 1 & 3 OFFICE COPY — PAGE 2 CUSTOMER COPY

SERVICE ADDRESS
Terri Delafiganieri
1312/1316 Kensington Ave
Astoria, OR 97103
510-501-6288

CUSTOMER #
034347

Terri Delafiganieri

ODA # 930

WA # 79916

P.O. NUMBER

LICENSE #

1064002

DATE & TIME 06/03/2021 03:30 PM

ROUTE/GRID BEACH

TECH / NO 0105

LAST SERV. DATE 06/02/2021

TIME IN

220

TIME OUT

330

SUPPLIER: UNIVAR

Terr - 005 CrtUser - DRN

BILLING ADDRESS

Terri Delafiganieri
1312/1316 Kensington Ave
Astoria, OR 97103

SERVICE TYPE

004, Evaluate & Estimate

AMOUNT

0.00

Net 30 Days

Sales Tax: 0.00

Invoice Total: 0.00

PREVIOUS BALANCE

0.00

ACCOUNT BALANCE

0.00

CHECK

TOTAL

PAID

☐ CASH

☐ CHECK

☒ BILL

☐ TERMS

ACCEPTED BY

DATE

6/3/21

LFT/SQFT

CHEMICAL

EQUIPMENT CODE

LOCATION CODES

1 2 3 4 5 6 7 8 9 10 11 12
13 14 15 16 17 18 19 20
1 2 3 4 5 6 7 8 9 10 11 12
13 14 15 16 17 18 19 20
1 2 3 4 5 6 7 8 9 10 11 12
13 14 15 16 17 18 19 20
1 2 3 4 5 6 7 8 9 10 11 12
13 14 15 16 17 18 19 20

A B C D E F G H I J K L M
N O P Q R S T U V W X Y Z
A B C D E F G H I J K L M
N O P Q R S T U V W X Y Z
A B C D E F G H I J K L M
N O P Q R S T U V W X Y Z
A B C D E F G H I J K L M
N O P Q R S T U V W X Y Z

AA BB CC DD EE
FF GG HH II JJ KK
AA BB CC DD EE
FF GG HH II JJ KK
AA BB CC DD EE
FF GG HH II JJ KK
AA BB CC DD EE
FF GG HH II JJ KK

To treat. int. & ext. of the house for spiders & ants it would be 195.00 for the first treatment then 70.00 each service after

SANITATION ☐ EXCELLENT ☐ GOOD ☐ FAIR ☐ POOR ☐ SEE TECH COMMENTS OR SANITATION SHEETS

WARRANTIES: ☐ 30 DAYS ☐ 60 DAYS ☐ 90 DAYS ☐ 1 YEAR ☐ NONE ☐ OTHER

TECH COMMENTS Found wood boring beetles in both basements under the

back deck & in the garage. To treat those areas things would

Need to be removed or placed in rows that I can't treat through & covered

with a tarp for the garage I would recommend having the car out.

With a 3yr warranty it would be 622 for the garage + 1900.00

2-4pm having WEB's in basement please give bid, also having a lot of spiders would like a treatment, Sch 6/2/21 DRN

for the basements & under the back deck.

*** PLEASE DETACH AND SEND WITH PAYMENT

DATE

06/03/2021

CUSTOMER NUMBER

034347

INVOICE NUMBER

0014737B

AMOUNT PAID

AP-6

PLEASE RETURN WITH PAYMENT (OFFICE COPY) PLEASE PAY FROM THIS INVOICE

TERMS: NET 30 A SERVICE CHARGE OF 1.5% PER MONTH (18% ANNUALLY) WILL BE CHARGED ON ALL PAST DUE ACCOUNTS



CITY OF ASTORIA
Founded 1811 • Incorporated 1856
COMMUNITY DEVELOPMENT

May 26, 2021

TO: Interested Parties

FROM: Planning Division

RE: **Notice of Decision – Astoria Planning Commission
Variance Request V20-19 by Terri Delafiganieri**

This letter is to inform you of the decision of the Astoria Planning Commission concerning a Variance Request to vary from the maximum 30% allowed lot coverage by 3.78% to remove an existing deck and two stairwells and replace with one deck and one stairwell in the R-1 (Low Density Residential) Zone at 1312-1316 Kensington Ave., Astoria, OR 97103.

The decision of the Astoria Planning Commission is to **deny** the request for a Variance, as noted in the Findings of Fact report. A copy of the decision of the Variance Request is enclosed for your information.

Any person with standing may appeal the Astoria Planning Commission's decision and request a public hearing before the City Council by filing a Notice of Appeal with the Community Development Director within 15 days of the mailing of the Order (Section 9.040). The appeal deadline is 5:00 p.m. June 10, 2021. The Notice of Appeal should state the reasons for the request. A fee is required to cover the cost of the appeal. If no appeal is filed within the 15-day period, the decision of the Astoria Planning Commission becomes final.

If you have any questions, please call the Planning Division at (503) 338-5183.

Sincerely,

Tiffany Taylor

Encl: Variance V20-19 Order
Findings of Fact/Staff Report

cc: Applicant / Property Owner
Persons of Record
Building Dept.

BEFORE THE ASTORIA PLANNING COMMISSION
OF THE CITY OF ASTORIA

IN THE MATTER OF A VARIANCE REQUEST

FOR THE FOLLOWING PROPERTY:

MAP T8N R9W SECTION 17BA; TAX LOT 08800;
NORTH 20 FEET OF LOT 7; NORTH 65 FEET OF LOT 6;
BLOCK 57; TR, SHIVELY'S; 1312-1316 KENSINGTON, ASTORIA

ZONING: R-1 (LOW-DENSITY RESIDENTIAL)

APPLICANT: TERRI DELAFIGANIERE, 1312 KENSINGTON,
ASTORIA, OR 97103

ORDER NO. V20-19

The above named applicant applied to the City for Variance Request (V20-19) to vary from the maximum 30% allowed lot coverage by 3.78% to remove an existing deck and two stairwells and replace with one deck and one stairwell in the R-1 (Low Density Residential) Zone at 1312-1316 Kensington Avenue, Astoria, OR 97103.

A public hearing on the above entitled matter was held before the Astoria Planning Commission on November 24, 2020; and the Astoria Planning Commission closed the public hearing and rendered a decision at the May 25, 2021 meeting.

The Astoria Planning Commission orders that this application for a Variance Request (V20-19) is denied and adopts the findings of fact and conclusions of law attached hereto.


This decision may be appealed to the City Council by the applicant, a party to the hearing, or a party who responded in writing, by filing an appeal with the City within 15 days of the mailing of the Order (Section 9.040).

A copy of the application, all documents and evidence relied upon by the applicant, the staff report, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.

DATE SIGNED: MAY 25, 2021

DATE MAILED: MAY 26, 2021

ASTORIA PLANNING COMMISSION



President - Daryl Moore

(Excused)

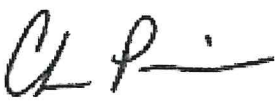
Commissioner David Kroening



Commissioner Brackley Herr

Vice President - Sean Fitzpatrick

Commissioner - Chris Womack



Commissioner Cindy Price



Commissioner Pat Condon



CITY OF ASTORIA

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COMMUNITY DEVELOPMENT DEPARTMENT

1095 Duane Street • Astoria OR 97103 • Phone 503-338-5183 • www.astoria.or.us • planning@astoria.or.us

REVISED May 26, 2021
Planning Commission Findings in Red

STAFF REPORT AND FINDINGS OF FACT

STAFF REPORT PUBLICATION DATE: MAY 18, 2021

PLANNING COMMISSION HEARING DATE: MAY 25, 2021

TO: ASTORIA PLANNING COMMISSION

FROM: BARBARA FRYER, AICP, CITY PLANNER

SUBJECT: VARIANCE REQUEST (V20-19) BY TERRI DELAFIGANIERE, TO
EXCEED ALLOWABLE 30% LOT COVERAGE BY 3.78% IN THE R-1
(LOW DENSITY RESIDENTIAL) ZONE AT 1312-1316 KENSINGTON
AVENUE

I. BACKGROUND SUMMARY

- A. Applicant: Terri Delafiganiere
1312 Kensington Avenue
Astoria OR 97103
- B. Owner: Terri Delafiganiere
1312 Kensington Avenue
Astoria OR 97103
- C. Location: 1312-1316 Kensington Avenue
Map T8N R9W Section 17BA; Tax Lot 08800; North 20 feet
of Lot 7; North 65 feet of Lot 6; Block 57; TR, Shively's
- D. Zone: R-1 (Low Density Residential)
- E. Proposal: Vary from maximum lot coverage to remove an existing deck
and two stairwells and replace with one deck and one
stairwell
- F. 120 Day
Deadline: February 18, 2021; Extended to October 26, 2021

pg. 1

*T:\General\COMDEV\APC\PERMITS\VARIANCE\2020\V20-19\Revised DRC FindingsV20-19_1312-1316
Kensington_Delafiganierie_Lot Coverage Variance.doc*

II. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 200 feet, pursuant to Astoria Development Code (ADC) §9.020 on November 2, 2020 (Exhibit 2). Notice was posted on site on November 10, 2020. A notice of public hearing was published in *The Astorian* on November 14, 2020.

The Astoria Planning Commission opened the public hearing on November 24, 2020. The Planning Commission closed the public hearing and began deliberations. The applicant requested a continuance to the January 26, 2021 Planning Commission meeting. At the January 26, 2021 Planning Commission meeting, the applicant requested a continuance to February 23, 2021. At the February 23, 2021 Planning Commission meeting, the applicant requested a continuance to May 4, 2021. The property owner was not advised by the applicant of the continuances and no longer has the applicant under contract. At the May 4, 2021 Planning Commission meeting, the property owner requested a continuance to the May 25, 2021 meeting.

Any comments received will be made available at the Astoria Planning Commission meeting. Ann Lederer submitted written comments regarding the original application, which requested variance from lot coverage and setbacks. The applicant revised the request to include only the lot coverage. The revised drawings meet the 20-foot rear yard setback in the R-1 Zone. Brett Meyer and Melissa Barber, neighbors on Kensington, also submitted comments. The comments were favorable to the work completed to date. These letters are attached as Exhibit 3.

III. BACKGROUND

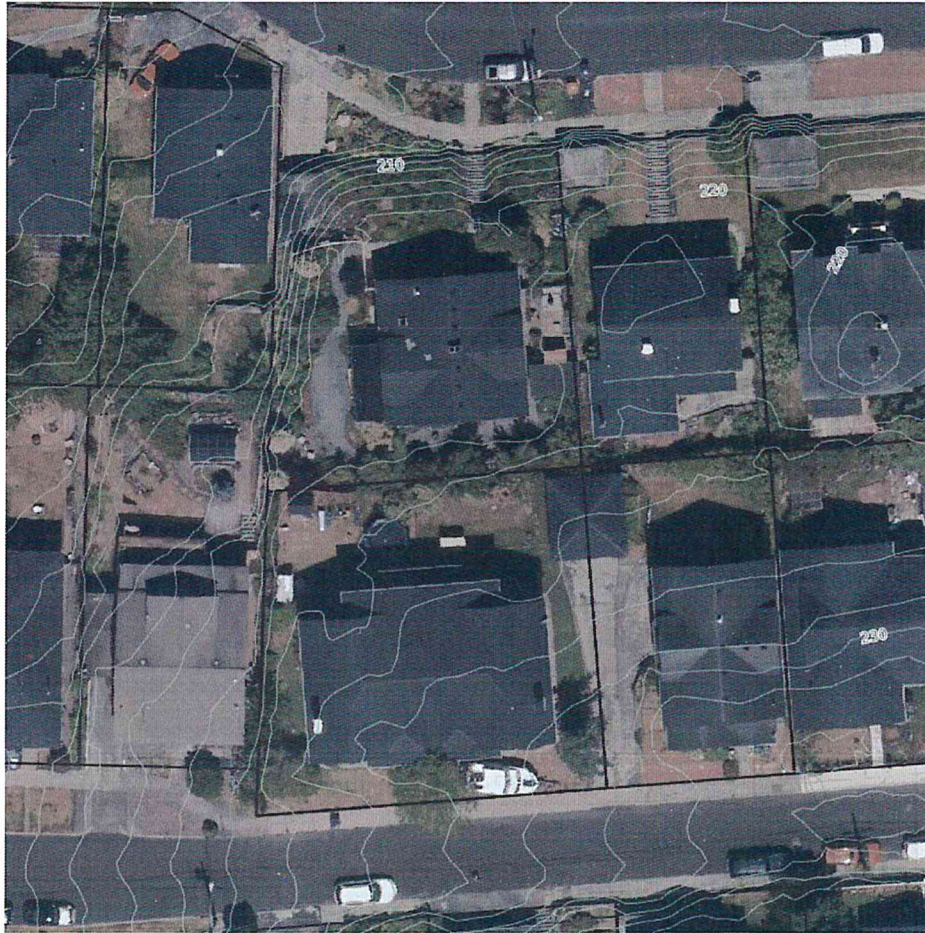
Subject Site and Area

The subject property is located in the Central Residential Neighborhood on the north side of Kensington Avenue west of 14th Street and east of 12th Street. The subject property is an irregular rectangular lot approximately 7,840 square feet. The site is currently at 32.55% lot coverage, and with the bigger deck and relocated single staircase, will exceed 30% lot coverage in the R-1 Zoning District by a total of 3.78%.



1312-1314 Kensington			
Existing Lot Coverage from Clatsop County Assessment and Taxation		Proposed Lot Coverage	
Area	Square Feet	Area	Square Feet
First Floor	1940	First Floor	1940
Covered front Porch	252	Covered front Porch	252
Garage	180	Garage	180
Back Porch and Bathroom	180	Back Porch and Bathroom	276.25
Total	2552	Total	2648.25
Lot Size	7840.8	Lot Size	7840.8
Coverage	32.55%	Coverage	33.78%

Land uses surrounding the site are predominately residential dwelling units. It should be noted that this home is the largest home on the block. This home and the homes to the east sit significantly higher in elevation than the homes to the north as shown on the topographical aerial photo on the next page.



pg. 4

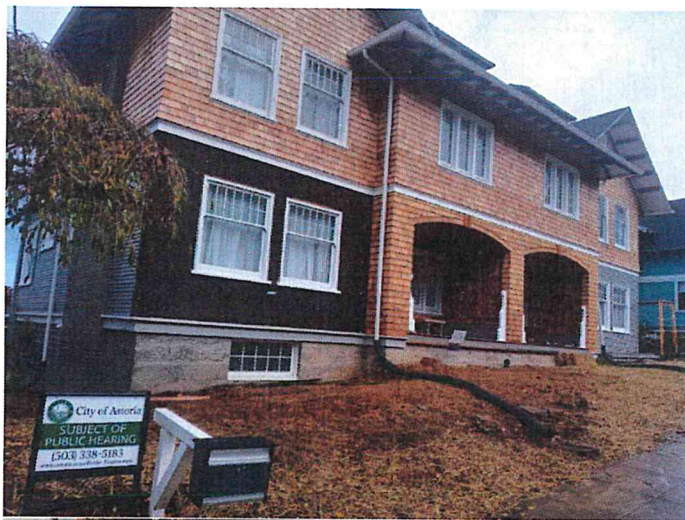
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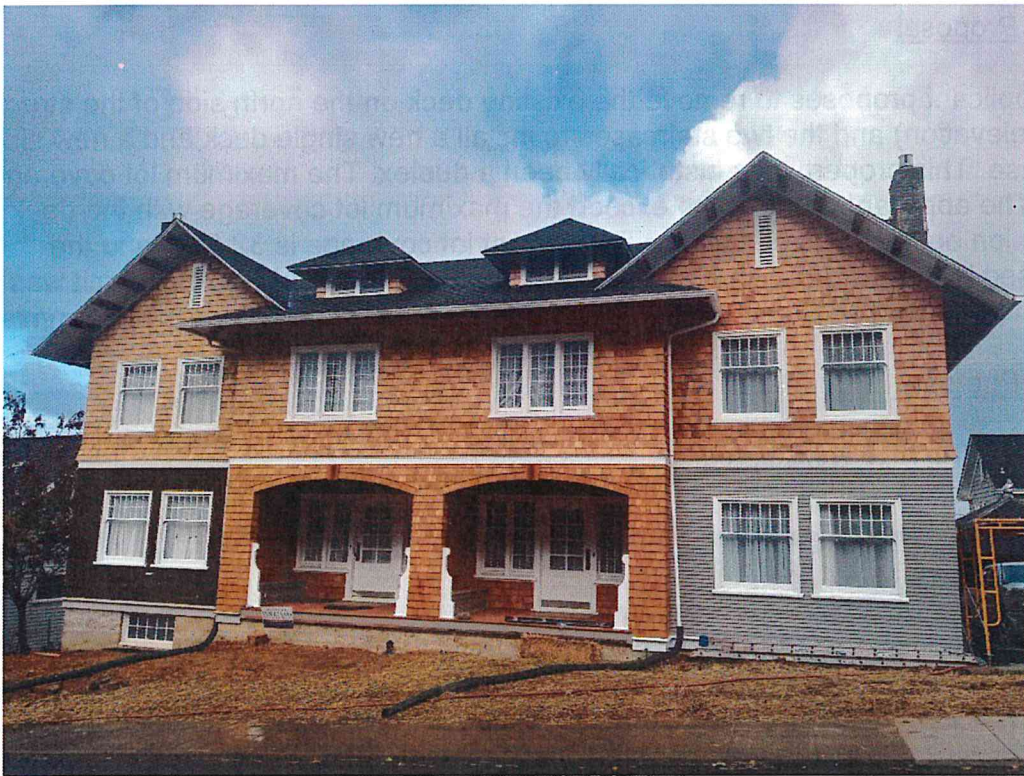
B. Proposal

The applicant proposes to remove the existing deck on the north side of the structure (back elevation) and the two staircases to install a new single deck and a new single staircase. This property has historically been a duplex. The maximum lot coverage is 30%. The applicant proposes to exceed the maximum lot coverage with the deck expansion on the north elevation. The current lot coverage is 32.55% and the proposed lot coverage will be 33.78%. A separate Exterior Alteration Permit was submitted concurrently and will be considered by the Historic Landmarks Commission.

C. Photos

V20-19 / 1312-1316 Kensington
On Site Photos 11/10/20



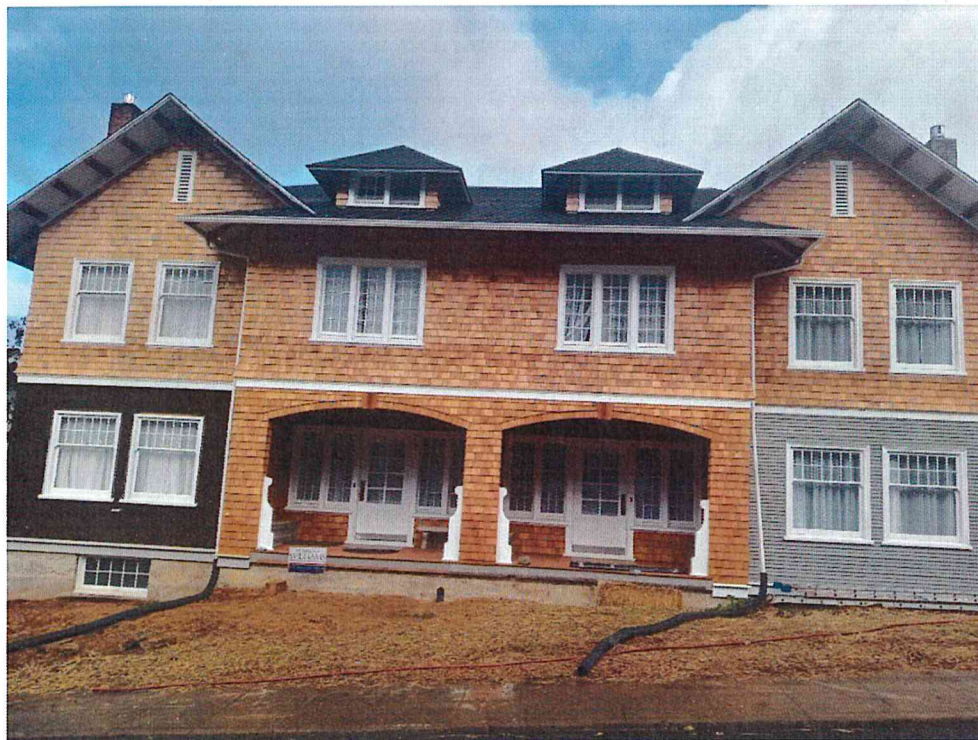


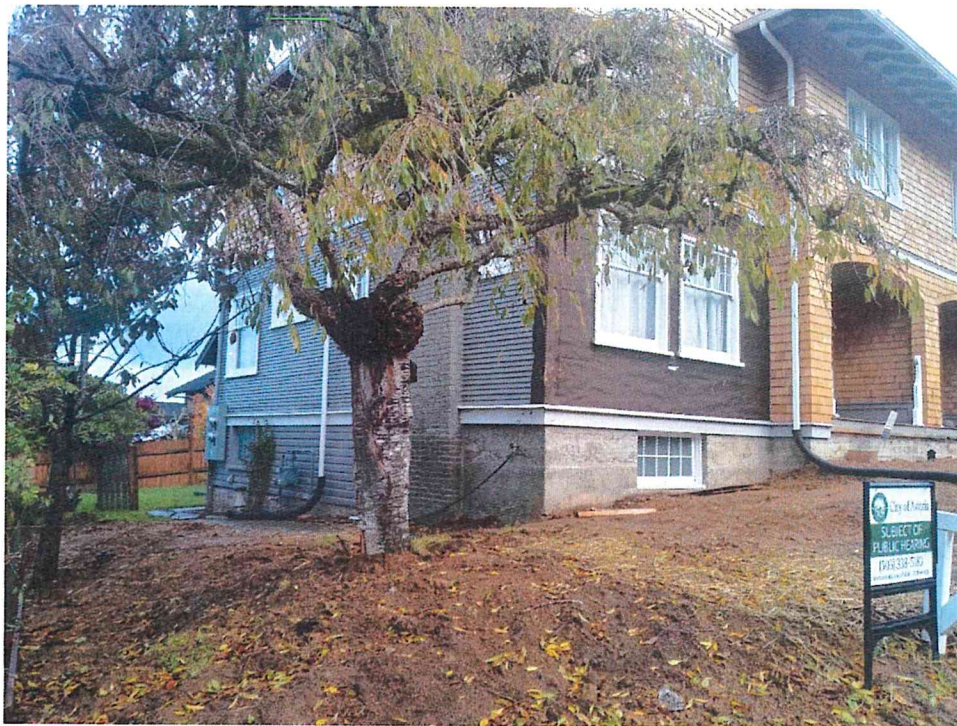


Comment
Letter
received by
this household

Shared driveway
and garage







IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

A. ADC§12.060 B and C. CLASSIFICATION OF VARIANCES, speaks to Type III Variances.

"B. Type III.

Type III includes variances which are significant changes from the Code requirements and are likely to create impacts on adjacent property or users. A Type III variance may be granted by the Planning Commission.

Type III variances include, but are not limited to:

1. *Variances from quantitative standards other than those identified in Section 12.060.A by more than 10%;*
2. *Variances from other provisions of this chapter except density and use restrictions.
(Section 12.060.B amended by Ord 19-05, 6-17-2019)
(Section 12.060 amended by Ord 19-05, 6-17-2019)*

C. *The Community Development Director shall decide the classification of any variance application."*

Finding: The original proposal included a variance for encroachment into the rear yard setback and to exceed the maximum lot coverage of 30%. The applicant proposes to vary by 3.78% from the 30% maximum coverage. The

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Kensington_Delafiganerie_Lot Coverage Variance.doc

Applicant proposes to exceed lot coverage to a total of 33.78%, which is greater than the 10% allowed as a Type II.

- B. This site is in the low density residential district and shall comply with maximum lot coverage of 30 percent found in ADC §2.040:

Buildings will not cover more than 30 percent of the lot area.

ADC §1.400 Buildings are defined as follows: *A structure built for the support, shelter, or enclosure of persons, animals, chattels or property of any kind.*

ADC §1.400 Structures are defined as follows: *That which is built or constructed. An edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner and which requires location on the ground or which is attached to something having a location on the ground.*

Finding: The applicant is proposing to remove the existing deck and two staircases on the north elevation and replace it with one deck and one staircase, which is defined as a structure. The property is approximately 7,840 square feet and the structure is currently at 2,552 square feet, which is 32.55% lot coverage. The applicant proposes to further exceed lot coverage to a total of 33.78%. The applicant is seeking a variance to ADC §2.040.

- C. ADC §12. 030.A, Variances, states *"The granting authority may grant a variance from the requirements of this chapter, if on the basis of the application, investigation, and the evidence submitted by the applicant, all four (f) of the following expressly written findings are made:"*

1. *This request is necessary to prevent unnecessary hardship; and*
2. *Development consistent with the request will not be substantially injurious to the neighborhood in which the property is located; and*
3. *The request is necessary to make reasonable use of the property; and*
4. *The request is not in conflict with the Comprehensive Plan."*

Findings:

1. The applicant states that the structure is "extremely limited in its function in its current build. The improvements allow it to be used to its full potential." The Property Owner provided additional information regarding the necessity of the changes to the rear deck (See Exhibit 4).

In her submittal, the owner cites that there isn't a bathroom on the main floor – except the toilet room on the deck with a "Jack and Jill" entry from the east and west decks. The existing structure is a duplex with a large partition between the two decks. The owner opened the interior to make it one dwelling unit. The owner intends to replace the two decks and toilet room

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with one deck and a half bathroom. As she removes the separation between the decks, the property owner intends to provide a 3-foot ADA access way around the half bathroom, which also extends the deck an additional three feet.

Relevant factors, per ADC §12.030(B), when determining if a hardship exists include: physical circumstances related to the property involved; whether a reasonable use, similar to other like properties, can be made of the property without the variance; whether the hardship was created by the person requesting the variance; and the economic impact upon the person requesting the variance, if the variance is denied.

The property is approximately 7,840 square feet and the existing structure is 2,552 square feet, resulting in 32.55% lot coverage. The applicant cites the necessity to age in place as a consideration of the existing property. Modifying the existing toilet room to provide direct access to the home while extending the deck 3 feet for ADA access is the cited reason for exceeding the maximum lot coverage by 3.78%.

Reasonable use of the property, similar to other like properties, cannot be made without the variance as this historic home has limited interior modifications. The intent is to keep the property as close to the historic character as possible. The applicant purchased the home with the existing toilet room. Her intent is to modify the existing toilet room into a half bathroom for the first floor to age in place. The hardship came with the property.

The applicant did not submit economic impact information if the application is denied.

