



LAND USE PRE-APPLICATION CONFERENCE

Thursday, June 7, 2012

City Hall
22500 Salamo Road

Willamette Conference Room

Time: 11:00 am **Applicant is requesting variances for existing 6-foot fencing and structure along front and side setback at 2100 Mountain View Ct**

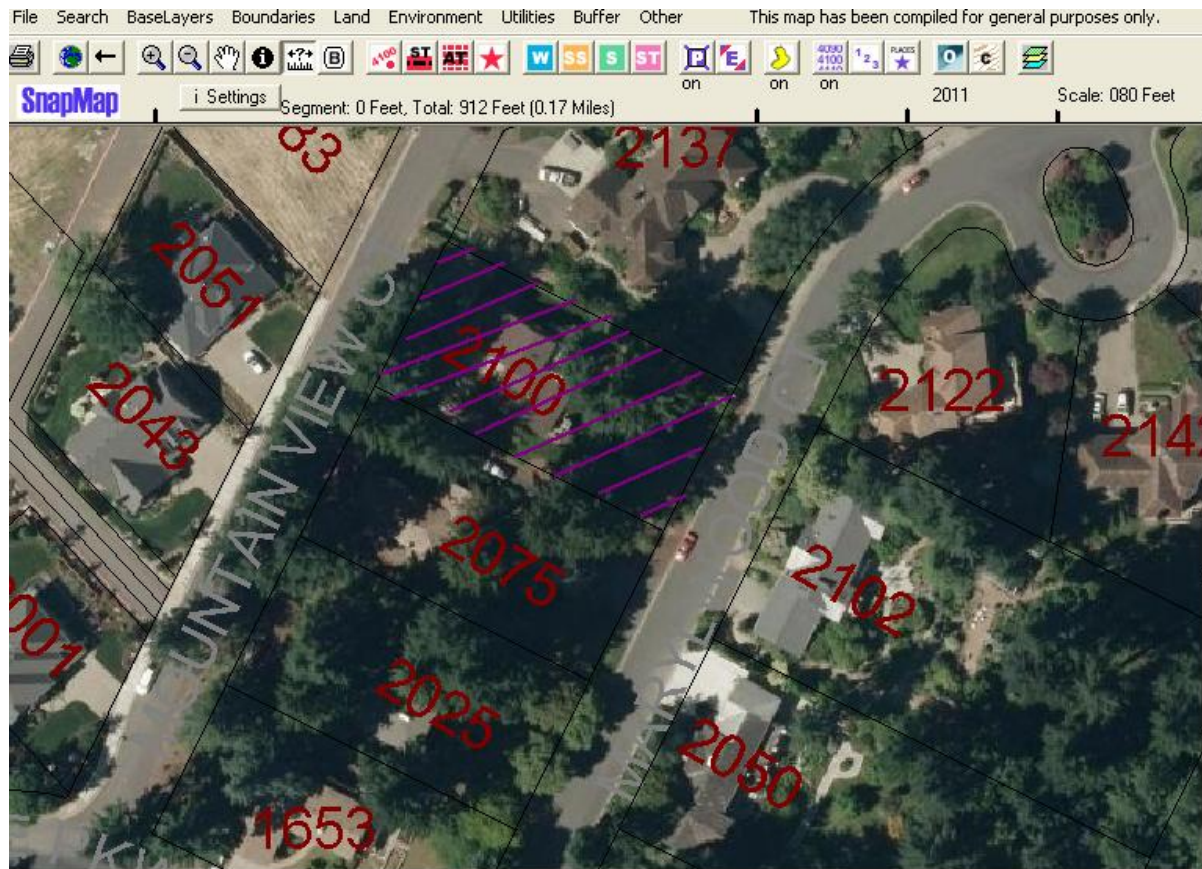
Applicant: **Brenda Abraham and Bob Straight**

Subject Property Address: **2100 Mountain View Ct**

Neighborhood Assn: **Marylhurst Neighborhood Association**

Planner: **Tom Soppe**

Project #: **PA-12-08**





PRE-APPLICATION CONFERENCE

THIS SECTION FOR STAFF COMPLETION		
CONFERENCE DATE:	6/7/12	TIME: 11Am
STAFF CONTACT:	TOM Soppe	PROJECT #: PA-12-08
		FEE: 350 ⁰⁰

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.

Address of Subject Property (or map/tax lot): 2100 Mountain View Ct.

