



CITY OF
West Linn
 PLANNING AND DEVELOPMENT

**STAFF REPORT
 PLANNING MANAGER DECISION**

DATE: September 5, 2017

FILE NO.: VAR-17-05

REQUEST: Class I Variance to reduce side yard setback standard up to 20% at 1089 Epperly Way

PLANNER: Jennifer Arnold, Associate Planner

Planning Manager

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GENERAL INFORMATION

OWNER/

APPLICANT: Ty Kohler
1089 Epperly Way
West Linn, OR 97068

SITE LOCATION: 1089 Epperly Way (South Side of Epperly Way)

SITE SIZE: 4,500 sq. ft.

LEGAL

DESCRIPTION: Tax lot 1039 of Assessor's Map 21E034DC

COMP PLAN

DESIGNATION: Medium Density Residential

ZONING: R-4.5 (single family residential attached and detached/ duplex, R-4.5;
4,500 square foot minimum lot size)

APPROVAL

CRITERIA: Community Development Code (CDC) Chapter 14 R-4.5 Zone; Chapter 34,
Accessory Structures; Chapter 75 Variances and Special Waivers.

120-DAY RULE: The application became complete on August 10, 2017. The 120-day
period therefore ends on December 7, 2017.

EXECUTIVE SUMMARY

The applicant proposes a 195.26 square foot accessory structure. The roof line will be similar to the existing home in pitch, but constructed in the shed dormer roof style. At the highest point the roof is 10 feet 11 inches and 9 feet on the lower side. Due to the small space and lack of yard where grass will grow, the applicant has proposed a Class I variance to the west side yard setback requirement. The request is to encroach into the setback area 8 inches into the 3 feet setback for accessory structures of this size. This reduction is at the 20% maximum threshold for a Class I Variance. The proposed addition will be 2 feet, 4 inches from the west side property line, and the required side yard setback is 3 feet.

Public comments:

Staff received written testimony from the public in opposition of the proposal. See Exhibit PD-5.

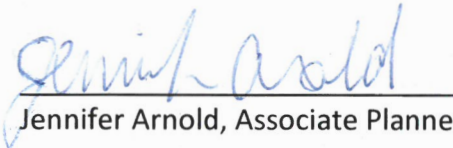
DECISION

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 August 7, 2017. (See Staff Finding 1)

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


Jennifer Arnold, Associate Planner

9-5-17
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 5th day of September 2017.

Therefore, the 14-day appeal period ends at 5 p.m., on September 19, 2017

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

**CHAPTER 14, SINGLE-FAMILY RESIDENTIAL ATTACHED AND DETACHED/DUPLEX,
R-4.5**

14.030 PERMITTED USES

The following uses are permitted outright in this zoning district.

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.

14.070 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:

...

1. For a 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.

...

Staff Response 2: The applicant proposes a 195.26 square foot accessory structure. The property is the minimum lot size of 4,500 square feet. The front and east side yard setbacks are satisfied (see applicant's submitted Plot Plan). The proposed accessory structure is indicated in the southwest corner of the rear yard. The structure meets the rear setbacks for accessory structures for this size (3 feet), but will encroach into the west side yard setbacks 8 inches. 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.

Chapter 34, ACCESSORY STRUCTURES

...

34.060 SETBACK PROVISIONS FOR ACCESSORY STRUCTURES (NON-DWELLING)

...

B. A side yard or rear yard requirement may be reduced to three feet for an accessory structure except for a side or rear yard abutting a street, with the exception of alleys platted and dedicated prior to September 30, 1984, as defined in this code; provided, that:

- 1. The structure is erected more than 60 feet from the front lot line;*
- 2. The structure does not exceed one story or 15 feet in height;*
- 3. The structure does not exceed an area of 500 square feet; and*
- 4. The structure does not violate any existing utility easements.*

Staff finding 3: The accessory structure is in the rear yard over 70 feet from the front property line. The roof line will be similar to the existing home in pitch, but constructed in the shed dormer roof style. At the highest point the roof is 10 feet 11 inches and 9 feet on the lower side. The proposed structure will be 195.26 square feet. No utility easements are violated. The proposed side yard setback is 2 feet 4 inches, thus the application for a Class I variance. This criteria is satisfied subject to approval of the Class I Variance.

