



CITY OF  
**West Linn**  
 PLANNING AND DEVELOPMENT

**STAFF REPORT  
 PLANNING MANAGER DECISION**

DATE: August 7, 2017  
 FILE NO.: VAR-17-04  
 REQUEST: Class I Variance to reduce side yard setback standard up to 20% at 4191  
 Mapleton Drive  
 PLANNER: Jennifer Arnold, Associate Planner

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Planning Manager                     *CLB*                    

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## GENERAL INFORMATION

**OWNER/  
APPLICANT:** Ken Hanawa  
4191 Mapleton Drive  
West Linn, OR 97068

**SITE LOCATION:** 4191 Mapleton Drive (North side of Mapleton Drive)

**SITE SIZE:** 10,050 sq. ft.

**LEGAL  
DESCRIPTION:** Tax lot 1101 of Assessor's Map 21E024BD

**COMP PLAN  
DESIGNATION:** Low Density Residential

**ZONING:** R-10 (single family residential detached, R-10; 10,000 square foot minimum lot size)

**APPROVAL  
CRITERIA:** Community Development Code (CDC) Chapter 11 R-10 Zone; Chapter 75 Variances and Special Waivers.

**120-DAY RULE:** The application became complete on July 20, 2017. The 120-day period therefore ends on November 16, 2017.

## EXECUTIVE SUMMARY

The applicant proposes a 114.75 square foot addition to the kitchen of the existing home. Due to the fact that the home does not sit square to the front and side property lines, the applicant has proposed a Class I variance to the east side yard setback requirement. The request is to encroach into the setback area 1 foot 5.5 inches. This reduction is below the 20% maximum threshold for a Class I Variance. The proposed addition will be 6 feet, 5.5 inches from the east side property line, and the required side yard setback is 7.5 feet.

### Public comments:

See exhibit PD-4 for comments submitted.

## DECISION

The Planning Manager (designee) approves this application (VAR-17-04), based on: 1) the findings submitted by the applicant, which are incorporated by this reference; 2) supplementary staff findings included in the Addendum; and, 3) by the conditions of approval below:

### Condition of Approval

1. The final plan shall conform to the submittal dated July 20, 2017. (See Staff Finding 1)

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

  
Jennifer Arnold, Associate Planner

8-7-17  
DATE

Appeals to this decision must be filed with the West Linn Planning Department within 14 days of mailing date. Cost is \$400. An appeal to City Council of a decision by the Planning Manager shall be heard on the record. The appeal must be filed by an individual who has established standing by submitting comments prior to the decision date. Approval will lapse 3 years from effective approval date if the final plat is not recorded.

Mailed this 8<sup>th</sup> day of August 2017.

Therefore, the 14-day appeal period ends at 5 p.m., on August 22, 2017

**ADDENDUM  
APPROVAL CRITERIA AND FINDINGS  
VAR-17-04**

**I. CHAPTER 11, SINGLE-FAMILY RESIDENTIAL DETACHED, R-10**

**11.030 PERMITTED USES**

The following uses are permitted outright in this zone.

1. Single-family detached residential unit.

(...)

**Staff Response 1:** The subject property has one single family detached home and no proposed change to the use with this application.

**11.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS**

*Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:*

...

- a. *For the front yard, 20 feet; except for steeply sloped lots where the provisions of CDC 41.010 shall apply.*
- b. *For an interior side yard, seven and one-half feet.*
- c. *For a side yard abutting a street, 15 feet.*
- d. *For a rear yard, 20 feet.*

**Staff Response 2:** The applicant proposes a 114.75 square foot addition to the kitchen of the existing home. The Floor Area Ratio (FAR) for the existing home is .26 and with the addition the FAR is .27, well under the allowed .45. The property exceeds the minimum lot size. The front and rear yard setbacks are satisfied (see applicant's submitted Plot Plan). The proposed addition will encroach into the side yard setbacks 1 foot, 5.5 inches. Because the home is not square to the front and east side property line, the applicant has applied for a Class I Variance to reduce the setback requirement to allow for more efficient use of the property. This criteria is satisfied subject to approval of the Class I Variance.

