COMMUNITY DEVELOPMENT DEPARTMENT
333 Broadalbin Street SW, P.O. Box 490
Albany, OR 97321
Ph: 541-917-7550 Fax: 541-917-7598
www.cityofalbany.net

STAFF REPORT
Adjustment (AD-01-16)
Reduction of a 25-foot Front Setback to 23.75 feet – Evangel Assembly

EXECUTIVE SUMMARY

The proposed project is an Adjustment (Planning File AD-01-16) for the reduction of a 25-foot front setback to 23.75 feet to accommodate a building addition to the Evangel Assembly Church, located at 2815 Pine Street SE (Attachment A). The Adjustment is being requested so that the new addition will match the outer wall of the existing building.

STAFF DECISION

APPROVAL with the following CONDITION of the adjustment application referenced above:

3.1 This adjustment only applies to the 1,230 square-foot building addition along the 28th Avenue frontage. It does not authorize the reduction of other setbacks for any other purpose.

APPLICATION INFORMATION

DATE OF REPORT:	October 7, 2016
REVIEW BODY:	Staff
PROPERTY OWNER/APPLICANT:	Kelly Dufour; Evangel Assembly; PO Box 1177; Albany, OR 97321
APPLICANT PLANNER:	Rich Catlin; Reece & Associates; 321 1st Avenue E, Ste. 3A; Albany, OR 97321
CONTRACTOR:	Eric Christensen; Fisher Construction; PO Box 326; Albany, OR 97321
ARCHITECT:	Don Johnson; DJ Architecture; 2411 Brighton Way, Ste. B; Albany, OR 97322
ADDRESS/LOCATION:	2815 Pine Street SE
MAP/TAX LOT:	Linn County Assessor's Map No. 11S-03W-17CB; Tax Lot 1701
ZONING:	RS-6.5 (Single Family Residential) District
EXISTING LAND USE:	Religious institution (Evangel Assembly)

NOTICE INFORMATION

Notices were mailed to surrounding property owners on September 22, 2016. At the time the comment period ended October 6, 2016, the Albany Planning Division had received no comments from neighboring residents that were notified.

STAFF ANALYSIS

Adjustment to Required Front Setback
File AD-01-16

The Albany Development Code (ADC) includes the following review criteria which must be met for this application to be approved. Code criteria are written in ***bold italics*** and are followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

Criterion (1) The adjustment is not requested to avoid a land use review process or increase density;

FINDINGS:

1.1 The property is zoned RS-6.5 (Residential Single Family), which has an average minimum lot size of 6,500 square feet. ADC 3.020 states that this district is intended primarily for low to moderate density single-family development. The Evangel Assembly Church is considered a Religious Institution. Expansions of religious institutions are allowed through a Type II Conditional Use process. A conditional use permit was granted on September 13, 2016 for a 1,230 square-foot building expansion, additional parking spaces, and the conversion of a single-family residence to a church office.

1.2 The surrounding neighborhood is fully developed and consists of single-family residences and another church. The requested Adjustment will not increase density because no new residential development is proposed.

1.3 Approval of this adjustment will not avoid a land use process or increase density.

CONCLUSION:

1.1 The adjustment is not being requested to avoid a land use review or to increase density. This review criterion is met.

Criterion (2) The need for the adjustment is created by the unusual configuration of the property, to protect natural features, due to the location of an existing structure on the site, or the site is an infill or redevelopment site less than one acre with development on both sides;

FINDINGS:

2.1 ADC 3.330 states that any new construction of an educational or religious institution shall be set back at least 25 feet from any property line adjoining or directly across public right-of-way from any residential district. The property has frontage on Pine Street SE and 28th Avenue SE, and is surrounded on all four sides with RS-6.5 zoning.

2.2 The proposed 1,230-square foot church addition is shown to have a setback of 23.75 feet from the property line abutting 28th Avenue SE; therefore, the required 25-foot setback is not met (Attachment B).

2.3 The applicant states that the proposed addition aligns with the façade of the existing church building on the site. According to City building records, the church has existed on this property since 1971 (Attachment D). In 1971, the property was zoned R-6, which had a minimum front setback of 20 feet for principal uses (Attachment E.1 – E.3). This is a pre-existing condition, which is a condition of the site that supports compliance with the second criterion.

CONCLUSIONS:

2.1 The need for an Adjustment is created due to the location of the existing church building relative to the north property line abutting 28th Avenue. This is one of the reasons stated in the second criterion that could justify the need for an Adjustment.