~~The City finds that the applicant demonstrated that the request is necessary to prevent unnecessary hardship (the need to age in place in this historic structure). Thus, the City finds this criterion is met. The Planning Commission found that the physical site characteristics are not unique and do not create an unnecessary hardship. Planning Commission found that the property is dissimilar from other properties in the area because the back yard is flat and useable. The Planning Commission found that the applicant did not submit economic impact information if the application is denied. Additionally, the Planning Commission found that the need to age in place, provide a bathroom on the main floor with minimal disturbance to the historic features of the dwelling, and provide ADA access around the bathroom is not sufficient reasoning to find that a hardship exists.~~

2. The applicant cites that the proposed development is “behind the house structure, does not interfere with anyone’s views and will not be visible from any street. There is no change to the home/primary building.” One public comment was submitted with regard to the original proposal (Exhibit 3). The public comment states that allowing this proposal would be substantially injurious to their back yard as the property in question lies uphill and the

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deck would look down on her home. The comment related to the original proposal, which encroached into the 20-foot rear yard setback. The revised proposal does not encroach into any setback. Due to the fact that the home, front porch, existing back porches and the garage exceed the R-1 maximum lot coverage by 2.55% and the increased encroachment is only 1.23%, the proposal has been significantly reduced in size. ~~The City finds that the reduced proposal would not be injurious to the property owner directly north of the subject property. Thus, the City finds this criterion is met. While the applicant modified the proposal to reduce impacts to the northern neighbor, the Planning Commission found the testimony of Ms. Lederer and Mr. Reuter, the property owners to the north, offered a point of view that the increase in lot coverage is substantially injurious to their back yard.~~

3. The original application noted that the variance would enable the homeowner to take advantage of views and usefulness of the space. The applicant also states that the proposal improves the property's historic character. The existing deck could be rebuilt and a new staircase placed on the property without expanding the variance. The variance provides a larger surface in which to recreate outdoors. The property owner submitted new information regarding the necessity of expanding the deck. The property owner noted that the toilet on the deck is the only facility on the main floor. Her intent is to minimize modifying the historic character of the home while making it possible to age in place. Her proposal is to modify the toilet room to include a sink and a door directly to the main floor instead of the current "Jack and Jill" entry. Additionally, to ensure that she can age in place, the applicant requests an expansion of the deck to allow for 3 feet of ADA clearance around the half bathroom. ~~The City finds that reasonable use of the property cannot be accomplished within the existing footprint. Thus, the City finds this criterion is met. The Planning Commission found that the property owner has a relatively flat backyard that can be used without expanding the deck, thus the variance is not necessary to make reasonable use of the property.~~
4. The applicant states, "No conflicts to the Comprehensive Plan." No evidence is suggested to make this conclusion.

The proposal is within the Central Residential District of the City. CP.040 describes the Central Residential Area as the City's oldest neighborhood, extending from Second Street to 18th Street and from Bond Street to Niagara Street, excluding the Central Business District. This area is within the Shively-McClure National Register District, designated in 2005 with 243 historic properties. This property is one of the historic properties. Ms. Delafiganieri intends to make minimal changes to the property and to keep the historic character. ~~Consequently, expanding the toilet room to include a sink and access directly to the house, allows the least modification to the historic structure. The City finds that this criterion has been met. The Planning Commission found that the applicant's statement that there are no conflicts to the Comprehensive Plan is not sufficient.~~

V. CONCLUSION AND RECOMMENDATION

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The request must meet all four of the variance review criteria found in ADC §12.030.A. ~~The City finds that all four criteria are met. Therefore, staff recommends approval of the request.~~ *The Planning Commission found that affirmative findings regarding all four of the variance criteria cannot be met. Therefore, the Planning Commission denied the application for variance of the R-1 zone standard of lot coverage of 30% by 3.78%.*

Attached Exhibits

Exhibit 1: Application materials

Exhibit 2: Public Notice

Exhibit 3: Public Comments

Exhibit 4: Revised Plans and Supporting Statement

ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall

May 25, 2021

CALL TO ORDER:

President Moore called the meeting to order at 5:31 pm.

ROLL CALL:

Commissioners Present: Daryl Moore, Sean Fitzpatrick, Patrick Corcoran, Cindy Price, Chris Womack, and Brookley Henri.

Commissioners Excused: David Kroening.

Staff Present: Community Development Director Leatherman, City Planner Barbara Fryer, and Contract Planner Rosemary Johnson. The meeting is recorded and will be transcribed by ABC Transcription Services, LLC.

APPROVAL OF MINUTES:

President Moore called for approval of the May 4, 2021 minutes.

Commissioner Price moved to approve the minutes of the May 4, 2021 meeting as presented; seconded by Commissioner Womack. Motion passed unanimously.

PUBLIC HEARINGS:

President Moore explained the procedures governing the conduct of public hearings to the audience and advised that handouts of the substantive review criteria were available from Staff.

ITEM 4(a):

V20-19 *Continued from the May 4, 2021 meeting - Variance Request (V20-19) by Terri Delafiganieri, to exceed allowed 30 percent lot coverage by 3.78 percent at 1312-1316 Kensington in the R-1 Zone.*

President Moore asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. He asked if any member of the Planning Commission had any conflicts of interest, bias, or ex parte contacts to declare.

Commissioner Fitzpatrick declared that he lived within a few hundred feet of the property and drives past it on a number of occasions. Most recently, he ran into a former employee who said he was working on this project. However, they did not discuss the project.

Commissioner Price declared that she knew the property well, but had never been inside the building. She was acquainted with the Applicant and was friends with Ms. Lederer, who had contested the application. She and Ms. Lederer had discussed hearing dates, but nothing else contained in the application. This property is adjacent to her backyard. She did not have any financial or personal interest in the outcome and would make a fair decision based on the evidence, Staff report, and Development Code.

President Moore asked Staff to present the Staff report.

Planner Fryer reviewed the written Staff report via PowerPoint. Staff recommended approval of the request with the conditions listed in the Staff report.

Commissioner Fitzpatrick asked if the Applicant had proposed a larger covered porch or would the cover be removed, leaving an open deck. Planner Fryer explained that the proposal was to have an open deck. The only covering would be where the upper floor deck currently exists.

Commissioner Price asked how Staff calculated 30 percent lot coverage. Planner Fryer said Staff uses data, including the footprint of the deck, any porches, the building, and garage. The overhang of the roof is not included. Therefore, roof overhangs do make lot coverage appear to be greater in aerial photographs.

Planner Fryer confirmed for Commissioner Fitzpatrick that the maximum lot coverages in the R-1 zone is 30 percent, in the R-2 zone is 40 percent, and in the R-3 zone is 50 percent.

Commissioner Henri confirmed with Planner Fryer the hardship was that the existing bathroom would be the only bathroom on the main floor of the house and the house was designed to be ADA accessible. Planner Fryer added that the main floor would not have a restroom without the one on the deck. The Applicant will open the door to the main living area and close one of the side doors. Also, in order to get around the restroom, three feet is required for ADA accessibility.

Commissioner Womack confirmed with Planner Fryer that the proposed lot coverage would be an additional 1.23 percent. He asked if this type of variance request was usually processed administratively. Planner Fryer explained that if an Applicant requests to exceed lot coverage by 10 percent or less, the request can be processed administratively. This building already exceeds the allowed lot coverage and the proposed project would exceed lot coverage by 3.78 percent. Therefore, a public hearing is required.

Commissioner Corcoran said he did not understand how Staff found that reasonable use could not be accomplished within the existing footprint because the Staff report also stated that the existing deck could be rebuilt and new staircase placed without expanding.

President Moore opened the public hearing and called for a presentation by the Applicant.

Terri Delafiganieri, 1312 Kensington, Astoria, said she was trying to repair the deck and make it functional. She was also trying to make sure there was a toilet on the first floor without ripping out the stairways. By bringing the existing toilet into the house, it would not be possible to get from one door to the back without adding a small deck. This would allow her to eat and get down the stairs after her hip surgery because the new stairs would not be as steep as the existing stairs. Additionally, she would have access to the home through the back.

Ronald Shader, 1312 Kensington, Astoria, stated he had fire, life, and safety concerns. On the back of the house, the second floor is actually the third floor because there is a basement. There is no safe way to get off the second floor except with a 40-foot ladder. Adding a deck that extends up past the original deck will allow him to get a ladder to the deck, which is only one story below.

President Moore called for any testimony in favor of or impartial to the application. Hearing none, he called for testimony opposed to the application.

Ann Lederer, 1309 Jerome, Astoria, said she stated in her letter that her only concern was lot coverage. The setback issue was addressed in the amended proposal. However, she remained concerned about the hardship requirement for a variance. She understood that the same standards had to be met for small and large variances. She understood the desire to have a functioning bathroom on the first floor and appreciated that the Applicant did not want to tear up the interior. However, she was concerned that the additional deck was not necessary to avoid the hardship of not having a first-floor bathroom. The drawing shows that the plan is for access from the interior of the home and some exterior access. Therefore, it was difficult for her understand why the additional deck area to the west of the bathroom was necessary. She understood the need to slightly expand the bathroom to make it useable and install utilities and fixtures, but she was concerned with the deck and why the three feet described as ADA access was necessary. The bathroom would be accessible from the inside of the home. She was also concerned that this would set a precedent for variances being granted without the hardship requirement being met. She was the most affected by this change. Her neighbor at 1268 Kensington had commented that this variance was similar to their variance for a deck, but that house has a very different configuration and she had no idea what their proposal involved in terms of lot coverage. The most recent letter of support from Ms. Fry focuses on the fact that her property is already close to the property line. However, that is

exactly why she is concerned. Ms. Fry's comment regarding the property line to the east is not relevant. She was not proposing to change anything about her property, so she did not believe the proximity of her east property line was a point of contention with her neighbor. The neighbors also point to the quality of the work and high craftsmanship that Ms. Delafaniere is doing. However, variances are not intended to be granted as a reward for good stewardship of the property, for good craftsmanship, or for increasing property values. Any variance must be supported by the burden of showing an unnecessary hardship, which could have been justified with an expanded bathroom. She did not see the necessity, in terms of hardship, for expanding the deck.

President Moore called for the Applicant's rebuttal.

Mr. Shader said it seemed like everyone was focused on the bathroom. His biggest concern was fire, life, safety, and the ability to get off of the second floor, technically the third floor, of the upper deck to get down to the lower deck. There is no way to get down to the existing deck because it is underneath the eave. He needed space to get off of the second floor and down to the first floor in case of fire.

President Moore called for closing comments of Staff. There were none. He closed the public hearing and called for Commission discussion and deliberation.

Commissioner Corcoran asked if the fire, life, and safety concerns had been identified by Staff or anyone else as an issue. Planner Fryer explained the Applicant had not submitted those concerns as a reason in their written testimony. The Applicant had included those concerns in conversations and has indicated they would return to the Historic Landmarks Commission (HLC) once they decide what type of ladder they would use to get from the second floor to the main floor deck.

Commissioner Corcoran asked Staff to provide guidance to the Commissioners about the bathroom access versus the deck expansion in terms of unnecessary hardship to access a bathroom on the first floor. Planner Fryer stated the bathroom would be accessible from the east and from the interior of the home. There would not be a west exit from the bathroom. The stairwell is on the east side. She displayed a graphic and explained that the door is proposed to be changed from a single door to a French door, which is currently being reviewed by the HLC. Because this used to be a duplex, there were Jack and Jill doors, one to the west and one to the east. There was also a stairwell to the east and to the west. There was a door exiting the home on the east side. There will not be an access to the patio area on the east half of the deck, other than going through the restroom. People need a way to exit the home other than just through the restroom and make it down the stairs. The three feet between the bathroom and the edge of the deck is to allow for ADA accessibility. If one of the occupants needs a wheelchair, the three feet would allow wheelchair access. In the future, the residents could need to build a ramp. In order to provide ADA accessibility through the primary doors, it makes sense to add three feet.

Commissioner Corcoran understood that Staff's view was there was no overexpansion of the deck for purposes other than ADA access. Planner Fryer clarified that the deck would provide ADA access around the bathroom. From the interior of the home, the ADA access into the bathroom is fine, and that results in the proposed bathroom configuration. Extending the deck three feet will allow for that access behind the bathroom from the exit doors on the west side of the main door of the home. The original proposal was to extend the deck almost six feet, but the Applicants have amended their request so that it meets the setback requirement for the back of the home.

Commissioner Fitzpatrick said he appreciated that the three feet would keep the project within the setback. He also appreciated that the neighbor provided photos clarifying that the home does not have a deck, but just an access porch from each unit to reach the yard, which is well below the main level of the home. The water closets were installed after people stopped putting outhouses in their yards due to the advent of indoor plumbing. The water closets were usually installed in garages or basements so that people working in the yard did not have to go into the house. This room was not intended to be used as part of the house, which is why access to the room is from outside either unit. Most multi-level homes built around this time were not built with a bathroom on the main level, as the bathrooms were installed on the second floor. With today's standards, it is not unreasonable to have at least a powder room or half bath on the main floor. He did not believe the definition of hardship in the Code meant that every member of the family would die a slow, horrifying, and painful death if not approved. He interpreted hardship to mean that a reasonable project would not be otherwise possible. It is a reasonable expectation to want a deck behind the home to entertain friends or enjoy the view. Since there are already access porches indicating a need for access from the back of the home to the backyard, and since the only toilet

on the main level of the house already exists, and since the home has been converted to a single-family unit, a deck allowing access around the toilet room seemed reasonable. The deck as currently proposed does not encroach on the setback. He also believed that not having at least a powder room on the main floor if a person plans to age in place is a hardship. He agreed with the importance of being able to have a safer fire escape from the second floor, dropping one floor rather than two floors or more. The existing lot coverage for the building is 32.55 percent and would be 33.78 percent if the deck were built as proposed, which is minimal and well below the allowed coverage in the R-2 zone. The legislature has said there are no R-1 zones anymore and looks at all neighborhoods as R-2 or higher. Therefore, he agreed with the Staff report that the application met the criteria for approval.

Commissioner Womack said he agreed with Commissioner Fitzpatrick. The porch will be used for access and not for entertainment, so he supported the request.

Commissioner Price stated the structure already exceeds the allowed lot coverage by 2.55 percent. The Fry's wrote a letter saying they could reach out and touch their neighbors to the east and west. Those houses existed without modification after purchase, so everybody knew what they were getting into in terms of distance from neighbors. And additional 1.23 percent does not seem like much. However, Development Code Section 2.040 clearly states that for R-1 zones, buildings will not cover more than 30 percent of the lot unless they were there in the beginning. She was concerned that 1.23 percent here and another 1.23 percent there will eventually change the character of neighborhoods. Staff, Commissioners, and Councilors have spent a great deal of time crafting development codes with a great deal of thoughtful consideration. And through that, this city has been built with some particular qualities to it. Every 1.23 percent has an impact on the City and it is the Planning Commissioners duty to uphold the Development Code. The term "will not" is specific and fudging "will not" for this request is not the way to go. The application transforms a larger duplex into a very large single-family home and it is a nice work of art that looks great. She was not sure what the Applicant meant by stating in the application that the structure is extremely limited in its function and its current build. The structure precluded purchasing the property and adding a sink to the bathroom would not make much of a difference. Many older homes in Astoria and some new ones do not have a bathroom on the first floor, much less one that is ADA accessible. This half bath will be ADA accessible from the interior, so no ADA accessible deck is needed to get into the bathroom. Aging in place is an issue many residents of Astoria find challenging even with a first-floor half bath because it is often just difficult enough to get into the house because of steps and slopes. The expansion of the deck is completely unnecessary. Tonight was the first she had heard of the fire, life, and safety concerns, and those concerns were not part of this application. Many people have homes and yards that are a couple dozen feet above the sidewalk and without adequate egress. The French doors being considered by the HLC have already been installed. In the past, this Commission has granted variances for decks, but that has been when the property has such a steep slope that the outside cannot otherwise be enjoyed, and when there had been no concerns raised by adjoining neighbors. This property already has a deck on the second floor, an astounding view, French doors, and a lot of windows on the first floor. The backyard is very flat and is perfectly usable for anything the Applicant's would want to use their yard for. Flat properties are very unusual in this part of town. Therefore, she did not believe there was any hardship due to the physical characteristics of the property. Many other historic homes do not have first floor bathrooms, and there is access from inside the home. The Applicants do not need to build a deck to get into the bathroom. A reasonable use similar to like properties can be made without the variance. In fact, this structure already has a great deck, the first floor has large French doors, large windows, unobstructed river views, and a nice flat backyard that many neighbors do not have. She did not believe a case had been made for a hardship. She was sure that a deck would add value to a home, but no economic impact data had been provided. She understood why the Applicants wanted to make these alterations, but they are not needed. She wanted the Planning Commission to be very careful and follow the Codes.

Commissioner Henri said she on the fence but was leaning towards agreeing with Commissioner Price. Having ADA access around the bathroom that does not lead down to the ground does not do much but allows the balcony to be bigger and maneuver around the bathroom. This could be accomplished by putting a door on the other side of the bathroom. The report in the application packet has the old deck and the old floorplan. She cannot look at it now on the screen and see what the Applicant is proposing. She did not know why the French doors were located where they are without seeing the interior of the home and the floorplan. The bathroom is ADA accessible from the front of the house, through the house, and into the bathroom. Therefore, the necessity has been met without needing the balcony and the deck. She believed fire safety was a big concern. However, it was difficult to tell based on the drawings in the Agenda packet. She asked if proposed deck would be the same footprint as the balcony above it or if the balcony stuck out more so that the Applicant could get down to the

deck. Without knowing the interior floorplan, she could not verify that the criteria could be met some other way. She questioned whether dropping from the third level to the second level could be achieved at the front of the house where the Applicants would not have to drop down to a balcony. She believed it was a small percentage that the Applicants were requesting as a variance, and it was great that the setback requirement had been met. It was a large house. She was having a hard time figuring out the hardship. It seemed like the Applicants did not want the house to be awkward, which was more of a preference. As a designer, she believed there were other ways to achieve the Applicants goals without requiring a variance. She was not convinced that this request met the hardship requirement.

President Moore stated that Code Section 12.030(1)(a) refers to physical circumstances related to the property, which he interpreted to be the lot and not the structure. The physical circumstances are if the topography, size, or shape of the lot makes it impossible to follow the Code, and that is when a hardship exists. And a hardship is granted so that reasonable use can be made of the property. The Code also refers to the economic impact on the person requesting the variance. If the Code required a bathroom to be ADA accessible, then where would that bathroom go without a variance? If the bathroom was on the ground floor of the house, it sounds like that would be quite a construction effort and probably far more expensive than building on the back deck. However, the Applicant did not provide any economic impact data, so he could not consider whether a hardship could be granted. The Code does not require ADA access in homes. He did not find a hardship in this case.

Commissioner Corcoran said he was not convinced that a hardship existed. He agreed with Commissioner Price. This house already exceeds lot coverage, so he was not convinced that the Comprehensive Plan criteria had been met either. He was inclined to vote no.

Commissioner Fitzpatrick responded that the Code allows variances because of situations like this. Even though Commissioner Prices stated that R-1 still exists, it does not. R-2 coverage is 40 percent and R-1 is now R-2. This house is well below 40 percent coverage and he did not believe 1.23 percent would change the character of the neighborhood. He remained unconvinced that this would be a hardship for the neighborhood and continued to see a hardship for the Applicant. He remained in favor of approving the application.

Commissioner Henri asked Staff to elaborate on the R-1, R-2 issue and explain the present versus future implications regarding this basis for any assumptions or reasoning.

Planner Fryer explained that several House Bills were adopted beginning in 2017 that changed the way zoning works for different sized cities. For a city with less than 10,000 people, the requirement is that the city must allow an accessory dwelling unit (ADU) anywhere and with the same standards that the primary dwelling unit is allowed. Through Amendment A19-03(a), Astoria changed the Development Code to allow the ADUs. For cities with more than 10,000 people, the requirement is that cities must allow a quad anywhere that a single-family home is allowed. Many people believe that because those changes have been made by the legislature and are required of local jurisdictions, for all intents and purposes, single-family zoning no longer exists. The legislation also stated that for the purposes of density, the ADU is not to be considered. In her opinion, the existence of single-family zoning is a matter of perspective.

Commissioner Corcoran asked if the maximum lot coverage was 30 percent or 40 percent. Planner Fryer responded that this property was zoned R-1, which allows a maximum lot coverage of 30 percent. If this proposal were to place an ADU on the property, lot coverage would still be limited to 30 percent. Lot coverage was not a standard that was waived by the legislature or set aside in any way. The amount of land area needed for a second unit in a particular location has been waived. Lot coverage maximums are applied to all dwellings placed on a property. Any of the numerical standards that were in place that affect a single-family dwelling can still be in place based on the legislative changes. When Astoria amended its Code, the setbacks and lot coverage were not changed and those standards still apply to the properties based on the zone the properties are located in.

Commissioner Fitzpatrick understood that if the current census showed Astoria had 10,001 people, an ADU could be built on the property and the ADU would not be considered in the density. Planner Fryer clarified that if Astoria's population was 10,001 and the City implemented the State law, the standards of setbacks and lot coverage would presumably remain. Only the structure type is allowed to be changed in a particular zone.

Commissioner Price asked the Commissioners to judge the application based on current laws because the jury is still out about how the State will be able to regulate small cities and what Astoria's population will be. There are

many arguments to be made that could have an affect on the legislature about whether it makes sense to deny the ability to live in a single-family neighborhood.

Commissioner Fitzpatrick responded the Code still allows a variance request and that is why the Commission is here tonight.

Planner Fryer added that Article 11 of the Development Code refers to the variance criteria and the process by which an Applicant would apply for a variance. The variance is only to vary from the physical standards in the Development Code, like lot coverage or a setback. A variance is not to allow a use that is not currently allowed in a particular zone.

Commissioner Fitzpatrick noted that the whole point of the variance process is to allow a group of people to make a reasonable decision based on the information available to them.

Commissioner Fitzpatrick moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Variance V20-19 by Terri Delafiganieri; seconded by Commissioner Womack. Motion failed 2 to 4. Ayes: Commissioners Fitzpatrick and Womack. Nays: President Moore, Commissioners Price, Henry, and Corcoran.

Commissioners Corcoran and Price requested the Staff report be revised with the following findings and conclusions in support of denying the request: [1:13:11]

- The Applicant did not meet the unnecessary hardship test.
- The use is already non-conforming in the R-1 Zone.
- The Applicant has reasonable use of the property without the variance.
- The property does not have physical circumstances that would limit the ability of the property owner to use their property without the variance.
- The Applicant did not submit information on the economic impact to the applicant should the variance not be approved.
- The Comprehensive Plan test was not met.

[Bullet points copy/pasted from Staff's notes]

Commissioner Corcoran moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report, and as revised and read into the record, and deny Variance V20-19 by Terri Delafiganieri; seconded by Commissioner Womack. Motion passed 4 to 2. Ayes: President Moore, Commissioners Price, Henry, and Corcoran. Nays: Commissioners Fitzpatrick and Womack.

President Moore read the rules of appeal into the record.

President Moore called for a recess at 6:48 pm. The meeting reconvened at 6:53 pm.

ITEM 4(b):

CU21-02 Conditional Use Request (CU21-02) by Nathan Lampson to operate a Brewery, Tap Room, and Retail Sales at 598 Bond Street in the C-3 Zone.

President Moore asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. He asked if any member of the Planning Commission had any conflicts of interest or ex parte contacts to declare.

Commissioner Fitzpatrick declared that the Applicant was his neighbor, but they had not spoken about this application. He did start shopping in the building in the 1970s until it closed.

President Moore asked Staff to present the Staff report.

Planner Fryer reviewed the written Staff report via PowerPoint. Staff recommended approval of the request with the conditions listed in the Staff report.

Commissioner Price confirmed with Staff that the entrance would be on Bond Street, there would be a one-way aisle and then the exit would be on 6th Street. Since the Chinese restaurant is across the street, she assumed trucking and brewery equipment would not likely be an issue with neighbors. Planner Fryer responded that all of the brewery equipment would be to the north of the building and would be the same or lower in height than the building. The properties to the south should not see a difference. Commissioner Price said two breweries would be expanding in the future and they were working well with Public Works. She understood that cities of greater than 10,000 in population or one million gallons a day require upgraded water treatment facilities. This facility would not put the City in a situation where the City would need to make extraordinary efforts to handle the wastewater that comes from the brewery. Planner Fryer added that Public Works was working with the two brewery expansions and this Applicant to ensure the wastewater would not impact the wastewater treatment plant. Two of the breweries plan to truck their waste offsite. The Applicant has been working with Public Works on a different idea and Public Works has stated that this alternative method would work as effectively as removing the waste from the waste stream. The record includes the memorandum from the Public Works Department stating they have no concerns about this project. Commissioner Price said she was not sure how much water was required for beer and asked if there were any concerns about the amount of water required to bring in to the breweries. Planner Fryer stated one of the breweries that is expanding will require an expanded pipe size in order to meet fire flow because of its location on a pier. She did not believe there was any concern about the brewery operation itself and it was not brought up by Public Works as an issue for this project. Commissioner Price stated these issues were addressed as part of the building permit. Planner Fryer noted that as the Applicant moves to the next part of the process, they would identify their fixture counts and how much water is coming into and going out of the property. Public Works will work with them if any pipes, hydrants, or meters need to be increased in size to meet their needs. The only issue has been the wastewater and that is no longer an issue.

President Moore opened the public hearing and called for a presentation by the Applicant.

Nathan Lampson, 1331 Irving, Astoria, said he and his business partner worked together for years with a team at Fort George Brewery and they were able to use brewing as a tool to help generate positive economic and social impacts in the community. Craft breweries create jobs and drive traffic to businesses in the vicinity and support initiatives that benefit local non-profits. He was planning a small batch, oak inspired brewery and tap room in the Columbia Fruit and Produce building. He was requesting the conditional use permit to have light manufacturing added to the C-3 zoning, in addition to eating and drinking and retail sales, which are already permitted uses. There are other local breweries that have similar use relationships in town with the zoning of their locations. He recognized that wastewater capacity for Astoria is a concern, so he was working with the City to provide on-site treatment of effluent by side-streaming all of the solid waste for composting, PH balancing, and then using an aerobic treatment to significantly reduce the total suspended solids and biochemical oxygen demand of the effluent. In coordination with City planning and development, he made a parking plan that fulfills the needs of the site with an adequate layout for transportation. There is no change of use that would increase the burden on fire or police protection. Utilities are already at the site. As a component of the project's development, he planned to add a new ADA entrance and an ADA restroom in order to improve the accessibility of the site. He looked forward to being a new positive force for the community in the future.

President Moore called for any testimony in favor of the application.

Brett Meyer, 1268 Kensington, Astoria, stated he had been speaking with the Applicants about their proposed brewery since the fall of 2019. He had witnessed all of the hard work they had put into the application and their plans. It would be a great asset to the community to further develop the site, which is currently lagging behind some of the areas in downtown. He and his wife were investors in the brewery, so he had a vested interest in the approval of all of the processes. As part of the process, he asked the Applicants some hard questions along the way. He had asked about diversity, equity, and inclusion because it is well known that the brewery industry is dominated by white men and he was concerned about putting money towards allowing that to continue. He asked what the Applicants planned to do about that and their answer was incredibly thoughtful and forward looking. He hoped their brewery would improve Astoria's downtown and be a beacon for the brewing industry as a whole.

Ann Lederer, 1309 Jerome, Astoria, said she served with Mr. Lampson on the Liberty Board of Directors and she knew his business partner by reputation at Fort George. She believed they would be excellent operators of a new business. The City has a mission to encourage good businesses and private development. This is a great use of

a vacant building. All of the Commissioners are aware of the impact of brewing businesses in terms of economic revitalization and employment base. As a former director of a non-profit, she hoped the Commission was aware of the incredible contribution the brewing businesses have made to the community in terms of supporting non-profits generously with time, expertise, and funding. She was confident that this new brewery would continue that tradition and be a great support to non-profits. She encouraged Commissioners to approve the application.