Brief Description of Proposal: See Attached

Applicant's Name: Brenda L. Abraham

Mailing Address: 2100 Mountain View Ct. West Linn OR 97068

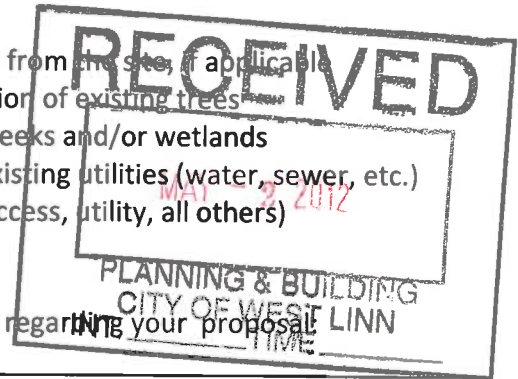
Phone No: (503) 476-5035 Email Address: _____

BOB STRAIGHT

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:

- North arrow
- Scale
- Property dimensions
- Streets abutting the property
- Conceptual layout, design and/or building elevations
- 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)

N/A
N/A



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

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

[Signature] for Brenda L. Abraham
Property owner's signature

5/2/12
Date

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

City of West Linn
Pre Application Conference Materials for Variance Request

Applicant: Brenda Abraham 503-476-5035

Owner: Brenda Abraham

Location: 2100 Mountain View Ct., West Linn Oregon – APN 00303932

Zone: R 15

Attachments:

Site map

Aerial

Vicinity Map

Neighbors' Petition

Neighbor Property Location Map

Photos

Background:

The subject property consists of a single family home which fronts the east side of Mountain View Ct, a semi-improved street with curbs/sidewalks on the west side. There are no curbs/sidewalks existing on the east side as it is not practical nor do they appear planned. A grove of large fir trees extends along the unimproved 20 ft ROW that exists between the eastern edge of Mt. View Ct and the property boundaries of neighboring residences.

With the exception of one remaining lot, located on the west side of Mt. View Ct, all of the lots are fully improved. The neighborhood consists of a mixed range of improvements from recently developed high end homes to older more established residences.

All homes on the east side of Mt. View Ct., except the subject property, front and take their primary access from Marylwood Ct. The subject property is the ONLY home on the east side of Mountain View Ct to take primary/driveway access from Mountain View Ct. For all practical purposes, the front yard of the subject property is adjacent to or in line with the back yard of all homes on the east side of Mt. View Ct.

The homeowner has constructed a 6-ft high wooden fence covering 537 lineal feet of the subject's property line with the exception of that portion

of fence fronting Mt. View Ct. That portion of the fence (30 feet) only covers 32% of the front property line. In addition, the homeowner has constructed a open-sided storage area consisting of 2 X 10 hand custom trusses and an architectural roof. It is located behind the fence fronting Mt View Ct. and provides coverage over stored items and three small kennel runs.

Upon receiving notification of issues regarding code violations the homeowner is respectfully submitting this documentation for the City's consideration.

Pre-Application Meeting Discussion Points

A Class I Decision vs. Class II Decision

Approve a 6 ft fence along 30 feet of the property line abutting the ROW for Mt. View Ct.

Approve setback provisions for a open sided storage area in accordance with 34.060 If a building permit is then required as a result of variance, homeowner will submit a request for said permit.

1. Class I vs Class II Decision

75.020 – Classification of Variances. A Class I variance will involve a small change from the zoning requirements and will have a minor effect or no effect on adjacent property or occupants.

The requested variance's involve only a small change allowing the applicant to locate a 6 foot fence along the same alignment that applies to all of the other residences on the east side of Mt. View Ct. In addition the enclosed open sided storage area as constructed presents a very small visual change to adjacent properties In fact, there are two residence's located adjacent to Mt View Ct which have an existing 6 ft fence along the same alignment, one of which also has a small enclosed shed located next to thier fence.

Approval of the variance will have no effect on the adjacent property or occupants. As documented in attachments, neighbors have signed petitions supporting this variance request. There are no public safety or continuity of development concerns. The subject fence and storage area are located more than 20 feet from the edge of the roadway – providing substantial sight distances for traffic and pedestrian concerns and preserving the cities 20 ft ROW. The fence and storage area are constructed of cedar, and match the look and feel of the neighborhood homes. The property presents a significant visual improvement over alternative of short fence. Subject storage area roof also represents a visually appealing alternative to that of a tarp covered environment.

