

City of West Linn
PRE-APPLICATION CONFERENCE MEETING
SUMMARY NOTES
August 20, 2009

SUBJECT: Replacing a deck on the same footprint, and adding a roof, requiring a permit to enlarge/alter a non-conforming structure at 2155 5th Avenue

ATTENDEES: Applicant: Todd Larios
Staff: Tom Soppe, Planning

The following is a summary of the meeting discussion provided to you from staff meeting notes. Additional information may be provided to address any "follow-up" items identified during the meeting. These comments are PRELIMINARY in nature. Please contact the Planning Department with any questions regarding approval criteria, submittal requirements, or any other planning-related items. Please note disclaimer statement below.

Project Details

The house, located in the R-10 zone in the Willamette neighborhood, is a non-conforming structure in that the west side of the house is less than 7.5 feet from the side property line. A small area at the front of the house is actually less than one foot from the side property line, whereas most of the remainder of the house, as well as the existing rear deck, is 5 feet from the property line (except for one small bumpout near the rear that is approximately 3 feet from the property line). Per 38.060(D), the existing deck is non-conforming as well as the house, in that decks over 30 inches in height must meet the zoning setback. The deck is over 30 inches in height (it is above a patio that accesses from a daylight basement). Replacing the deck on the same footprint and putting a roof over it constitutes the expansion of a non-conforming structure, in that adding the roof adds building height and mass to the deck area of the building.

Changes to non-conforming structures containing a conforming use, such as this structure, are governed by the criteria in 66.080(B), which follows:

B. An enlargement or alteration to a non-conforming structure containing a conforming use may be permitted subject to the following:

1. If the enlargement, in and of itself, meets all provisions of this Code, the enlargement will be permitted. This exception does not preclude design review or other applicable provisions of this Code. (ORD. 1192)

2. If the enlargement, in and of itself, does not meet all provisions of the Code, review and approval by the Planning Director for single-family structures, and by the Planning Commission for non-single-family structures under the provisions of Section

*99.060(B) is required subject to the following standards.
(ORD. 1192)*

a. The enlargement or alteration will not change the non-conformity; and

b. All other applicable ordinance provisions will be met.

As this is a single-family home, the application will be decided by the Planning Director. In the application, the applicant should emphasize that the enlargement or alteration (roofing the deck) does not change the non-conformity in that it does not bring the deck closer to the west property line, and in that parts of the house are already closer to the property line than the deck. The applicant should also demonstrate how no other code sections applicable to the site will be violated due to the proposed change.

Process

Chapter 66 governs non-conforming structures and their alterations and expansions. A site plan, narrative, and south and west elevations should be submitted with the application form and the \$800 deposit. The site plan should clearly show the required 7.5 foot setback, the location of the existing house and deck, and that the roof will be added over the replacement of the existing deck. The narrative should consist of responses to each criterion in 66.080(B). The responses must be more than "N/A"; if something does not apply the applicant must explain why.

After the application is submitted staff has 30 days to inform the applicant as to whether it is complete. If it is incomplete the applicant has 180 days from the initial application date to make it complete. Once it is complete, staff will do the required notice to neighbors and the neighborhood association, informing them of the dates that comment submissions that grant them standing will be accepted. After this required period (14 days) the Planning Director is free to make a decision. Then the Planning Director's decision will be mailed to the applicant, the neighborhood association, and all parties with standing. The applicant or anyone with standing can appeal the decision to City Council for a \$2,500 fee. If appealed a new notice will be prepared noticing a City Council hearing date. Subsequent appeals go to the state Land Use Board of Appeals (LUBA). In all the City has 120 days to exhaust all local review per state statutes, but that does not mean the process will necessarily take nearly that long. Planning Director decisions with relatively simple completeness requirements, such as this one, typically take 2-4 months. Once approved, the applicant has three years before approval lapses and is void.

DISCLAIMER: This summary discussion covers issues identified to date. It does not imply that these are the only issues. The burden of proof is on the applicant to demonstrate that all approval criteria have been met. These notes do not constitute an endorsement of the proposed application. Staff responses are based on limited material presented at this pre-application meeting. New issues, requirements, etc. could emerge as the application is developed.