Logan Garner, 1475 SE 12th Pl., Warrenton, stated that craft breweries have an industry-wide norm and standard for being community oriented and good corporate citizens, especially in rural towns. He had a craft beer background and worked in the non-profit sector. He also had several years' experience in water quality management. In his experience, the Applicants have been very thoughtful and well-rounded in their efforts to bring value to the community. He had worked with both of them in the past and had witnessed them in team and leadership roles, both in public facing and collaborative efforts. They are invested literally and figuratively in the community. He urged the Commissioners to approve their proposal.

President Moore called for any testimony impartial or opposed to the application. Hearing none, he called for closing comments of Staff. There were none. He closed the public hearing and called for Commission discussion and deliberation.

Commissioner Corcoran said he was inclined to support Staff's findings and support the application.

Commissioner Womack stated he was also in favor of the application. He believed it fulfilled the requirements.

Commissioner Fitzpatrick responded that he believed the application met the criteria. The project would be an adaptive reuse of a building that has remained vacant for several years. He believed the use was appropriate and he was in favor of the request.

Commissioner Henri said she also supported the application.

Commissioner Price stated she agreed with the other Commissioners.

Commissioner Price moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Conditional Use CU21-02 by Nathan Lampson; seconded by Commissioner Fitzpatrick. Motion passed unanimously.

President Moore read the rules of appeal into the record.

ITEM 4(c):

CU21-03 Conditional Use Request (CU21-03) by Stephen and Karen Allen, Goondocks Chowder LLC, to operate a take-out eating/ drinking establishment at 80 11th Street in the A-2, Urban Core Overlay, and CRESO Overlay Zones.

President Moore asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. He asked if any member of the Planning Commission had any conflicts of interest or ex parte contacts to declare. There were none. President Moore asked Staff to present the Staff report.

Planner Johnson reviewed the written Staff report via PowerPoint. Staff recommended approval of the request with the conditions listed in the Staff report.

President Moore opened the public hearing and called for a presentation by the Applicant.

Karen Allen, 91902 Hwy. 104, Warrenton, said she, her husband, children, and Matt McLure owned Goondocks Chowder, Astoria Brewing Company, and the Pier 11 building. They have been in the brewery and pub business for over 20 years. The last four years had been very difficult and challenging due to road closures and COVID-19. Over the years, the family has been trying to restore and beautify Pier 11, Astoria Brewing, and the site of Goondocks Chowder. The second floor Airbnb and refurbished warehouse were just completed and are located on the back side of the building that was originally a cannery. Goondocks Chowder will help with the overflow of

customers on weekends and in the summer. With COVID restrictions, they can only allow a certain amount of people in the building and that has been a hardship on many of their employees. This is an opportunity for takeout, and it would be limited to five different food items. Astoria Brewing is not known for takeout and this project would provide an opportunity for non-alcoholic beverages and Astoria Brewing beer. They are working with Oregon Liquor Control Commission (OLCC) on the second location for selling off-premises. When she purchased the building in December 2015, it was set up as a fish market. So, the back part of the front lean-to building is set up with a triple sink, a handwash sink, and a small restroom. She had leased the building for a skate shop and a retail shop, but she would like to use it as a secondary business.

President Moore called for any testimony in favor of, impartial to, or opposed to the application. Hearing none, he called for closing comments of Staff. There were none. He closed the public hearing and called for Commission discussion and deliberation.

Commissioner Henri said she agreed with Staff's findings.

Commissioner Price said the renovation of the campus at the end of 11th looked great. She believed this would be a good use of the facility and was in favor of approving the application.

Commissioner Corcoran stated he agreed with Staff's findings and was inclined to support the application.

Commissioner Fitzpatrick said he appreciated the improvements the Applicants had made on their properties over the past decade and the opportunities that their efforts have provided to other small business people. The application met the criteria, and he believed the use was appropriate for the location. He was in favor of the request.

Commissioner Womack stated he was very much in support of the application and agreed with Staff's findings.

Commissioner Corcoran moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Conditional Use CU21-03 by Stephen and Karen Allen; seconded by Commissioner Henri. Motion passed unanimously.

President Moore read the rules of appeal into the record.

REPORTS OF OFFICERS/COMMISSIONERS:

Commissioner Price thanked Planner Fryer for her work and congratulated her on her new position as Community Development Director in Cornelius. She also wished Director Leatherman luck in hiring. She hoped the City could find and retain a planner or two.

Director Leatherman noted that if the budget is approved, she could hire an associate planner and the vacant planner position had already been posted. She thanked the Commission for their support.

STAFF UPDATES/STATUS REPORTS:

Meeting Schedule

- Next APC meeting: June 22, 2021 @5:30 ppm

PUBLIC COMMENTS:

No comments.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:50 pm.

APPROVED:

Community Development Director



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

COMMUNITY DEVELOPMENT DEPARTMENT

1095 Duane Street • Astoria OR 97103 • Phone 503-338-5183 • www.astoria.or.us • planning@astoria.or.us

presented at
the APC 5/25/21
meeting. Since
REVISED

STAFF REPORT AND FINDINGS OF FACT

STAFF REPORT PUBLICATION DATE: MAY 18, 2021

PLANNING COMMISSION HEARING DATE: MAY 25, 2021

TO: ASTORIA PLANNING COMMISSION

FROM: BARBARA FRYER, AICP, CITY PLANNER

SUBJECT: VARIANCE REQUEST (V20-19) BY TERRI DELAFIGANIERE, TO EXCEED ALLOWABLE 30% LOT COVERAGE BY 3.78% IN THE R-1 (LOW DENSITY RESIDENTIAL) ZONE AT 1312-1316 KENSINGTON AVENUE

I. BACKGROUND SUMMARY

- A. Applicant: Terri Delafiganieri
1312 Kensington Avenue
Astoria OR 97103
- B. Owner: Terri Delafiganieri
1312 Kensington Avenue
Astoria OR 97103
- C. Location: 1312-1316 Kensington Avenue
Map T8N R9W Section 17BA; Tax Lot 08800; North 20 feet
of Lot 7; North 65 feet of Lot 6; Block 57; TR, Shively's
- D. Zone: R-1 (Low Density Residential)
- E. Proposal: Vary from maximum lot coverage to remove an existing deck
and two stairwells and replace with one deck and one
stairwell
- F. 120 Day
Deadline: February 18, 2021; Extended to October 26, 2021

II. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 200 feet, pursuant to Astoria Development Code (ADC) §9.020 on November 2, 2020 (Exhibit 2). Notice was posted on site on November 10, 2020. A notice of public hearing was published in *The Astorian* on November 14, 2020.

The Astoria Planning Commission opened the public hearing on November 24, 2020. The Planning Commission closed the public hearing and began deliberations. The applicant requested a continuance to the January 26, 2021 Planning Commission meeting. At the January 26, 2021 Planning Commission meeting, the applicant requested a continuance to February 23, 2021. At the February 23, 2021 Planning Commission meeting, the applicant requested a continuance to May 4, 2021. The property owner was not advised by the applicant of the continuances and no longer has the applicant under contract. At the May 4, 2021 Planning Commission meeting, the property owner requested a continuance to the May 25, 2021 meeting.

Any comments received will be made available at the Astoria Planning Commission meeting. Ann Lederer submitted written comments regarding the original application, which requested variance from lot coverage and setbacks. The applicant revised the request to include only the lot coverage. The revised drawings meet the 20-foot rear yard setback in the R-1 Zone. Brett Meyer and Melissa Barber, neighbors on Kensington, also submitted comments. The comments were favorable to the work completed to date. These letters are attached as Exhibit 3.

III. BACKGROUND

Subject Site and Area

The subject property is located in the Central Residential Neighborhood on the north side of Kensington Avenue west of 14th Street and east of 12th Street. The subject property is an irregular rectangular lot approximately 7,840 square feet. The site is currently at 32.55% lot coverage, and with the bigger deck and relocated single staircase, will exceed 30% lot coverage in the R-1 Zoning District by a total of 3.78%.



1312-1314 Kensington			
Existing Lot Coverage from Clatsop County Assessment and Taxation		Proposed Lot Coverage	
Area	Square Feet	Area	Square Feet
First Floor	1940	First Floor	1940
Covered front Porch	252	Covered front Porch	252
Garage	180	Garage	180
Back Porch and Bathroom	180	Back Porch and Bathroom	276.25
Total	2552	Total	2648.25
Lot Size	7840.8	Lot Size	7840.8
Coverage	32.55%	Coverage	33.78%

Land uses surrounding the site are predominately residential dwelling units. It should be noted that this home is the largest home on the block. This home and the homes to the east sit significantly higher in elevation than the homes to the north as shown on the topographical aerial photo on the next page.



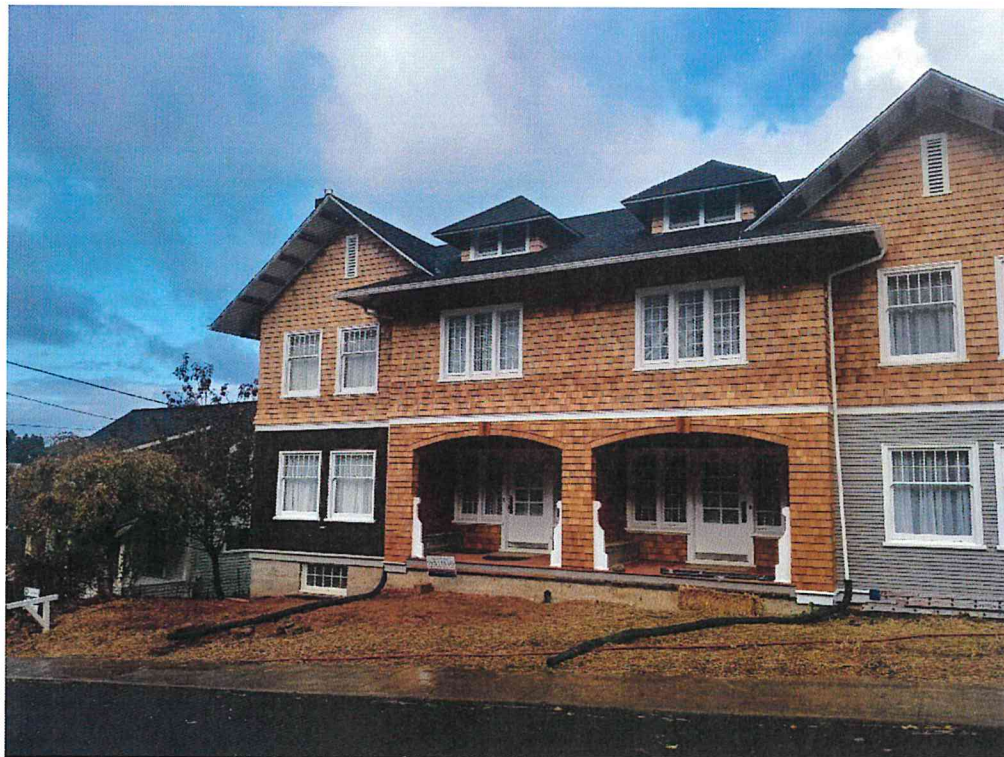
B. Proposal

The applicant proposes to remove the existing deck on the north side of the structure (back elevation) and the two staircases to install a new single deck and a new single staircase. This property has historically been a duplex. The maximum lot coverage is 30%. The applicant proposes to exceed the maximum lot coverage with the deck expansion on the north elevation. The current lot coverage is 32.55% and the proposed lot coverage will be 33.78%. A separate Exterior Alteration Permit was submitted concurrently and will be considered by the Historic Landmarks Commission.

C. Photos

V20-19 / 1312-1316 Kensington
On Site Photos 11/10/20



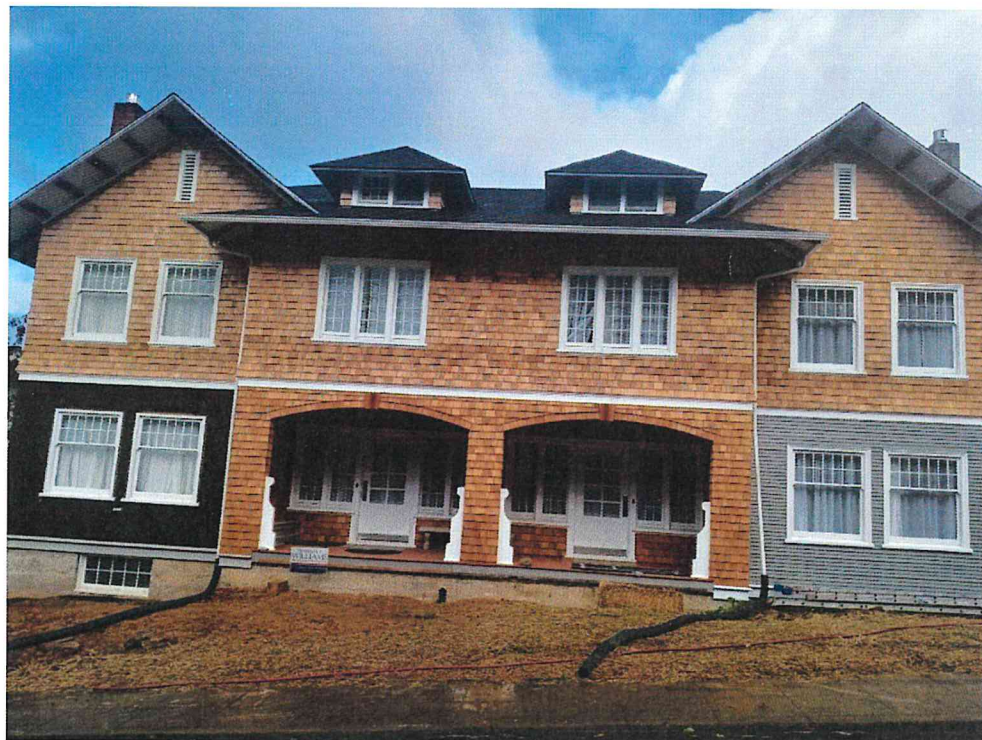




Comment
Letter
received by
this household

Shared driveway
and garage







IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

A. ADC§12.060 B and C. CLASSIFICATION OF VARIANCES, speaks to Type III Variances.

"B. Type III.

Type III includes variances which are significant changes from the Code requirements and are likely to create impacts on adjacent property or users. A Type III variance may be granted by the Planning Commission.

Type III variances include, but are not limited to:

1. *Variances from quantitative standards other than those identified in Section 12.060.A by more than 10%;*
2. *Variances from other provisions of this chapter except density and use restrictions.
(Section 12.060.B amended by Ord 19-05, 6-17-2019)
(Section 12.060 amended by Ord 19-05, 6-17-2019)*

C. *The Community Development Director shall decide the classification of any variance application."*

Finding: The original proposal included a variance for encroachment into the rear yard setback and to exceed the maximum lot coverage of 30%. The applicant proposes to vary by 3.78% from the 30% maximum coverage. The Applicant proposes to exceed lot coverage to a total of 33.78%, which is greater than the 10% allowed as a Type II.

- B. This site is in the low density residential district and shall comply with maximum lot coverage of 30 percent found in ADC §2.040:

Buildings will not cover more than 30 percent of the lot area.

ADC §1.400 Buildings are defined as follows: *A structure built for the support, shelter, or enclosure of persons, animals, chattels or property of any kind.*

ADC §1.400 Structures are defined as follows: *That which is built or constructed. An edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner and which requires location on the ground or which is attached to something having a location on the ground.*

Finding: The applicant is proposing to remove the existing deck and two staircases on the north elevation and replace it with one deck and one staircase, which is defined as a structure. The property is approximately 7,840 square feet and the structure is currently at 2,552 square feet, which is 32.55% lot coverage. The applicant proposes to further exceed lot coverage to a total of 33.78%. The applicant is seeking a variance to ADC §2.040.

- C. ADC §12. 030.A, Variances, states *“The granting authority may grant a variance from the requirements of this chapter, if on the basis of the application, investigation, and the evidence submitted by the applicant, all four (f) of the following expressly written findings are made:”*

1. *This request is necessary to prevent unnecessary hardship; and*
2. *Development consistent with the request will not be substantially injurious to the neighborhood in which the property is located; and*
3. *The request is necessary to make reasonable use of the property; and*
4. *The request is not in conflict with the Comprehensive Plan.”*

Findings:

1. The applicant states that the structure is “extremely limited in its function in its current build. The improvements allow it to be used to its full potential.” The Property Owner provided additional information regarding the necessity of the changes to the rear deck (See Exhibit 4).

In her submittal, the owner cites that there isn't a bathroom on the main floor – except the toilet room on the deck with a “Jack and Jill” entry from the east and west decks. The existing structure is a duplex with a large partition between the two decks. The owner opened the interior to make it one dwelling unit. The owner intends to replace the two decks and toilet room with one deck and a half bathroom. As she removes the separation between the decks, the property owner intends to provide a 3-foot ADA access way

around the half bathroom, which also extends the deck an additional three feet.

Relevant factors, per ADC §12.030(B), when determining if a hardship exists include: physical circumstances related to the property involved; whether a reasonable use, similar to other like properties, can be made of the property without the variance; whether the hardship was created by the person requesting the variance; and the economic impact upon the person requesting the variance, if the variance is denied.

The property is approximately 7,850 square feet and the existing structure is 2,552 square feet, resulting in 32.55% lot coverage. The applicant cites the necessity to age in place as a consideration of the existing property. Modifying the existing toilet room to provide direct access to the home while extending the deck 3 feet for ADA access is the cited reason for exceeding the maximum lot coverage by 3.78%.

Reasonable use of the property, similar to other like properties, cannot be made without the variance as this historic home has limited interior modifications. The intent is to keep the property as close to the historic character as possible. The applicant purchased the home with the existing toilet room. Her intent is to modify the existing toilet room into a half bathroom for the first floor to age in place. The hardship came with the property.

The applicant did not submit economic impact information if the application is denied.

The City finds that the applicant demonstrated that the request is necessary to prevent unnecessary hardship (the need to age in place in this historic structure). Thus, the City finds this criterion is met.

2. The applicant cites that the proposed development is “behind the house structure, does not interfere with anyone’s views and will not be visible from any street. There is no change to the home/primary building.” One public comment was submitted with regard to the original proposal (Exhibit 3). The public comment states that allowing this proposal would be substantially injurious to their back yard as the property in question lies uphill and the deck would look down on her home. The comment related to the original proposal, which encroached into the 20-foot rear yard setback. The revised proposal does not encroach into any setback. Due to the fact that the home, front porch, existing back porches and the garage exceed the R-1 maximum lot coverage by 2.55% and the increased encroachment is only 1.23%, the proposal has been significantly reduced in size. The City finds that the reduced proposal would not be injurious to the property owner directly north of the subject property. Thus, the City finds this criterion is met.
3. The original application noted that the variance would enable the homeowner to take advantage of views and usefulness of the space. The applicant also states that the proposal improves the property’s historic character. The existing deck could be rebuilt and a new staircase placed on the property

without expanding the variance. The variance provides a larger surface in which to recreate outdoors. The property owner submitted new information regarding the necessity of expanding the deck. The property owner noted that the toilet on the deck is the only facility on the main floor. Her intent is to minimize modifying the historic character of the home while making it possible to age in place. Her proposal is to modify the toilet room to include a sink and a door directly to the main floor instead of the current "Jack and Jill" entry. Additionally, to ensure that she can age in place, the applicant requests an expansion of the deck to allow for 3 feet of ADA clearance around the half bathroom. The City finds that reasonable use of the property cannot be accomplished within the existing footprint. Thus, the City finds this criterion is met.

4. The applicant states, "No conflicts to the Comprehensive Plan." No evidence is suggested to make this conclusion.

The proposal is within the Central Residential District of the City. CP.040 describes the Central Residential Area as the City's oldest neighborhood, extending from Second Street to 18th Street and from Bond Street to Niagara Street, excluding the Central Business District. This area is within the Shively-McClure National Register District, designated in 2005 with 243 historic properties. This property is one of the historic properties. Ms. Delafiganieri intends to make minimal changes to the property and to keep the historic character. Consequently, expanding the toilet room to include a sink and access directly to the house, allows the least modification to the historic structure. The City finds that this criterion has been met.

V. CONCLUSION AND RECOMMENDATION

The request must meet all four of the variance review criteria found in ADC §12.030.A. The City finds that all four criteria are met. Therefore, staff recommends approval of the request.

Attached Exhibits

Exhibit 1: Application materials

Exhibit 2: Public Notice

Exhibit 3: Public Comments

Exhibit 4: Revised Plans and Supporting Statement

ASTORIA PLANNING COMMISSION

DATE: May 25, 2021

Please Sign-In if you wish to speak. (PLEASE PRINT)

① in person

Name: Terri Delafontaine
 Address: 1312 Kensington
 City/Zip: ASTORIA OR
 Email: bwido2@AOL

☒ For ☐ Against ☐ Impartial
 V20-19

② in person

Name: Ron Schackel
 Address: Same
 City/Zip: Same
 Email: bwido2@AOL.com

☒ For ☐ Against ☐ Impartial
 V20-19

③ Zoom

Name: Ann Lederer
 Address: 1309 Jerome
 City/Zip: Astoria, OR 97103
 Email: _____

☐ For ☒ Against ☐ Impartial
 V20-19

④ Zoom

Name: Scott Reuter
 Address: 1309 Jerome
 City/Zip: Astoria, OR 97103
 Email: _____

☐ For ☒ Against ☐ Impartial
 V20-19

⑤ Zoom

Name: Nathan Lampson
 Address: 1331 Irving
 City/Zip: Astoria, OR 97103
 Email: _____

☒ For ☐ Against ☐ Impartial
 CU21-02

⑥ Zoom

Name: Brett Mayer
 Address: 1268 Kensington
 City/Zip: Astoria, OR 97103
 Email: _____

☒ For ☐ Against ☐ Impartial

⑦ Zoom

Name: Ann Lederer
 Address: 1309 Jerome
 City/Zip: Astoria, OR 97103
 Email: _____

☒ For ☐ Against ☐ Impartial
 CU21-02

Name: Logan Garner
 Address: 1475 SE 12th Place
 City/Zip: Warrenton, OR 97146
 Email: _____

☒ For ☐ Against ☐ Impartial
 CU21-02

From: ANN LEDERER [mailto:annlederer@mac.com]
Sent: Tuesday, May 25, 2021 1:36 PM
To: Megan Leatherman <mleatherman@astoria.or.us>
Cc: Tiffany Taylor <ttaylor@astoria.or.us>
Subject: Photos of 1312-1316 Kensington

RECEIVED
MAY 25 2021
Community Development
CITY OF ASTORIA V20-19

*****EXTERNAL SENDER*****

Meg,

Here are additional photos which may be helpful to you and the Commission. The first three are taken from social media; the two overheads are from realtor.com. The last photo is a photo of the newly installed French doors which were discussed as the proposed doors at the recent HLC meeting.

The photos show an existing usable back yard in which to enjoy the outdoors, as well as showing the extensive existing lot coverage.

Thank you for your consideration.

Ann

Photo 1: source/social media



Photo 2: source/social media

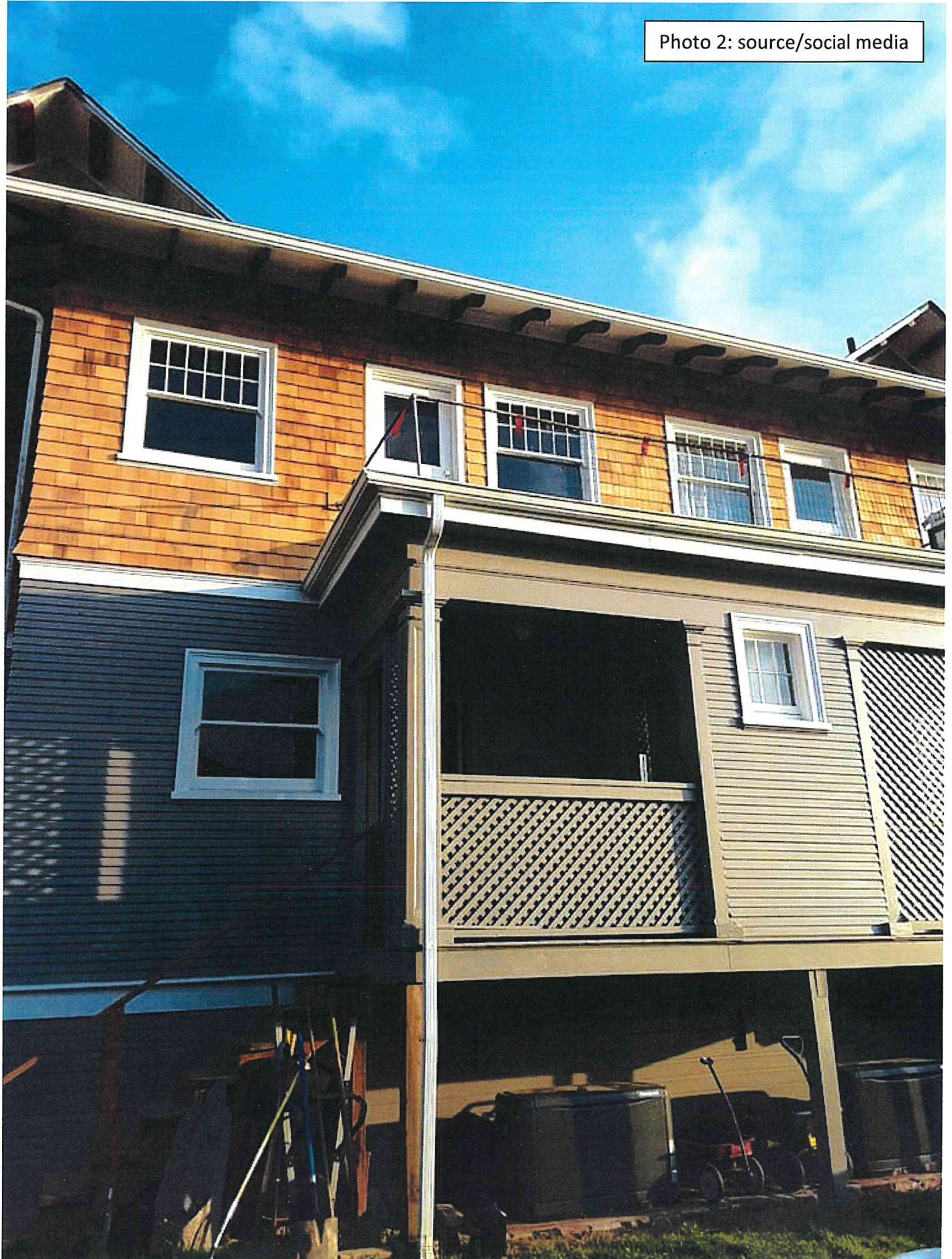


Photo 3: source/social media



© 2019

Photo 4: source/Realtor.com



© 2019

Photo 5: source/Realtor.com



Photo 6: source/French doors discussed at 5/18/21 HLC meeting





Ann Lederer and Scott Reuter
1309 Jerome Avenue
Astoria, OR 97103
503-791-0801

May 23, 2021

Planning Commission, City of Astoria
1095 Duane St.
Astoria, OR 97103

Re: Variance Request (V20-19); 1312-1316 Kensington Ave., Astoria

Dear Planning Commissioners,

We are writing to comment on the above-referenced application to be considered on Tuesday, May 25, 2021. We previously commented in writing on the proposal when it was being considered in November 2020.