**III. CHAPTER 75, VARIANCE**

A. *Class I Variance. Class I variances provide minor relief from certain code provisions where it can be demonstrated that the modification will not harm adjacent properties, and it conforms with any other code requirements. Class I variances are allowed for the following code provisions:*

1. *Required Yard and Minimum Lot Dimensional Requirements. Required yards may be modified up to 20 percent, lot dimensions by up to 10 percent and lot area by up to five percent if the decision-making authority finds that the resulting approval:*

- a. Provides for a more efficient use of the site;*
- b. Preserves and incorporates natural features into the overall design of the project;*
- c. Does not adversely affect adjoining properties in terms of light, air circulation, noise levels, privacy, and fire hazards; and*
- d. Provides for safe vehicular and pedestrian access to the site and safe on-site vehicular and pedestrian circulation.*

2. *Off-street parking dimensional and minimum number of space requirements may be modified up to 10 percent if the decision-making authority finds that the use is designed for a specific purpose, which is intended to be permanent in nature.*

3. *Dimensional sign requirements may be modified up to 10 percent if the decision-making authority finds that the proposed larger sign is:*

- a. Necessary for adequate identification of the use on the property; and*
- b. Compatible with the overall site plan, the structural improvements, and with the structures and uses on adjoining properties.*

4. *Landscaping requirements in the applicable zone may be modified up to 10 percent if the decision-making authority finds that the resulting approval:*

- a. Provides for a more efficient use of the site;*
- b. Preserves and incorporates natural features into the overall design of the project; and*
- c. Will have no adverse effect on adjoining property.*

**Staff Response 3: The home on the subject property is not square to the front and east side property line, the applicant has applied for a Class I Variance to reduce the setback requirement to allow for more efficient use of the property. The reduction would allow the proposed kitchen addition to encroach into the east side setback by 1 foot, 5.5 inches. The adjoining property is Lake Oswego Water Treatment Plant with a prescribed green space directly adjacent to the addition site. Staff finds no adverse impacts on the adjoining neighbor. The applicant is not proposing any changes to the off-street parking on the subject property. The applicant is not proposing a sign or landscaping. This criteria is satisfied.**

PD-1 COMPLETENESS LETTER



CITY OF  
**West Linn**

July 20, 2017

Ken Hanawa  
4191 Mapleton Drive  
West Linn, OR 97068

SUBJECT: VAR-17-04 application for a Class I Variance to side yard setbacks at 4191 Mapleton Drive.

Dear Mr. Hanawa:

Your application was received on July 20, 2017 and found to be **Complete**. The City now has 120 days to exhaust all local review. That period lapses on November 16, 2017.

Please be aware that a determination of a complete application does not guarantee a recommendation of approval from staff for your proposal as submitted – it signals that staff believes you have provided the necessary information for the Planning Director to render a decision on your proposal.

A 14-day public notice will be prepared and mailed. This notice will identify the earliest potential decision date by the Planning Director.

Please contact me at 503-742-6057, or by email at [jarnold@westlinnoregon.gov](mailto:jarnold@westlinnoregon.gov) if you have any questions or comments.

Sincerely,

A handwritten signature in black ink that reads "Jennifer Arnold".

Jennifer Arnold  
Associate Planner

PD-2 AFFADAVIT OF NOTICE



# AFFIDAVIT OF NOTICE

We, the undersigned do hereby certify that, in the interest of the party (parties) initiating a proposed land use, the following took place on the dates indicated below:

## GENERAL

File No. VAR-17-04 Applicant's Name Ken Hanawa  
Development Name \_\_\_\_\_  
Scheduled Meeting/Decision Date 8-7-17

**NOTICE:** Notices were sent at least 20 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

## TYPE A

- A. The applicant (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- B. Affected property owners (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- C. School District/Board (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- D. Other affected gov't. agencies (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- E. Affected neighborhood assns. (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- F. All parties to an appeal or review (date) \_\_\_\_\_ (signed) \_\_\_\_\_

At least 10 days prior to the scheduled hearing or meeting, notice was published/posted:

Tidings (published date) \_\_\_\_\_ (signed) \_\_\_\_\_  
City's website (posted date) \_\_\_\_\_ (signed) \_\_\_\_\_

## SIGN

At least 10 days prior to the scheduled hearing, meeting or decision date, a sign was posted on the property per Section 99.080 of the Community Development Code.

