

**CITY OF CRAIG
PLANNING COMMISSION**

Staff Report
February 24, 2024

Applicant: James Carle

Requested Action: Variance to build an additional residential unit at street front on Commercially Zoned property

Location: Lot 3, Block 18, USS 1430 (402 Main Street)

Lot Size: 6,500 SF

Zoning: Commercial

Surrounding Uses: North: Commercial
West: Commercial
South: Public/Commercial
East: Commercial/High-Density Residential

Analysis

James Carle owns the property located on Lot 3, Block 18, USS 1430 and is looking to upgrade his residential building to a duplex by adding a second dwelling unit on ground level (street frontage). Although the property is zoned commercial, a residential building appears to have been on the site since before the zoning was established. The same is true of the two adjacent properties. According to Chapter 18.15.030 of the Craig Municipal Code, a prior existing nonconforming use may continue, but cannot be extended unless the extension reduces the non-conformity.

A mix of long-term residential and short-term housing is present elsewhere on the block. The property currently contains a single-family residential structure that is rented out long-term as a prior existing non-conforming use. Generally speaking, long-term residential use may only be present on commercially zoned property if it meets the following definition as seen in the Craig Municipal Code 18.05.005 Commercial Zone:

3. Residential uses (apartments, watchman’s quarters, etc.) accessory to other permitted uses. Residential uses within this zone must be accommodated within commercial buildings. Residential uses may not occupy street frontage at ground level.

Although residential use is generally not permitted in commercially zoned property, short term rentals are permitted either in the following forms:

- 12. Lodging (hotels, motels);*
- 15. Lodges of fraternal orders, labor and social organizations*

Or as a conditional use permit:

12. Bed and breakfast;

Although current residential uses on commercial property at street front are grandfathered-in, there is no conditional use allowance for other permanent residential use on commercial property outside the strict definition.

The existing building appears to be 720 sqft (plus 298 sqft of porch space, generally not included if unenclosed) while the proposed building would be 832 sqft (total 1,552 sqft) and built on ground level (street-front). The allowable building space after the 10' setbacks are subtracted from the total lot would be 65% of the remaining area if the property under High-Density Residential-1 standards. This means up to 2,128 sqft of lot space may be covered under residential rules. The proposed plan appears to show the 10' property setbacks being met. There appears to be adequate room to park two cars which would allow for up to three bedrooms. The applicant has stated that the current building has two bedrooms while the additional proposed unit would contain one bedroom.

Other options to meet the requirements of the code and allow for a second residential unit on the property would be to rezone the property to residential or build the second residential structure above the existing residential unit (off-street frontage). Rezoning may cause a spot zoning issue unless other neighboring property owners are also interested in rezoning their properties. Rezoning would be more likely to permanently remove commercial property from down-town wear as the proposed structure could more easily be transitioned.

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.

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 use of the property has been residential since before the zoning designation. This is also true of the neighboring properties. The applicant lists the circumstances making the variance necessary as the lack of long-term housing. This condition appears to be met.*

Criteria 2: The strict application of the provisions of this title would result in practical difficulties or unnecessary hardship. *Removing the roof and adding a second residential unit would likely be more expensive and difficult than adding a second ground-floor property. The current resident would likely be displaced during overhead construction. Rezoning may require cooperation from neighboring property owners but would be more manageable if there is interest. This criteria should be discussed further, but appears to be met.*

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. *Two*

neighboring properties appear to also have residential uses associated with them. Short-term housing is a common use on the block and is considered a normal permitted use. The applicant also states that long-term residential use is very limited and much needed in the City of Craig. This criteria appears to be met.

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. *Short-term residential use is permitted in commercially-zoned property as is residential use under the correct circumstances (generally in support of said commercial activities). The reason for the code being written the way it is would be to minimize the need for commercial activity on residentially-zoned property and maintain a healthy number of commercial properties for commercial activities. In this case, the use is already residential as are two of the adjacent properties. This criteria should be discussed further to determine if it is met.*

Criteria 5: The special conditions that require the variance are not caused by the person seeking the variance. *The residential use of the property appears to predate the commercial zoning. The lot is currently used for residential use. A duplex is a typical residential allowance. This condition appears to be met.*

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. *The proposed building type would be allowed if the use were short-term residential under uses permitted in the Craig Municipal Code as “lodging”. The type of construction does not appear to be the issue, although the long-term residential use on street frontage is the problem. This criteria should be discussed further.*

Criteria 7: The variance is not sought solely to relieve monetary hardship or inconvenience. *The applicant’s primary listed hardship is a current lack of residential housing and less professional tax. Short-term rentals are generally permitted on such properties, indicating money is not a significant factor. This criteria appears to be met.*

Recommendation

Generally, Criteria 1-3, 5, & 7 appear to be met. Criteria 4 and 6 should be discussed further. The request would be permitted normally if the proposed use were a short-term rental. The proposed structure itself and the residential use are not prohibited on commercial property. This is a variance to have an additional residential unit on street frontage. If the Planning Commission determines that the criteria are adequately met, the variance should be approved.

**CITY OF CRAIG
PLANNING COMMISSION
RESOLUTION 625-24-PC**

APPROVING A REQUEST BY JAMES CARLE FOR A VARIANCE TO EXTEND THE FOOTPRINT OF HIS RESIDENTIAL UNIT ON STREET FRONT TO CREATE A DUPLEX ON COMMERCIALY-ZONED PROPERTY.

WHEREAS, the Planning Commission held a public hearing on February 29, 2024; 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 for the extension of the current residential structure to a street-front duplex on commercially-zoned property.

Resolution Approved this 29th day of February, 2024.

Chairman Sharilyn Zellhuber

Samantha Wilson, City Planner

**CITY OF CRAIG
PLANNING COMMISSION
RESOLUTION 624-24-PC**

DISAPPROVING A REQUEST BY JAMES CARLE FOR A VARIANCE TO EXTEND THE FOOTPRINT OF HIS RESIDENTIAL UNIT ON STREET FRONT TO CREATE A DUPLEX ON COMMERCIALY-ZONED PROPERTY.

WHEREAS, the Planning Commission held a public hearing on February 29, 2024; 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 for the extension of the current residential structure to a street-front duplex on commercially-zoned property.

Resolution Approved this 29th day of February, 2024.

Chairman Sharilyn Zellhuber

Samantha Wilson, City Planner