The current proposal shows a reduced size of the proposed deck and appears to have resolved the issue of the need for a setback variance. We appreciate that. However, we do still oppose the lot coverage variance.

In the November 2020 staff report, the existing lot coverage was calculated to be 59.89%. In the current staff report, the existing lot coverage excluded certain coverage types (sidewalk, gravel driveway) and was calculated to be 32.55%. However, on the Site Plan – Proposed Changes (page 43 of the packet), the lot coverage percentage is 59.76%. There are also minor discrepancies in the lot area and measurement of the primary structure footprint. We don't know which is the correct calculation method, but in any case, the existing lot coverage exceeds the current maximum.

ADC Section 12.030.A requires that a variance must be shown to be "necessary to prevent unnecessary hardship" and "necessary to make reasonable use of the property", among other criteria. In support of its decision, the staff report cites the November application stating that the variance would enable the homeowner "to take advantage of views and usefulness of the space." The staff report also cites the November application stating that "[t]he variance provides a larger surface in which to recreate outdoors." While the enjoyment of a bigger deck may present a perceived improvement of functionality of the property, it does not justify a variance based on necessity for reasonable use or preventing an unnecessary hardship.

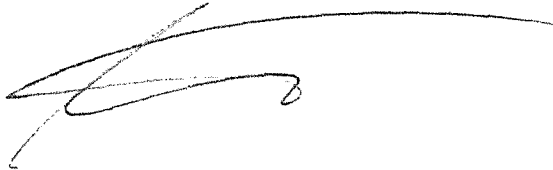
With respect to the rationale in the amended application and owner's statement (email of May 4 to Barbara Fryer) based on ability to age in place and have a functional first floor bathroom while minimizing modifications to the historic

character of the home, those are understandable desires. However, the drawing on p. 43 of the Site Plan - Proposed Changes appears to show that there will be access to the proposed bathroom from inside the home, as well as from the proposed expanded porch/deck. We do not understand why the expanded deck on either side and in front of the bathroom is a necessity justifying a variance. Some modest expansion of the toilet room/bathroom, either inside the home or in a small outside expansion, would be sufficient to fulfill the stated "age in place" purpose.

Thank you for your consideration of these comments.

Sincerely,

Ann Lederer and Scott Reuter

A handwritten signature in black ink, appearing to read "Ann Lederer", with a long horizontal flourish extending to the right.A handwritten signature in black ink, appearing to read "Scott Reuter", with a long horizontal flourish extending to the right.

Plot Coverage

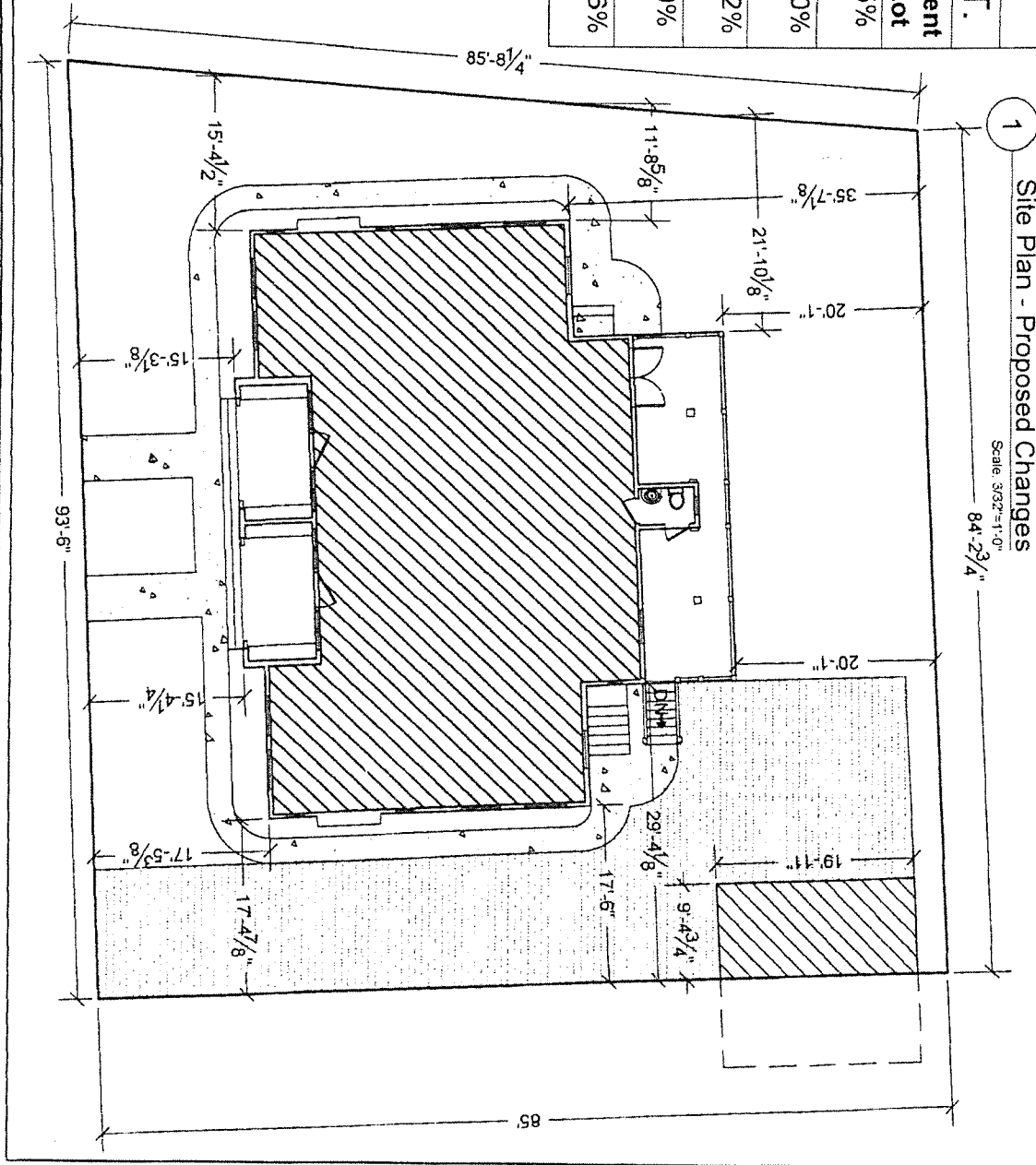
Lot Area: 7841 SQ. FT.

Coverage Type	Area Covered	Percent of Lot
Sidewalk	654.37 SQ. FT.	8.35%
Gravel Driveway	1294.15 SQ. FT.	16.50%
Primary Structure	2549.95 SQ. FT.	32.52%
Shared Garage	187.28 SQ. FT.	2.39%
Total Percentage of Lot Covered:		59.76%

1 Site Plan - Proposed Changes

Scale: 3/32"=1'-0"

84'-2 3/4"



Drawn by: Colin Levensdorf

1312-1316 Kensington Duplex

1312-1316 Kensington Ave. Astoria

Clatsop

OR

Date: 1.24.21
Sheet: 1 of 7

1291 Kensington Avenue
Astoria, Oregon
May 21, 2021



Astoria Planning Commission
1095 Duane Street
Astoria, OR 97103

RE: Variance Request (V20-19) by Terri Delafiganieri, to exceed allowed 30% lot coverage by 3.78% at 1312-1316 Kensington in the R-1 Zone.

Dear Commissioners:

I am writing in support of the Variance request (V20-19) for 1312–1316 Kensington Avenue.

I live at 1291 Kensington Avenue. One of the things I love about Astoria is the diversity of architecture in Astoria neighborhoods. Most of the homes around us date from the early 20th century but they are all different and all have very different yards. Big lots, small lots, yards with flower displays, vegetable gardens, or just gravel—what a pleasure it is to walk these streets. It's been particularly exciting to watch the renewal of the duplex across the street from us, the house under review for a variance.

I understand that the Jerome Street neighbors whose house is directly behind that duplex are concerned about a setback diminishment of about 3 feet. In their letter to the Historic Landmarks Commission, they state that the two properties are closer together than other houses in the neighborhood. Not true from my perspective. I can almost reach out and touch the house of our neighbor to the west. And from the map available from the Planning Office, I can see that the two houses immediately to the east of 1312-1316 have similar setbacks, both side and rear. I notice also that the Lederer house itself is closer to the rear property line than the duplex is and that it is so close to its neighbor to the east that its footprint extends over the property line.

I hope that you will decide in favor of the applicant's variance request. She is doing immensely valuable work in restoring a fairly run-down historic home to the grandeur it once was. But it's not a museum piece; it's living space, and I sincerely hope that that livability would include the deck.

Sincerely,

A handwritten signature in black ink, appearing to read "Ellen Frye".

Ellen Frye

Cc: Barbara Fryer, City Planner/Project Manager
Meg Leatherman, Community Development Director
Joan Herman, City Councilor, Ward 3

From: bwido2 [mailto:bwido2@aol.com]
Sent: Tuesday, May 25, 2021 2:39 PM
To: Tiffany Taylor <ttaylor@astoria.or.us>
Subject: 1312 kensington ave

RECEIVED
MAY 25 2021

Community Development
CITY OF ASTORIA

V20-19

3 photos attached

*****EXTERNAL SENDER*****

This winter we had water coming thru the walls. Here is the picture of rotted wood we took out of the wall where the 1947 remodel was done. We put door in but it is not fully installed waiting for historic to approve. Original doors, windows, pie cooler was removed by previous owner.

T Delafiganieri





Tiffany Taylor

✓20-19

From: Tiffany Taylor
Sent: Tuesday, May 11, 2021 5:15 PM
To: 'bwido2'
Cc: Barbara Fryer; Megan Leatherman
Subject: RE: Please delete Alexander Pappas from all future notices on my property

Hi Terri –

We did remove his name from the Staff Report as the “applicant” and I did not send him an email with the Agenda Packet.

I'll try to catch any others, including the upcoming Planning Commission meeting.

Have a good evening!

-Tiffany



TIFFANY TAYLOR
PLANNING DIVISION
COMMUNITY DEVELOPMENT DEPARTMENT
1095 Duane Street Astoria OR 97103
ttaylor@astoria.or.us
503-338-5183 (phone)

From: bwido2 [mailto:bwido2@aol.com]
Sent: Tuesday, May 11, 2021 5:10 PM
To: Tiffany Taylor <ttaylor@astoria.or.us>
Subject: Please delete Alexander Pappas from all future notices on my property

*****EXTERNAL SENDER*****

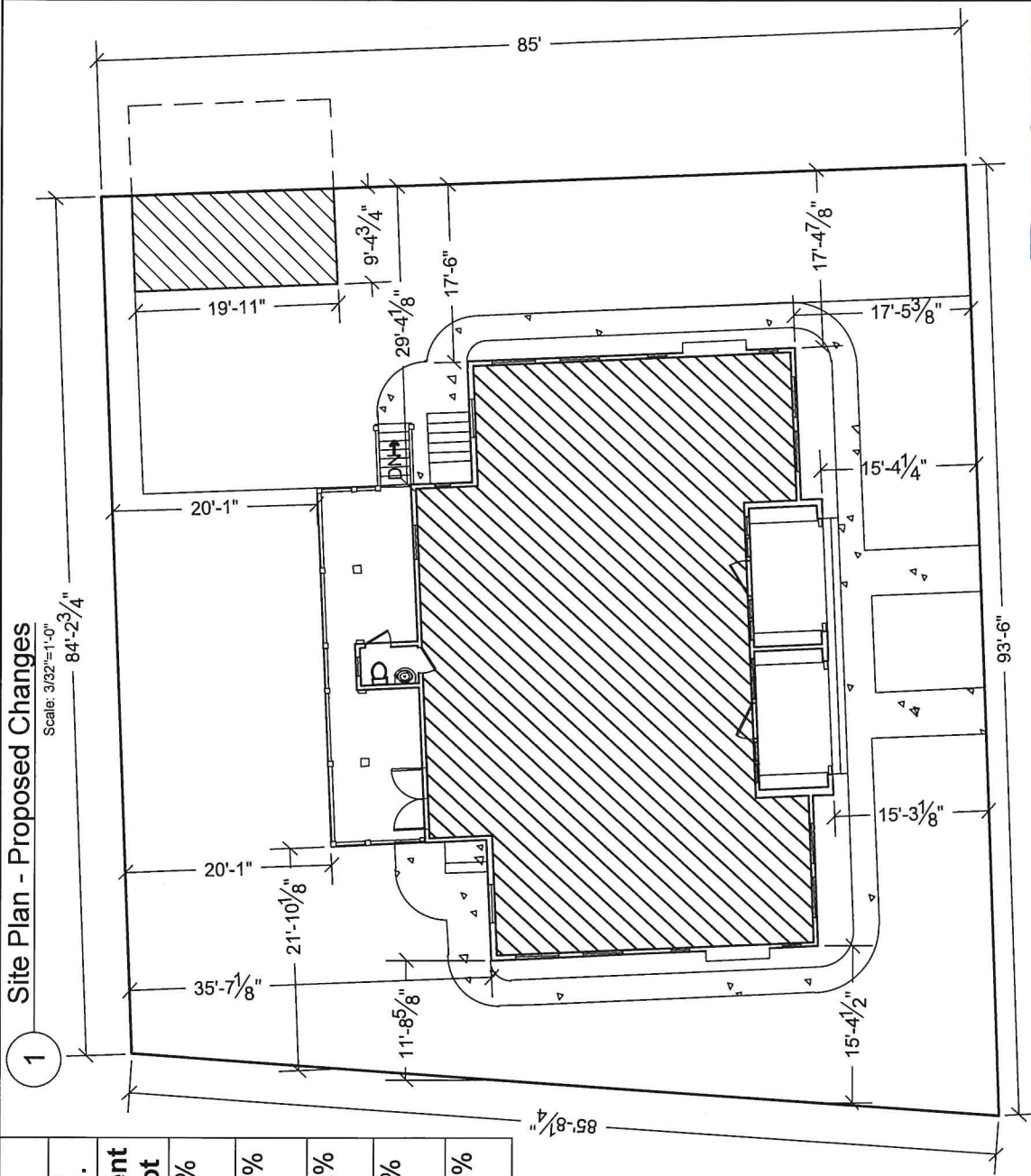
Thank you

Terri Delafiganiere
1312 Kensington ave

Plot Coverage			
Lot Area: 7841 SQ. FT.			
Coverage Type	Area Covered	Percent of Lot	
Sidewalk	654.37 SQ. FT.	8.35%	
Gravel Driveway	1294.15 SQ. FT.	16.50%	
Primary Structure	2549.95 SQ. FT.	32.52%	
Shared Garage	187.28 SQ. FT.	2.39%	
Total Percentage of Lot Covered:		59.76%	

1 Site Plan - Proposed Changes

Scale: 3/32"=1'-0"
84'-2 3/4"



RECEIVED

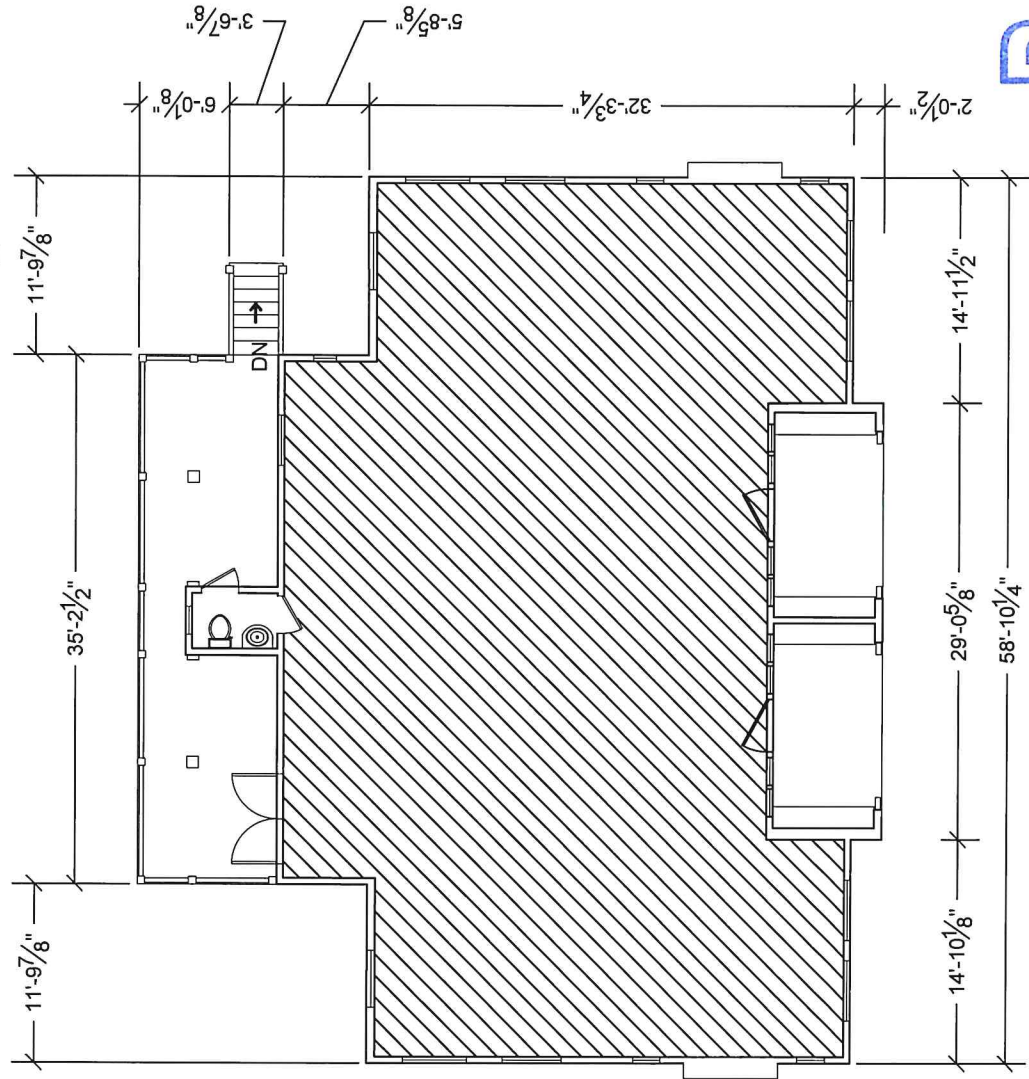
MAY 03 2021

Community Development
CITY OF ASTORIA

Drawn by: Colter Lauenrodt

2 Porch - Proposed Changes

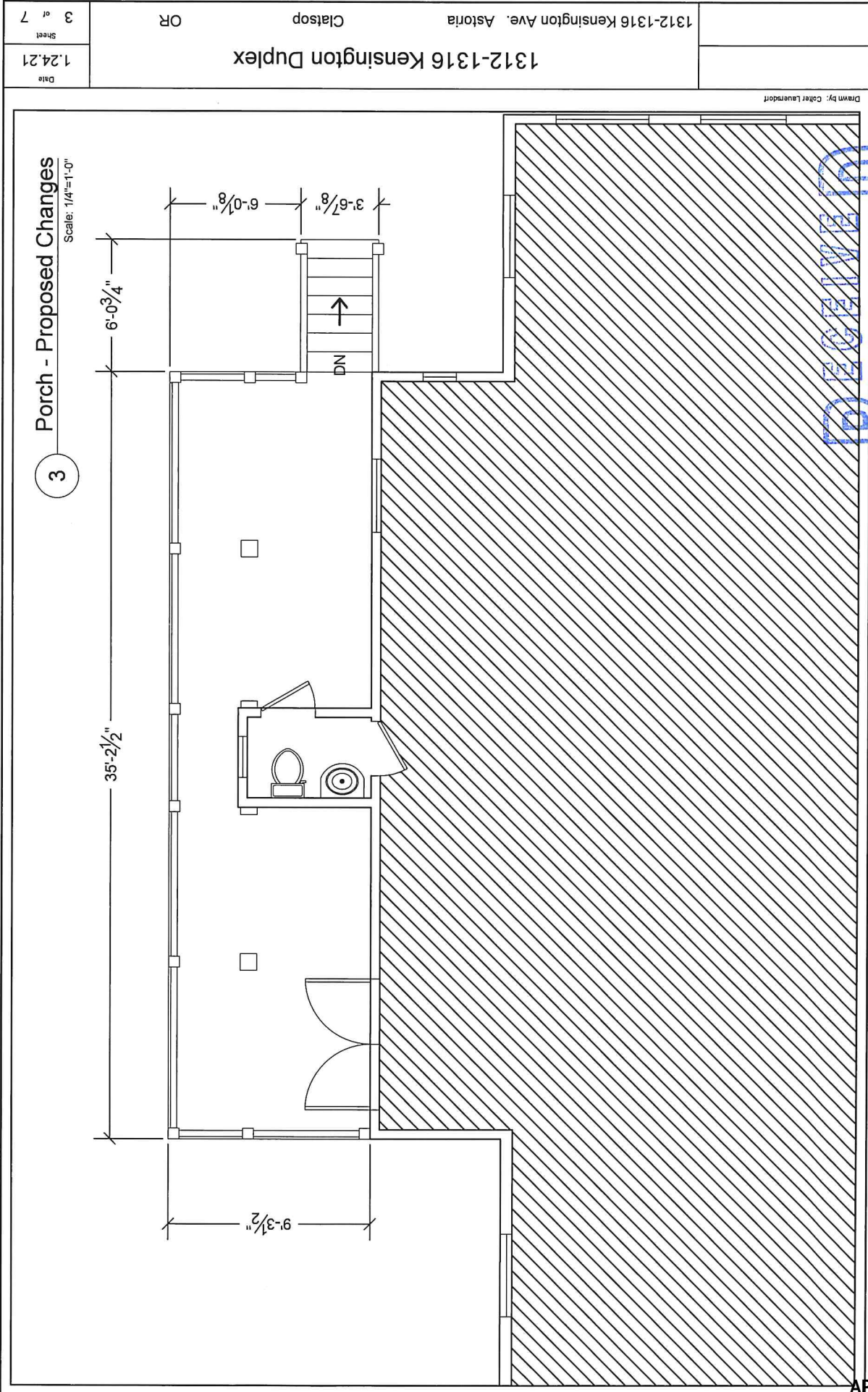
Scale: 1/8"=1'-0"



RECEIVED

MAY 03 2021

Community Development
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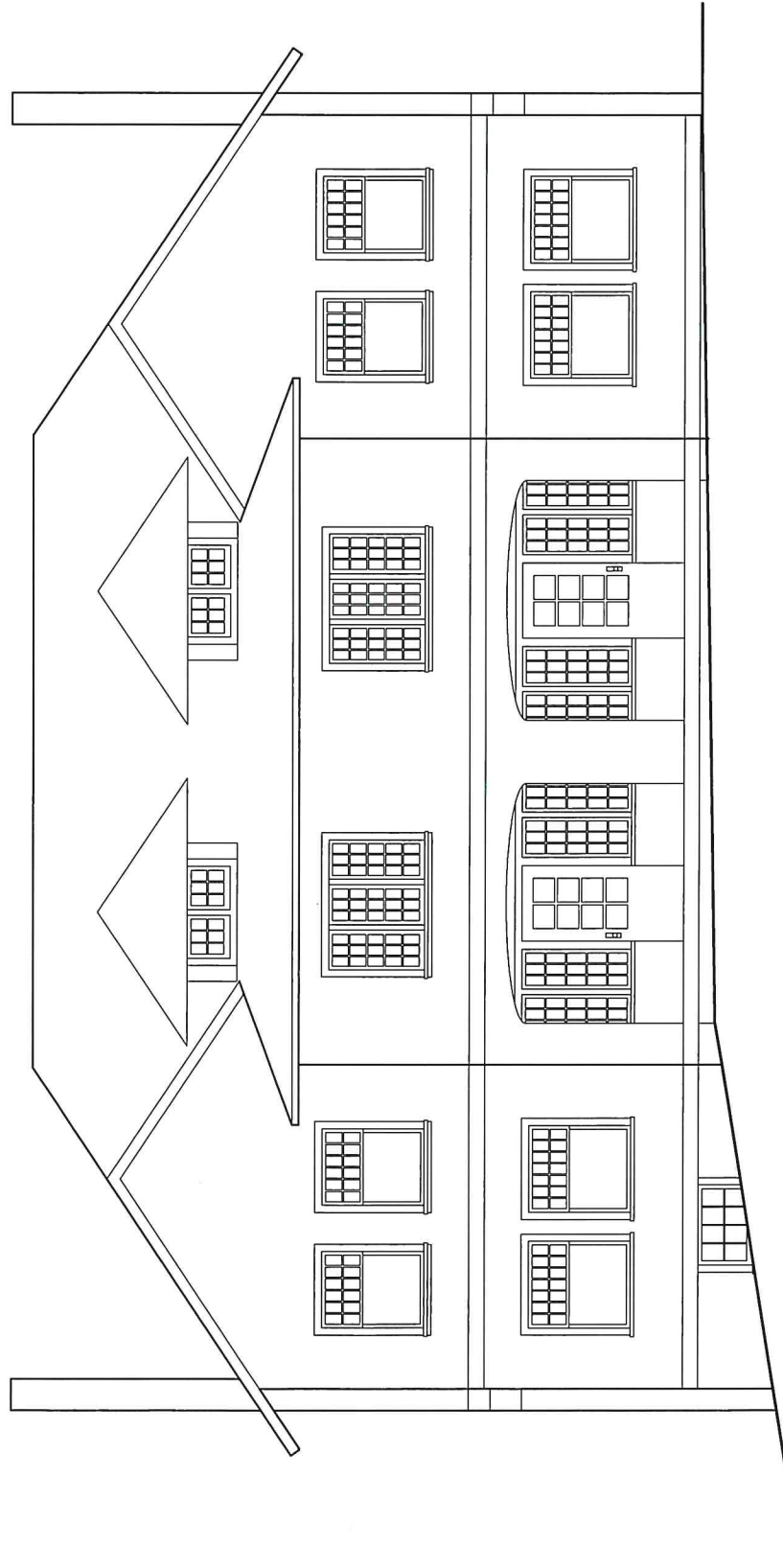
MAY 03 2021

Community Development
CITY OF ASTORIA

1312-1316 Kensington Duplex		1312-1316 Kensington Ave. Astoria	Clatsop	OR
Date	1.24.21	Sheet 4 of 7		

