

**CITY OF CRAIG  
PLANNING COMMISSION**

Staff Report  
January 20, 2023

Applicant: Richard Trojan

Requested Action: Conditional Use Permit

Location: Lot 8, Tract 6, Axmaker Subdivision (502 Hilltop Drive)

Zoning: Residential – High Density

Surrounding Uses: North: Residential – High Density  
West: Residential – High Density  
South: Residential – High Density  
East: Residential – High Density

**Analysis**

Richard Trojan owns Lot 8, Tract 6, Axmaker Subdivision and is in the process of repairing and improving his home. Mr. Trojan is proposing to place a set of stairs between the existing front porch/stair area and the existing deck on the west side of the home leading to the 2<sup>nd</sup> story on the southern end of the building. In 2015 the Craig City Council approved a change to the land development code that allows stairs and landings to be constructed in the setback with a conditional use permit.

The stairs are requested as a second fire escape as well as access to complete other construction associated with the building permit; the other stair access is located inside the home. The proposed exterior stair structure will be 12’ long, 8’ high, and 4’ wide with a landing at the top that is 5’ long and 7’ wide. If the structure is built flush with the existing deck as depicted, the structure will be built up to 5’ into the setback based on as-built dimensions (as apposed to the 3’ suggested by the drawings). There is a five foot utility easement on the west side of the property.

Richard Trojan previously was awarded a variance in 2010 to expand the garage at the front of his home (west side) and the storage area under the kitchen nook on the back of the house (east side) within the 10’ setbacks. Before that, another variance was approved allowing construction into the setback according to the 2010 variance. Richard Trojan lives on a triangular-shaped lot that quickly tapers from 75’ at its widest end to the north to 0’ in the south. These constraints were considered during the issuing of the 2010 building permit.

Although limited, the existing location where the stairs are intended to go provides some parking. As indicated in the last attached drawing, there are four parking spaces that meet the minimum parking requirement of 8x20ft while allowing for ingress/egress. On checking with

the Craig Police Department, no parking complaints had been reported on the Trojan property.

Other parts of Mr. Trojan's remodeling project, which are listed in his building permit, include replacing the southern wall of his home and adding walls and a roof to the 2<sup>nd</sup> story deck to create a greenhouse/sunroom. According to Mr. Trojan, the southern wall has a history of rotting out due to wind-driven rain and this will be the third time that wall will be repaired/replaced. Mr. Trojan hopes that by constructing an enclosed area on the upper deck, the main wall will be protected from driving wind/rain. This enclosed area does not encroach into the setbacks. The first story deck underneath will remain open. The City of Craig has a building permit from 2006 for replacement/repair of a rotten deck.

Per 18.06.002 of the LDC, the following criteria shall be met before a conditional use permit may be issued:

1. That the proposal is consistent with the Craig Comprehensive Plan, the Craig Coastal Management Program, the Craig Municipal Code, and other applicable ordinances.
2. That the proposed use is conditionally permitted in the zone.
3. That the proposed use is compatible with other existing or proposed uses in the area affected by the proposal.
4. That the proposed use would not create noise, odor, smoke, dust, or other objectionable pollutants creating impacts on surrounding areas.
5. That the proposed use would not affect the health and safety of persons or property.
6. That the location, size, design and operating characteristics will mitigate conflicting uses.
7. That unsightliness, building height, or structural incompatibility would not significantly affect surrounding areas or the designated viewshed.
8. That the proposal would not have a significant detrimental effect on property values in the area.
9. That all utilities required by the proposed use are adequate or will be made adequate by the applicant at no additional expense to the city and will not interfere with utility capacity to serve other areas of the city.
10. That access is adequate to serve the additional volume and type of traffic generated and would not threaten health and safety by significantly altering traffic volumes and patterns.
11. That adequate off-street parking is provided. (See Chapter 18.14, Parking.)
12. That the proposed use would not degrade land, air, water, or habitat quality.
13. That the proposed use will not interfere with the efficiency of, the planned expansion of, or access to water dependent or water related uses unless: 1) there is a documented public need for the proposed use, 2) no alternative site, and 3) the public good will be served better by the proposed use than by the water dependent or water related use.
14. That other relevant objections made evident at the public hearing are addressed.