2.2 This review criterion is met.

Criterion (3) The adjustment is the minimum necessary to address the unusual circumstance, generally no more than 10 percent from a numeric standard, and the request is still consistent with the purpose of the zoning district and any applicable overlay districts.

FINDINGS:

3.1 The Adjustment is for a five percent (1.25-foot) reduction in the front setback for the building addition (from 25 feet to 23.75 feet). This amount is less than a 10 percent reduction from a numeric standard to the required setback for religious institutions adjoining or directly across public right-of-way from any residential district

3.2 The 5 percent reduction in the required setback is the minimum necessary to align the proposed addition with the existing building.

CONCLUSIONS:

3.1 The adjustment is the minimum necessary to address the unusual circumstance and still be consistent with the purpose of the zoning district and the applicable overlay district.

3.2 This review criterion can be satisfied with the following condition of approval.

CONDITION:

3.1 This adjustment only applies to the 1,230 square-foot building addition along the 28th Avenue frontage. It does not authorize the reduction of other setbacks for any other purpose.

ATTACHMENTS

A Location Map

B Applicant Site Plan

C Applicant's Narrative
C.1 – C.3 Findings

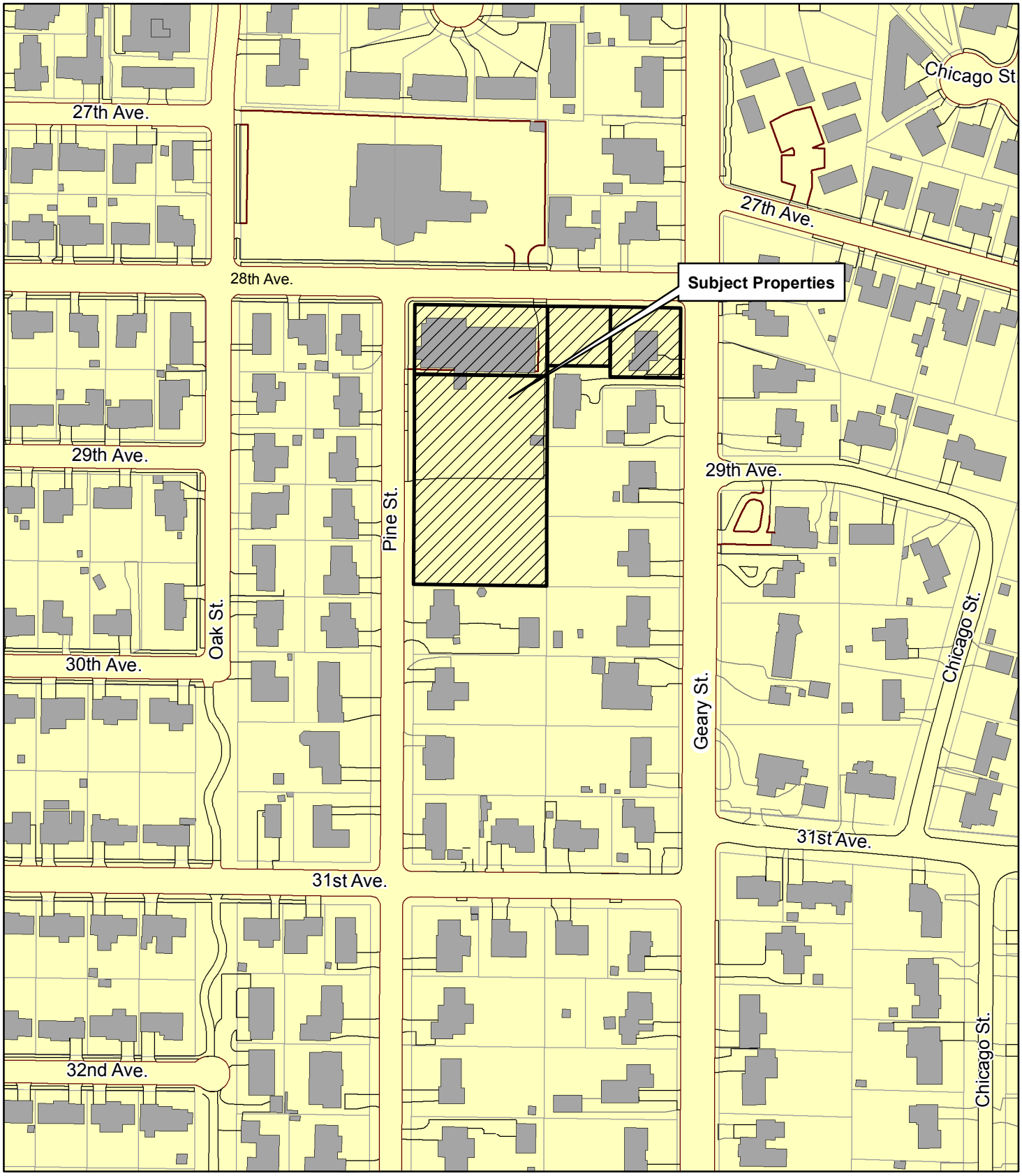
D Building Permit dated January 25, 1971