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 4: Due to the small space and lack of yard where grass will grow, the applicant has proposed a Class I variance to the west side yard setback requirement. The request is to encroach into the setback area 8 inches into the 3 feet setback for accessory structures of this size. This reduction is at the 20% maximum threshold for a Class I Variance and would allow for more efficient use of the space. 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

August 10, 2017

Ty Kohler
1089 Epperly Way
West Linn, OR 97068

SUBJECT: VAR-17-05 application for a Class I Variance to side yard setbacks at 1089 Epperly Way.

Dear Mr. Kohler:

Your application was received on August 7, 2017 and found to be **complete**. The City has 120 days to exhaust all local review. That period ends December 7, 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 Manager 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 Manager.

Please contact me at 503-742-6057, or by email at jarnold@westlinnoregon.gov if you have any questions or comments.

Sincerely,

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-17-05 Applicant's Name Ty Kohler
Development Name _____
Scheduled Meeting/Decision Date 8-28-17

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) 8-14-17 (signed) _____
- B. Affected property owners (date) 8-14-17 (signed) _____
- C. School District/ Board (date) _____ (signed) _____
- D. Other affected gov't. agencies (date) _____ (signed) _____
- E. Affected neighborhood assns. (date) 8-14-17 (signed) _____
(ALL)

Notice was posted on the City's website at least 10 days prior to the scheduled hearing or meeting.

Date: _____ (signed) _____

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) 9-5-17 (signed) S. Shroyer

**CITY OF WEST LINN
NOTICE OF UPCOMING
PLANNING MANAGER DECISION
FILE NO. VAR-17-05**

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 1089 Epperly Way.

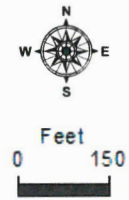
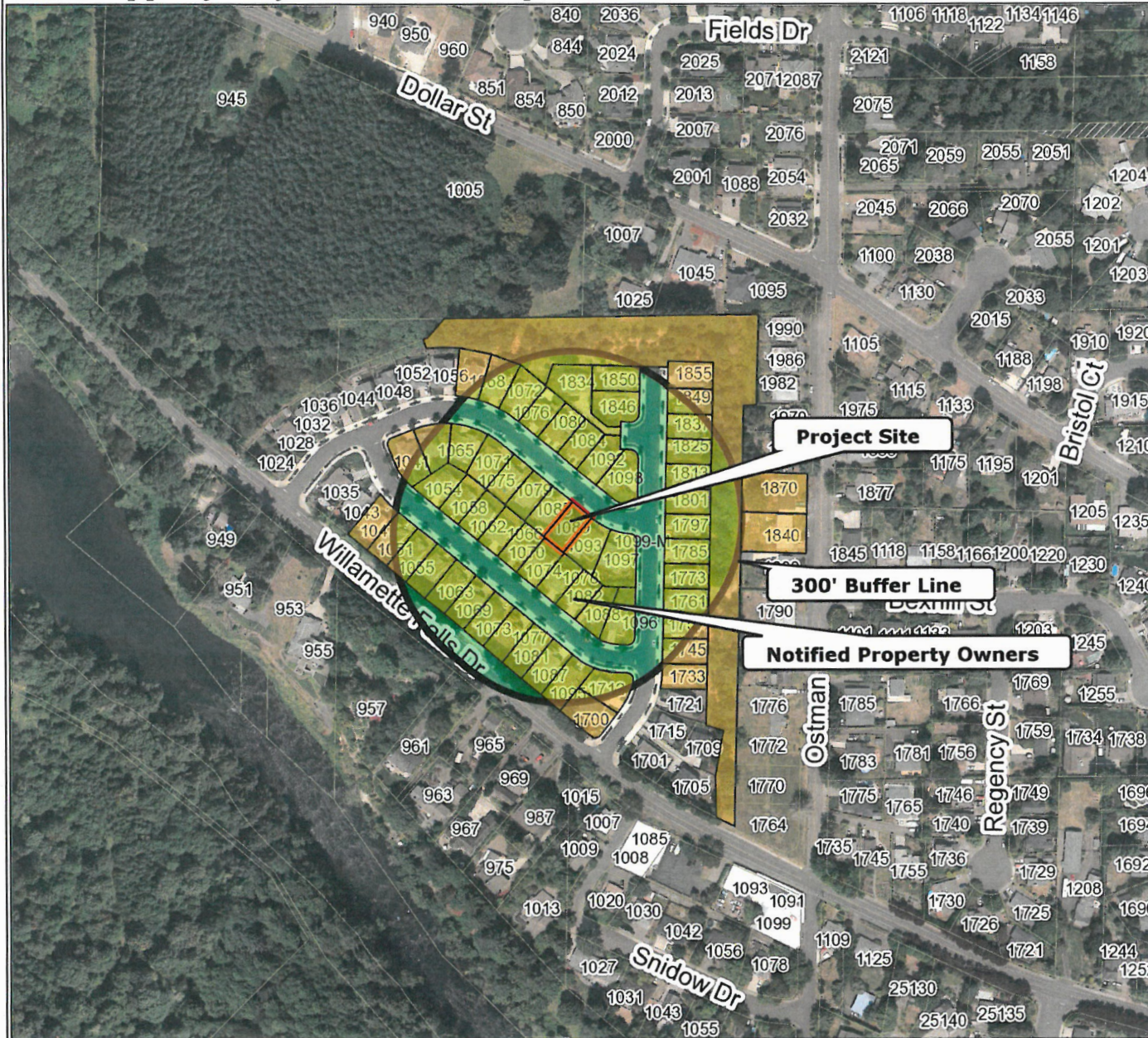
The decision will be based on the approval criteria in Chapters 14, 34 and 75 of the Community Development Code (CDC). The approval criteria from the CDC are available for review at City Hall, at the City Library, and at <http://www.westlinnoregon.gov/cdc>.