15. That the proposed use and development do not disturb trees or shrubs which are designated for habitat or resource protection; wind, noise, sediment, or pollution buffers; recreation or open space; protection from natural hazards, watershed protection, or visual considerations unless a plan is approved which will mitigate potential adverse impacts.

Criteria 1-13 and 15 of this section are met. Criteria 14 can be met at the conclusion of the public hearing. Further discussion of Criteria 11 may be warranted. There may be additional public comments on this issue at the hearing on the 26<sup>th</sup>.

**Recommendation**

That the planning commission adopt Resolution 610-23-PC granting a CUP to Richard Trojan to construct stairs and landings within the 10' setback on a Lot 8, Tract 6, Axmaker Subdivision subject to the following conditions:

1. that the conditional use permit is not transferable to another individual or location;
2. that the stairs and landing must remain open with no walls or roof;
3. that no construction may take place within the 5' utility easement;
4. that all parking will be off-street.;
5. this permit will expire February 29, 2024;
6. that this conditional use permit is voidable by the City of Craig, at its sole discretion, if the applicant is unable to meet the above conditions.

CITY OF CRAIG  
PLANNING COMMISSION  
RESOLUTION 610-23-PC

GRANTING A CONDITIONAL USE PERMIT TO MR. RICHARD TROJAN TO CONSTRUCT STAIRS AND LANDINGS WITHIN THE 10' SETBACK ON LOT 8, TRACT 6, AXMAKER SUBDIVISION.

WHEREAS, the Planning Commission held a public hearing on January 26, 2023; and,

WHEREAS, public notice was given in accordance with Section 18.06.002 of the Craig Land Development Code; and,

WHEREAS, the Planning Commission finds that the specific criteria of Section 18.06.002 of the Craig Land Development Code are met as follows, subject to the conditions listed below:

1. That the proposal is consistent with the Craig Comprehensive Plan, the Craig Municipal Code, and other applicable ordinances.
2. That the proposed use is conditionally permitted in the zone.
3. That the proposed use is compatible with other existing or proposed uses in the area affected by the proposal.
4. That the proposed use would not create noise, odor, smoke, dust, or other objectionable pollutants creating impacts on surrounding areas.
5. That the proposed use would not affect the health and safety of persons or property.
6. That the location, size, design and operating characteristics will mitigate conflicting uses.
7. That unsightliness, building height, or structural incompatibility would not significantly affect surrounding areas or the designated viewshed.
8. That the proposal would not have a significant detrimental effect on property values in the area.
9. That all utilities required by the proposed use are adequate or will be made adequate by the applicant at no additional expense to the city and will not interfere with utility capacity to serve other areas of the city.
10. That access is adequate to serve the additional volume and type of traffic generated and would not threaten health and safety by significantly altering traffic volumes and patterns.
11. That adequate off-street parking is provided.
12. That the proposed use would not degrade land, air, water, or habitat quality.
13. That the proposed use will not interfere with the efficiency of, the planned expansion of, or access to water dependent or water related uses unless: 1) there is a documented public need for the proposed

- use, 2) no alternative site, and 3) the public good will be served better by the proposed use than by the water dependent or water related use.
14. That other relevant objections made evident at the public hearing are addressed.
  15. That the proposed use and development do not disturb trees or shrubs which are designated for habitat or resource protection; wind, noise, sediment, or pollution buffers; recreation or open space; protection from natural hazards, watershed protection, or visual considerations unless a plan is approved which will mitigate potential adverse impacts.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission grants Richard Trojan a Conditional Use Permit to construct stairs and landings within the 10' setback on Lot 8, Tract 6, Axmaker Subdivision, subject to the following conditions:

1. that the conditional use permit is not transferable to another individual or location;
2. that the stairs and landing must remain open with no walls or roof;
3. that no construction may take place within the 5' utility easement;
4. that all parking will be off-street.;
5. this permit will expire February 29, 2024;
6. that this conditional use permit is voidable by the City of Craig, at its sole discretion, if the applicant is unable to meet the above conditions.

Approved this 26<sup>th</sup> day of January, 2023.

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Chairman Sharilyn Zellhuber

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Samantha Wilson, City Planner