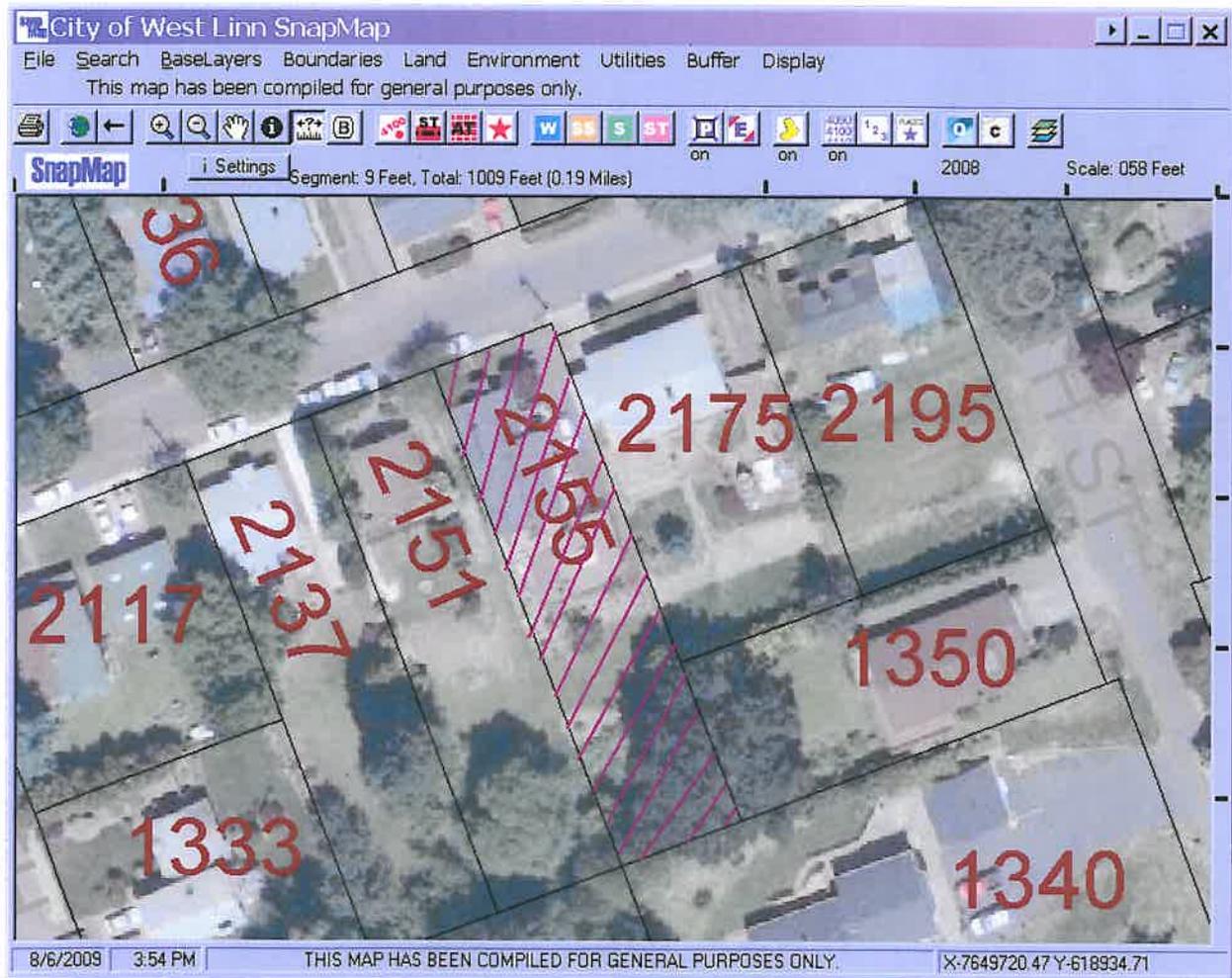
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CITY OF
**West
Linn**

**CITY OF WEST LINN
LAND USE PRE-APP CONFERENCE MEETINGS
THURSDAY, AUGUST 20, 2009
CITY HALL
22500 SALAMO RD
WILLAMETTE CONFERENCE ROOM**

**10:00 a.m. Variance-To extend roof to cover deck
2155 5th Avenue
Todd Larios
(Willamette Neighborhood Assoc.)
PA-09-15 Planner: T. Soppe**



PRE-APPLICATION CONFERENCE STAFF CHECKLIST

File # PA-0945 Date: 8-13-09

SUBJECT/PROPOSAL:

Proposal: Replace ~~existing~~ existing unfloored deck w/ roofed deck on same footprint, requiring permit to enlarge/alter an non-

