



STAFF REPORT FOR THE HISTORIC REVIEW BOARD

FILE NUMBER: MISC-12-04

HEARING DATE: March 20, 2012

REQUEST: Amendment to approval for carport addition

APPROVAL

CRITERIA: Community Development Code (CDC) Chapter 25, Historic District

STAFF REPORT

PREPARED BY: Sara Javoronok, Associate Planner

Planning Director's Initials _____

EXECUTIVE SUMMARY

The applicant is proposing an amendment to the 2011 approval to remodel the garage and add a carport in the rear yard of 1818 6th Avenue. The amendment is to allow for a zero-foot setback in the rear for the carport, which is attached to the garage and accessed from the alley (see Exhibit HRB-3). The project is subject to the approval criteria in CDC Chapter 25, Historic District.

CDC Section 25.070 B(4) requires a 3-foot rear yard setback for accessory structures/garages. In the past, the building code also required a 3-foot rear yard setback for carports. Per the Building Official, the building code now only applies this setback to dwellings and garages and not open carports. As such, the applicant is seeking an amendment from his previous approval and relief from the 3-foot setback requirements through the design modifications provisions.

The subject property is in the City's Willamette Neighborhood and local Willamette Historic District. It is also in the National Register listed Willamette Falls Neighborhood Historic District.

Staff finds that the applicant's proposed amendment, supplemented a condition of approval, meets the applicable criteria. Therefore, staff recommends approval.

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GENERAL INFORMATION

**APPLICANT/
OWNER:** Adam Petersen, 1818 6th Avenue, West Linn, OR 97068

SITE LOCATION: 1818 6th Ave.

**LEGAL
DESCRIPTION:** Clackamas County Assessor's Map 31E-02BA, Tax Lot 3700

SITE SIZE: 5,000 square feet

ZONING: R-5, Single Family Residential Detached and Attached Duplex

**COMP PLAN
DESIGNATION:** Medium Density Residential

120-DAY PERIOD: The application was complete on March 6, 2012. Therefore, the 120-day application processing period ends on July 5, 2012.

PUBLIC NOTICE: Public notice was mailed to the Willamette Neighborhood Association and to affected property owners on March 6, 2012 and the application has been posted on the City's website. Therefore, notice requirements have been satisfied.

BACKGROUND

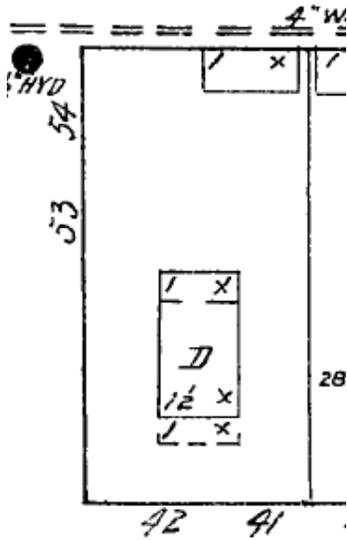
As previously noted, the property is located in the Willamette neighborhood at 1818 6th Avenue, which is at the northeast corner of the intersection of 6th Avenue and 13th Street. It is in the local Willamette Historic District and the National Register Willamette Falls Historic District.



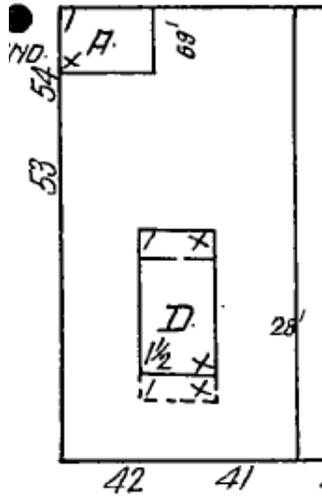
Site Conditions. The lot currently accommodates a 1½ story single family house and a detached accessory structure/garage. The property was included in the 1984 Clackamas County Cultural Resources Inventory and the 2006 Reconnaissance Level Survey of the Willamette Falls Neighborhood Historic District. The survey forms are attached as Exhibit HRB-4.

The accessory structure/garage is located to the rear and is along the rear lot line. Work approved through the previous design review is ongoing.

