

## BEFORE THE CITY OF CASTLE ROCK HEARINGS EXAMINER

**APPLICANT:** Michael Vorse

**CITY REPRESENTATIVE:** Rachel Granrath, Consulting Planner

## **SUMMARY OF REQUEST:**

The Applicant requests a variance from the public street frontage requirements in the R-2 zoning district (CRMC 17.32.060) to allow a single point of access for a 4-lot short plat.

**LOCATION OF PROPOSAL:**

441 Front Avenue NW.

**SUMMARY OF DECISION:**

The requested variance is **approved**.

## BACKGROUND

The Applicant, Michael Vorse, was previously approved for an 8-unit condominium development at 441 Front Avenue NW. Groundwork was begun including construction of a single access/driveway for all condominium units. Subsequent to that site work, the Applicant decided to convert the property to a 4-unit short plat for development of individual single-family residences. The provisions of CRMC 17.32.060 require that each of these residential lots have public street frontage. The Applicant seeks to instead rely upon the existing access/driveway, both due to it being currently constructed and because it is believed to provide better access. City Staff agrees that the location would best be served by a single point of access

instead of separate access points for each residence and therefore recommends approval of the Applicant's requested variance. There has been no public opposition.

## **PUBLIC HEARING**

The public hearing commenced at 6:00 p.m., on Wednesday, December 3, 2025, in the Council Chambers in City Hall. The public hearing took place in a hybrid format with participants appearing both in person and remotely, with the City utilizing the Go To Meeting platform for remote participation. The City appeared through Rachel Granrath, Consulting Planner. The Applicant, Michael Vorse, appeared in person. There were no members of the public wishing to provide testimony. Brief testimony was received from Ms. Granrath and Mr. Vorse. A verbatim recording was made of the public hearing and all testimony was taken under oath. Documents considered at the time of the hearing was the Staff Report including the following attachments:

Exhibit A	September 29, 2025 Application Materials
Exhibit B	Context Plat Exhibits
Exhibit C	Comments Received
Exhibit D	Noticing Materials

No other exhibits were presented during the hearing.

Ms. Granrath testified briefly but primarily relied on her Staff Report. The property is located at 441 Front Avenue NW on the entrance into downtown. The site had previously been approved for an 8-unit condominium development but the property owner now seeks to convert this development to a 4-lot residential short plat. As an earlier condominium project, the site was required to have a single point of access. This access and associated driveway were constructed before the condominium project was discontinued. Under the requirements for R-2 zoning, the proposed 4-lot short plat must instead have public street frontage for each lot per CRMC 17.32.060. The Applicant asks for a variance from this requirement to allow the existing

access/driveway to be utilized. City Staff is in full agreement with this request. Ms. Granrath notes that the property is unusual in its shape and location: It has a triangular shape and is bordered by a public trail along the Cowlitz River, with the north side of the property bordering a public parking lot. The property is also at the entrance to downtown and in an area where multiple access points would be problematic. In short, the proposed variance would not only satisfy the City's criteria for a variance but actually would be beneficial. Ms. Granrath concluded her testimony by reviewing the standards for granting a variance and indicated that Staff finds the project, as conditioned, to satisfy all requirements for the requested variance.

Following Ms. Granrath's testimony, Mr. Vorse testified briefly and merely reiterated his request that the request be granted.

The requested variance is usually straightforward: It asks for a variance from public street frontage requirements to make use of an existing point of access that is believed to be far more beneficial than the multiple points of access that would be imposed by the City's Development Regulations. There has been no public opposition. I concur with Staff that the requested variance is well supported and should be approved.

I therefore make the following:

## **FINDINGS OF FACT**

## General Description

1. The Applicant, Michael Vorse, requests a variance in order to deviate from CRMC 17.32.060 and its requirement that lots within the R-2 zoning district shall each front upon a public street. The Applicant requests a variance from this standard to allow a single point of access from Front Street NW for use by all four proposed lots to be developed on the site.

1           2. Any Findings of Fact contained in the foregoing Background or Public Hearing  
2 Sections are incorporated herein by reference and adopted by the Hearing Examiner as his  
3 Findings of Fact.

4           3. The project site is zoned R-2, High Density Residential.

5           4. The project was previously approved for development as an 8-unit condominium  
6 development. Initial site work was undertaken and a single access/driveway was constructed.  
7 No other site improvements have been undertaken.

8           5. The Applicant now seeks to convert the site from an 8-unit condominium  
9 development to a a 4-lot short plat for single-family residential development.

10          6. The property has public right-of-way access from Front Avenue for one access  
11 point. The property is triangular in shape along Front Avenue NW and is bordered by a public  
12 trail along the Cowlitz River as well as a public parking lot to the north. The variance is sought  
13 to allow access off of the existing private road within the development versus individual points  
14 of access along the public street.

15          7. City Staff has reviewed the requested variance and finds its proposal to rely on a  
16 private internal street rather than individual access points along the public street to be acceptable  
17 and recommends approval of the requested variance subject to certain conditions found in the  
18 Staff Report.

19          8. Surrounding properties are a mix of zoning designations: Properties to the south  
20 are zoned High Density Residential; properties to the east are zoned Retail Business and Parks;  
21 and further east are zoned Low Density Residential.

22          9. The site has a future land use designation of High Density Residential in the  
23 City's Comprehensive Plan. Surrounding properties have a mix of land use designations  
24 including Downtown Commercial, Parks, and Low Density Residential.

1 10. None of the properties nearby are affected by the requested variance and their  
2 owners have not objected to it.

3 11. Unless the variance is granted, the Applicant is unable to subdivide his property  
4 as proposed.