This variance will involve a only a small change from the zoning

requirements and will have a minor effect or no effect on adjacent property or occupants therefore the appropriate approval authority is the Planning Director.

2. **FRONT FENCE HEIGHT: Variance Criteria** – Approve a 6 ft fence along 30 feet of the property line abutting the ROW for Mt. View Ct.

75.050 – Variance Criteria

A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this code, topography, or other circumstances over which the applicant has no control.

Exceptional circumstances apply to the subject property which do not apply generally to other properties in the vicinity. With the exception of subject property, all homes on east side of the street are oriented such that their back yards face Mt. View Ct. while the front yard of the subject property fronts said street. All of the neighbor's back yards are allowed 6-ft high fence immediately adjacent to subject property along Mt. View Ct. The restriction for the subject property results from the orientation of the home over which the applicant has no control.

Generally, the City ROW exists within residential property boundaries and is designed to protect city access to the ROW and provide for public safety issues. However, the ROW for the subject property extends some 20 feet beyond the subject property line along Mt. View Ct. In this case the unimproved ROW provides a 20 foot buffer between the subject property boundary and the city street. There would be no purpose served by additional setback requirements.

Topography of subject property slopes away from street which lessens impact of fence height on the adjacent neighbors.

B. The variance is necessary for the preservation of a property right of the applicant, which is substantially the same as a right possessed by owners of other property in the same zone or vicinity.

With the exception of subject property, all homes on east side of the street are oriented such that their back yards front Mt. View Ct. while the front yard of the subject property fronts said street. All of the neighbor's back yards are allowed 6-ft high fence immediately adjacent to subject property along Mt. View Ct. There are two residence located adjacent to Mt View Ct which fact have an existing 6 ft fence along the same alignment.

Granting of this variance would preserve the rights of the applicant to locate the 6 foot fence along the same alignment that would be allowed for all of the adjacent neighbors.

C. The authorization of the variance will not be materially detrimental to the purposes and standards of this code, will not be inconsistent with

all other regulatory requirements, and will not conflict with the goals and policies of the West Linn Comprehensive Plan.

The fence does not create a safety issue due to its location 20 feet back from the edge of the improved street. Future improvements to the street are not likely to occur as they are not practical. Finished curbs and sidewalks already exist adjacent to improved properties to the west of subject lot.

Approval of the variance will have no effect on the adjacent property or occupants. As documented in attachments, neighbors have signed petitions supporting this variance request. There are no public safety or continuity of development concerns. The subject fence is located more than 20 feet from the edge of the roadway - providing substantial sight distances for traffic and pedestrian concerns and preserving the cities 20 ft ROW. Height of fence provides an aesthetically pleasing alternative to a 3 foot high fence that would expose the covered storage area.

The fence is constructed of cedar, and matches the look and feel of the neighborhood homes. The property presents a significant visual improvement over the alternative of short fence.

Granting of this variance will preserve the rights of the applicant, provide for a visually appealing fence matching the characteristics of the neighborhood, and will preserve the 20 foot ROW along Mt. View Ct.

D. The variance request is the minimum variance which would alleviate the exceptional and extraordinary circumstance.

The variance request would provide subject homeowner with same rights as those that exist with adjacent neighbor's right to build in "back yard".

E. The exceptional and extraordinary circumstance does not arise from the violation of this code.

The circumstance has to do with the mixed orientation of the homes on the street and is not a violation of the code.

F. The variance will not impose physical limitations on other properties or uses in the area, and will not impose physical limitations on future use of neighboring vacant or underdeveloped properties as authorized by the underlying zoning classification. (Ord. 1442, 1999)

Approval of variance allowing for 6 ft high fence covering 30 feet of subject property front will not impose any current or future limitations on other neighboring properties.

3. OPEN SIDED STORAGE AREA Variance Criteria - Approve setback provisions for a open sided storage area located adjacent to eastern property line of 2100 Mt View Ct.

75.050 -Variance Criteria

A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this code, topography, or other circumstances over which the applicant has no control.

Exceptional circumstances apply to the subject property which do not apply generally to other properties in the vicinity. With the exception of subject property, all homes on east side of the street are oriented such that their back yards front Mt. View Ct. while the front yard of the subject property fronts said street. All of the neighbor's back yards are allowed storage areas if located 60 feet from the front (eastern) property line (Marylwood Ct). The storage area on the subject property is located more than 60 feet from the eastern property boundary (Marylwood Ct). The restriction for the subject property results from the orientation of the home over which the applicant has no control.