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 1039 of Clackamas County Assessor's Map 2-1E-34DC 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/1089-epperly-way-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 28, 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.

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.

1089 Epperly Way Notification Map



Scale 1:3,600 - 1 in = 300 ft
Scale is based on 8-1/2 x 11 paper size



Map created by: SSHROYER
Date Created: 10-Aug-17 08:31 AM

WEST LINN GIS

DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. Map scale is approximate. Source: West Linn GIS (Geographic Information System) MapOptix.



CITY OF
West Linn

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

**PROJECT # VAR-17-05
MAIL: 8/14/17 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-17-05</i>	
NON-REFUNDABLE FEE(S) <i>825</i>	REFUNDABLE DEPOSIT(S)	TOTAL <i>825.00</i>

Type of Review (Please check all that apply):

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

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.

Site Location/Address: <i>1089 Epperly Way, West Linn, OR.</i>	Assessor's Map No.: <i>21E34DC01039</i>
Tax Lot(s):	Total Land Area: <i>4500</i>

Brief Description of Proposal: *Requesting the 20% reduction in setback from 3' to 2'4" for an accessory structure.*

Applicant Name: <i>Ty Kohler</i> <small>(please print)</small>	Phone: <i>503.730.1758</i>
Address: <i>1089 Epperly Way</i>	Email: <i>tykohlere@comcast.net</i>
City State Zip: <i>West Linn, OR. 97068</i>	

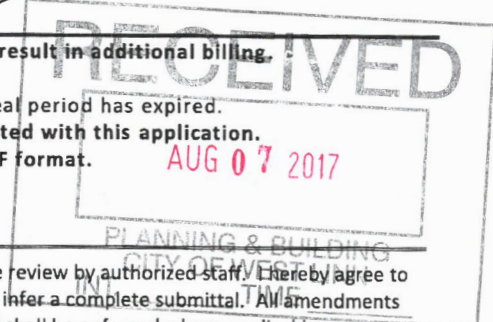
Owner Name (required): <i>same as above</i> <small>(please print)</small>	Phone:
Address:	Email:
City State Zip:	

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

1. All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
2. The owner/applicant or their representative should be present at all public hearings.
3. A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
4. **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> Applicant's signature	<i>8/3/17</i> Date	<i>[Signature]</i> Owner's signature (required)	<i>8/3/17</i> Date
---	-----------------------	--	-----------------------