E Albany Development Code in effect in January 1971
E.1 – E.3 Chapter 1.16

ACRONYMS

AD	Adjustment File Designation
ADC	Albany Development Code
CU	Conditional Use Review
RS-6.5	Residential Single Family Zoning District (min. average lot size 6,500 sq. ft.)

Attachment A



Location Map: 2815 Pine Street SE

The City of Albany's Infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All of the data provided represents current information in a readily available format. While the data provided is generally believed to be accurate, occasionally it proves to be incorrect; thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the material provided, it is specifically advised that you independently field verify the

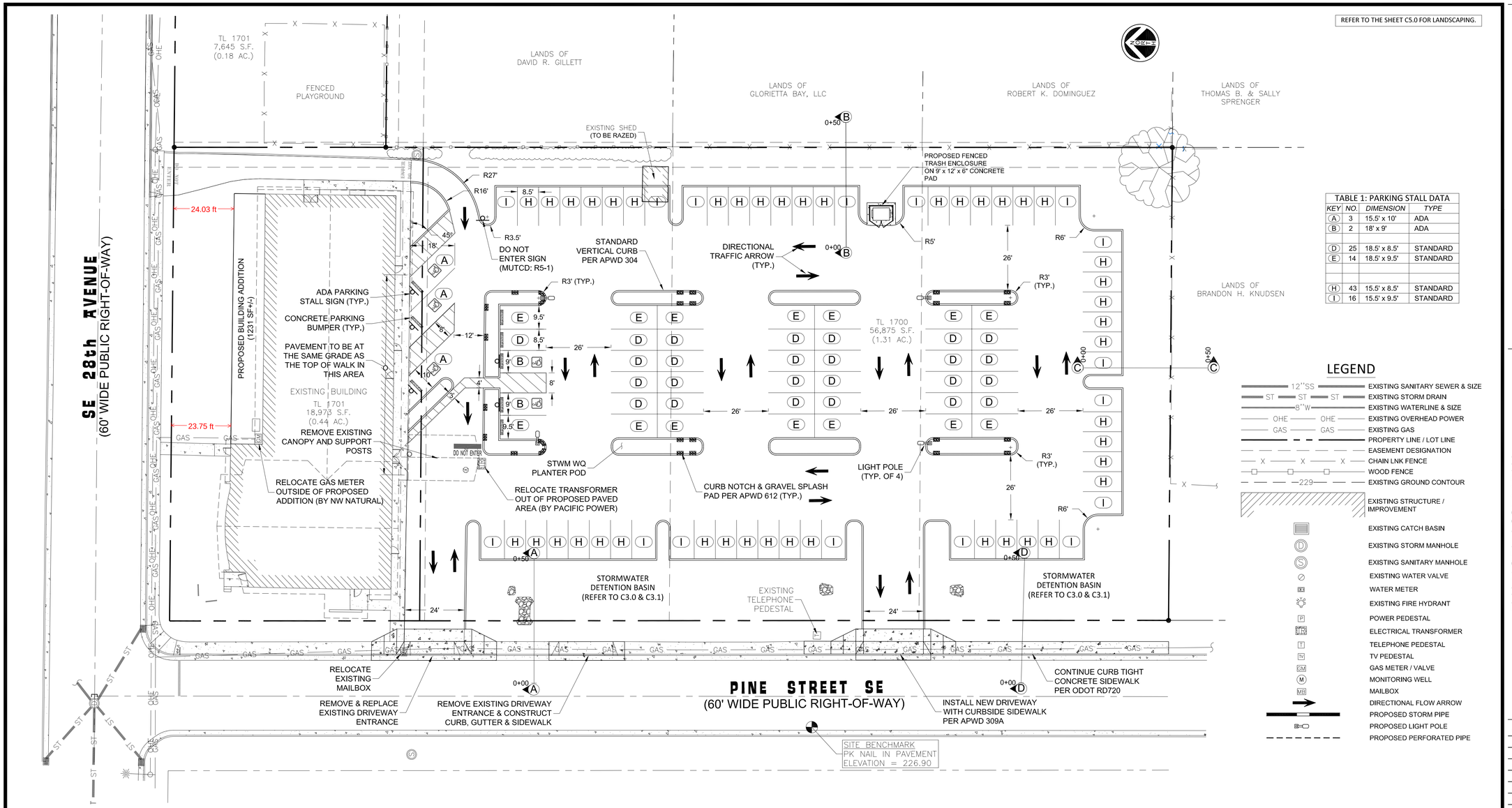
N

0 40 80 160 240 320 Feet

June 6, 2016

Planning Division

City of Albany - 333 Broadalbin St. SW, Albany, Oregon 97321 (541) 917- 7550



SITE PLAN

SCALE: 1" = 20'

TABLE 1: PARKING STALL DATA			
KEY	NO.	DIMENSION	TYPE
A	3	15.5' x 10'	ADA
B	2	18' x 9'	ADA
D	25	18.5' x 8.5'	STANDARD
E	14	18.5' x 9.5'	STANDARD
H	43	15.5' x 8.5'	STANDARD
I	16	15.5' x 9.5'	STANDARD

LEGEND

- EXISTING SANITARY SEWER & SIZE
- EXISTING STORM DRAIN
- EXISTING WATERLINE & SIZE
- EXISTING OVERHEAD POWER
- EXISTING GAS
- PROPERTY LINE / LOT LINE
- EASEMENT DESIGNATION
- CHAIN LNK FENCE
- WOOD FENCE
- EXISTING GROUND CONTOUR
- EXISTING STRUCTURE / IMPROVEMENT
- EXISTING CATCH BASIN
- EXISTING STORM MANHOLE
- EXISTING SANITARY MANHOLE