Topography of the subject property slopes away from street lessening impact of the storage area located behind fence.

Granting of this variance would preserve the rights of the applicant to locate the open sided storage area 60 feet from the eastern property boundary as would be allowed for all of the adjacent neighbors.

B. The variance is necessary for the preservation of a property right of the applicant, which is substantially the same as a right possessed by owners of other property in the same zone or vicinity.

With the exception of subject property, all homes on east side of the street are oriented such that their back yards front Mt. View Ct. while the front yard of the subject property fronts said street. All of the neighbor's back yards are allowed storage areas if located 60 feet from the front (eastern) property line (Marylwood Ct). The storage area on the subject property is located more than 60 feet from the eastern property boundary (Marylwood Ct).

Granting of this variance would preserve the rights of the applicant to locate the open sided storage area 60 feet from the eastern property boundary as would be allowed for all of the adjacent neighbors.

C. The authorization of the variance will not be materially detrimental to the purposes and standards of this code, will not be inconsistent with all other regulatory requirements, and will not conflict with the goals and policies of the West Linn Comprehensive Plan.

The open-sided storage area is a visually appealing amenity partially obscured by fence. The area is constructed of cedar, and matches the look and feel of the neighborhood homes. Neighbors have expressed strong support for said improvement as it avoids presenting a less appealing vision consistent with a tarp like enclosure. The open sided storage area is 20 feet back from Mt. View Ct. and more then 60 feet back from Marylwood Ct.

There are no public safety or continuity of development concerns. The storage area is located more than 20 feet from the edge of the roadway – providing substantial sight distances for traffic and pedestrian concerns and preserving the cities 20 ft ROW.

The open sided storage area therefore does not appear to be in conflict with the goals and policies of the West Linn Comprehensive Plan.

D. The variance request is the minimum variance which would alleviate the exceptional and extraordinary circumstance.

The variance request would provide subject homeowner with the same rights as those that exist with adjacent neighbor right to build in "back yard".

E. The exceptional and extraordinary circumstance does not arise from the violation of this code.

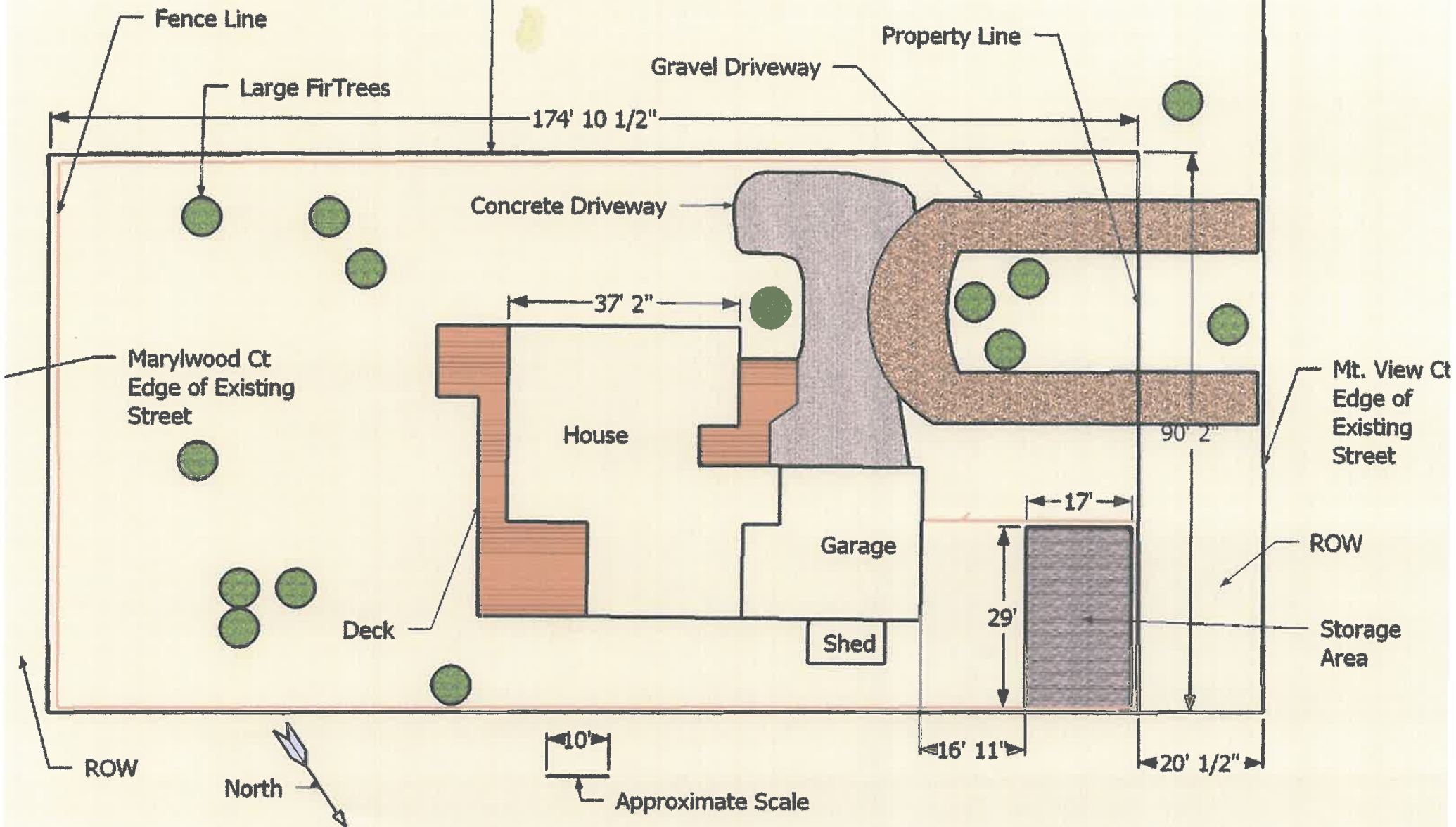
The circumstance has to do with the mixed orientation of the homes on the street and is not a violation of the code.