(date) \_\_\_\_\_ (signed) \_\_\_\_\_

**NOTICE:** Notices were sent at least 14 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

## TYPE B

- A. The applicant (date) 7-24-17 (signed) S. Shroyer
- B. Affected property owners (date) 7-24-17 (signed) S. Shroyer
- C. School District/Board (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- D. Other affected gov't. agencies (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- E. Affected neighborhood assns. (date) 7-24-17 (signed) S. Shroyer  
(All)

Notice was posted on the City's website at least 10 days prior to the scheduled hearing or meeting.  
Date: 7-24-17 (signed) S. Shroyer

**STAFF REPORT** mailed to applicant, City Council/Planning Commission and any other applicable parties 10 days prior to the scheduled hearing.

(date) \_\_\_\_\_ (signed) \_\_\_\_\_

**FINAL DECISION** notice mailed to applicant, all other parties with standing, and, if zone change, the County surveyor's office.

(date) 8-8-17 (signed) S. Shroyer

**CITY OF WEST LINN  
NOTICE OF UPCOMING  
PLANNING MANAGER DECISION  
FILE NO. VAR-17-04**

The West Linn Planning Manager is considering a request for a Class I variance to reduce the side yard setback requirement up to 20% at 4191 Mapleton Drive.

The decision will be based on the approval criteria in Chapters 11 and 75 of the Community Development Code (CDC). The approval criteria from the CDC are available for review at City Hall, at the City Library, and at <http://www.westlinnoregon.gov/cdc>.

You have been notified of this proposal because County records indicate that you own property within 300 feet of the affected site on Tax Lot 1101 of Clackamas County Assessor's Map 2-1E-24BD and/or as required by Chapter 99 of the CDC.

All relevant materials in the above noted file are available for inspection at no cost at City Hall, and on the city web site <http://westlinnoregon.gov/planning/4191-mapleton-drive-class-i-variance> or copies may be obtained for a minimal charge per page. A public hearing will not be held on this decision. **Anyone wishing to present written testimony for consideration on this matter shall submit all material before 4:00 p.m. on August 7, 2017. Persons interested in party status should submit their letter along with any concerns related to the proposal by the comment deadline.** For further information, please contact Jennifer Arnold, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, (503) 742-6057, [jarnold@westlinnoregon.gov](mailto:jarnold@westlinnoregon.gov).

Any appeals to this decision must be filed within 14 days of the final decision date with the Planning Department. **It is important to submit all testimony in response to this notice. City Council will not accept additional evidence if there is an appeal of this proposal.** Failure to raise an issue in person or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue, precludes the raising of the issue at a subsequent time on appeal or before the Land Use Board of Appeals.





CITY OF  
**West Linn**

**CITY OF WEST LINN  
NOTICE OF UPCOMING  
PLANNING MANAGER DECISION**

**PROJECT # VAR-17-04  
MAIL: 7/24/17 TIDINGS: N/A**

**CITIZEN CONTACT INFORMATION**

To lessen the bulk of agenda packets, land use application notice, and to address the worries of some City residents about testimony contact information and online application packets containing their names and addresses as a reflection of the mailing notice area, this sheet substitutes for the photocopy of the testimony forms and/or mailing labels. A copy is available upon request.

PD-3 APPLICANT'S SUBMITTAL

**DEVELOPMENT REVIEW APPLICATION**

For Office Use Only		
STAFF CONTACT <i>Jennifer Arnold</i>	PROJECT No(s). <i>VAR-17-04</i>	
NON-REFUNDABLE FEE(S) <i>825</i>	REFUNDABLE DEPOSIT(S)	TOTAL <i>825</i>

**Type of Review** (Please check all that apply):

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Annexation (ANX)                      | <input type="checkbox"/> Historic Review                                  | <input type="checkbox"/> Subdivision (SUB)                               |
| <input type="checkbox"/> Appeal and Review (AP) *              | <input type="checkbox"/> Legislative Plan or Change                       | <input type="checkbox"/> Temporary Uses *                                |
| <input type="checkbox"/> Conditional Use (CUP)                 | <input type="checkbox"/> Lot Line Adjustment (LLA) */**                   | <input type="checkbox"/> Time Extension *                                |
| <input type="checkbox"/> Design Review (DR)                    | <input type="checkbox"/> Minor Partition (MIP) (Preliminary Plat or Plan) | <input checked="" type="checkbox"/> Variance (VAR)                       |
| <input type="checkbox"/> Easement Vacation                     | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures           | <input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP) |
| <input type="checkbox"/> Extraterritorial Ext. of Utilities    | <input type="checkbox"/> Planned Unit Development (PUD)                   | <input type="checkbox"/> Water Resource Area Protection/Wetland (WAP)    |
| <input type="checkbox"/> Final Plat or Plan (FP)               | <input type="checkbox"/> Pre-Application Conference (PA) */**             | <input type="checkbox"/> Willamette & Tualatin River Greenway (WRG)      |
| <input type="checkbox"/> Flood Management Area                 | <input type="checkbox"/> Street Vacation                                  | <input type="checkbox"/> Zone Change                                     |
| <input type="checkbox"/> Hillside Protection & Erosion Control |   |  |

Home Occupation, Pre-Application, Sidewalk Use, Sign Review Permit, and Temporary Sign Permit applications require different or additional application forms, available on the City website or at City Hall.