5 12. The situation is not of the Applicant's making but is instead the result of the site's  
6 unusual shape and historic uses.

7 13. With the exception of the requested variance, the Applicant's proposed  
8 subdivision satisfies all development standards set forth in Chapter 17.32 CRMC.

9 Findings Relating to the Variance Requirements.

10 14. The Staff Report, commencing at page 5, contains Findings relating to the  
11 project's compliance with the City's standards for a grant of a variance as set forth in CRMC  
12 17.79.020. As set forth in the Staff Report, Staff finds that there are exceptional or extraordinary  
13 circumstances or conditions relating to this property that do not apply generally to other  
14 properties in the same vicinity or zoning district, and that the plight of the Applicant is unique  
15 and not the result of his own action. Staff finds that this is due to the location of Front Avenue  
16 NW relative to Huntington Avenue North (Highway 411), coupled with the site's unusual shape  
17 and its proximity to the Cowlitz River, a public trail, and public parking areas. These conditions  
18 prevent multiple access points onto Front Avenue due to safety concerns and traffic circulation.  
19 Staff adds that many other surrounding properties are similarly accessed by side streets due to  
20 some of these same reasons. The Hearing Examiner concurs.

21 15. Staff also finds that the project site cannot be reasonably used and cannot yield a  
22 reasonable return unless the requested variance is granted, and that the variance is necessary for  
23 the preservation and enjoyment of a substantial property right possessed by owners of other  
24 property in the same vicinity. Staff notes that this property cannot be subdivided nor even used  
25

1 for development of a single-family home without deviation from the standards imposed by  
2 CRMC 17.32.060. The Hearing Examiner concurs.

3       16. Staff finds that the variance would not be materially detrimental to the public  
4 welfare, nor injurious to nearby property, nor essentially different from the provisions of the  
5 district it is located in. To the contrary, Staff finds that granting the variance will be in the  
6 public's best interest as it will avoid problematic traffic issues if direct access was required. Staff  
7 also notes that there has been no public opposition to the request. The Hearing Examiner  
8 concurs with these Findings.

9       17. Staff finds that the variance will not adversely affect the Comprehensive Plan or  
10 any other studies and that the proposed use will comply with its R-2 zoning designation. In  
11 particular, Staff notes that the project, as conditioned, is consistent with Transportation Goals 1  
12 and 4 and Transportation Policy 5, and Housing Goals 3 and 5. The Hearing Examiner concurs.

13       18. Staff therefore finds that the project, as conditioned, satisfies all of the City's  
14 requirements for a variance pursuant to CRMC 17.79.020. The Hearing Examiner adopts these  
15 Findings as his own.

16       19. City Staff recommends approval of the requested variance subject to the five  
17 conditions set forth at pages 7 and 8 of the Staff Report. The Applicant does not object to these  
18 conditions. There has been no public opposition to the request.

19           Based upon the foregoing Findings of Fact, the Hearing Examiner makes the following:

20           **CONCLUSIONS OF LAW**

21       1. The Hearing Examiner has jurisdiction over the parties and the subject matter.

22       2. Any Conclusions of Law contained in the foregoing Background Section, Public  
23 Hearing Section or Findings of Fact are incorporated herein by reference and adopted by the  
24 Hearing Examiner as his Conclusions of Law.

1           3. Any Findings herein which may be deemed a Conclusion are hereby adopted as  
2 such.

3           4. All notice requirements have been met.

4           5. A variance is required to allow the proposed lots to be accessed along a private  
5 driveway instead of public street frontage as required by CRMC 17.32.060.

6           6. As conditioned, the project is consistent with the City's Comprehensive Plan.

7           7. The project, as conditioned, is consistent with the development standards for the  
8 R-2 High Density Residential District and with the development standards set forth in Chapter  
9 17.32 CRMC.

10          8. The requested variance:

11           1. Is due to exceptional or extraordinary circumstances or conditions  
12 applying to the subject property that do not apply generally to other properties in the  
13 same vicinity or zoning district, and that the plight of the Applicant is unique and not the  
14 result of his own action.

15           2. The site cannot be reasonably used and cannot yield a reasonable return if  
16 used only in accordance with the street frontage requirements for the R-1 district, and the  
17 variance is necessary for the preservation and enjoyment of a substantial property right of  
18 the Applicant possessed by owners of other property in the same vicinity or district.

19           3. The requested variance will not be materially detrimental to the public  
20 welfare, nor injurious to nearby property, nor essentially different from the provisions of  
21 the district in which it is located.

22           4. Granting the variance will not adversely affect the Comprehensive Plan or  
23 studies associated with the Plan.

24           5. The project, as conditioned, will satisfy all other development regulations.

9. The requested variance should be **granted** subject to the conditions recommended by City Staff.

## **DECISION**

The requested variance should be **granted** subject to the following conditions:

1. Formalize a new easement in accordance with the public works standards in order to formalize the private road to serve future lots. This will be an application requirement for the short plat application.

2. The pre-application meeting for this project, which occurred on Wednesday, March 26, 2025, considered a 4-lot subdivision, should the applicant consider additional lots, unit types, or densities there should be a new pre-application meeting to discuss standards, layout, and to ensure the applicant has all necessary information to plate lots in future. Future lots shall either be a minimum of 6,000.

3. At a minimum, if multi-family development is submitted as a development the applicant must address all sections of CRMC including but not limited to: a. 17.32.080 Screening, landscaping and critical areas buffering requirements. b. 17.32.090 Off-street parking.

4. The applicant shall obtain all required building permits through Castle Rock Building and Public Works Department.

5. All local, state and federal laws shall be met.

DATED this 9 day of December, 2025.

Mark C. Scheibmeir  
City of Castle Rock Hearing Examiner