



STALEY CANOPY VARIANCE REQUEST

STAFF REPORT

July 2, 2020

Background/Proposal

Wanda and Kurt Staley are requesting to construct a new 24' wide x 26' deep x 12' high canopy at 406 West 2nd Ave in the General Commercial (C-2) Zone. The proposed canopy will have a backyard setback of 5 feet 7 inches, a side yard setback of 3 feet 7 inches and 6 feet 8 inches between carport and the house (where the utility lines are located).

Ritzville City Code 11.45.030, General Commercial (C-2) Zone Development Standards, requires a minimum building setback of 10 feet for the front, side and back of the property with no maximum lot coverage requirement. The height of the building structure cannot exceed 45 feet. This application does not meet the setback requirements and requires a variance request.

In order for a building permit to be issued for the canopy, a variance is necessary due to the application exceeding the setback requirements.

Remaining Process for the Application

- 1) After conducting the public hearing, the Planning Commission must make the following findings of fact in order to approve the application (Ritzville City Code 11.195.030):
 - a) The strict application of title 11 to this property would result in extreme difficulty, unnecessary hardship, or the inability of an owner to use land for the purposes allowed in the zone in which it is located for reasons of physical peculiarity.
 - b) The granting of such variance would not be detrimental or injurious to the property or improvements in the general vicinity and district in which the property is located.
 - c) The granting of the variance would not grant special privileges to the landowner that is in conflict with the purposes of title 11.

If the Planning Commission cannot in good faith make the above determinations, they must reject the request.

- 2) After a determination is made by the Planning Commission, a "notice of decision" must be published.
- 3) Ten days after the publication of the notice of decision and payment of the expenses, a building permit may be issued if the request is approved unless the decision is appealed.

Facts that Would Support Approval of the Request

- 1) The house is located in the General Commercial C-2 zone where the Ritzville City Code Section 11.45.030 provides that the minimum side and back yard setback of ten feet. While the proposed canopy does not meet the zone setback requirement of 10 feet in the back yard, it does meet the fire code requirement of at least 5 feet. The side yard setback of 3 feet and 7 inches does not meet any of these two requirements.
- 2) The canopy will be placed 6 feet and 1 inch from the tool shed due to the utility lines running parallel to the tool shed. Due to the placement of these utility lines, the proposed canopy will have 3 feet 7 inches on the side yard. The proposal includes placing gravel on the neighbor's side yard, which will create 8 feet of access for the side yard.
- 3) The house is located in a zone with mixed use of businesses and residential homes. Houses located on West 2nd Ave were built with 5 feet side yard setbacks with 10 feet between each house. All city residential zones allow for a 5 feet side yard and Residential Zones 1 and 2 allow for a five feet back yard.

Submitted by: Julie Flyckt, Clerk-Treasurer