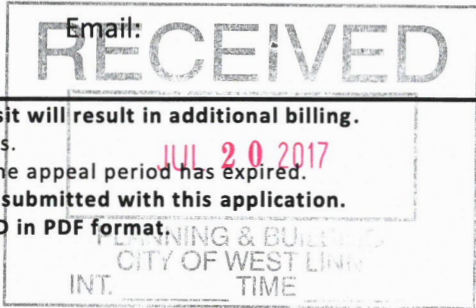
<b>Site Location/Address:</b> <i>4191 MAPLETON DRIVE</i> <i>WEST LINN, 97068</i>	Assessor's Map No.:
	Tax Lot(s):
	Total Land Area:

**Brief Description of Proposal:**  
*PROPOSED LEVEL I VARIANCE TO SIDE YARD SET-BACK*

<b>Applicant Name:</b> <small>(please print)</small> <i>KEN HANAWA</i>	Phone: <i>503 680 9780</i>
Address: <i>4191 MAPLETON DRIVE</i>	Email: <i>kenhanawar@yahoo.com</i>
City State Zip: <i>WEST LINN, OR 97068</i>	

<b>Owner Name</b> (required): <small>(please print)</small> <i>(SAME)</i>	Phone:
Address:	Email:
City State Zip:	

<b>Consultant Name:</b> <small>(please print)</small>	Phone:
Address:	Email:
City State Zip:	



- All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
  - The owner/applicant or their representative should be present at all public hearings.
  - A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
  - Three (3) complete hard-copy sets (single sided) of application materials must be submitted with this application.**  
**One (1) complete set of digital application materials must also be submitted on CD in PDF format.**  
**If large sets of plans are required in application please submit only two sets.**
- \* No CD required / \*\* Only one hard-copy set needed

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

<i>[Signature]</i>	<i>7/20/17</i>	<i>[Signature]</i>	<i>7/20/17</i>
Applicant's signature	Date	Owner's signature (required)	Date

Hanawa Kitchen Addition - side setback variance request – CDC detail

→ Response to CDC variance provisions – provided by Ken Hanawa

CDC 75.020 – Classification of Variances

A. Class I Variance. Class I variances provide minor relief from certain code provisions where it can be demonstrated that the modification will not harm adjacent properties, and it conforms with any other code requirements. Class I variances are allowed for the following code provisions:

1. Required Yard and Minimum Lot Dimensional Requirements. Required yards may be modified up to 20 percent, lot dimensions by up to 10 percent and lot area by up to five percent if the decision-making authority finds that the resulting approval:

a. Provides for a more efficient use of the site;

→KH - This slight adjustment to the side setback enables more efficient use of the overall available space adding significant internal kitchen space where currently the space is very limited (8'x8'). This adjustment also accounts for the misalignment between the existing house and property line (the house is 2 degrees off resulting in decreasing distance to the property line as you move back along that side of the house).

b. Preserves and incorporates natural features into the overall design of the project;

→KH - This addition makes use of space that has otherwise been used as outdoor side-yard storage. It is very small relative to the house and fits neatly within nearby greenery

c. Does not adversely affect adjoining properties in terms of light, air circulation, noise levels, privacy, and fire hazards; and