- EXISTING WATER VALVE
- WATER METER
- EXISTING FIRE HYDRANT
- POWER PEDESTAL
- ELECTRICAL TRANSFORMER
- TELEPHONE PEDESTAL
- TV PEDESTAL
- GAS METER / VALVE
- MONITORING WELL
- MAILBOX
- DIRECTIONAL FLOW ARROW
- PROPOSED STORM PIPE
- PROPOSED LIGHT POLE
- PROPOSED PERFORATED PIPE

SECTION A-A
HORIZONTAL SCALE: 1" = 10'
VERTICAL SCALE: 1" = 10'

SECTION B-B
HORIZONTAL SCALE: 1" = 10'
VERTICAL SCALE: 1" = 10'

SECTION C-C
HORIZONTAL SCALE: 1" = 10'
VERTICAL SCALE: 1" = 10'

SECTION D-D
HORIZONTAL SCALE: 1" = 10'
VERTICAL SCALE: 1" = 10'

THIS PLAN SHEET IS AN INTEGRAL PART OF THE SHEETS LISTED ON C0.0 AND IS INTENDED FOR USE IN CONJUNCTION WITH THOSE LISTED THEREON. THIS SHEET IS TO BE USED FOR SITE IMPROVEMENT PURPOSES ONLY. REFER TO THE SHEET INDEX ON C0.0 FOR THE LOCATION OF OTHER DETAILS AND SITE IMPROVEMENTS.

Reece & associates, inc.
321 first avenue east, suite 3a
albany, oregon 97321
phone: 541-926-2428
fax: 541-926-2456
PLANNING SERVICES
SURVEYING ENGINEERING

REGISTERED PROFESSIONAL ENGINEER 11,749 OREGON MAY 16, 1982 DAVID J. REECE
Digital Signature
EXP. 12/31/16

EVANGEL ASSEMBLY
SITE IMPROVEMENT PLAN

FISHER CONSTRUCTION SERVICES, INC.
2815 SE PINE STREET, ALBANY, OREGON

REV.	DATE	BY
1	07-20-16	AKV
2	08-04-16	AKV
3	09-19-16	AKV

PROJECT NO.
FCS1501

DATE	05-10-2016
DESIGNED	M. RICCITELLI
ENGINEER	D. REECE
CHECKED	A. VASQUEZ
SCALE	AS INDICATED

WARNING: IF THIS GRAPHIC BAR DOES NOT MEASURE ONE INCH (1") THEN THE DRAWING IS NOT TO SCALE!

