

FINAL DECISION NOTICE

VAR-09-04

IN THE MATTER OF A CLASS II VARIANCE AT 2982 WINKEL WAY

At their regular meeting of May 6, 2009, the West Linn Planning Commission held a public hearing to consider the request by D.R. Horton for a Class II Variance to permit a 16' front yard setback where 20 feet is required for the living area (non-garage) portion of the dwelling. The approval criteria for a variance is found in the Community Development Code (CDC) Chapter 75. The hearing was conducted pursuant to the provisions of CDC, Chapter 99.

The hearing commenced with a summary of the staff report presented by Chris Kerr, interim Planning Director. Representing for the applicant was Michael Robinson of Perkins Coie. The property owners spoke in favor of the application. No one spoke neutrally on the application or against the application. Written testimony was received both for and against the application. Mr. Robinson provided the applicant's rebuttal. The public hearing was closed.

A motion was made and seconded to approve the application with one condition of approval based on the findings in the Staff Report as well as the following additional findings presented by Staff at the hearing. The motion passed.

Additional Findings:

1. The request will not adversely affect the neighborhood or adjacent properties.
2. The request will result in a preferred design with more articulation in the setbacks along the street.
3. The additional hardscape/landscaping amenities proposed will effectively mitigate any adverse impacts from the encroachment.
4. The variance will not provide any financial benefit to the developer of the property.
5. A minimum 25 foot setback will still be provided to the paved street and a 20 foot setback from the property line to the garage.

Condition of Approval:

1. Prior to the issuance of a certificate of occupancy for the home, the applicant shall install the associated improvements, including those in Tracts A and C, as proposed in the April 13, 2009 letter from Mr. Jimmy Luker to the City of West Linn.

This decision will become effective 14 days from the date of mailing of this final decision as identified below. Those parties with standing (i.e., those individuals who submitted letters into the record, or provided oral or written testimony during the course of the hearing, or signed in on the attendance sheet at the hearing, or who have contacted City Planning staff and made their identities known to staff) may appeal this decision to the West Linn City Council within 14 days of the mailing of this decision pursuant to the provisions of Chapter 99 of the Community Development Code. Such appeals would require a fee of \$400 and a completed appeal application form together with the specific grounds for appeal to the Planning Director prior to the appeal-filing deadline.

Michael Babbitt
MICHAEL BABBITT, CHAIR
WEST LINN PLANNING COMMISSION

5-11-09
DATE

Mailed this 14 day of May, 2009.

Therefore, this decision becomes final at 5 p.m., May 28, 2009.

Devrev/Finaldecisions/final decision VAR-09-04