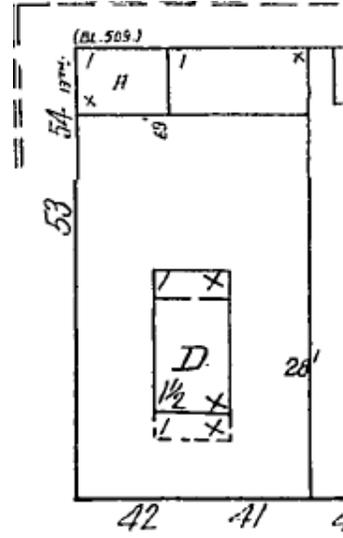
The house first appears on the 1911 Sanborn Map (an excerpt is shown on the following page) as a 1½ story residence with a single story front porch and a single story rear addition. The footprint of the house is the same on the 1925 and 1950 Sanborn maps. The 1911 Sanborn map shows a single story accessory structure in the eastern half of the rear yard along the rear lot line. On the 1925 Sanborn Map, there is an accessory structure in the western half of the rear yard on the rear lot line. Per the 1950 Sanborn Map, there is an accessory structure along the entire length of the rear lot line, and it appears that the western portion of the accessory structure was added to the existing eastern section.



1911 Sanborn Map



1925 Sanborn Map



1950 Sanborn Map



Front elevation- April 2011



Front/Side elevation - February 2012



Carport area - March 2012



Side/East and Rear/North elevations - April 2011

Project Description. The applicant is proposing a zero-foot rear yard setback for the carport.

Surrounding Land Use. The parcel is surrounded by a mix of general commercial properties and single-family homes that are zoned R-5.

DIRECTION FROM SITE	LAND USE	ZONING
North	General Commercial	GC
East	Single-family residential	R-5
South	Single-family residential	R-5
West	Single-family residential	R-5



Public comments. Staff has not received any comments from the public.

Comments from outside agencies. None.

ANALYSIS

CDC Chapter 25, Historic District, applies to this project. Specifically, the criteria in Sections 25.070, and 25.150 are applicable.

In the previous approval, staff considered the accessory structure/garage and carport together. The non-conforming zero-foot setback on the garage was allowed to continue. However, based on staff's recommendation, the HRB required a 3-foot rear yard setback for the carport as required for accessory structures/garages.

The applicant is now requesting an amendment from the application for a zero-foot rear yard setback. This is now permitted per the building code. It is also consistent with historical development of the site and, per the Sanborn maps, there was previously a structure that extended across the entire rear yard. In addition, the zero-foot setback is also consistent with the structures on nearby properties that also extend to the rear lot line.

RECOMMENDATION

Staff recommends approval of the amendment application subject to the following condition:

1. Site Plan and elevations. With the exception of modifications required by these conditions, the project shall conform to the plans labeled Option B.1 and B.3 in Exhibit HRB-3.

Notes to applicant.

- Expiration of Approval. This approval shall expire three years from the effective date of this decision.
- Additional Permits Required. Your project may require the following additional permits:
 - Public improvement permit: contact Pat in Engineering at (503) 723-5501 or prich@westlinnoregon.gov
 - Public works permit: contact Pat in Engineering at (503) 723-5501 or prich@westlinnoregon.gov
 - On-Site Utilities: contact the Building Division at (503) 656-4211, jnomie@westlinnoregon.gov. (Electrical permits are through Clackamas County, not the City of West Linn.)
 - Building permit: contact the Building Division at (503) 656-4211, jnomie@westlinnoregon.gov.
 - Final inspection, for occupancy: Call the Building Division's Inspection Line at (503) 722-5509.

APPLICABLE REGULATIONS AND ASSOCIATED SUPPLEMENTAL FINDINGS

DR-11-09

CHAPTER 25, HISTORIC DISTRICT

25.070 APPROVAL CRITERIA FOR REMODELS, NEW HOME AND ACCESSORY STRUCTURE CONSTRUCTION

B. Siting.

1. Front yard:

- a. *The front yard setback shall be the distance measured from the front property line to the dominant vertical face of the building, exclusive of any porches or front landings, equal to the average of the front setbacks of adjacent homes. For corner lots, the setback shall be the average between the adjacent house to the side and 20 feet.*
- b. *Unenclosed porches with no living space above may encroach six feet further from the dominant vertical face of the building.*

2. Side yard: *Five feet shall be the standard; however, where adjacent structures encroach into the required side yard, the Planning Director may reduce one of the side yards to a minimum of three feet to center a new structure between existing buildings, provided no space between buildings is reduced below eight feet. To encourage sidewall variation, "pop outs," including chimneys, may intrude 18 inches into side yard setback.*

3. Side street: *10 feet for both developed and undeveloped street. To encourage sidewall variation, "pop outs," including chimneys, may intrude 24 inches into side street yard setback after every 400 square feet of sidewall.*