SHEET NUMBER
C2.0

PROPOSAL SUMMARY

Request:	Application for: • Adjustment to the 25-foot front setback standard for religious assembly to allow a building addition to be located 23.75 feet from 28th Avenue.	
Location:	2815 Pine St SE (church building) 28th Avenue between Pine St SE and Geary St SE 11s03w17CB – 00300, 00301, 01700, 01701	
Applicant/ Owner:	Evangel Assembly dba Oak Creek Christian Center PO Box 1177 Albany OR 97321	Contact: Kelly Dufour (541) 926-7981 Kelly@oakcreekcc.org
Contractor/ Applicant's Agent:	Fisher Construction Services, Inc. PO Box 326 Albany OR 97321	Contact: Eric Christensen (541) 967-8043 eric@fisherconstruction.net
Architect:	DJ Architecture 2443 Brighton Way Albany OR 97322	Contact: Don Johnson (541) 926-5959 dj@djarchitecture.com
Planner/Engineer:	Reece & Associates, Inc. 321 1st Avenue Suite 3A Albany OR 97321	Contact: Rich Catlin (541) 926-2428 rich@r-aengineering.com

I. PROJECT DESCRIPTION

On September 13, 2016, the City of Albany approved a Conditional Use application to expand the classroom wing by 1,230 SF. A code review of the site plan for the Conditional Use determined that the proposed addition constituted "new construction", subject to a special setback of 25 feet to a street right-of-way facing 28th Avenue. This application was filed in response to Condition 2.7 of the Notice of Decision dated September 13, 2016 for Conditional Use (Files CU-04-16).

II. EXISTING CONDITIONS

A church building has stood at the corner of 28th and Pine for several decades. The building was constructed and occupied by the local Free Methodist congregation until the early 2000s. Later the Free Methodists leased the facility to a succession of other congregations and users including Lifetime Bible Assembly, Kidco Headstart, Sparrow House Ministries, Marantha Fellowship, and Calvary Chapel Albany.

The church is situated in an established residential neighborhood. The lots on both sides of Pine Street were platted in 1951 as the First Addition to Rodgers Acres. Sewer,

water, and storm drains were installed in 1957. Many of the houses on Pine and 28th were built in the 1960s. Houses along Gear Street date from the 1950s.

To the north across 28th Avenue is a Meetinghouse of the Church of Jesus Christ of Latter-Day Saints (1615 28th Avenue SE). This building has stood for more than 20 years. Assessor records indicate that building is 14,524 SF. The two parking lots have a combined 124 parking spaces.

The site is flat and relatively level at an elevation of 228 feet. There is perimeter fencing along all of the interior lot lines. The classroom wing would expand 13 feet to the north toward 28th Avenue so it is even with the north wall of the worship center.

The subject property and adjacent lands are zoned RS-6.5.

III. APPLICATION

A. Application Procedures

The Director determined in the Conditional Use Notice of Decision that the requested modification would be reviewed as an Adjustment.[1]

B. Application Contents

Explanation: This written narrative conveys the intent, nature and proposed use of the development. Responses to applicable criteria and standards are presented in Section IV and V of this narrative.

IV. COMPLIANCE WITH ADJUSTMENTS APPROVAL CRITERIA – ARTICLE 2, CITY OF ALBANY DEVELOPMENT CODE

There are three review criteria for Adjustments found in ADC 2.080.

A. Compliance with Criterion 1[2]

The requested Adjustment would not increase density because no residential development is proposed, nor would the requested Adjustment supplant an alternate land use review process, both of which are conditions of the first criterion.

B. Compliance with Criterion 2[3]

The proposed addition aligns with the façade of the location of the existing church building on the site, which is a condition of the site that supports compliance with the second criterion.

C. Compliance with Criterion 3[4]

[1] ADC 2.070
[2] ADC 2.080(1): "The adjustment is not requested to avoid a land use review process or increase density; AND."
[3] ADC 2.080(2): "The need for the adjustment is created by the unusual configuration of the property, to protect natural features, due to the location of an existing structure on the site, or the site is an infill or redevelopment site less than one acre with development on both sides; AND"

The requested modification of 1.25 feet is five percent of the 25-foot standard which is the minimum necessary to align the proposed addition with the existing building. It is consistent with the low-density intent of the RS-6.5 zoning district in maintaining the larger yard for larger buildings. There are no applicable overlay districts.

VI. CONCLUSION

This application narrative and the site plan demonstrate compliance with the approval criteria for Adjustment as set forth in the Albany Development Code.