Susan Hansen, Appraiser
SKETCH ADDENDUM

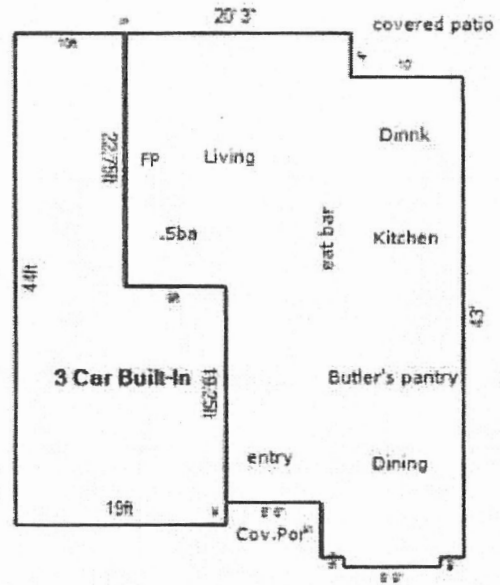
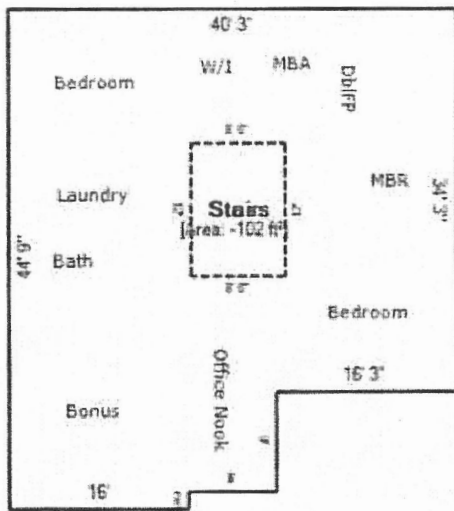
File No. 7172015WL
 Case No. 70082103

Borrower Tyrone Kohler					
Property Address 1089 Epperly Way					
City West Linn	County Clackamas	State OR	Zip Code 97068		
Lender/Client Wells Fargo Bank, N.A - 0035236			Address Lake Oswego, OR, 97035		