4. Rear yard: *The rear yard setback shall be a minimum of 20 feet, except for accessory structures (non-dwelling or non-accessory dwelling units (ADU)), which may be sited to within three feet of the side or rear property lines. See section on ADUs for ADU setbacks.*

5. Orientation: *New home construction on corner lots must orient the front of the house to the avenue and not the street.*

6. Lot coverage: *50 percent. Unlike the rest of West Linn, lot coverage shall apply to the new and remodeled primary dwellings, attached and detached garages, all accessory buildings and ADUs. Decks, paved and impermeable surfaces (patios and driveways etc.) shall not be included. Underlying zone (e.g., R-5) lot coverage shall not apply.*

C. Parking. *Parking in Willamette Town traditionally was handled from the alleys or along the "streets" (as opposed to avenues). Detached garages along the alleys or "streets" characterizes many homes in the district. Alleys were established to provide for access to off-street parking, including garages.*

1. Standards, garages.

- a. *Garages shall be accessed from the alley. Where no alley exists, access to a garage may be from the street.*
- b. *Garage remodels and new construction must match house or existing garage building materials. Damaged or deteriorated non-conforming garages must be reconstructed/relocated in accordance with this code where remodeling or rebuilding costs exceed 50 percent of the full replacement cost in current dollars.*
- c. *Typically, the garage roof pitch was not as steep as the house. Some architectural styles of garages have lower pitched roofs. Garage roof pitch shall not exceed house roof pitch.*

- d. *Garages located within the rear yard may have a zero-foot side yard setback so long as it is constructed with one-hour fire walls, with no openings in wall and no overhang, per City building standards. The three-foot rear setback shall still apply.*
2. *Standards, parking.*
- a. *No residential lot shall be converted solely to parking use.*
 - b. *All vehicle access and storage (i.e., boats, camper shells, trails, recreational vehicles, etc.) shall be stored or parked in the rear of the property as opposed to the front or side yards.*
 - c. *On corner lots or where homes face streets, the parking and storage shall be located on the alley side of the house.*
 - d. *No front yard curb cut shall be established unless it is determined by the City Engineer that all reasonable access alternatives have been exhausted.*
 - e. *The parking provisions of CDC 26.050(B) shall apply to any non-conforming uses of a structure (i.e., bed and breakfast). These provisions would not apply to General Commercial zone uses in the Historic District.*

FINDING NO. 1: The applicant is seeking relief from the 3-foot rear yard setback required in sections 25.070 B(4) and C(1)(d). It was originally staff's understanding that this was also a building code requirement. However, the Building Official advised that the building code now only applies to garages and not carports. See Finding No. 2 for the modification request from the rear yard setback. The remaining criteria are not applicable with this amendment application.

25.150 DESIGN MODIFICATION PROCEDURES

- A. *When an alternative(s) to the standards of this chapter is proposed, the decision making body (e.g., Historic Review Board) may grant a design modification in those cases where at least one of the following criteria is met:*
- 1. *The applicant can demonstrate by review of historical records or photographs that the alternative is correct and appropriate to the architecture in the Willamette Historic District of West Linn in 1890 – 1930 or is appropriate to the specific style of architecture proposed with no negative impacts to adjacent homes and the Historic District. Negative impacts shall be defined as loss of sunlight, loss of privacy compared to a design per this code, inappropriate scale or mass which visually overwhelms or is not deferential to the adjacent structure, particularly if it is a primary structure, etc.*
 - 2. *The applicant is incorporating exceptional 1890 – 1930 architecture into the building which overcompensates for an omission. The emphasis is upon superior design, detail, or workmanship which can be verified reviewing previous works of the architect or builder. There shall be no negative impacts to adjacent homes and the Historic District.*
 - 3. *The building placement, scale, lot coverage, setback or height fits the site and integrates well, with no negative impacts to adjacent structures and the Historic District.*
- B. *The provisions of Chapter 75 CDC, Variance, shall not apply.*

FINDING NO. 2: The applicant is requesting a modification from Section 25.070 C(1)(d) which requires a 3-foot rear yard setback This is applicable to garages and not carports, as such, the applicant is seeking relief from the 3-foot rear yard setback.

Per the Sanborn maps, historically, a structure was in this location and, at times, stretched across the entire rear yard. In addition, there is evidence of a previous extension of the garage across the rear yard.

A zero-foot setback is consistent with the existing structures on nearby properties. On this site, the existing garage, while non-conforming, extends to the rear property line. The property to the north, Lil' Cooperstown, extends to the rear property line. The residential property to the east has a garage and storage area that extend to the rear property line.