Attendees: _____

Conf. structure

STAFF CHECKLIST: Site Analysis

- Staff Site Visit? Y
- In 100 year or 1996 flood boundary? N
- In HCA area along Willamette or Tualatin River? N
- Wetlands or in Wetland Transition Area? N
- In WRA/Drainageway Transition Area? N
- Significant Riparian Corridor (100' setback)? N
- Steep slopes over 25%? N
- Heavily forested or clearly significant trees (20% rule)? N

STAFF CHECKLIST: Zoning and Plan Conformance

- Zone of site? R-10
- Use allowed outright? Y by prescribed conditions? _____ by CUP? _____
- Permits required ~~Enlarge~~ Enlarge/Alter non-Conf. use

- Previous land use decisions/COAs that limit use of the site? File# N
- In Historic Residential District? N
- In Historic District Commercial Overlay? N
- Historic Landmark Structure? N Y
- Agreement with Neighborhood Plan? _____
- Non-Conforming? (setbacks, parking, landscaping, use)? W, side setback house & garage
- TPR addressed? N/A
- Parks Master Plan checked? (re: trails and pathways) N/A
- Other ped. and bike connection opportunities? N/A

CITY OF WEST LINN PRE-APPLICATION CONFERENCE

DATE OF CONFERENCE <u>8/20/09</u>	TIME OF CONFERENCE <u>10:00 8:00am</u>
FEE <u>\$350.00</u>	PROJECT # <u>PA-09-15</u>
STAFF CONTACT <u>R. Spier Soppe</u>	
(This section to be filled in by staff)	

Pre-application conferences occur on the first and third Thursdays of each month. In order to be scheduled for a conference, this form including property owner's signature, the pre-application fee, and accompanying materials must be submitted at least 14 days in advance of the conference date. Twenty-four-hour notice is required to reschedule.

APPLICANT'S NAME Todd LARIAS PHONE NO. 503-888-9419
 ADDRESS (or map/tax lot) OF SUBJECT PROPERTY 2155 5th Ave West Linn OR 97068
 APPLICANT'S MAILING ADDRESS 4804 NE 7th Ave Portland, OR 97211
 APPLICANT'S E-MAIL ADDRESS ToddLarias@yahoo.com
 BRIEF DESCRIPTION OF PROPOSAL: We'd like to ~~be~~ rebuild existing deck, and add or extend roof over newly built deck. Set backs seem to be an issue.

Please attach additional materials relating to your proposal including a site plan on paper up to 11 x 17 inches in size depicting the following items:

- | | |
|--|--|
| <ul style="list-style-type: none"> ➤ North arrow ➤ Scale ➤ Property dimensions ➤ Streets abutting the property ➤ Conceptual layout, design and/or building elevations | <ul style="list-style-type: none"> ➤ Access to and from the site, if applicable ➤ General location of existing trees ➤ Location of creeks and/or wetlands ➤ Location of existing utilities (water, sewer, etc.) ➤ Easements (access, utility, all others) |
|--|--|

Please list any questions or issues that you may have for city staff regarding your proposal:

By my signature below, I grant city staff right of entry onto the subject property in order to prepare for the pre-application conference.


 Property owner's signature

Aug 5 09
 Date

Property owner's mailing address (if different from above)

5TH AVE

178'
ELEV.

OVERHEAD UTILITY LINES

POWER POLE

SIDEWALK

SITE PLAN

SCALE: 1"=10'-0"

PROPERTY ADDRESS:
2155 5TH AVE
WEST LINN
OREGON 97068

LOT SIZE: 50' X 200'

LEGEND:

----- PROPERTY LINE

----- UTILITIES

12" DBH
CHERRY

PAVED WALK

COVERED
PORCH



4" DBH
MAPLE

CONC.

PORCH

PAVED
DRIVEWAY

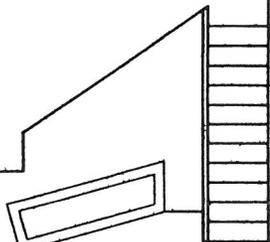
2155 5TH AVE
WEST LINN, OR
97068

A.C.

168'
ELEV.

CONTAINMENT FOR
CONSTRUCTION
WASTE

EXISTING
ELEVATED
DECK
ELEVATION +10'













PRE-APPLICATION MEETING SIGN-IN SHEET PA# 09-15

DATE: 8-20-09

NAME	ADDRESS	E-MAIL	AFFILIATION
Tom Soppe			staff
Todd Larios		ToddLarios@yahoo.com	

PLANNING ✓

ENGINEERING _____

PARKS _____