F. The variance will not impose physical limitations on other properties or uses in the area, and will not impose physical limitations on future use of neighboring vacant or underdeveloped properties as authorized by the underlying zoning classification. (Ord. 1442, 1999)

Approval of variance allowing for the open sided storage area on subject property front will not impose any current or future limitations on other neighboring properties.

The storage areas is located 20 feet from the edge of Mt. View Ct and more than 60 feet from the edge of Marylwood Ct. – providing substantial sight distances for traffic and pedestrian concerns and preserving the cities ROWs.

2100 Mountain View Ct West Linn, OR 97068
Brenda Abraham
503-476-5035
667 Marylhurst Heights Pt Lot 4, Block 8





2100 Mountain View Ct, West Linn, OR


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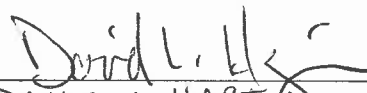
We, the undersigned all being neighbors/property owners of Brenda L. Abraham who owns the property at 2100 Mountain View Court West Linn, OR, strongly support her request for a variance of Community Development Code (CDC) 10.070 (5) (a) and (b) regarding structure setbacks and CDC 44.020(A) (1) (a) regarding front street fence height.

We firmly believe the fence height on the front of the property and the low profile roof constructed to protect the homeowners property are worthy of a variance to the existing codes. We do not view these improvements to be a detriment or safety concern to our neighborhood. They are preferable to the alternative of viewing temporary tarps that may be staked, tied or weighted to the ground that would be allowed per the Municipal Code Section 5.4.

Respectfully submitted,


Gaithan Sehgal
2051 Mountain View Ct
West Linn - 97068

ROBERT KAO
2200 Mountain View St.
West Linn 97068


DAVID L. HARJU
2075 MARYWOOD CT.
WEST LINN, OR 97068

We, the undersigned all being neighbors/property owners of Brenda L. Abraham who owns the property at 2100 Mountain View Court West Linn, OR, strongly support her request for a variance of Community Development Code (CDC) 10.070 (5) (a) and (b) regarding structure setbacks and CDC 44.020(A) (1) (a) regarding front street fence height.

