

GENERAL INFORMATION

OWNER/ APPLICANT:	Scott Huskey, Rosemont Properties LLC, 22020 Shannon Place, West Linn, OR. 97068
CONSULTANT:	Daryl Seiker Architect LLC, 2030 Dillow Drive, West Linn, OR. 97068
SITE LOCATION:	4589 Cornwall Street
SITE SIZE:	5,000 square feet
LEGAL DESCRIPTION:	Assessor's Map 2-1E-36AB Tax Lot 5100
COMP PLAN DESIGNATION:	Medium-Density Residential
ZONING:	R-5, Single-Family Residential Attached and Detached/Duplex (5,000 square foot minimum lot size for single family homes)
APPROVAL CRITERIA:	Community Development Code (CDC) Chapter 66, CDC Chapter 66: Non-Conforming Structures; Chapter 13: R-5
120-DAY RULE:	The application became complete on November 19, 2015. The 120-day period therefore ends on March 18, 2016.
PUBLIC NOTICE:	Notice was mailed to property owners within 300 feet of the subject property and the Bolton neighborhood association on November 24, 2015. A sign was placed on the property on November 20, 2015. The notice was also posted on the City's website. Therefore, public notice requirements of CDC Chapter 99 have been met.

EXECUTIVE SUMMARY

This 5,000 square foot corner lot is occupied by a house which is non-conforming in that the rear setback is five feet, not 20 feet, as required by the R-5 zone. The applicant proposes to construct an 11-foot bedroom addition on the north side of the house and a 25 foot addition on the south side to accommodate a two car garage. Both additions will maintain the current building line and five foot rear setback. Consequently, a Non-Conforming Structure permit is required per the provisions of CDC Chapter 66. All other dimensional standards, setbacks, lot

coverage and other provisions of the underlying R-5 zone are met. The home was built in 1956, prior to the effective date of this code: May 1984, and is therefore eligible to apply for an enlargement per 66.010.

Public comments:

Diane Kaufman expressed concern about the previous tenants and asked whether the enlargement would improve conditions. (11-23-15)

DECISION

The Planning Manager (designee) approves this application (MIS-15-12), based on: 1) the findings submitted by the applicant, which are incorporated by this reference, and 2) supplementary staff findings included in the Addendum below. With these findings, the applicable approval criteria are met.

The provisions of the Community Development Code Chapter 99 have been met.

Peter Spir

PETER SPIR, Associate Planner

December 14, 2015

DATE

Appeals to this decision must be filed with the West Linn Planning Department within 14 days of the mailing date listed below. The cost of an appeal is \$400. The appeal must be filed by an individual who has established standing by submitting comments prior to the date identified in the public notice. Appeals will be heard by City Council.

Mailed this 14th day of December, 2015.

Therefore, the 14-day appeal period ends at 5 p.m., on December 28, 2015.

ADDENDUM: STAFF FINDINGS IN RESPONSE TO APPROVAL CRITERIA

66.080 ENLARGEMENT OF OR ALTERATION TO A NON-CONFORMING STRUCTURE: PROCESS AND APPROVAL STANDARDS

A. An enlargement of or alteration to a non-conforming structure containing a non-conforming use may be permitted subject to review and approval by the Planning Commission under the provisions of CDC 99.060(B) and CDC 65.120 through 65.140.

FINDING NO. 1: This criterion does not apply since the structure is not a “non-conforming use”. The proposed lateral enlargements are to an existing single family home which is allowed outright in the R-5 zone per CDC 13.030(1).

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.

FINDING NO. 2: The enlargement does not meet the required 20 foot rear setbacks of the R-5 zone. In these circumstances, the criterion of 66.080 (B) (2), below, applies. Design review is not applicable to detached single family homes per CDC 55.025 (A).

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 CDC 99.060(B) is required subject to the following standards.

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

FINDING NO.3: The east or rear elevation of the existing house is five feet from the rear property line. Currently the rear elevation is 42 feet long (measured on a north-south axis). The proposed enlargements will add 36 feet to the 42 foot dimension. These enlargements will not change the non-conformity.

b. All other applicable ordinance provisions will be met.

(Staff note: the following provisions of CDC 13.070 are the applicable dimensional standards of the R-5 zone which must be met.)

A. The minimum lot size shall be:

1. *For a single-family detached unit, 5,000 square feet.*
2. *For each attached single-family unit, 4,500 square feet. No yard shall be required between the units.*
- B. *The minimum front lot line length, or the minimum lot width at the front lot line, shall be 35 feet.*
- C. *The average minimum lot width shall be 50 feet.*
- D. *Repealed by Ord. 1622.*
- E. *Except as specified in CDC 25.070(C)(1) through (4) for the Willamette Historic District, the minimum yard dimensions or minimum building setback areas from the lot line shall be:*
 1. *For the front yard, 20 feet, except for steeply sloped lots where the provisions of CDC 41.010 shall apply.*
 2. *For an interior side yard, five feet.*
 3. *For a side yard abutting a street, 15 feet.*
 4. *For a rear yard, 20 feet.*
- F. *The maximum building height shall be 35 feet, except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.*
- G. *The maximum lot coverage shall be 40 percent.*
- H. *The minimum width of an accessway to a lot which does not abut a street or a flag lot shall be 15 feet.*
- I. *The floor area ratio shall be 0.45. Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter 66 CDC.*
- J. *The sidewall provisions of Chapter 43 CDC shall apply.*

FINDING NO. 4: The lot size of 5,000 square feet (50' X 100') meets the minimum R-5 lot size of 5,000 square feet. The lot width of 50 feet exceeds the minimum lot width of 35 feet. The front setback of 20 feet meets the minimum front setback of 20 feet. The required R-5 side street setback of 15 feet is met with a setback of 15 feet. The required R-5 interior side yard setback of 5 feet is met with a setback of 5 feet. The required rear yard setback of 20 feet is not met but it is being addressed by this application. The allowed R-5 building height of 35 feet is met with a roof peak height of 17 feet.

The allowed lot coverage in the R-5 zone is 40 percent. Staff finds that the proposed lot coverage is 34 percent based on a lot size of 5,000 square feet and a proposed building size of 1,738 square feet (1,738 divided by 5,000 = 34.7). It is noted that the applicant's submittal showed a lot coverage of 38 percent. That amount is in error, but the correct number (34.7) demonstrates that the criteria is met.

The maximum Floor Area Ratio (FAR) in the R-5 zone is .45. Staff finds that the house comprises 1,218 square feet (1,738 square feet minus the 520 square foot garage) which yields an FAR of .24, which is permitted per the FAR provisions. (It is noted that the applicant's submittal showed an FAR of .28. That amount is in error, but the correct number (.24) demonstrates that the criteria is met.

The side yard transition standards of CDC Chapter 43 are met in that the sidewalls of the house and garage have a grade to eaves height of 10 feet. *"Sidewalls less than 22 feet high to eaves from average grade are exempt from pop out/indentation requirements"*, per CDC 43.040 (B). Therefore the criteria is met.