Sketch

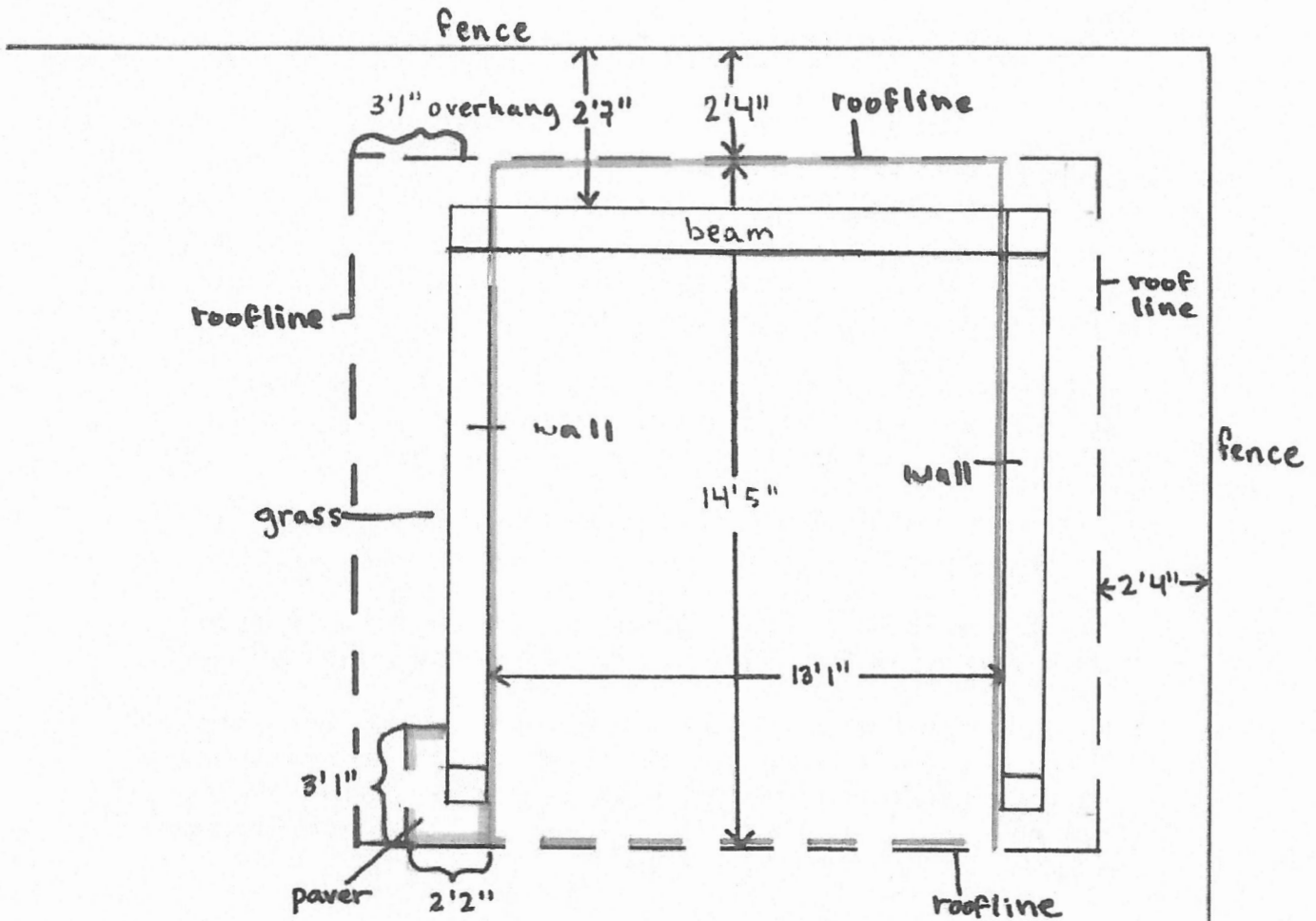
Upper Level

[Area: 1619 ft²]



Main Level

[Area: 1128 ft²]



$$\begin{array}{r}
 188.61 \text{ sq} \\
 6.65 \text{ sq} \\
 \hline
 195.26 \text{ sq}
 \end{array}$$

Floor area is calculated pursuant to the West Linn Community Development Code:

"Floor area. The area included within the surrounding exterior walls of a building or a portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. Attic spaces and basements shall not count for the purpose of determining parking requirements."

Code Section 02.030 (Specific Words and Terms)

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; **The grass would not grow in this backyard and the covered structure will allow for a much more efficient use of the space.**
 - b. Preserves and incorporates natural features into the overall design of the project; **Nothing was removed in making of this structure. The backyard was a blank canvas.**
 - c. Does not adversely affect adjoining properties in terms of light, air circulation, noise levels, privacy, and fire hazards; **This structure with a 2'4" (the 20% allowance) setback does not encroach on the property of the neighbors to the West or the south. The southern side (the back of the structure) has a wall of natural vegetation for additional screening.**
 - d. Provides for safe vehicular and pedestrian access to the site and safe on-site vehicular and pedestrian circulation. **This is not applicable as this is a fenced backyard with no vehicular access.**

14.070 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. The minimum lot size shall be:
 1. This is a single-family detached unit, 4,500 square feet. The lot is 4,500 feet
- B. The minimum front lot line length or the minimum lot width at the front lot line meets the 35 foot minimum.
- E. The minimum rear yard dimensions or minimum building setback areas from the lot line is in excess of the 20 feet minimum required.

G. The home and the accessory structure 40 percent. The attached plot map created by a licensed appraiser shows the footprint of the house at 1128 sq. ft. The accessory structure (map attached) is a total of 195.26 gives a total coverage of 1,323.26. Well below the 40% of allowable land use.