Drawn by: Colter Lauenrodt

4 South Elevation - Proposed Changes
Scale: 3/16"=1'-0"

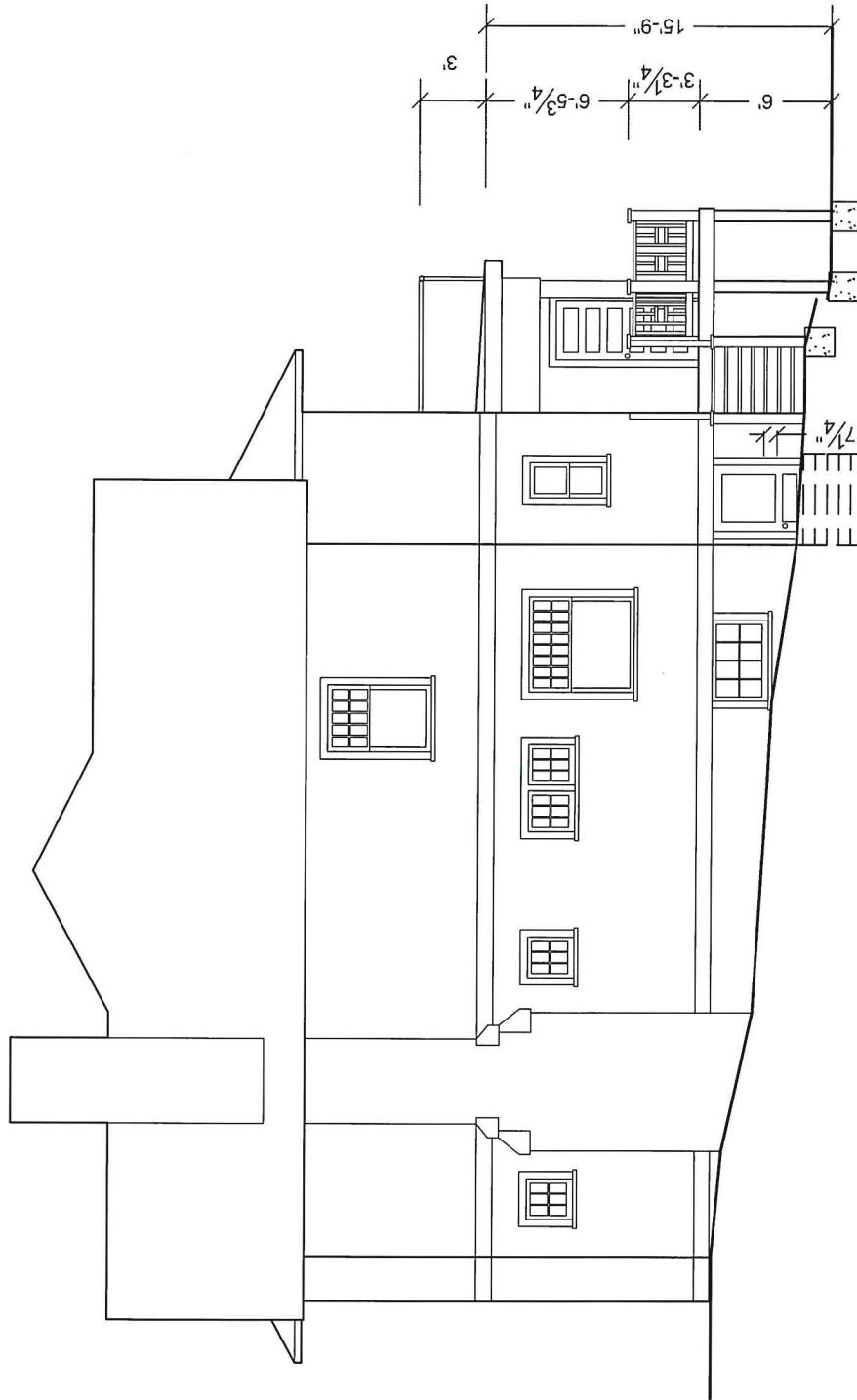


RECEIVED
MAY 03 2021

Community Development
CITY OF ASTORIA

Drawn by: Cober Lauenrodt

5 East Elevation - Proposed Changes
Scale: 3/16"=1'-0"

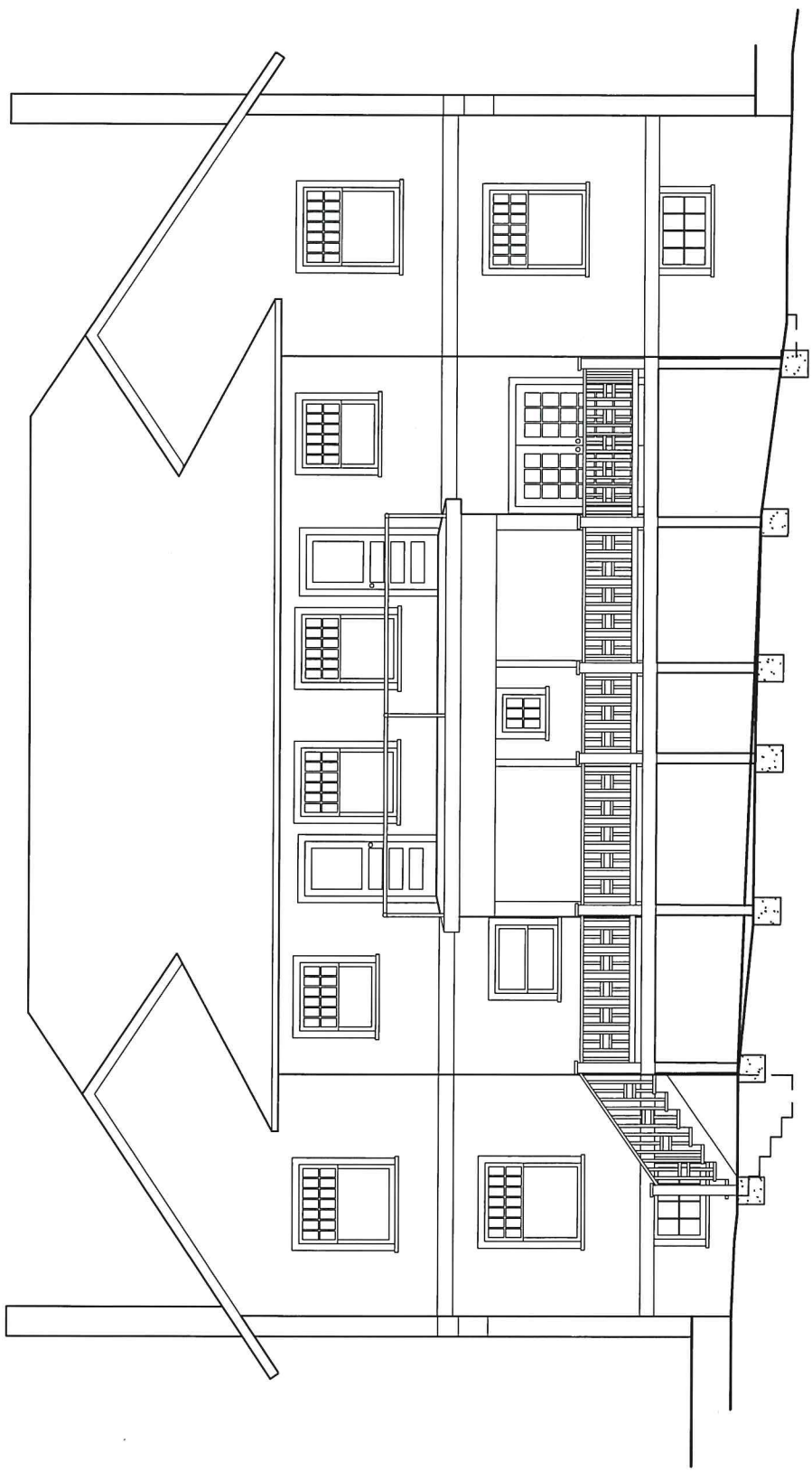


RECEIVED
MAY 03 2021

Community Development
CITY OF ASTORIA

Drawn by: Coker Lauersdorf

6 North Elevation - Proposed Changes
Scale: 3/16"=1'-0"

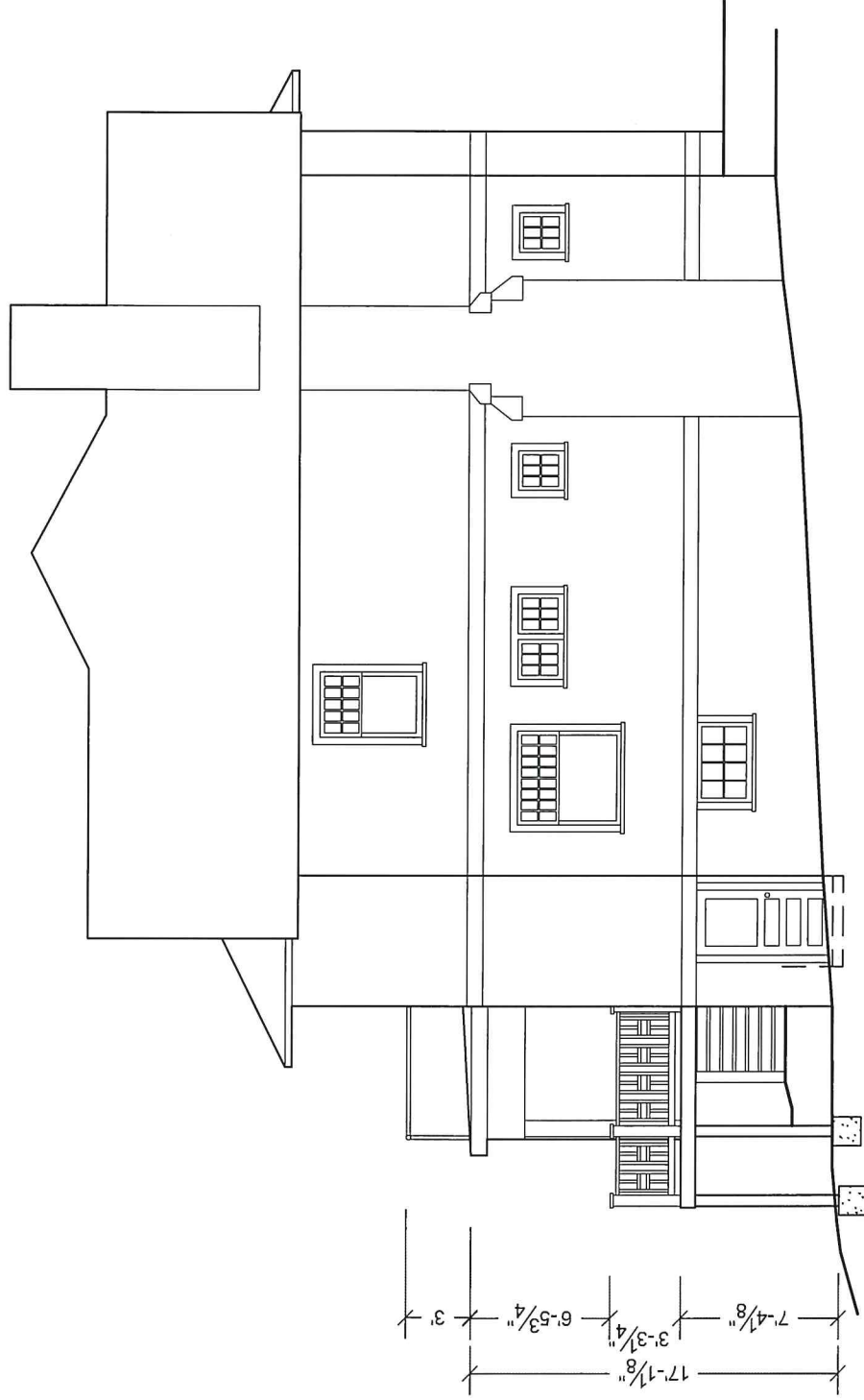


RECEIVED
MAY 03 2021

Community Development
CITY OF ASTORIA

Drawn by: Ceter Lauerdorf

7 West Elevation - Proposed Changes
Scale: 3/16"=1'-0"



RECEIVED
MAY 03 2021

Community Development
CITY OF ASTORIA



CITY OF ASTORIA

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COMMUNITY DEVELOPMENT

WAIVER OR EXTENSION OF 120 DAY RULE AT APPLICANT'S REQUEST

Applicant: Alexander Pappas, Western Services Group, on behalf of Terri Delafiganieri

Application Request No.: V20-19 for 1312-1316 Kensington Ave.

Date of Complete Application: 10/26/2020

Date of 120 Day Period: 2/23/2021

Previous Extension Request: 4/24/2021 (60 days)

Pursuant to ORS 227.178*, the Applicant:

X Extends the 120-day time period for a reasonable period of time of 245 days
[ORS 227.178(4)] to 10/26/2021. Total period may not exceed 245 days.

[Signature]
Applicant's signature

2/9/21
Date

Name: Alexander Pappas, Western Services Group

Address: P.O. Box 1277, Astoria, OR 97103

Phone: (503) 545-6873 email: alexanderpappas@ymail.com

*** 227.178 Final action on certain applications required within 120 days; procedure; exceptions; refund of fees.** (1) Except as provided in subsections (3) and (4) of this section, the governing body of a city or its designee shall take final action on an application for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 227.180, within 120 days after the application is deemed complete.

(4) The 120-day period set in subsection (1) of this section may be extended for a reasonable period of time at the request of the applicant.

(9) A city may not compel an applicant to waive the 120-day period set in subsection (1) of this section or to waive the provisions of subsection (7) of this section or ORS 227.179 as a condition for taking any action on an application for a permit, limited land use decision or zone change except when such applications are filed concurrently and considered jointly with a plan amendment.



CITY OF ASTORIA

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COMMUNITY DEVELOPMENT

WAIVER OR EXTENSION OF 120 DAY RULE AT APPLICANT'S REQUEST

State law requires the City to issue a final decision on land use reviews within 120 days of receiving a complete application. State law also allows an applicant to request in writing an extension of the 120-day review period for up to an additional 245 days.

When extensions are requested, it is important to ensure that there is adequate time to accommodate the required public review, drafting the decision, and any required hearings (including appeals) within the extended review period.

To request an extension of the 120-day review period, submit this form to the Community Development Department.

Applicant: Alexander Pappas

Application Case Number: V20-19 Variance Application

Date of Complete Application: 10/26/2020

Date of 120 Day Period (extended once to 4/24/2021)

Pursuant to ORS 227.178*, the Applicant requests to (check one):

☒ Extend the 120-day period for an additional 30 days to date of 5/24/2021

☐ Extends the 120-day period to the maximum extension of 245 days to date of _____

Note: The total number of extension requests may not exceed 245 days.

By signing this form, the applicant acknowledges that the 120-day review period for this land use review application will be extended for the number of days specified.

Applicant signature _____

Date 1/8/21

Name: Alexander A. Pappas, Workman Service Group

Address: _____

Phone: 533 545 6873 email: alexander.pappas@workman.com

City Hall • 1095 Duane Street • Astoria OR 97103 • Phone 503-338-5183 • Fax 503-338-6538

• bryer@astoria.or.us • www.astoria.or.us

*** 227.178 final action on certain applications required within 120 days; procedure; exceptions; refund of fees.**

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COMMUNITY DEVELOPMENT **Community Development**
CITY OF ASTORIA

RECEIVED
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WAIVER OR EXTENSION OF 120 DAY RULE AT APPLICANT'S REQUEST

State law requires the City to issue a final decision on land use reviews within 120 days of receiving a complete application. State law also allows an applicant to request in writing an extension of the 120-day review period for up to an additional 245 days.

When extensions are requested, it is important to ensure that there is adequate time to accommodate the required public review, drafting the decision, and any required hearings (including appeals) within the extended review period.

To request an extension of the 120-day review period, submit this form to the Community Development Department.

Applicant: Alexander Pappas

Application Case Number: V20-19 Variance application

Date of Complete Application: 10/26/2020

Date of 120 Day Period 2/23/2021

Pursuant to ORS 227.178*, the Applicant requests to (check one):

☒ Extend the 120-day period for an additional 60 days to date of 4/24/2021

☐ Extends the 120-day period to the maximum extension of 245 days to date of 10/26/2021

Note: The total number of extension requests may not exceed 245 days.

By signing this form, the applicant acknowledges that the 120-day review period for this land use review application will be extended for the number of days specified.

Applicant signature

Date

Name:

Address:

Phone: 503 545 6873 email: _____

*** 227.178 final action on certain applications required within 120 days; procedure; exceptions; refund of fees.**

(1) Except as provided in subsections (3) and (4) of this section, the governing body of a city or its designee shall take final action on an application for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 227.180, within 120 days after the application is deemed complete.

(4) The 120-day period set in subsection (1) of this section may be extended for a reasonable period of time at the request of the applicant.

(9) A city may not compel an applicant to waive the 120-day period set in subsection (1) of this section or to waive the provisions of subsection (7) of this section or ORS 227.179 as a condition for taking any action on an application for a permit, limited land use decision or zone change except when such applications are filed concurrently and considered jointly with a plan amendment.

ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall
November 24, 2020

CALL TO ORDER:

President Moore called the meeting to order at 5:30 pm.

ROLL CALL:

Commissioners Present: President Daryl Moore, Vice President Sean Fitzpatrick, David Kroening, Patrick Corcoran, Cindy Price, Chris Womack, and Brookley Henri.

Staff Present: Community Development Director Leatherman and City Planner Barbara Fryer.
The meeting is recorded and will be transcribed by ABC Transcription Services.

APPROVAL OF MINUTES:

President Moore called for approval of the October 27, 2020 minutes.

Vice President Fitzpatrick moved to approve the minutes of October 27, 2020 as presented; seconded by Commissioner Womack. Motion passed unanimously.

PUBLIC HEARINGS:

President Moore explained the procedures governing the conduct of public hearings to the audience and advised that handouts of the substantive review criteria were available from Staff.

ITEM 4(a):

CU20-08 Conditional Use Request (CU20-08) by James Randall, on behalf of First Lutheran Church, to operate a daycare center at 725 33rd in the R-2 Zone. *Note: The applicant has requested a continuance to the March 23, 2021 APC meeting.*

Planner Fryer noted that the Applicant has requested a continuance so that fire, life, and safety regulations can be addressed.

Commissioner Corcoran moved that the Astoria Planning Commission continue the hearing of Conditional Use Request CU20-08 by James Randall to March 23, 2021 at 5:30 pm in City Hall Council Chambers; seconded by Vice President Fitzpatrick. Motion passed unanimously.

ITEM 4(b):

CU20-07 Conditional Use Request (CU20-07) by Jennifer Canessa, on behalf of Cloud 245 LLC to operate a single-unit lodging facility at 254 11th Street in the C-4 and Urban Core Overlay Zones.

President Moore asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. He asked if any member of the Planning Commission had any conflicts of interest or ex parte contacts to declare.

Vice President Fitzpatrick declared that his office was on 11th Street and he walks past the site daily. He did business with Seaside Temps and Pacific Personnel when they were located at the site. He is a friend of the Applicant, but they have not discussed this application. This request would not compete with his business and he believed he could be impartial.

President Moore asked Staff to present the Staff report.

Planner Fryer reviewed the written Staff report via PowerPoint. No correspondence had been received and Staff recommended approval of the request with the conditions listed in the Staff report.

President Moore opened the public hearing and called for a presentation by the Applicant.

Jennifer Canessa, 90435 Gander Rd., Astoria, said she had been managing two commercial buildings in downtown Astoria for the last five years. Seaside Temps was a tenant in the Godfather's Books building for 12 to 15 years, but because of the pandemic they had to close. The space has been used as an office for the last 20 years. She offered the space to three other business, but they all declined. After looking at the business model and speaking to her banker, she has decided to diversify her rental portfolio. The square footage would not accommodate social distancing and the only logical solution is to turn the space into a short-term vacation space. It is nicely located on a side street and fits in with the area. There are a lot of small businesses, shops, and restaurants nearby. She is very passionate about small business in downtown Astoria. She used to be a commercial banker and lent a lot of money to small business owners. As a Chamber Ambassador, she always advocates for small business downtown.

President Moore called for any testimony in favor of, impartial to, or opposed to the application. Hearing none, he called for closing comments of Staff. There were none. He closed the public hearing and called for Commission discussion and deliberation.

Commissioner Womack said he supported the application.

Commissioner Corcoran believed the application fit the criteria and he was in favor of approval.

Commissioner Kroening agreed and said that with the conditions proposed he supported the application.

Vice President Fitzpatrick stated the use appeared to be appropriate for the site. The neighboring business and property owners are not opposed and he believed the Applicant would deal promptly and appropriately with any issues that arise. He agreed with Staff's recommendation and would vote in favor of the request.

Commissioner Henri said she agreed with the Staff report and was in favor of the application.

Commissioner Price lost the connection to the meeting and rejoined the meeting in progress two minutes later

Commissioner Price stated she agreed with the Staff report.

Commissioner Henri moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Conditional Use Request CU20-07 by Jennifer Canessa; seconded by Commissioner Kroening. Motion passed unanimously.

President Moore read the rules of appeal into the record.

ITEM 4(c):

V20-19 Variance Request (V20-19) by Alexander Pappas, Western Services Group, on behalf of Terri Delafiganieri, to exceed the allowed 30 percent lot coverage by 4.1 percent at 1312 – 1316 Kensington in the R-1 Zone.

President Moore asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. He asked if any member of the Planning Commission had any conflicts of interest or ex parte contacts to declare.

Commissioner Price declared that she had lived around the corner from the house for over 20 years and was very familiar with it. She had not been inside the house, but was friendly with the Applicant and the neighbors. A neighbor mentioned this application. She said she could not talk about and recommended the person speak to the Planning Department or check the City's website for information. She knew she could make an impartial decision.

Vice President Fitzpatrick declared that he lived within a few hundred feet of the property. He had seen the property from the street and the sidewalk, but he had not spoken with anyone about the property. He believed he could be impartial.

Commissioner Kroening declared that he lived around the corner from the property. He went inside the house when it was on the market, prior to the Applicant owning it. He did not know the Applicant and did not have any prior knowledge of the request. He believed he could be impartial.

President Moore asked Staff to present the Staff report.

Planner Fryer reviewed the written Staff report via PowerPoint. One comment in favor of the request and one comment against the request were received. Staff recommended denial of the request.

Vice President Fitzpatrick confirmed with Staff that the minimum setback requirement was 20 feet and the Applicant would be encroaching seven feet into the setback. Planner Fryer added that if this request is denied, the Applicant would have to wait six months to apply for a variance from the setback.

Planner Fryer stated there was a typographical error on Page 2 of the Staff report. Lot coverage is at 27 percent, not 37 percent.

Commissioner Price asked Staff to explain why the photo on Page 2 of the Staff report made it appear as if the house took up much more than 27 percent lot coverage. Planner Fryer stated it was possible her calculation was incorrect. The added balcony would increase lot coverage to 34 percent.

Commissioner Price also asked why Staff reports were created and public hearings scheduled for requests that did not meet the criteria. Planner Fryer explained that every application is reviewed based on its merits. The City cannot refuse to review an application. Staff could send the application back to the Applicant for more information, but that was not done in this case. Director Leatherman added that the City is legally required to accept all applications submitted to Staff. Staff can advise Applicants of the Code requirements, but cannot predict how the Commission will interpret the Code.

Commissioner Womack asked why the request was for a variance from lot coverage instead of setbacks. Planner Fryer explained that the Applicant applied for a variance from the lot coverage. After the plans were reviewed by Staff, it was determined there would also be a setback issue. Since the request did not meet the criteria, the setback was not addressed because it was not part of the request. Director Leatherman added that the Commission has the authority to make a decision on variances. Staff cannot make a decision. She would note that Staff should do a more thorough analysis moving forward.

Commissioner Corcoran asked if other municipalities had the ability to approve a request when one is making better use of a property rather than needing to overcome an unnecessary hardship. Planner Fryer said in Oregon, there were approximately three pages of case law dealing with variances and the first criteria which must be met is always an undue hardship. That criteria has been the subject of many Land Use Board of Appeals (LUBA) cases. Staff could provide additional information to the Commissioners or schedule a work session on how to apply the criteria.

Commissioner Corcoran said he believed Applicants did not appreciate the high bar of the undue hardship criteria and asked if Staff had any solutions. Planner Fryer explained that barring a better discussion of an application about how important it is to fill out the application with affirmative findings for all four criteria, even asking an Applicant to spell out how their request meets all four criteria, it is difficult to get Applicants to understand what undue hardship means.

President Moore opened the public hearing and called for a presentation by the Applicant.

Alexander Pappas, 103 Washington Street, Astoria, said that since it sounded like his request would be denied, perhaps he should wait six months and submit a revised application. He was doing extensive restoration on the interior and exterior. This project would slightly increase the footprint so that the rear deck could be used. Stairs would be placed on both sides because there is a bathroom in between. Only one of the units has a rear exit for an emergency. Lattice was added at some point, so there is not much of a view. The deck is only six feet wide,

so it is not useable. It will not interfere with anyone's views and cannot be seen from the street. However, he still made a good effort to design a beautiful mission style railing. This will add value to the neighborhood and the home. He is 2.5 feet too close to the property line and he did not catch that when turning in the application.

Planner Fryer stated the Applicants have several choices. They could request a continuance and give Staff more findings to consider or allow the Commission to deliberate and then possibly request a continuance. This would prevent the Applicant from having to wait six months to reapply.

President Moore called for any testimony in favor of or impartial to the application. Seeing none, he called for testimony opposed to the application.

Anne Lederer, 1309 Jerome, Astoria, stated she had already submitted a letter to the Commission, which was included in the Staff report. She had nothing to add and continued to be opposed to the request.

President Moore called for the Applicant's rebuttal.

Mr. Pappas requested a continuance to the January meeting.

Commissioner Price moved that the Astoria Planning Commission continue the hearing of Variance Request V20-19 by Alexander Pappas to January 23, 2021 at 5:30 pm in City Hall Council Chambers; seconded by Commissioner Womack. Motion passed unanimously.

Commissioner Price moved to strike the motion and vote of Variance Request V20-19 by Alexander Pappas from the record as the date stated was incorrect; seconded by Commissioner Henri. Motion passed unanimously.

Commissioner Price moved that the Astoria Planning Commission continue the hearing of Variance Request V20-19 by Alexander Pappas to January 26, 2021 at 5:30 pm in City Hall Council Chambers; seconded by Commissioner Henri. Motion passed unanimously.

ITEM 4(d):

A19-03B *Continued from the October 6, 2020 meeting* – Amendment to Astoria Development Code (A19-03B) by City of Astoria Community Development Director to define Group Living Facilities and to modify Group Living regulations in the following zoning districts: R1, R2, R3, C3, C4, FA, IN, AH-HC, CA, HR, LS, and AH-MP. Note: Staff requests a continuance to the January 26, 2021 meeting.

Planner Fryer requested a continuance to the January meeting, but noted that Staff might request another continuance because the City Council has requested a joint work session on these Code amendments.

Commissioner Corcoran moved that the Astoria Planning Commission continue the hearing of Amendment Request A19-03B by the Community Development Director to January 26, 2021 at 5:30 pm in City Hall Council Chambers; seconded by Vice President Fitzpatrick. Motion passed unanimously.

President Moore called for a recess at 6:26 pm. The meeting reconvened at 6:33 pm.

ITEM 4(e):

A19-03A *Continued from the October 27, 2020 meeting* – Amendment to the Astoria Development Code (A19-03A) by City of Astoria Community Development Director to bring the Development Code into compliance with State law regarding Accessory Dwelling Units and to make miscellaneous changes to the housing definitions pertaining to all zoning districts.

President Moore asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. He asked if any member of the Planning Commission had any conflicts of

interest or ex parte contacts to declare. There were none. President Moore asked Staff to present the Staff report.

Planner Fryer reviewed the updated Staff report via PowerPoint.

Commissioner Price stated she did not have any problems with any of the proposed language and was glad to hear that City Council wanted a joint work session with the Commission.

President Moore opened the public hearing and called for any testimony in favor of or impartial to the application. There were none. He called for any testimony opposed to the application.

Bob Levine, P.O. Box 1082, Astoria, stated he had submitted a number of letters. It appears as though the modifications came in at about 2:36 pm today and the public has not had an opportunity to review the highlighted sections. Therefore, he requested a continuance. He believed the City should assess the impact of the proposed changes before adopting any changes. The proposed changes will have a dramatic negative impact on the City. He wanted A19-03A and A19-03B put back together as one amendment request since the City Council wants to have a work session with the Planning Commission. He asked if the public could attend that work session.

