

FINAL DECISION NOTICE

VAR-09-07

IN THE MATTER OF A CLASS II VARIANCE AT 4410 GRANT STREET

At their regular meeting of May 20, 2009, the West Linn Planning Commission held a public hearing to consider the request by Helen Pevzner and Raymond Austin for a Class II Variance request to permit seven foot structural encroachment into side street setbacks at 4410 Grant Street. The approval criteria for a variance are 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 Peter Spir, Associate Planner. The property owners spoke in favor of the application. No other oral testimony was received. Submitted written testimony was neutral. The public hearing was closed.

A motion was made by Commissioner Jones and seconded by Commissioner Steel to approve the application based on the findings in the Staff Report. There was an additional finding that the decision was not based on the fact that a tree had fallen onto the applicant's house since that did not qualify as an extraordinary or exceptional circumstance as far as the variance request was concerned. The motion passed. Three conditions of approval were also approved in the same motion:

1. The tree damaged fence may be rebuilt but only on the applicant's property and shall not encroach onto the City owned ROW.
2. Storm water treatment shall be provided if over 500 sq ft of new impervious surface is created.
3. A licensed surveyor shall determine and delineate the location of the north property line prior to any building permit being issued for the north side of the house to ensure a building setback of at least five feet.

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, CHAIR
WEST LINN PLANNING COMMISSION

6-3-09
DATE

Mailed this 4th day of June, 2009.

Therefore, this decision becomes final at 5 p.m., June 18, 2009.

Devrev/Finaldecisions/final decision VAR-09-07