4.030 ACCESSORY DWELLING UNITS (ADUs)

A. An accessory dwelling unit (ADU) may be allowed in conjunction with an existing primary single-family dwelling by conversion of existing space inside the primary dwelling; by means of an addition to an existing dwelling; by means of an addition as an accessory structure; or by converting or adding to an existing accessory structure, such as a garage, on the same lot with an existing primary dwelling, when the following conditions are met:

4. This accessory structure does not exceed one bedroom and has an area of under 200 sq. feet.
5. The ADU is in conformance with the setback and lot coverage requirements of the underlying zone.
6. The following minimum area standards shall be met:

1 person - 250 square feet

2 persons - 500 square feet

B. Design standards for both attached and detached ADUs are as follows:

1. Exterior finish materials. The exterior finish material must be the same, or visually match in type, size, and placement, the exterior finish material of the primary dwelling. **This structure is made of cedar with natural stain and exterior walls are painted to match the house.**
2. Roof pitch. The roof pitch must be the same as the predominant roof pitch of the primary dwelling. **This is a shed dormer roof with similar pitch to the primary residence.**
7. Height. This structure 10'11" at the highest point and slopes down to 9' at the back.

34.040 SETBACK PROVISIONS FOR NOISE-PRODUCING ACCESSORY STRUCTURES AND USES- There is nothing in this structure that will produce unacceptable noise.

34.060 SETBACK PROVISIONS FOR ACCESSORY STRUCTURES (NON-DWELLING)

1. The structure is erected more than 60 feet from the front lot line;

2. This structure does not exceed one story or 15 feet in height;
3. This structure does not exceed an area of 500 square feet; and
4. The structure does not violate any existing utility easements.

I am confident that this structure meets all code requirements for a class 1 variance and should be allowed a 20% reduction to the 3' setback; 2'4".

Thank you,

Ty Kohler
1089 Epperly Way
West Linn, OR. 97068
(503) 730-1758

PD-4 MEMO FROM THE BUILDING DEPARTMENT



CITY OF West Linn

Memorandum

Date: August 25, 2017

To: West Linn Planning Department

From: West Linn Building Department 

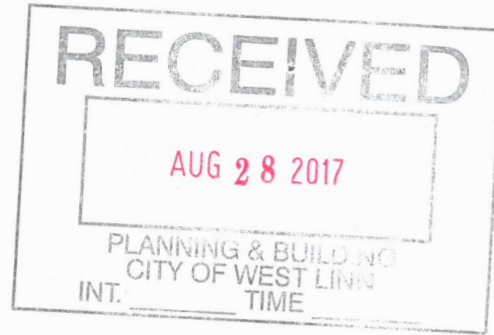
Subject: VAR-17-05; Class I Variance to reduce side yard setbacks at 1089 Epperly Way

The building division has agreed that the Accessory Structure does not require a building permit. The State was asked about the one hour requirements, and the response was if no permit is required there would be no requirement for one hour protection. The State also weighed in on the fact that if they were required to get a permit, the Heavy Timber construction of the structure and metal roof would classify as satisfying the 1 hour requirements.

PD-5 PUBLIC COMMENTS

August 28, 2017

Jennifer Arnold, Associate Planner
West Linn City Hall
22500 Salamo Road
West Linn, OR 97068



Re: File No. VAR-17-05

Dear Ms. Arnold,

I am writing in response to the letter I received in regards to a request for a Class I variance to reduce the side yard setback requirement up to 20% at 1089 Epperly Way. I am the homeowner that resides at 1837 Joseph Field Street, which is around the corner from the project site.

I have a number of concerns with this variance request. My primary concern is that the current structure far exceeds the 2'4" setback being requested. Just by looking at it, without any kind of measurement, you can tell it's within just inches of the fence on both the side and back of the property. The walls are nearly touching the fence on both fencelines, and the roof nearly hangs over the fence on the side fenceline. My assumption would be that the city and the homeowner both recognize this, and adjustments to the current structure must be made regardless for it to meet the 2'4" setback. However, even if the setback is adjusted, the height of the structure remains an issue. At almost 11' tall, the scale of the structure seems excessive in a tight neighborhood like ours in which lots are small and houses are close together. With regard to the adjacent property owners specifically, I would imagine there are additional concerns regarding privacy, water run-off, and perhaps even a potential fire hazard with the scale and size that the structure is currently.

I would encourage the city to continue to work with the homeowner at 1089 Epperly Way to modify the current structure to meet the needs of all affected neighbors, primarily those that are adjacent to the property and most impacted by the project. If the structure must be modified anyway to accommodate the 2'4" requested setback, I do not understand why it couldn't be modified to accommodate the typical 3' setback required by other West Linn residents.