///R&a September 19, 2016

[4] ADC 2.080(3): "The adjustment is the minimum necessary to address the unusual circumstance, generally no more than 10 percent from a numeric standard, and the request is still consistent with the purpose of the zoning district and any applicable overlay districts."

Attachment D

DATE 1-25-71	ADDRESS ~~[illegible]~~ ~~1115~~ E. 28TH	PERMIT NO. 5882 ~~5882~~
OWNER 28TH & PINE FREE METHODIST CHURCH		PHONE
BUILDER CHANGED TO 2810 South Pine		PHONE
PLANS BY		PHONE

DESCRIPTION OF CONSTRUCTION

OCCUPANCY C-16	CONSTRUCTION III-1 HR	FIRE ZONE III	ZONING R-5

INSPECTIONS

11 3W 17CB 1701

YARD & SET BACKS	RGH PLM UNDER OK SMITH & SON 5-12 " " TOP OK 7-15-71
FOOTING PARTIAL FOOTING OK TO POUR 5-6-71 FOOTINGS OK 5-14-71	SWR CONN OK SMITH & SON
FOUNDATION WALLS TO GRADE OK 5-4-71 FOUNDATION OK OK TO POUR FLOOR 5-12-71	REG L C/O 9-22-71
FRAMING OK 7-15-71 OK TO SHT-ROCK INSULATION OK	
FIRE REGULATIONS	
FINAL OK 9-16-71	

(ORDINANCE NO. 3588)

Chapter 01.16

(AMEND) ~~Residential R-6 Zone~~
SINGLE-FAMILY RESIDENTIAL R-1 (6)

01.16.010 Purpose Residential R-6 zones are intended to provide quiet, low density living areas of the city composed of single family residences plus certain uses such as schools, parks, churches, and other public facilities serving the residents and providing the basic elements of a balanced neighborhood. To achieve this it is necessary (1) to prohibit the intrusion of non-residential uses which would substantially interfere with the development or continuation of single family dwellings and related uses; (2) to discourage uses which would generate traffic on minor streets other than normal traffic serving residences and; (3) to discourage uses which, because of character or size, would creat requirements and costs for public service such as police and fire protection, utility supply, or street construction in excess of that required for solely single family dwellings and related uses. (Section 201.01)

01.16.020 Principal Uses Permitted Single family dwelling. (Section 201.02)

01.16.030 Accessory Buildings and Uses Permitted The following accessory buildings and uses are permitted in an R-6 zone:

A. Fences, not to exceed a height of four feet in the front yard and six feet on side and rear yard.

B. Garage, carport with setback same as main building.

C. Greenhouses or studio, not retail or wholesale with setback same as main building.

D. Guest house, servants quarters, caretakers quarters, or

any accessory building used for dwelling purposes:

1. If lot size for principal use and accessory use is 10,000 square feet.

2. With setback same as main building.

E. Woodshed, toolshed, or other utilitarian structure, with same setback as the amin building.

F. Swimming pool, tennis court or other type of home recreation facility with setbacks the same as main building. (Section 201.03)

01.16.040 Conditional Uses Permitted Any conditional use as provided in Chapter 01.72 may be permitted in an R-6 zone contingent upon conforming to regulations as set forth and when authorized by the Planning Commission in accordance with Chapter 01.72. (Section 201.04)

01.16.050 Lot Size In the R-6 zone each principal use shall have a minimum lot size as follows:

A. The minimum lot area is 6,000 square feet.

B. The minimum lot width at the front building line is 60 feet.

C. The minimum lot depth is 90 feet. (Section 201.05)

01.16.060 Setback Requirements In an R-6 Zone each principal use shall have a front, side and rear yard as follows:

A. Any setback shall comply without exception even by variance permit with arterial street setback regulations as established by ordinance.

B. The front yard shall be a minimum of 20 feet in depth.

EXCEPTION: If the setback of permanent residential buildings on adjacent lots is less than 20 feet the setback may be the average of such

front yard setbacks.

C. The side yard shall be a minimum of 5 feet in depth. On corner lots the setbacks shall be a minimum of 10 feet on the side abutting a street.

D. The rear yard shall be a minimum of 10 feet for main buildings and accessory buildings, not including fences. Fences may be located on side and rear lot lines. (Section 201.06)

01.16.070 Height of Building In an R-6 zone no building shall exceed a height of $2\frac{1}{2}$ stories or 25 feet from plate to sill except as provided for conditional uses. (Section 201.07)

01.16.080 Lot Coverage In an R-6 zone the total of all buildings above ground shall not occupy more than 35 per cent of the lot area. (Section 201.08)