President Moore stated the highlighted items in Exhibit 20 of the Staff report were not changes made to the ordinance.

Planner Fryer explained that the proposal in Exhibit 20 was exactly the same as the proposal in Exhibit 10 of the Staff report that was sent out a week ago. The only difference is that Exhibit 20 has been highlighted to show only the items that were required by State law. No new information was added.

President Moore said that the City has been mandated by the State to adopt these amendments, so doing any studies would be useless.

Planner Fryer added that the Department of Land Conservation and Development (DLCD) has indicated that the density calculations would not change even though the amendments might change the density of some zoning districts. They also stated that while addressing Transportation Planning Rule findings, which are necessary for amendments, the proposal is in compliance with State law and therefore the Transportation Planning Rule analysis is a moot point.

President Moore stated that all work sessions were open to the public. He called for closing remarks from Staff.

Director Leatherman said the reason Staff highlighted sections of Exhibit 20 was to address what Staff had heard from the public and the Planning Commission. It was likely that any content not adopted tonight would be included in the group living facilities amendment. Staff has been highly impacted by COVID-19. While changes to their processes have slowed things down, development continues to move forward. The highlighted document was published on the City's website, but it was done later in the day. There is only one planner. Staff is trying to do their best. She and Planner Fryer have lost family members to COVID-19, so she requested more patience from the public and the Commission. Staff has the best interest of the City at heart and are trying their best to meet the demands during a very difficult time. Her Staff was doing an incredible job and she appreciated the feedback Staff gets from the public. Exhibit 10 had all of the same materials as Exhibit 20. Staff is recommending that the content be reduced of the amendment to just the highlighted material, which is just what has been mandated by the State.

President Moore closed the public hearing and called for Commission discussion and deliberation.

Commissioner Henri said she believed this was a good way to handle the material that the Commission must review. Getting the mandated requirements out of the way is a good way to update the document, especially considering the City's resources right now. She was in favor of proceeding as Staff has proposed.

Commissioner Kroening agreed this must be tackled and the proposed amendments looked good.

Vice President Fitzpatrick stated he did not have any questions and was ready to move forward.

Commissioner Womack thanked Staff for putting all of the information together. The changes made are in line with the Commission's previous discussions and were included in a clear and concise manner. He did not have anything to add or modify and was in favor of the proposed amendments.

Commissioner Corcoran said these were the least controversial components of a controversial topic. He wanted to move forward.

Commissioner Price stated she was grateful to Director Leatherman and Planning Staff for being so responsive to the Commission and the public. Breaking things down into bite sized pieces make it easier for everyone to understand the changes. These amendments are mandated by the State and the housekeeping changes were well done.

President Moore appreciated Staff's hard work. The Commission started talking about accessory dwelling units (ADUs) three or four years ago and the State changed the laws in the middle of the City's conversations. He was in favor of getting the City in compliance with State law as proposed by Staff.

Commissioner Henri moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve the highlighted items in Exhibit 20 of Amendment Request A19-03A by the Community Development Director, as proposed by Staff; seconded by Commissioner Corcoran. Motion passed unanimously.

President Moore stated the City Council would consider the Planning Commission's recommendation for approval at a regularly scheduled meeting in January 2021. At that meeting, the City Council will hold a public hearing and consider the first reading of the ordinance.

REPORTS OF OFFICERS/COMMISSIONERS:

Commissioner Corcoran reported that the Traffic Safety Advisory Committee meeting transcripts are available to City Council before they are approved at the Committee's next meeting. He was glad the Council is advised of what is discussed at the Committee's meetings.

Vice President Fitzpatrick asked if the Commission had approved the October 6, 2020 minutes. Planner Fryer responded that she believed they were approved at the last meeting, but not if not, she would make sure to include them on the next agenda.

STAFF UPDATES/STATUS REPORTS:

Save the Date

- Next APC meeting – Tuesday, December 22, 2020 @ 5:30 pm

Planner Fryer noted there was only one item on the agenda for the next meeting and the joint work session would be scheduled for January 2021.

PUBLIC COMMENTS:

There were none.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:17 pm.

APPROVED:

[at the January 27, 2021 meeting / no changes]

Community Development Director



CITY OF ASTORIA

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COMMUNITY DEVELOPMENT DEPARTMENT

Presented at
the APC 11/24/20
meeting.
Revised for 05/15/21

STAFF REPORT AND FINDINGS OF FACT

STAFF REPORT PUBLICATION DATE: NOVEMBER 17, 2020

PLANNING COMMISSION HEARING DATE: NOVEMBER 24, 2020

TO: ASTORIA PLANNING COMMISSION

FROM: BARBARA FRYER, CITY PLANNER

SUBJECT: VARIANCE REQUEST (V20-19) BY ALEXANDER PAPPAS OF WESTERN SERVICES GROUP, ON BEHALF OF TERRI DELAFIGANIERE, TO EXCEED ALLOWABLE 30% LOT COVERAGE BY 4.1% IN THE R-1 (LOW DENSITY RESIDENTIAL) ZONE AT 1312-1316 KENSINGTON AVENUE

I. BACKGROUND SUMMARY

- A. Applicant: Alexander Pappas
Western Services Group
PO BOX 1277
Astoria OR 97103
- B. Owner: Terri Delafiganiere
1312 Kensington Avenue
Astoria OR 97103
- C. Location: 1312-1316 Kensington Avenue
Map T8N R9W Section 17BA; Tax Lot 08800; North 20 feet of Lot 7; North 65 feet of Lot 6; Block 57; TR, Shively's
- D. Zone: R-1 (Low Density Residential)
- E. Proposal: Vary from maximum lot coverage to remove an existing deck and two stairwells and replace with one deck and one stairwell
- F. 120 Day
Deadline: February 18, 2021

II. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 200 feet, pursuant to Astoria Development Code (ADC) §9.020 on November 2, 2020. Notice was posted on site on November 10, 2020. A notice of public hearing was published in *The Astorian* on November 14, 2020. Any comments received will be made available at the Astoria Planning Commission meeting.

III. BACKGROUND

A. Subject Site and Area



The subject property is located in the Central Residential Neighborhood on the north side of Kensington Avenue west of 14th Street and east of 12th Street. The subject property is an irregular rectangular lot approximately 7,556 square feet. The site is currently at 37% lot coverage, and with the bigger deck and relocated single staircase, will exceed 30% lot coverage in the R-1 Zoning District.

Land uses surrounding the site are predominately residential dwelling units. It should be noted that this home is the largest home on the block. This home and the homes to the east sit significantly higher than the homes to the north as shown on the topographical aerial photo below:



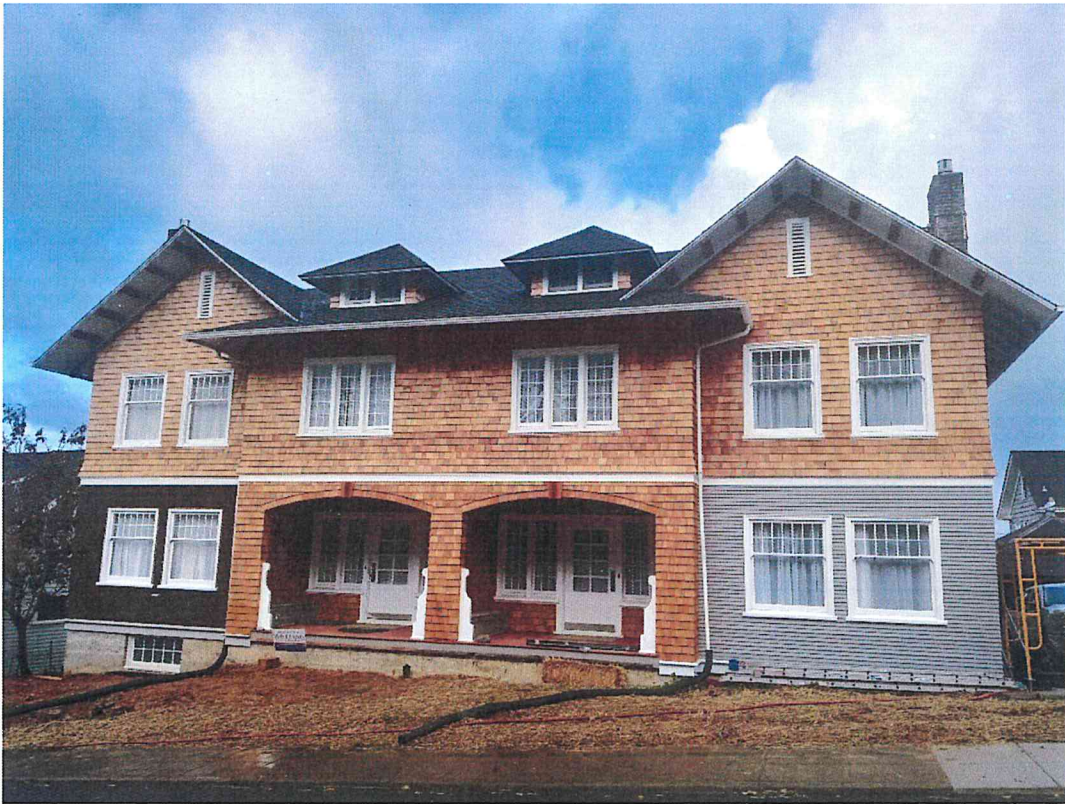
B. Proposal

The applicant is proposing to remove the existing deck on the north side of the structure (back elevation) and the two staircases to install a new single deck and a new single staircase. This property has historically been a duplex. The maximum lot coverage is 30%. The applicant proposes to exceed the maximum lot coverage with the proposed structures on the north elevation and will be at 34.1% lot coverage with the proposed changes. An Exterior Alteration Permit was submitted concurrently and will be considered by the Historic Landmarks Commission in December.

C. Photos

**V20-19 / 1312-1316 Kensington
On Site Photos 11/10/20**

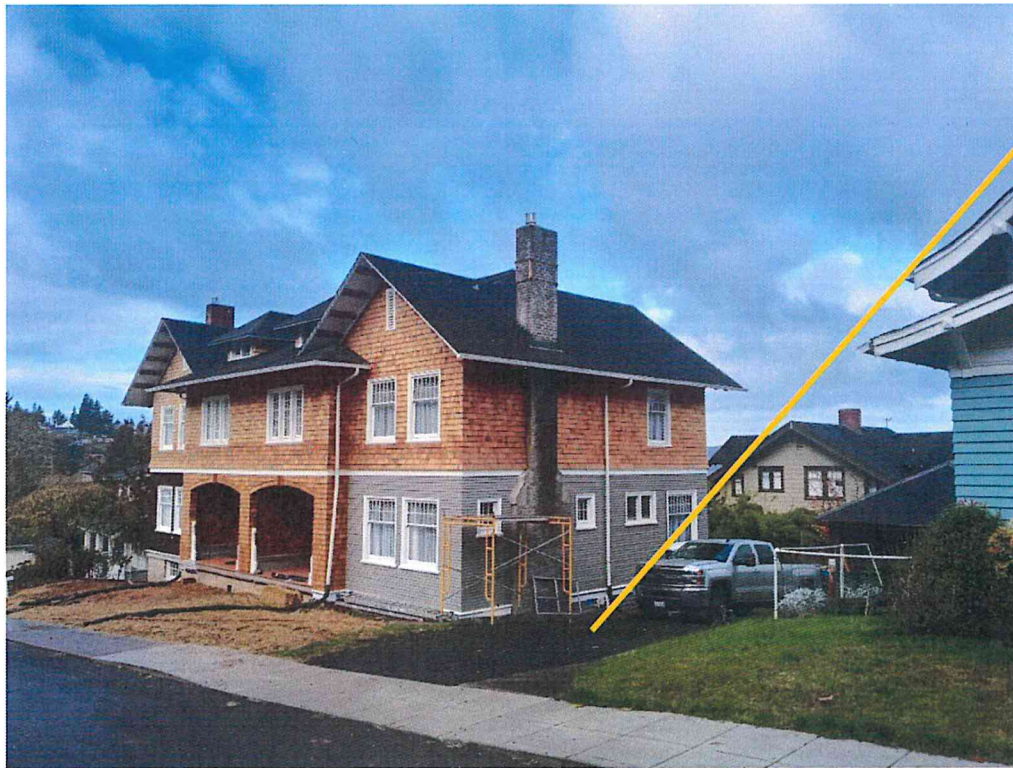


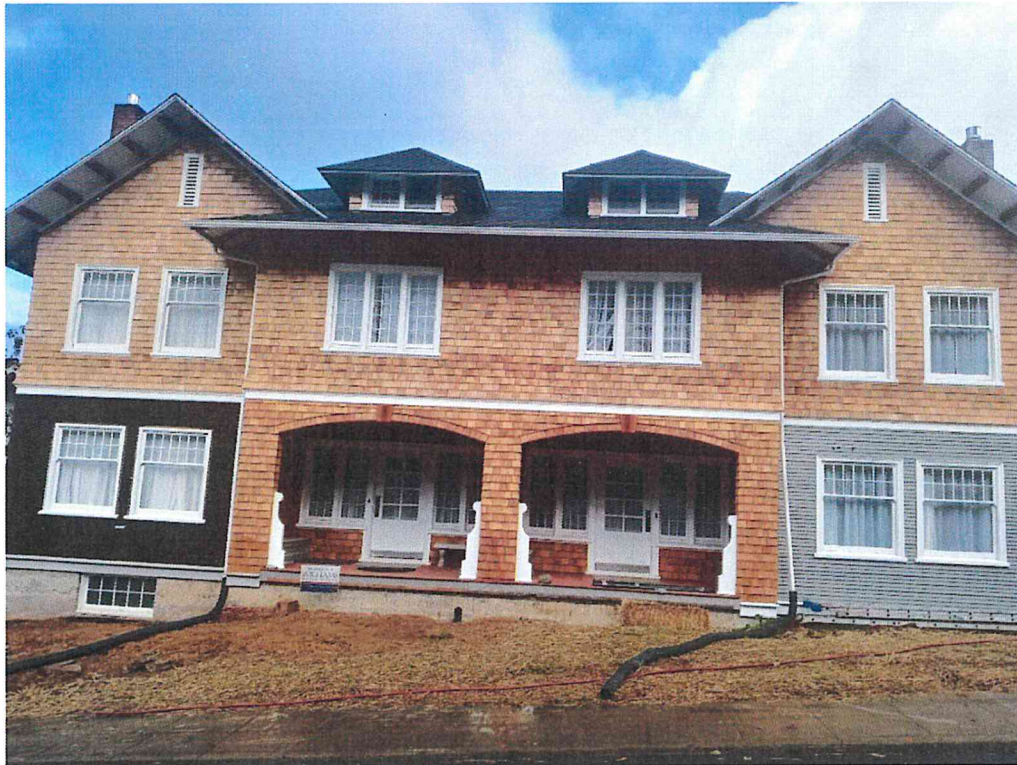


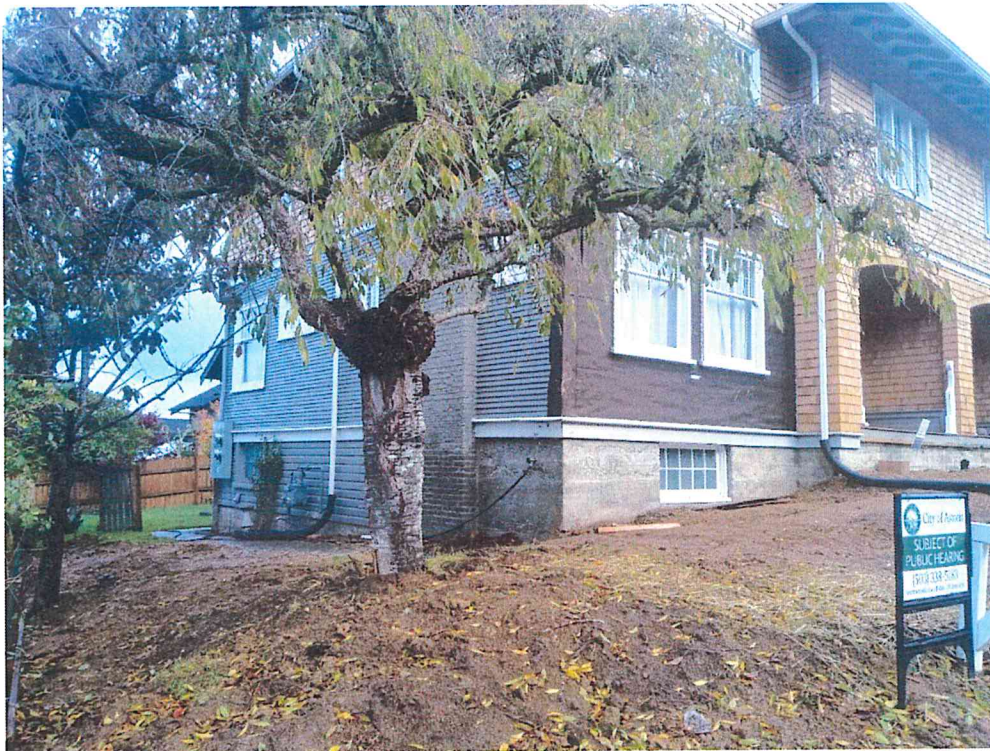


Comment
Letter
received by
this household

Shared driveway
and garage







IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

A. ADC§12.060 B and C. CLASSIFICATION OF VARIANCES, speaks to Type III Variances.

“B. Type III.

Type III includes variances which are significant changes from the Code requirements and are likely to create impacts on adjacent property or users. A Type III variance may be granted by the Planning Commission.

Type III variances include, but are not limited to:

1. *Variances from quantitative standards other than those identified in Section 12.060.A by more than 10%;*
2. *Variances from other provisions of this chapter except density and use restrictions.
(Section 12.060.B amended by Ord 19-05, 6-17-2019)
(Section 12.060 amended by Ord 19-05, 6-17-2019)*

C. *The Community Development Director shall decide the classification of any variance application.”*

Finding: This proposal is to vary from the maximum lot coverage of 30%. The applicant proposes to vary by 4.1% from the 30% maximum coverage. The

Applicant proposes to exceed lot coverage to a total of 34.1%, which is greater than the 10% allowed as a Type II.

- B. This site is in the low density residential district and shall comply with maximum lot coverage of 30 percent found in ADC §2.040:

Buildings will not cover more than 30 percent of the lot area.

ADC §1.400 Buildings are defined as follows: *A structure built for the support, shelter, or enclosure of persons, animals, chattels or property of any kind.*

ADC §1.400 Structures are defined as follows: *That which is built or constructed. An edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner and which requires location on the ground or which is attached to something having a location on the ground.*

Finding: The applicant is proposing to remove the existing deck and two staircases on the north elevation and replace it with one deck and one staircase, which is defined as a structure. The property is approximately 7,556 square feet and the structure is currently at 2,552 square feet, which is 33.77% lot coverage. The applicant proposes to further exceed lot coverage to a total of 34.1%. The applicant is seeking a variance to ADC §2.040.

- C. ADC §12. 030.A, Variances, states “*The granting authority may grant a variance from the requirements of this chapter, if on the basis of the application, investigation, and the evidence submitted by the applicant, all four (f) of the following expressly written findings are made:*”

1. *This request is necessary to prevent unnecessary hardship; and.*
2. *Development consistent with the request will not be substantially injurious to the neighborhood in which the property is located; and*
3. *The request is necessary to make reasonable use of the property; and*
4. *The request is not in conflict with the Comprehensive Plan.”*

Findings:

1. The applicant states that the structure is “extremely limited in its function in its current build. The improvements allow it to be used to its full potential.” The existing structure is a duplex, and as such, has a large partition between the two decks. The applicant has opened the interior to make it one dwelling unit. The proposal is to do the same with the north elevation porch and staircase. Relevant factors, per ADC §12.030(B), when determining if a

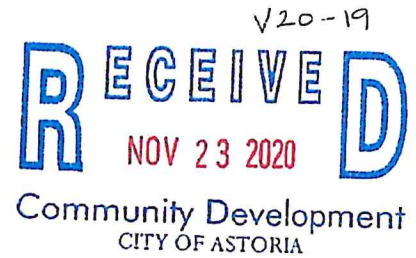
hardship exists include: physical circumstances related to the property involved, whether a reasonable use, similar to other like properties, can be made of the property without the variance, whether the hardship was created by the person requesting the variance; and the economic impact upon the person requesting the variance, if the variance is denied. The property is 7,556 square feet and the existing structure is 2,552 square feet, resulting in 33.77% lot coverage. The applicant does not cite any issues with the existing property, other than the use is limited in its current build. The applicant states that the proposal would use the property to its full potential. Reasonable use of the property, similar to other like properties, can be made without the variance as this property and home is considerably larger than others in the neighborhood. The applicant did not cite a hardship that was or was not created by the person requesting the variance. Finally, the applicant did not submit economic impact information if the application is denied. The City finds that the applicant did not demonstrate that the request is necessary to prevent unnecessary hardship. Thus, this criterion is not met.

2. The applicant cites that the proposed development is “behind the house structure, does not interfere with anyone’s views and will not be visible from any street. There is no change to the home/primary building.” One public comment was submitted with regard to this proposal (Exhibit 3). The public comment states that allowing this proposal would be substantially injurious to their back yard as the property in question lies uphill and the deck would look down on her home. The City finds that the proposal would be injurious to the property owner directly north of the subject property. Thus, this criterion is not met.
3. The applicant cites that the variance would enable the homeowner to take advantage of views and usefulness of the space. The applicant also states that the proposal improves the property’s historic character. The existing deck could be rebuilt and a new staircase placed on the property without expanding the variance. The variance provides a larger surface in which to recreate outdoors. The City finds that reasonable use of the property can be accomplished within the existing footprint. Thus, this criterion is not met.
4. The applicant states, “No conflicts to the Comprehensive Plan.” No evidence is suggested to make this conclusion. The City finds that there is no evidence in the record to support this assertion. This criterion is not met.

V. CONCLUSION AND RECOMMENDATION

The request must meet all four of the variance review criteria found in ADC §12.030.A. The City finds that all four criteria are not met. Therefore, staff recommends denial of the request.

Exhibit 1: Application materials
Exhibit 2: Public Notice
Exhibit 3: Public Comment



November 23, 2020

City of Astoria Planning Commission
1095 Duane Street
Astoria, OR 97103

To the Planning Commission,

We write this letter in support of Variance Request (V20-19) filed by Alexander Pappas, Western Services Group, on behalf of Terri Delafaniere for the property at 1312-1316 Kensington Avenue.

The work Terri and her husband Ron have done to restore and improve this historic building over the past months has been impressive to watch. All along the way, they have been friendly and considerate of the neighborhood, keeping construction noise within reasonable limits and hours and regularly communicating their plans and the status of the work to those who have asked.

As part and parcel of that, they have discussed the plans under review for this Variance Request with us, and we have no concerns. Considering that the Planning Commission approved our own, similar variance request just a few months ago, we would hope that approval in this case is just a formality. The work Terri and Ron have done to date has undoubtedly increased property values for our entire block, and we believe this work will continue to support the renewal and preservation of their property.

Please do not hesitate to contact us if you have any questions.

Sincerely yours,

Brett Meyer and Melissa Barber

1268 Kensington Ave
Astoria, OR 97103
503.875.3211
brett.p.meyer@gmail.com

Ann Lederer
1309 Jerome Avenue
Astoria, OR 97103
503-791-0801
annlederer@mac.com



November 12, 2020

Planning Commission, City of Astoria
1095 Duane St.
Astoria, OR 97103

Re: Variance Request (V20-19); 1312-1316 Kensington Ave., Astoria

Dear Planning Commissioners,

I am writing to comment on the above-referenced application which will be considered on Tuesday, November 24, 2020. I reside directly north of the subject property and my backyard is directly adjacent to the site of the proposed work for which the variance is requested. For convenience, I will refer to it as the "deck expansion" which also includes the proposed relocation of stairs.

My husband and I appreciate the efforts made by the applicant to restore and repair their property on Kensington, which is a beautiful historic building. However, we do object to the variance in that it would reduce the setback between our properties to less than the standards set out in the City zoning ordinance. Based on the applicant's site plans submitted with the application, the current setback for the relevant portion of the applicant's property is about 23 feet, three feet more than the minimum setback of 20 feet. If the variance is granted, the setback will be reduced to just over 17 feet. As the Commissioners can see from the attached satellite photo of our two properties, the two properties are quite close together in comparison to many other houses in the neighborhood, partially due to topography and the fact that they both predate current zoning regulations. We are concerned about the diminishment of the setback which would affect our privacy and enjoyment of our property.

In the application, the applicant states that the request is necessary to prevent unnecessary hardship due to the "limited function of the current build", and that the variance will allow it to be used "to its full potential." I do not believe that a perceived improvement of functionality qualifies as an unnecessary hardship. The subject area is a small back porch area, and is not essential to the use of the property overall. Moreover, the variance applicant recently purchased this property and had the ability to be fully aware of the zoning setbacks applicable to this site prior to purchasing the property.

As to reasonable use of the property, the reasonable use of the large dwelling does not depend on having a larger back deck area. While it may be desirable for the homeowners and improve views, as stated in the application, it is not necessary for the reasonable use of the property as a whole. The application states that the larger deck would also "improve the properties [sic] historic character." While I am confident that the owner plans a tasteful appearance for the deck, the assertion about improving historic character is debatable and I don't believe it is relevant to the question of reasonable use.

The length of the proposed deck expansion across the back of the property does not concern me as much as its depth, affecting the setback from our mutual property line. I might not object to a more modest extension of the deck which does not impact the setback as significantly, but that is not what the applicant has requested.

Thank you for your consideration of these comments.

Sincerely,

Ann Lederer

Cc: Aerial photograph



Disclaimer: The information contained in this GIS application is NOT AUTHORITATIVE and has NO WARRANTY OR GUARANTEE assuming the information presented to you is correct. GIS applications are intended for a visual display of data and do not carry legal authority to determine a boundary or the location of fixed works, including parcels of land. They are intended as a location reference for planning, infrastructure management and general information only. The City of Astoria, Oregon assumes no liability for any decisions made or actions taken or not taken by the user of the GIS application. The City of Astoria, provides this GIS map on an "as is" basis without warranty of any kind, express or implied, and will not be held liable for damages of any kind, including but not limited to, damages of merchantability or fitness for a particular purpose, and assumes no liability for any errors, omissions, or inaccuracies in the information provided.

Printed 11 / 12 / 2020



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

1095 Duane Street • Astoria, OR 97103 • Phone 503-338-5183 • www.astoria.or.us • taylor@astoria.or.us

Mail	11-2-20
Email	
Web	

On Site 11-10-20
Pub 11-14-20

YOU ARE RECEIVING THIS NOTICE BECAUSE THERE IS A PROPOSED LAND USE APPLICATION NEAR YOUR PROPERTY IN ASTORIA

Due to the COVID-19 Pandemic, public hearings will be conducted in the City Council Chambers with a limited seating arrangement. Masks are required. To adhere to the social distancing recommendation, you may also participate in the public hearing remotely. Go to https://www.astoria.or.us/LIVE_STREAM.aspx for connection options and instructions (included on 2nd page of this notice as well). You may also use a telephone to listen in and provide public testimony. At the start of the meeting, call (253) 215-8782 and when prompted enter meeting ID# 503 325 5821.

