

**CITY OF CRAIG  
PLANNING COMMISSION**

Staff Report  
August 24, 2023

Applicant: Daniel Nelson

Requested Action: Variance to allow a structure encroach up to 8 ft into the 10' sideyard setback

Location: Lot F-2, Tract F, USS 2327 (440 Hamilton Drive)

Lot Size: 15,887 SF

Zoning: High-Density Residential

Surrounding Uses: North: High-Density Residential  
West: Marine Industrial & ROW  
South: High-Density Residential  
East: High-Density Residential

**Analysis**

Daniel Nelson owns the property located at Lot F-2, Tract F, USS 2327. The property currently contains a two-story garage and single-family residential structure as well as a new structure that is intended to be used as a greenhouse. The new greenhouse is 22' x 10' and encroaches up to 8' into 10' the property setback on the north side of the lot. The structure was built without a building permit and the setback issue became apparent during review after Mr. Nelson was contacted regarding the requirement for a building permit for a structure that size. Mr. Nelson stated that he was unaware that a greenhouse would require a building permit.

Options to remedy the issue are to move the structure out of the setback, remove the structure entirely, or have a variance approved allowing the structure to encroach up to 8' into the 10' setback.

**Criteria Analysis**

Section 18.06.003 of the Craig Land Development Code lists the seven specific criteria that must be met before a variance may be granted. Daniel Nelson was informed of these criteria prior to requesting a variance.

Criteria 1. There are exceptional physical circumstances or conditions applicable to the property or to its intended use or development which make the variance necessary. *The property contains adequate room to relocate a 22'x10' greenhouse without encroaching into the side yard setback. The lot is not unusually shaped, small, or particularly steep. This criteria does not appear to be met on the basis of the application.*

Criteria 2: The strict application of the provisions of this title would result in practical difficulties or unnecessary hardship. *Mr. Nelson states that the greenhouse must be placed in its current position so as to not take up family outdoor usable space. It is unclear how easily the structure in question could be relocated as it is constructed. Again, there is adequate space to relocate a 22'x10' greenhouse on the property outside of the 10' setbacks while retaining a fair amount of outdoor usable space. This lot is significantly larger than the standard 8,000 sqft residential lot required in replats. This criteria does not appear to be met on the face of the application.*

Criteria 3: Granting the variance will not result in physical damage or prejudice to other properties in the vicinity nor be detrimental to the public health, safety or welfare. *The 10' property setbacks are enforced to ensure ease of firefighter access and limit the spread of fire across property boundaries. The structure is covered, with enclosing walls that make it a higher fire risk than other allowed, encroaching structures like stairs and landings or firewalls that either improve fire safety, improve accessibility, or both. The encroachment is also severe with nearly 80 percent of the structure occupying the 10' setback and may affect the proximity of non-structures permitted on the neighbor's side within the setback (i.e. fences). This criteria does not appear to be met on the face of the application.*

Criteria 4: Granting the variance is consistent with the objectives of the comprehensive plan. The proposed use, zoning and location are consistent with the Craig Comprehensive Plan. *Greenhouses are allowed within residentially zoned areas and are consistent with objectives of the comprehensive plan. This criteria appears to be met on the face of the application.*

Criteria 5: The special conditions that require the variance are not caused by the person seeking the variance. *The encroaching structure was erected by the applicant without a building permit. The conditions requiring the variance have been caused by the applicant. This criteria does not appear to be met on the face of the application.*

Criteria 6: The variance will not permit a land use in a zone in which that use is prohibited. The proposed use and construction is allowed in the zone that the property is located in. *Greenhouses/accessory buildings are allowed uses on high-density residential properties. This condition is met on the basis of the application.*

Criteria 7: The variance is not sought solely to relieve monetary hardship or inconvenience. *The applicant's primary listed hardship is inconvenience of relocating or removing the structure. This condition does not appear to be met on the basis of the application.*

### **Recommendation**

On its face, the variance application does not appear to meet Criteria 1, 2, 3, 5, or 7. Due to the options available to remedy the situation and the lack of exceptional physical circumstances I do not recommend the variance be approved.

**CITY OF CRAIG  
PLANNING COMMISSION  
RESOLUTION 620-23-PC**

APPROVING A REQUEST BY DANIEL NELSON FOR A VARIANCE TO  
RETAIN A STRUCTURE 8' INTO THE 10' PROPERTY SETBACK.

WHEREAS, the Planning Commission held a public hearing on August 24, 2023; and,

WHEREAS, public notice was given in accordance with Section 18.06 of the Craig Land  
Development Code; and,

WHEREAS, the Planning Commission finds that the criteria as shown in Section  
18.06.003 of the Craig Land Development Code are met.

NOW, THEREFORE, BE IT RESOLVED the Craig planning commission approves the  
request for a variance to allow the encroachment of a 10'x20' greenhouse up to 8' into the  
10' property setback.

Resolution Approved this 24<sup>th</sup> day of August, 2023.

---

Chairman Sharilyn Zellhuber

---

Samantha Wilson, City Planner

**CITY OF CRAIG  
PLANNING COMMISSION  
RESOLUTION 620-23-PC**

DISAPPROVING A REQUEST BY DANIEL NELSON FOR A VARIANCE TO RETAIN A STRUCTURE 8' INTO THE 10' PROPERTY SETBACK.

WHEREAS, the Planning Commission held a public hearing on August 24, 2023; and,

WHEREAS, public notice was given in accordance with Section 18.06 of the Craig Land Development Code; and,

WHEREAS, the Planning Commission finds that the criteria as shown in Section 18.06.003 of the Craig Land Development Code are not met.

NOW, THEREFORE, BE IT RESOLVED the Craig planning commission disapproves the request for a variance to allow the encroachment of a 10'x20' greenhouse up to 8' into the 10' property setback.

Resolution Approved this 24<sup>th</sup> day of August, 2023.

---

Chairman Sharilyn Zellhuber

---

Samantha Wilson, City Planner