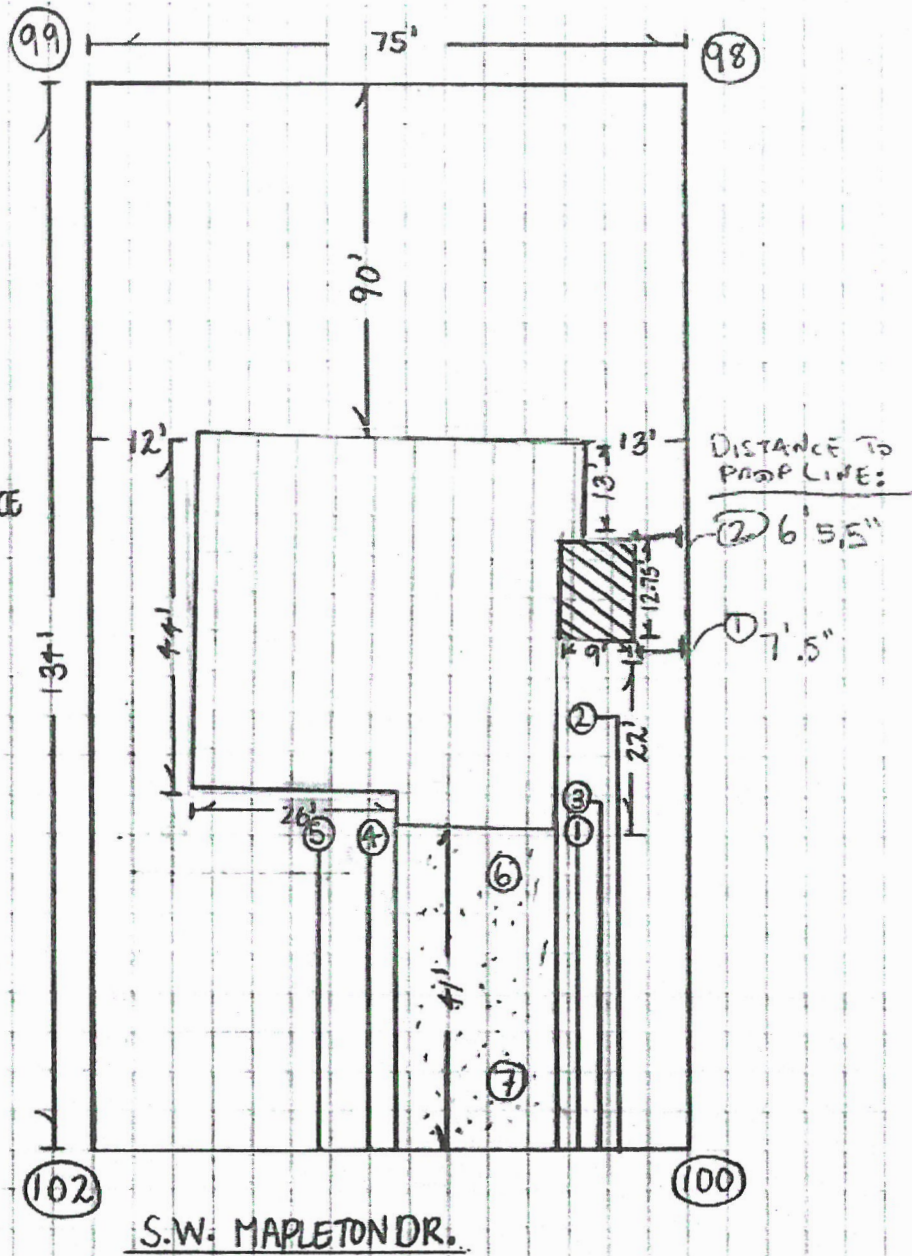
→KH -The addition is very small and the adjacent property is a water treatment facility with a landscaped green-space planned for the site immediately adjacent to this addition. There are no adverse affects to adjoining properties in terms of light, air circulation, noise levels, privacy, and fire hazards due to the size and proximity of the addition

d. Provides for safe vehicular and pedestrian access to the site and safe on-site vehicular and pedestrian circulation.

→KH -This minor addition to the existing home and footprint does not interfere with vehicular and pedestrian access and circulation in any way due to its size and location



- ① ELECTRICAL
- ② GAS
- ③ PHONE, CABLE
- ④ WATER
- ⑤ SEWER
- ⑥ STAGING AREA
- ⑦ CONST. ENTRANCE



HANAWA KITCHEN ADDITION  
PLOT PLAN 1/2" = 10'



## PD-4 PUBLIC COMMENTS

**CITY OF WEST LINN  
NOTICE OF UPCOMING  
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Any appeals to this decision must be filed within 14 days of the final decision date with the Planning Department. **It is important to submit all testimony in response to this notice. City Council will not accept additional evidence if there is an appeal of this proposal.** Failure to raise an issue in person or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue, precludes the raising of the issue at a subsequent time on appeal or before the Land Use Board of Appeals.

No!

Chantal Landskaper, Owner 4059 Mapleton Dr.