NOTICE OF PUBLIC HEARING

The City of Astoria Planning Commission will hold a public hearing on Tuesday, November 24, 2020 at 5:30pm in the Astoria City Hall, Council Chambers, 1095 Duane Street, Astoria. The purpose of the hearing is to consider the following request(s):

1. Conditional Use Request (CU20-07) by Jennifer Canessa, on behalf of Cloud 254, LLC, to operate a single-unit lodging facility at 254 11th Street (Map T8N R9W Section 08 CA; Tax Lot 4500; Lot 14; Block 58; McClure's) in the C-4 Zone (Central Commercial) and Urban Core Overlay Zone. Development Code standards §2.425 to §2.470 (C-4), Article 9 (Administrative Procedures), Article 11 (Conditional Uses), and §14.175 to §14.200 (Urban Core Overlay Zone), Comprehensive Plan §CP.005 to §CP.028 (General Provisions), §CP.055 to §CP.057 (Downtown), and §CP.068 to §CP.070 (Riverfront Vision Plan) are applicable to the request.
2. Conditional Use Request (CU20-08) by James Randall, on behalf of First Lutheran Church, to operate a daycare center at 3107 Grand Avenue (Map T8N R9W Section 09 CA; Tax Lot 17500; Lot 1; Block 40; Adair's Portion of Upper Astoria), 725 33rd Street (Map T8N R9W Section 09 CA; Tax Lot 3600; S 34 feet of Lot 2 ; S 34 feet of W 25 feet of Lot 3; E 66.9 feet of Lot 6; Block 40; Adair's Portion of Upper Astoria), and 721 33rd Street (Map T8N R9W Section 09 CA; Tax Lot 03700; E 25 feet of Lot 3; Lot 4 and Lot 5; Block 40; Adair's Portion of Upper Astoria) in the R-2 Zone (Medium Density Residential). Development Code standards §2.060 to §2.095 (R-2), Article 9 (Administrative Procedures), Article 11 (Conditional Uses), Comprehensive Plan §CP.005 to §CP.028 (General Provisions) and §CP.070 to §CP.075 (Uppertown) are applicable to the request.
3. Variance Request (V20-19) by Alexander Pappas, Western Services Group, on behalf of Terri Delafiganiere, to exceed allowed 30% lot coverage by 4.1% at 1312-1316 Kensington Avenue (Map T8N R9W Section 17BA; Tax Lot 08800; North 20 feet of Lot 7; North 65 feet of Lot 6; Block 57; TR, Shively's) in the R-1 Zone (Low Density Residential). Development Code standards §2.015 to §2.050 (R-1), Article 9 (Administrative Procedures), Article 12 (Variances), Comprehensive Plan Sections §CP.005 to §CP.028 (General Development) and §CP.040 to §CP.045 (Central Residential) are applicable to the request.

A copy of the application, all documents and evidence relied upon by the applicant, the staff report (published seven days prior to the hearing), and applicable criteria, are available for inspection at no cost and will be provided at reasonable cost. All such documents and information are available by contacting the Community Development Department by mail at 1095 Duane Street, Astoria, OR 97103, by phone at (503) 338-5183, or by email at comdevadmin@astoria.or.us.

The location of the hearing is accessible to the handicapped. An interpreter for the hearing impaired may be requested under the terms of ORS 192.630 by contacting the Community Development Department at (503) 338-5183 48 hours prior to the meeting.

All interested persons are invited to express their opinion for or against the request(s) at the hearing, or by letter addressed to the Planning Commission, 1095 Duane St., Astoria OR 97103. Email transmissions may be sent to comdevadmin@astoria.or.us. Testimony and evidence must be directed toward the applicable

criteria identified above or other criteria of the Comprehensive Plan or land use regulation which you believe apply to the decision. Failure to raise an issue with sufficient specificity to afford the Planning Commission and the parties an opportunity to respond to the issue precludes an appeal based on that issue.

The Planning Commission's ruling may be appealed to the City Council by the applicant, a party to the hearing, or by a party who responded in writing, by filing a Notice of Appeal within 15 days after the Planning Commission's decision is mailed. Appellants should contact the Community Development Department concerning specific procedures for filing an appeal with the City. If an appeal is not filed with the City within the 15-day period, the decision of the Planning Commission shall be final.

The public hearing, as conducted by the Planning Commission, will include a review of the application and presentation of the staff report, opportunity for presentations by the applicant and those in favor of the request, those in opposition to the request, and deliberation and decision by the Planning Commission. The Planning Commission reserves the right to modify the proposal or to continue the hearing to another date and time. If the hearing is continued, no further public notice will be provided.

THE CITY OF ASTORIA



Tiffany Taylor, Administrative Assistant

MAIL: November 2, 2020

Connection options and instructions to participate in the public hearing remotely

ONLINE MEETING

At start of our Public Meetings you will be able to join our online ZOOM meeting using your **mobile or desktop device** and watch the live video presentation and provide public testimony.

Step #1: Use this link: <https://www.astoria.or.us/zoom/>

Step #2: Install the Zoom software on your mobile device, or join in a web browser

Step #3: If prompted, enter the Meeting ID number: 503 325 5821

Note: Your device will automatically be muted when you enter the online meeting. At the time of public testimony, when prompted you may choose to select the option within the ZOOM software to "raise your hand" and notify staff of your desire to testify. Your device will then be un-muted by the Host and you will be called upon, based on the name you entered within the screen when you logged in.

TELECONFERENCE

At start of our Public Meetings you will be able to **dial-in using your telephone** to listen and provide public testimony.

Step #1: Call this number: [253-215-8782](tel:253-215-8782)

Step #2: When prompted, enter the Meeting ID number: 503 325 5821

*Note: Your phone will automatically be muted when you enter the conference call. At the time of public testimony, when prompted, you may dial *9 to "raise your hand" and notify staff of your desire to testify. Your phone will then be un-muted by the Host and you will be called upon based on your phone number used to dial-in.*

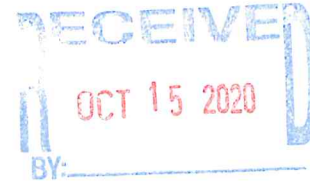
AUDIO-ONLY

At start of our Public Meetings you will be able to access the Audio only to listen to the meeting.

Instructions: Use this link to access the online audio: <http://audio.coao.us>



CITY OF ASTORIA
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COMMUNITY DEVELOPMENT



☒ Fee Paid Date 10/15/20 By EC#541

Fee: Administrative Permit \$300.00
(or) Planning Commission \$500.00

V 20-19

VARIANCE APPLICATION

Property Address: 1312 + 1316 Kensington Ave Astoria 97103

Lot _____ Block _____ Subdivision _____

Map _____ Tax Lot _____ Zone _____

Applicant Name: Alexander Pappas, Western Services Group LLC

Mailing Address: P.O. Box 1277 Astoria OR 97103

Phone: _____ Business Phone: 503 545 6873 Email: alexander.pappas@ymail.com

Property Owner's Name: Terri Delafiganciere Delafiganciere

Mailing Address: 1312 KENSINGTON AVE

Business Name (if applicable): _____

Signature of Applicant: [Signature] Date: 9/24/20

Signature of Property Owner: [Signature] Date: 9/24/20

Existing/Proposed Use: _____

What Development Code Requirement do you need the Variance from? (Describe what is required by the Code and what you are able to provide without a Variance.) Code # 2.040

We plan to increase the structural footprint by expanding the deck & relocating the stairs

SITE PLAN: A Site Plan depicting property lines and the location of all existing and proposed structures, parking, landscaping, and/or signs is required. The Plan must include distances to all property lines and dimensions of all structures, parking areas, and/or signs. Scaled free-hand drawings are acceptable.

For office use only:			
Application Complete:		Permit Info Into D-Base:	
Labels Prepared:		Tentative APC Meeting Date:	
120 Days:			

FILING INFORMATION: Planning Commission meets on the fourth Tuesday of each month. Completed applications must be received by the 13th of the month to be on the next month's agenda. A Pre-Application meeting with the Planner is required prior to acceptance of the application as complete. Only complete applications will be scheduled on the agenda. Your attendance at the Planning Commission meeting is recommended.

Briefly address each of the following criteria: Use additional sheets if necessary.

12.030(A)(1) The request is necessary to prevent unnecessary hardship.

It's extremely limited in its function in its current build. The improvements allow it to be used to its full potential.

12.030(A)(2) Development consistent with the request will not be substantially injurious to the neighborhood in which the property is located.

It's below the house structure, does not interfere with anyone's views & is not visible from any street. There is no change to the house's primary building.

12.030(A)(3) The request is necessary to make reasonable use of the property.

This allows the homeowners to take advantage of views & usefulness of the space. It also improves the property's historic character.

12.030(A)(4) The request is not in conflict with the Comprehensive Plan.

No conflict to the comprehensive plan.

Astoria Development Code Section 12.030(B) states:

In evaluating whether a particular request is to be granted, the granting authority shall consider the following, together with any other relevant facts or circumstances.

1. Relevant factors to be considered in determining whether a hardship exists include:
 - a. Physical circumstances related to the property involved;
 - b. Whether a reasonable use, similar to like properties, can be made of the property without the variance;
 - c. Whether the hardship was created by the person requesting the variance;
 - d. The economic impact upon the person requesting the variance if the request is denied.
2. Relevant factors to be considered in determining whether development consistent with the request is substantially injurious to the neighborhood include:
 - a. The physical impacts such development will have, such as visual, noise, traffic and the increased potential for drainage, erosion and landslide hazards.
 - b. The incremental impacts occurring as a result of the proposed variance.
3. A determination of whether the standards set forth in Section 12.030(A) are satisfied necessarily involves the balancing of competing and conflicting interests. The considerations listed in Section 12.030(B) (1) & (2) are not standards and are not intended to be an exclusive list of considerations. The considerations are to be used as a guide in the granting authority's deliberations.
4. Prior variances allowed in the neighborhood shall not be considered by the granting authority in reaching its decision. Each request shall be considered on its own merits.

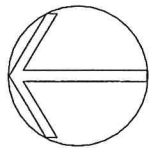
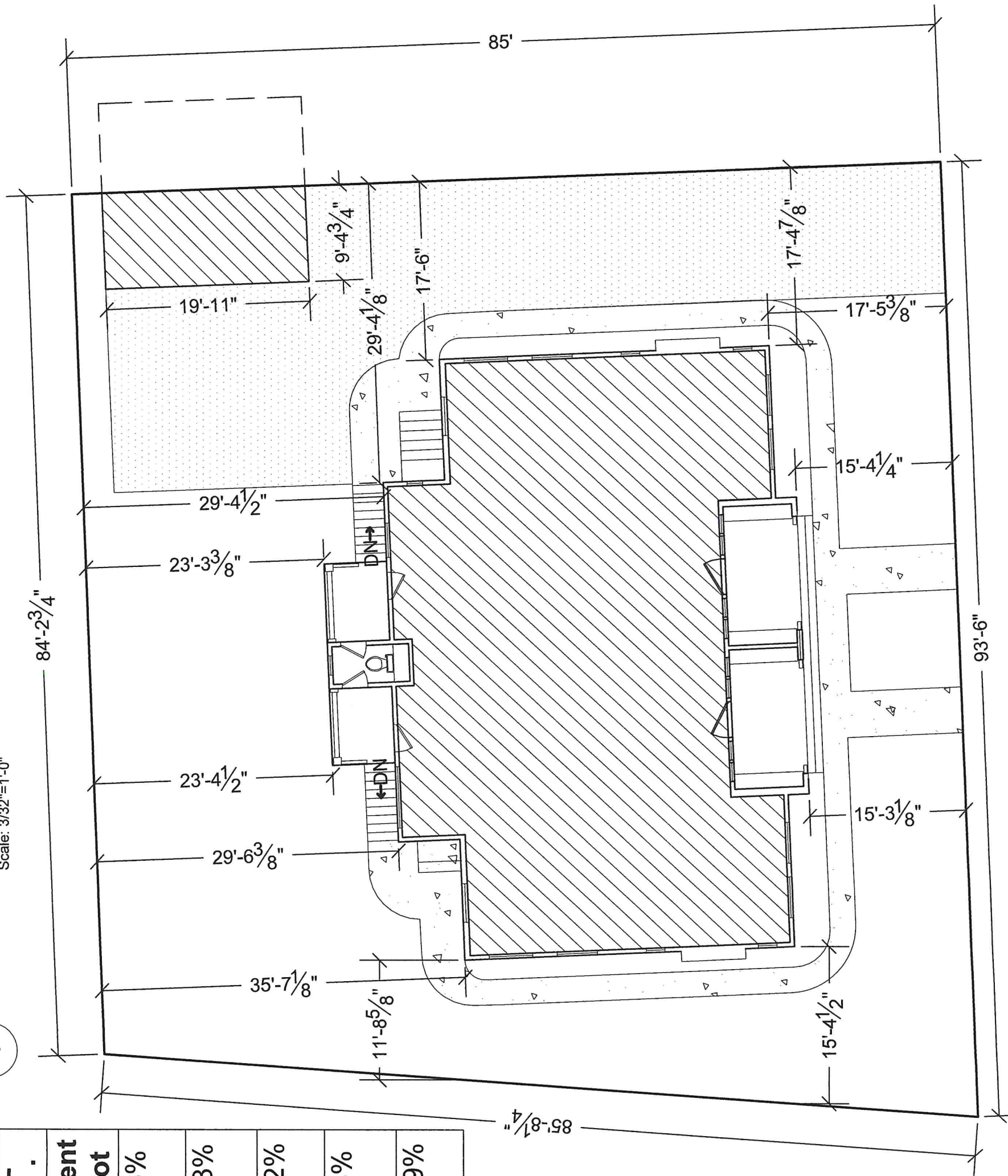
Plot Coverage

Lot Area: 7556 SQ. FT.

Coverage Type	Area Covered	Percent of Lot
Sidewalk	654.37 SQ. FT.	8.66%
Gravel Driveway	1294.15 SQ. FT.	17.13%
Primary Structure	2389.13 SQ. FT.	31.62%
Shared Garage	187.28 SQ. FT.	2.48%
Total Percentage of Lot Covered:		59.89%

1 Site Plan - Existing

Scale: 3/32"=1'-0"



Drawn by: Colter Lauersdorf

RECEIVED
OCT 15 2020
BY

1312-1316 Kensington Duplex

1312-1316 Kensington Ave. Astoria

Clatsop

OR

1 of 7
Sheet

10.8.2020
Date

Drawn by: Colter Lauersdorf

1312-1316 Kensington Duplex

1312-1316 Kensington Ave. Astoria

Clatsop

OR

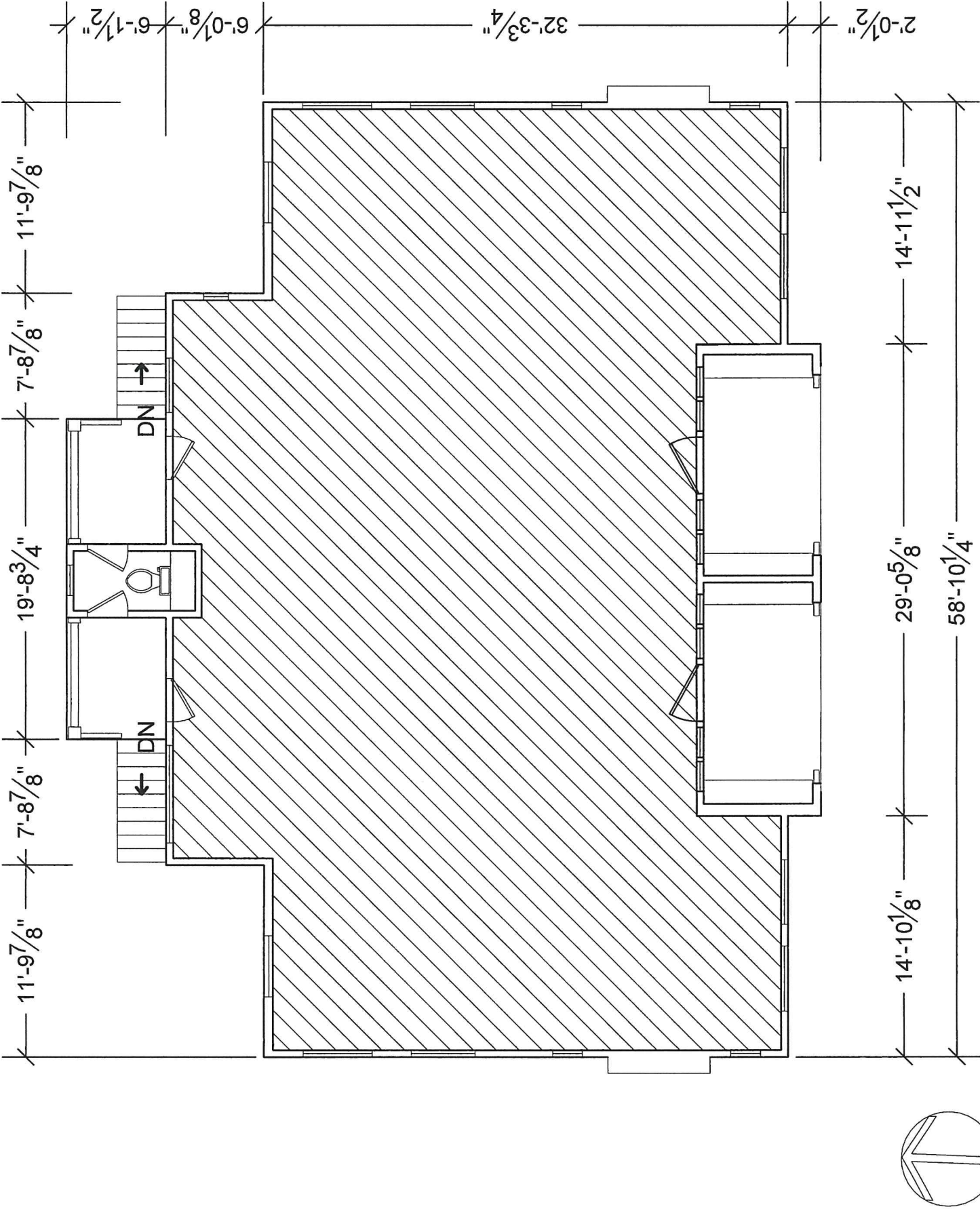
2 of 7

10.8.2020

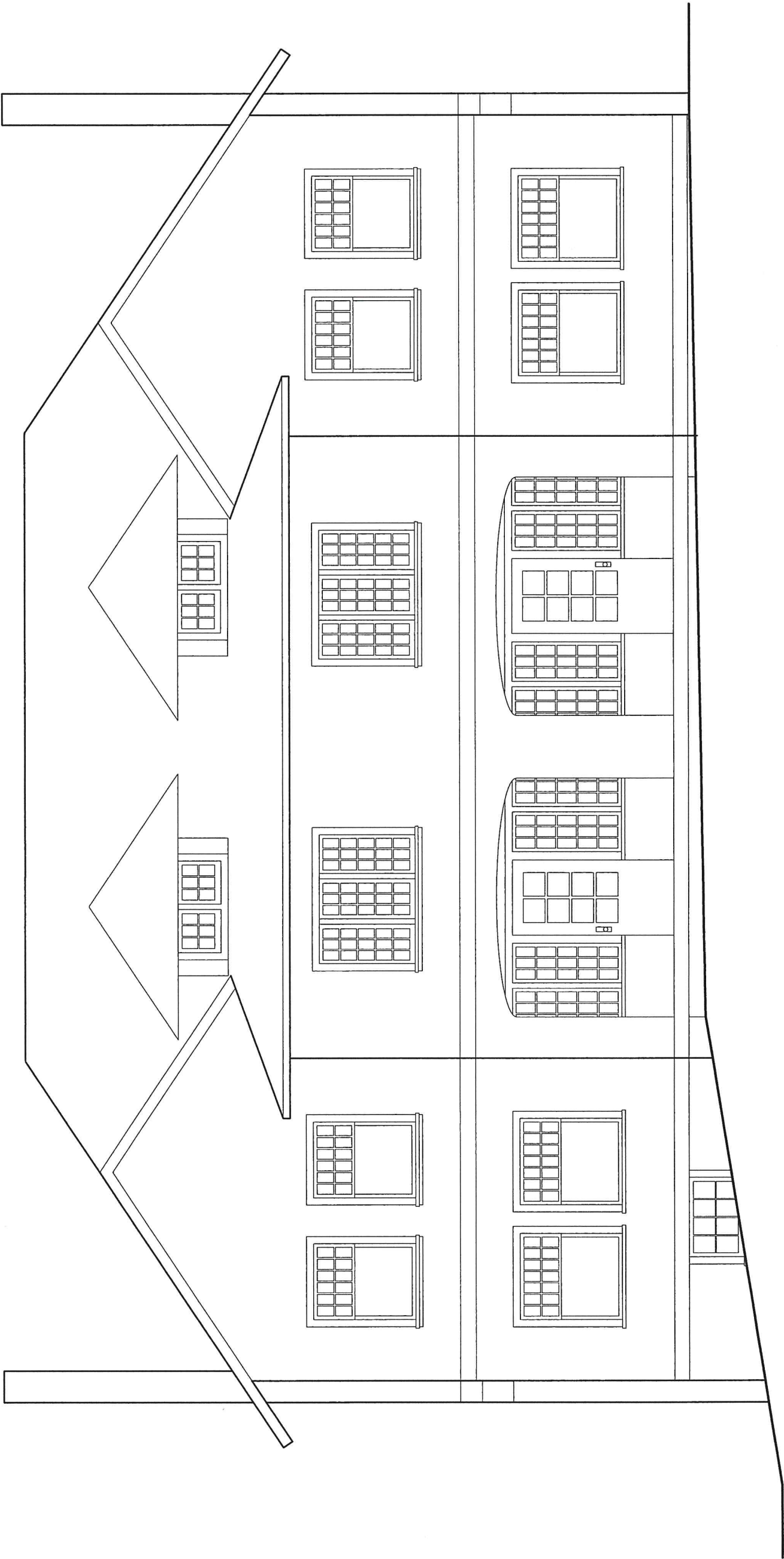
Primary Structure - Existing

Scale: 1/8"=1'-0"

2



Drawn by: Colter Lauenrodt



4 South Elevation - Existing
Scale: 3/16"=1'-0"

1312-1316 Kensington Ave. Astoria		1312-1316 Kensington Duplex		1312-1316 Kensington Ave. Astoria	
Clatsop		OR		5 of 7	
Date		10.8.2020		Sheet	
Drawn by: Collier Lauersdorf					

5

East Elevation - Existing

Scale: 3/16"=1'-0"

9'-6"

6'

Drawn by: Colter Lauersdorf

1312-1316 Kensington Duplex

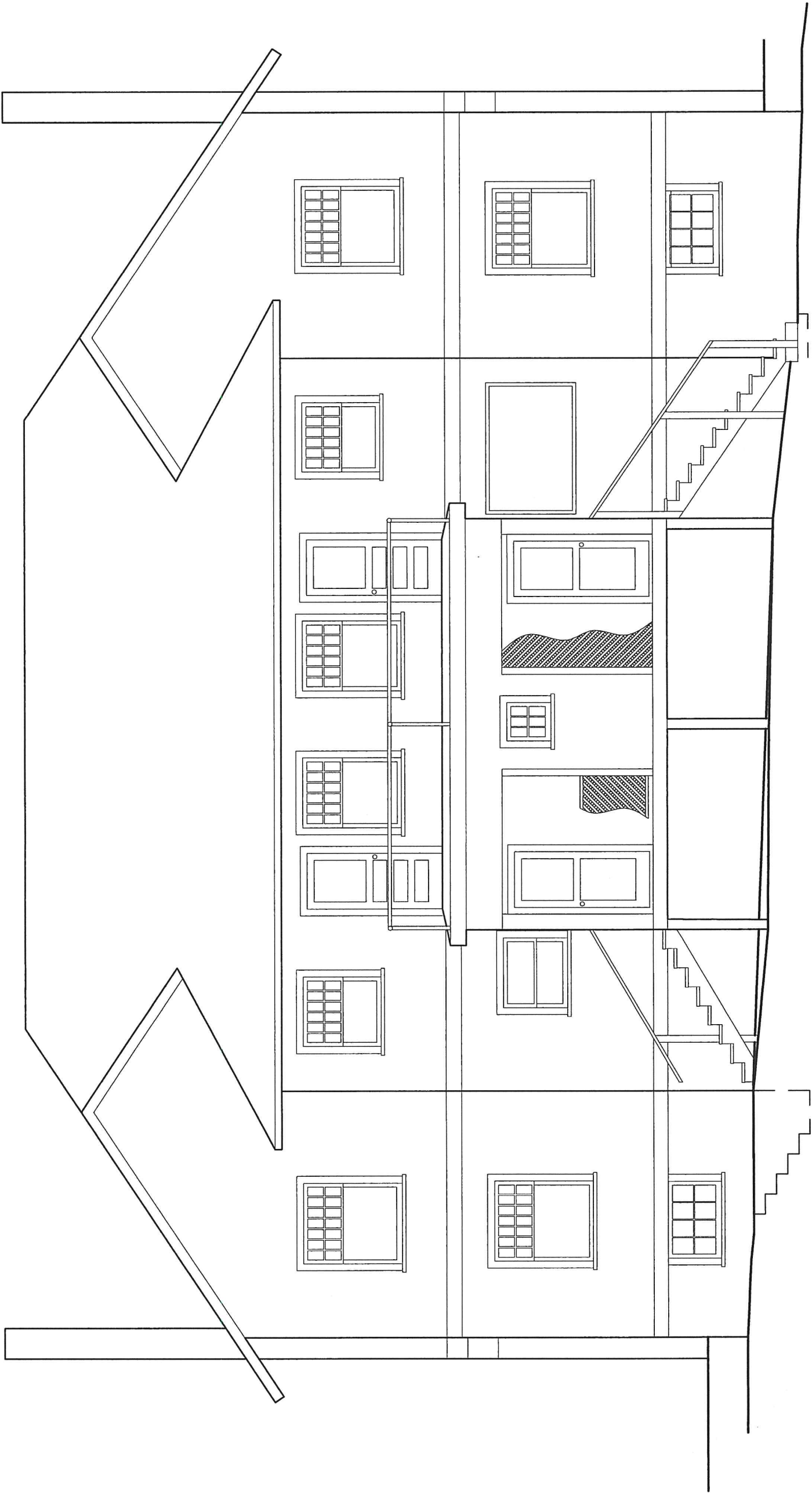
1312-1316 Kensington Ave. Astoria

Clatsop

OR

6 of 7
Sheet

10.8.2020
Date



North Elevation - Existing

Scale: 3/16"=1'-0"