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Respectfully submitted,

✓

Pat Gentemann
Tom Gentemann
Phil + Pat Gentemann
2137 Marylwood Ct.
West Linn OR 97068

Interactive Mapping, zoom-in to view more map layers

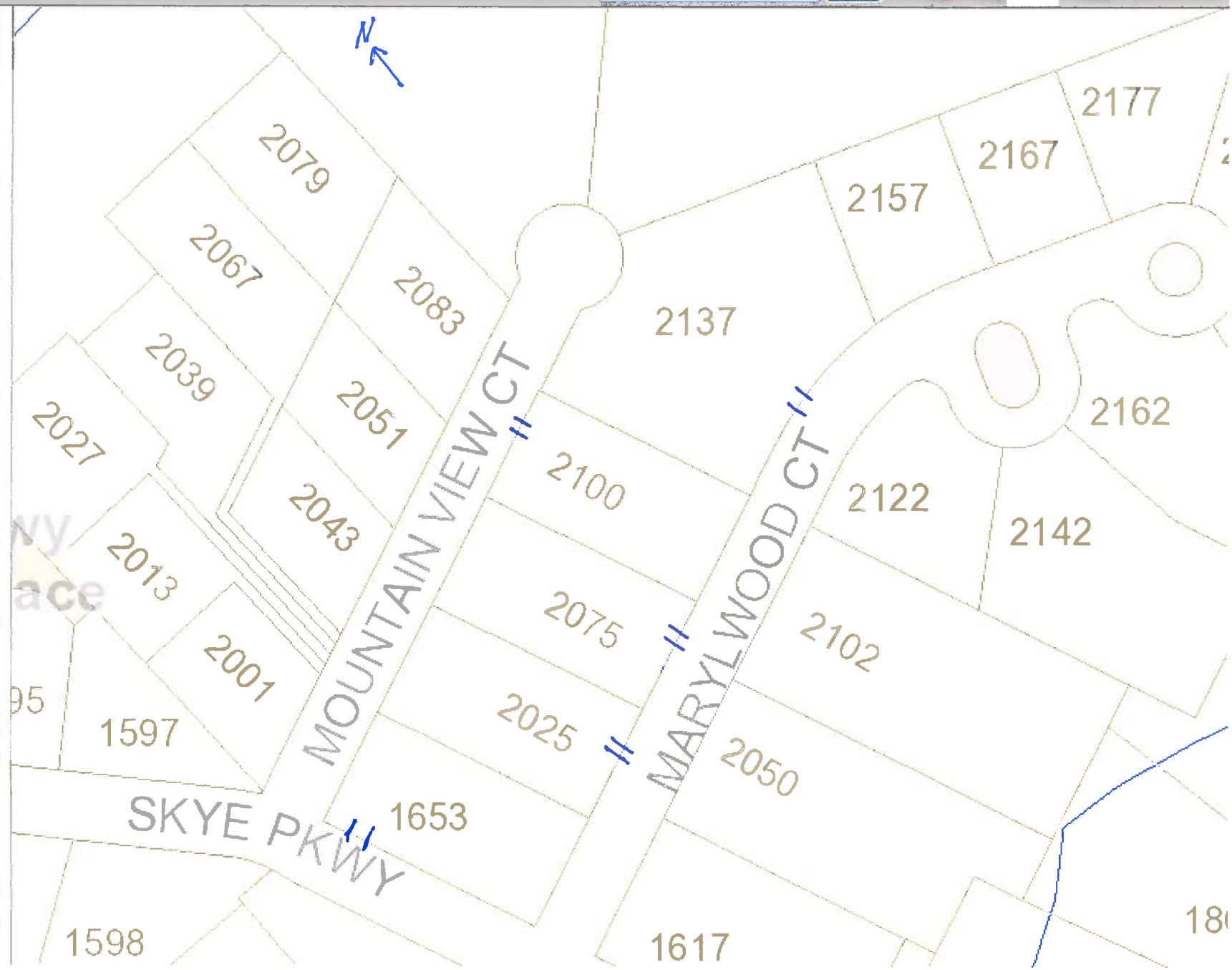
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Go



Print Your Map

- Base Map_EX1109V1
- Zoom in to view gray items
- Click plus sign to see more map layers
- City Locations in West Linn
- Public Works Utilities
- Planning Zoning Environment
- Street Map
- Boundaries
- Fiscal Tax Lot Base
- Contours Terrain
- Streams Ponds
- Neighborhood Associations
- Aerial Photos Ortho Rectified
- Parks and Open Space
- Buildings and Pavement
- West Linn City Limits Shaded
- Arch Layers



Southside
Adjacent
Neighbor



Northerly
view
of
subject



Northerly
Adjacent
Neighbor



Subject
Property



Southerly View of ROW



Backyard of Southerly neighbor

