



January 18, 2021

City of Bend
Planning Division
710 NW Wall Street
Bend, OR 97703

RE: Class C Building Height Variance at 2551 NW Marken Street (Lot 12 of the Marken Summit Subdivision)

Please accept this letter and attached application materials on behalf of Venture Properties, Inc. (Applicant and Property Owner) for a Class C Variance to Maximum Height for the planned single-family home at 2551 NW Marken Street (Lot 12 of the Marken Summit Subdivision).

Marken Summit (PZ-19-0683) was approved by the City of Bend on February 14, 2020. The final plat is currently under review by the City of Bend and is expected to record shortly after approval. The planned single-family home on Lot 10 is ± 32.4 feet in height. The building height exceeds the maximum height in the Standard Density Residential (RS) Zone District by ± 2.4 feet; therefore, a Class C Variance is necessary. The attached Preliminary Plans show the determination of building height in conformance with the definition of "building height" per Bend Development Code (BDC) Chapter 1.2.

The subject lot fronts along the southern side of the NW Marken Street. Lot 12 is $\pm 5,568$ square feet in area and ± 72.09 feet in width at the front property line. Lot 12 abuts Lot 11 to the west, Lot 13 to the east and Lot 18 to the south, which contains an existing single-family home to remain. The ± 30 -foot-wide open space at the western edge of the subject site was platted in 2008 to create a buffer between the Marken Heights subdivision and the subject lot's parent parcel.

The height variance is necessary due to the varied topography on the subject lot. The topography of the site presents challenges for future home design due to the significant grade change between the front and rear of the subject lot. The lot slopes up from front to back with an average grade of ± 23.5 percent.

In addition to the burden of proof narrative included below, the submittal includes the City of Bend (City) owner authorization form and fee, Preliminary Plans, Preliminary Title Report, and the approved Marken Summit Tentative Subdivision Plans necessary for the City to review and determine compliance with the applicable approval criteria. The evidence is substantial and supports City approval of the variance application.

Applicable Criteria

City of Bend Development Code

Title 2 LAND USE DISTRICTS

Chapter 2.1 RESIDENTIAL DISTRICTS (UAR, RL, RS, RM-10, RM, RH)

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2.1.800 Building Height

The following building height standards are intended to promote land use compatibility and support the principle of neighborhood-scaled design:

A. Standard. The following building heights apply to all development within the Residential District:

1. Buildings within the UAR, RL, RS, RM-10 and RM Districts may be no more than 30 feet in height.

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Response: Buildings in the RS District are typically limited to 30 feet in height. However, the significant grade change on the subject property constrains the ability to design a home that meets the maximum building height, as defined in Chapter 1.2:

Building height means the average maximum vertical height of an enclosed building or structure measured at a minimum of three equidistant points as shown on the following figure along each building elevation from finished grade to the highest point on the building or structure. The “highest point” means peak of roof for a building with a sloping roof or the top of the roof coping for a flat roof. Architectural elements that do not add floor area to an enclosed building or structure, such as parapet walls, chimneys, flag poles, bell towers, steeples, and vents, and roof equipment (including minimum screening necessary to conceal mechanical roof equipment including elevator shafts and staircases for rooftop access), and unenclosed decks and porches are not considered part of the height of a building or structure. For property located in the Water Overlay Zone (WOZ), see BDC 2.7.650(E)(4).

Therefore, a Class C variance application is necessary to allow a ±32.4-foot building height for a future single-family home on Lot 12. Applicable variance criteria are addressed in Section 5.1.400, below.

Title 5 EXCEPTIONS TO CODE STANDARDS

Chapter 5.1 VARIANCES

5.1.100 Purpose

The purpose of this chapter is to provide flexibility to development standards, in recognition of the complexity and wide variation of site development opportunities and constraints. The variance procedures are intended to provide flexibility while ensuring that the purpose of each development standard is met. Granting a variance involves discretionary decision-making requiring a Type II procedure.

Response: The average grade of the subject lot is a significant constraint that Chapter 5.1 is intended to address by providing flexibility for maximum building height through a Type II procedure.

5.1.400 Class C Variances

A. Purpose. A variance request can be specific to certain aspects of development. The purpose of this section is to provide specific criteria for reviewing certain variance requests. The specific situations identified as Class C Variances include:

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4. Variance to maximum height.