6

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1312-1316 Kensington Duplex

1312-1316 Kensington Ave. Astoria

Clatsop

OR

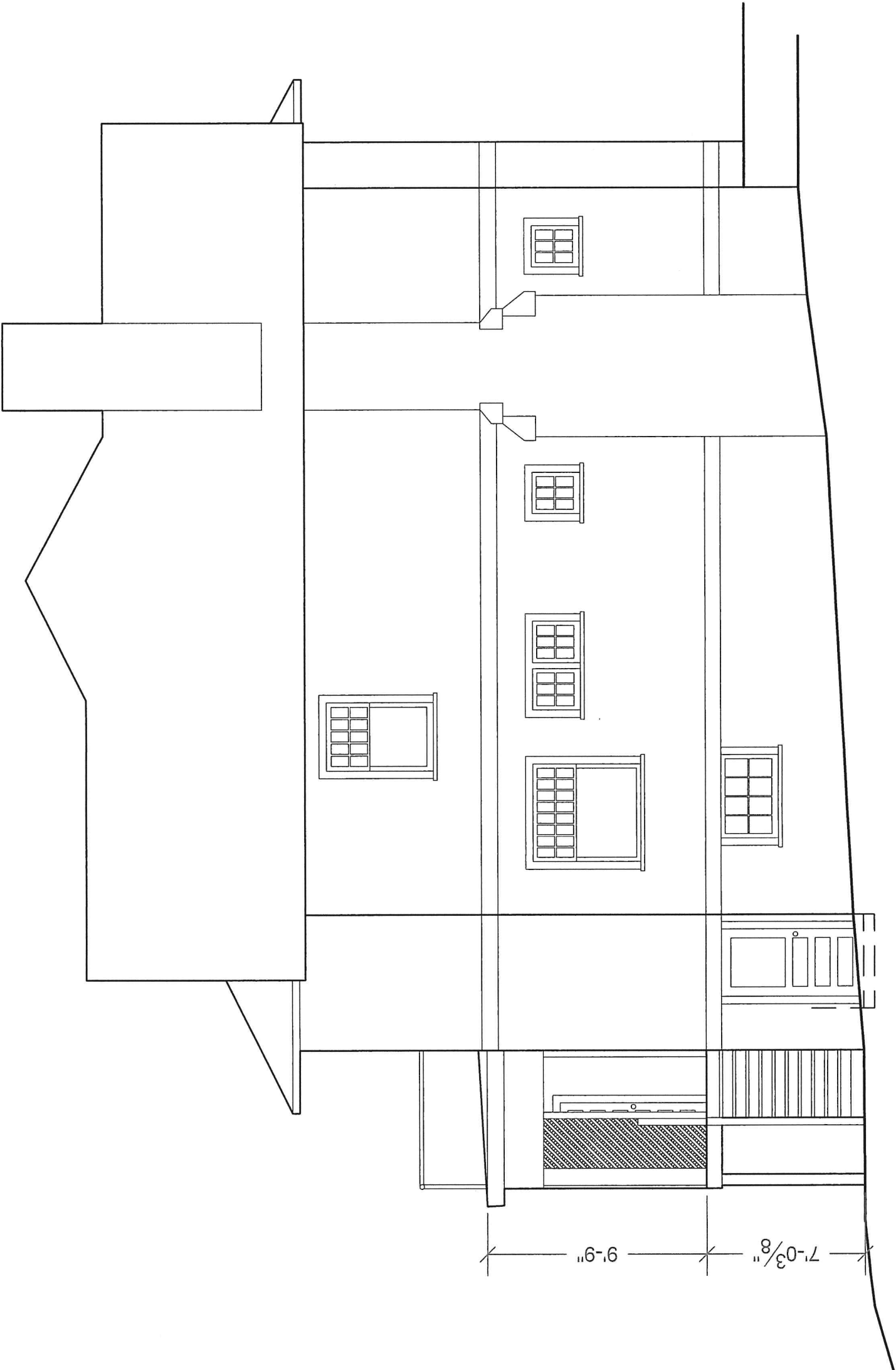
7 of 7
Sheet

10.8.2020
Date

West Elevation - Existing

Scale: 3/16"=1'-0"

7



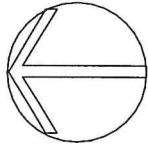
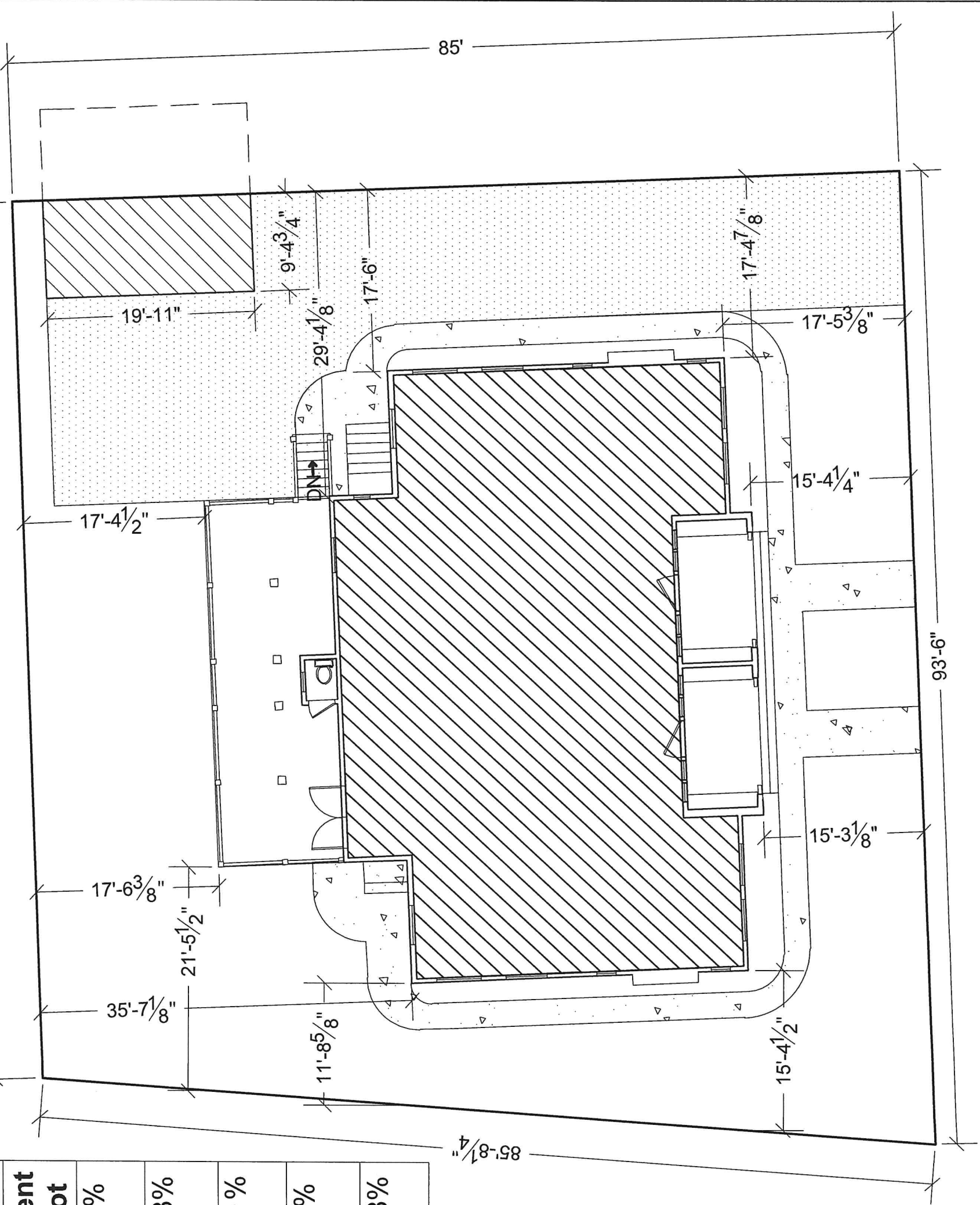
Plot Coverage

Lot Area: 7556 SQ. FT.			
Coverage Type	Area Covered	Percent of Lot	
Sidewalk	654.37 SQ. FT.	8.66%	
Gravel Driveway	1294.15 SQ. FT.	17.13%	
Primary Structure	2645.31 SQ. FT.	35.01%	
Shared Garage	187.28 SQ. FT.	2.48%	
Total Percentage of Lot Covered:		63.28%	

1 Site Plan - Proposed Changes

Scale: 3/32"=1'-0"

84'-2³/₄"



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1312-1316 Kensington Duplex

1312-1316 Kensington Ave. Astoria

Clatsop

OR

1 of 7

10.8.2020

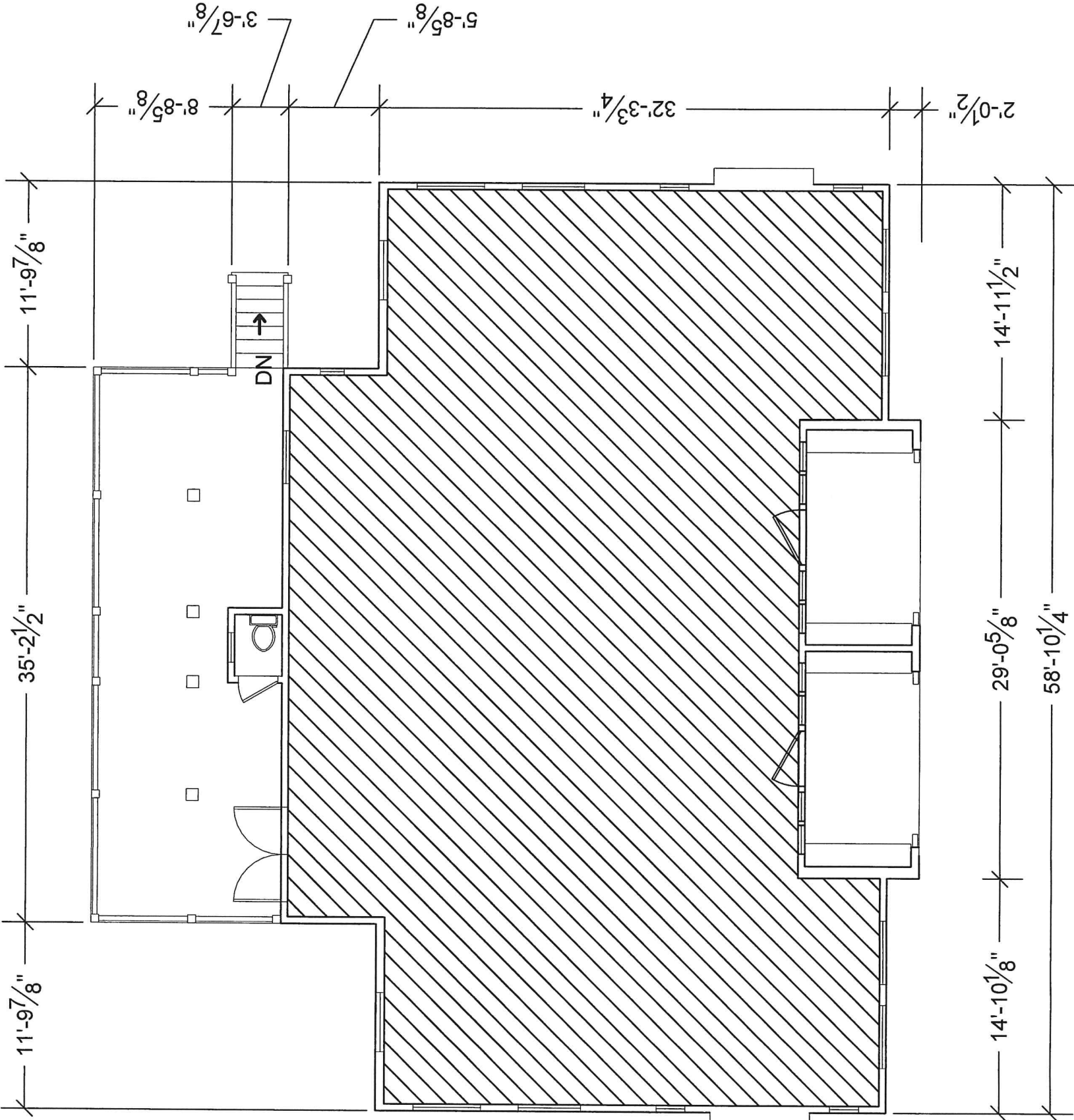
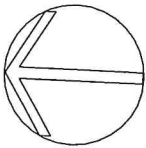
Drawn by: Colter Lauersdorf

1312-1316 Kensington Duplex

1312-1316 Kensington Ave. Astoria

Clatsop

OR



2 Porch - Proposed Changes
Scale: 1/8"=1'-0"

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1312-1316 Kensington Duplex

1312-1316 Kensington Ave. Astoria

Clatsop

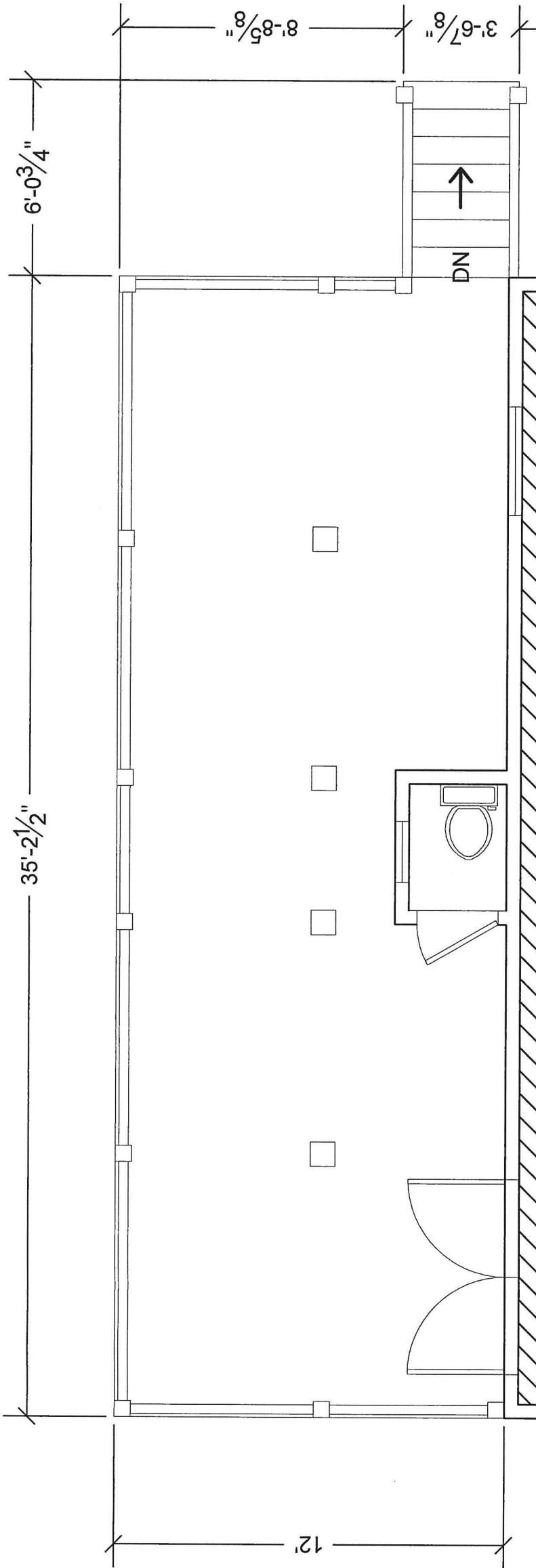
OR

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Sheet

Date
10.8.2020

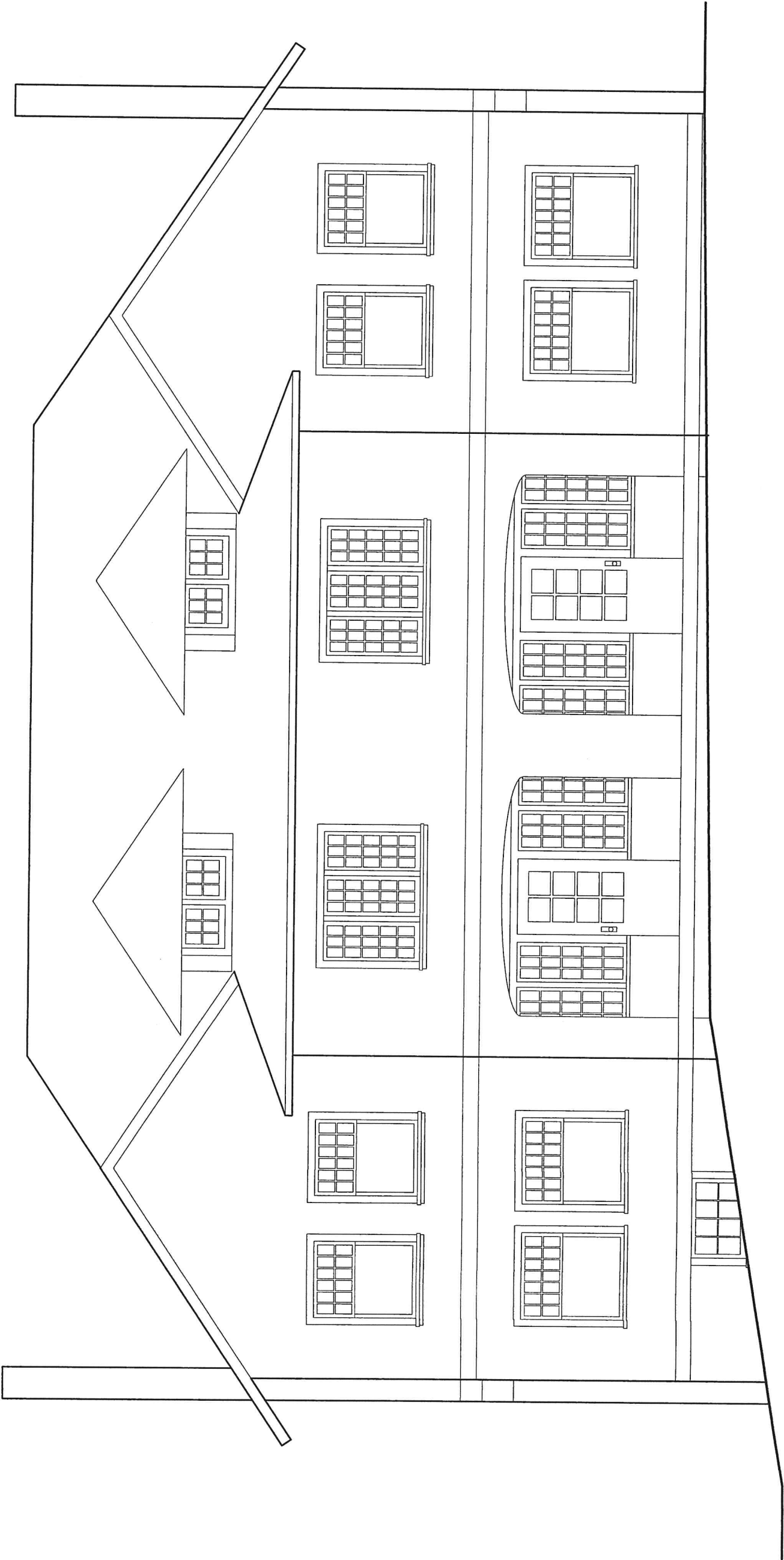
3 Porch - Proposed Changes

Scale: 1/4"=1'-0"



Drawn by: Colter Lauersdorf

1312-1316 Kensington Ave. Astoria Clatsop OR		4 of 7 Sheet
1312-1316 Kensington Duplex		
10.8.2020		Date



4 South Elevation - Proposed Changes
Scale: 3/16"=1'-0"

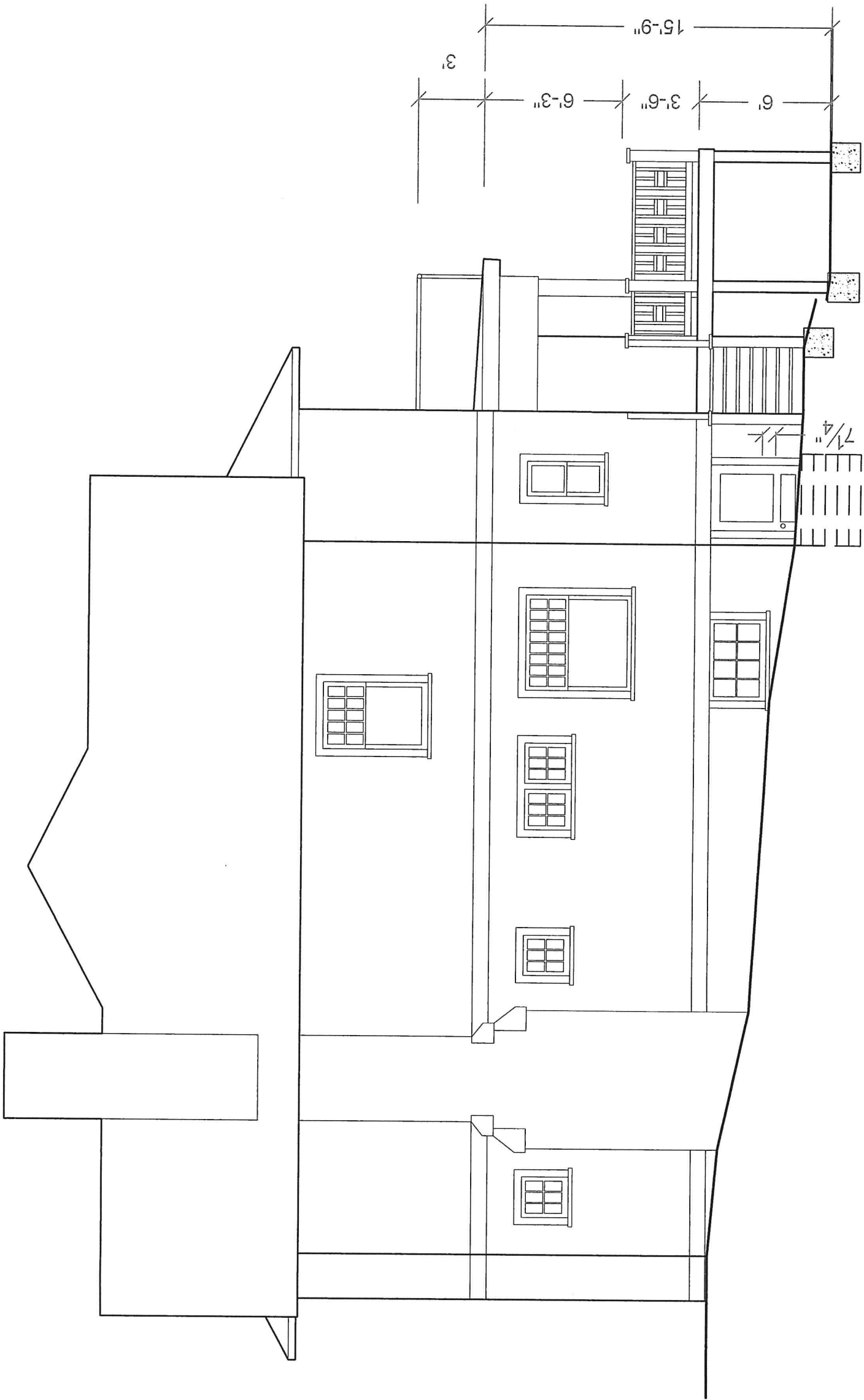
Drawn by: Colter Lauersdorf

1312-1316 Kensington Ave. Astoria
1312-1316 Kensington Duplex

Clatsop OR

Date 10.8.2020
Sheet 5 of 7

5 East Elevation - Proposed Changes
Scale: 3/16"=1'-0"



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1312-1316 Kensington Duplex

1312-1316 Kensington Ave. Astoria

Clatsop

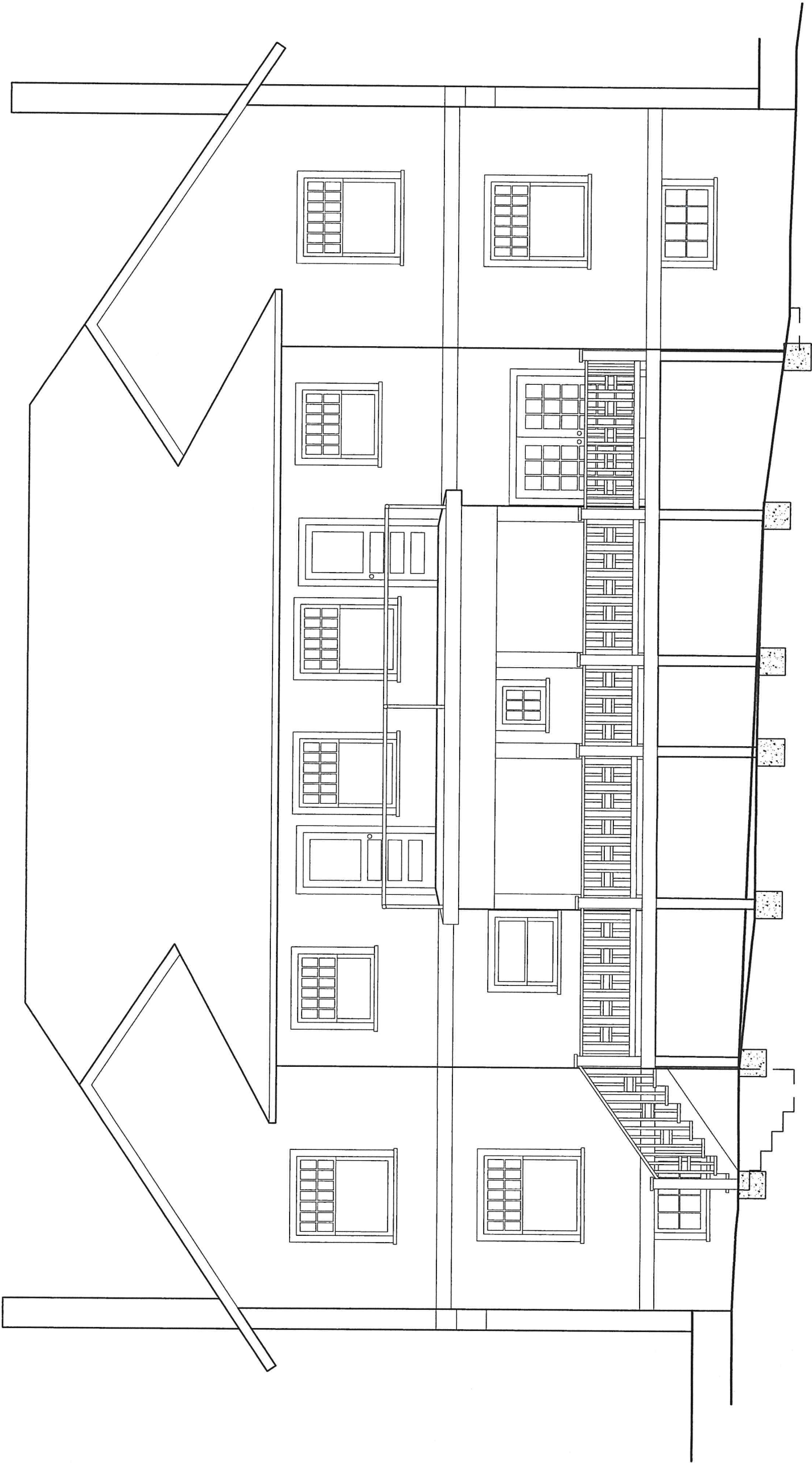
OR

Date
10.8.2020

North Elevation - Proposed Changes

Scale: 3/16"=1'-0"

6



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1312-1316 Kensington Duplex

1312-1316 Kensington Ave. Astoria

Clatsop

OR

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10.8.2020

West Elevation - Proposed Changes

Scale: 3/16"=1'-0"

7