Response: BDC 1.1.900(B) makes clear that “purpose statements are informational and not standards or approval criteria.” The applicable approval criteria are addressed below. The planned single-family home on Lot 12 is ±32.4 feet in height. This exceeds the maximum height in the RS Zone by ±2.4 feet; therefore, a Class C Variance to Maximum Height is necessary.

B. Class C Variance Criteria. Class C variance requests are reviewed using the specific criteria listed below.

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3. Variance to Maximum Height. The City may grant a variance to the maximum height limitations not otherwise exempted by this code when the following criteria are met:

a. The structure is not located within the Deschutes River Corridor or the Tumalo Creek Corridor.

Response: The Marken Summit Subdivision is not located within the Deschutes River Corridor or the Tumalo Creek Corridor. Therefore, this criterion does not apply.

b. The proposed height does not create a burden on the City’s Fire Department for fire fighting requirements.

Response: The Preliminary Plans (Exhibit B) show that the building eave height facing the public right-of-way is ±28 feet, 8 inches and would not present a burden for firefighting requirements. Furthermore, NW Marken Street is designed and built to meet fire truck access requirements. The criterion is met.

c. The location, size, and design characteristics of the proposed structure shall have minimal adverse impact on the property values and livability of the permitted development in the surrounding area.

Response: Except for the height variance, the Preliminary Plans for Lot 10 show that the structure meets the development standards applicable to single-family homes in the RS District, including setbacks and lot coverage. The slope of the subject lot results in the tallest portion of the home located along the 20-foot garage setback line. As the lot slopes upward toward the back of the lot, the height from finished grade decreases.

The tallest elevation (from finished grade) of the planned home is oriented towards the NW Marken Street cul-de-sac and is located ±100 feet from the future home across the cul-de-sac. That tallest elevation is not oriented towards existing homes. Furthermore, the placement of the home at the front setback results in building height of ±26 feet, 2 inches at the rear elevation. The height at the rear of the home is under the maximum height limit and, therefore, results in no adverse visual impact to the closest existing home to remain on Lot 18.

Varied roof articulation, including covered decks and porches, as well as variation in building color and material, further minimize the perceived height of the structure, provide visual interest, break up roof massing, and achieve an attractive home design. If restricted to the 30-foot height limit along each elevation, the resulting home design would have a flat, nonarticulated roof, which would result in an unattractive building design and be inconsistent with typical architectural home styles.

For the reasons stated above, the location, size, and design of the planned home will have minimal impact on the property values and livability of the permitted development in the surrounding area. The criteria are met.

- d. The structure will provide an aesthetically pleasing and functional environment and relate harmoniously to the natural environment and existing development, minimizing visual impacts and preserving natural features to the greatest extent practical.

Response: Preliminary Plans for Lot 12 show that the structure meets the development standards applicable to single-family homes in the RS Zone, including setbacks and lot coverage. Furthermore, the residential home provides a varied yet balanced façade including varying rooflines, offsets, and projections. The subject lot is within a planned subdivision that has not yet been constructed; therefore, impacts to existing development is minimal. An existing two-story home is planned to remain directly south of the subject lot and is incorporated into the subdivision on Lot 18.

As discussed, the design of the future home includes varied roof forms, exterior building materials, projections, and offsets along the building elevations reduce the perceived height of the building. The general size, shape, and scale of the structure is compatible with the site and architectural vernacular of single-family homes in the RS Zone and is consistent with the future architectural home styles planned throughout Marken Summit. The future home minimizes visual impacts and preserves natural features to the greatest extent practicable. The criteria are met.

- e. The requested height is the minimum deviation necessary.

Response: A ±32.4-foot average building height is expected to allow for final grading and construction of the single-family home. Therefore, the requested height is the minimum deviation necessary, and the criterion is met.

- f. If the structure is located in the CB Zone, the Class B approval criteria shall also apply.

Response: The subject lot is zoned RS. The criterion does not apply.

Thank you in advance for your time and consideration.

Sincerely,

AKS ENGINEERING & FORESTRY, LLC



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Enclosures

Exhibit A – Property Owner Authorization Form

Exhibit B – Lot 12 Preliminary Plans

Exhibit C – Preliminary Title Report

Exhibit D – Approved Marken Summit Tentative Subdivision Plans