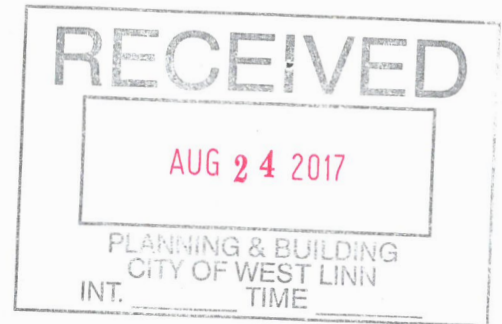
Thank you for considering my written comments in regards to the variance request. I appreciate you taking the time to gather input from those impacted within our neighborhood.

Respectfully yours,

Lindsay Kane

August 19, 2017

Jennifer Arnold, Associate Planner
West Linn City Hall
22500 Salamo Road
West Linn, OR 97068



Re: File No. VAR-17-05

Dear Ms. Arnold,

I am writing in response to the letter I received in regards to a request for a Class I variance to reduce the side yard setback requirement up to 20% at 1089 Epperly Way. I am the homeowner that resides across the street from the project site at 1084 Epperly Way in the Arbor Cove neighborhood. I am concerned the variance request does not meet the standards established in Chapter 75.020 for granting a variance. My primary concerns are that that the variance has not been shown to be necessary to improve the efficiency of the property and that the modification will harm adjacent properties as well as neighboring properties. I encourage the City of West Linn to uphold the setback requirements for a non-dwelling established in 34.060.

Chapter 75.020 provides for relief from a specific code provision where it can be demonstrated that the modification will not harm adjacent properties. Arbor Cove is a neighborhood in which the homes are built on small tracts of land approximately 4,500 sq. feet. Chapter 75.020(A)(1)(c) provides clear guidance on this issue and states the required setback yards may be modified if it "does not adversely affect adjoining properties in terms of light, air circulation, noise levels, privacy, and fire hazards". The proposed structure has already been erected and it clearly encroaches on adjacent properties. The structure appears to be nearly touching the existing fence of adjacent properties on two sides. The structure is an imposing 10' 1" tall and can be clearly seen from the side walk in front of the home. Due to the large size of the structure, small lot sizes and close proximity the structure is to adjacent properties, it blocks natural light and invades on the privacy of the adjacent neighbors. The roofline appears to be overhanging into the neighbor's yard on the right side and is extremely close to the rear yard. The roof line is sloped toward the rear neighbor's yard. This raises a concern that rain run-off from the roof will flood the rear neighbor's yard. I encourage the city to complete a site inspection as part of their approval process.

Chapter 75.020(A)(1)(a) provides the yard requirements may be modified if the approval "provides for a more efficient of the site". The need for the variance has not been shown nor has it been shown how the variance will improve efficiency. The homeowner's argument about the lack of grass in that area of the yard is unpersuasive and does not pertain to increasing the use of the space in terms of the need for a set back variance. There has been no documentation provided by the homeowner seeking the variance explaining why the structure could not be built in compliance with the setback requirements in 34.060.

Thank you for considering my written comments in regards to the request to reduce the side yard setback requirements up to 20%. I urge the City of West Linn to deny the variance request to reduce the side yard setback requirement. I greatly appreciate your time.

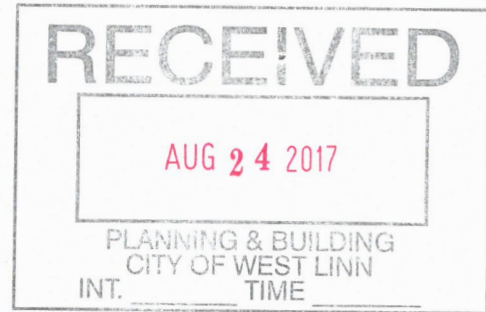
Respectfully yours,

Jill Mallery
1084 Epperly Way
West Linn, OR 97068

August 24, 2017

Jennifer Arnold, Associate Planner
West Linn City Hall
22500 Salamo Road
West Linn, OR 97068

Re: File No. VAR-17-05



Dear Ms. Arnold,

We are writing in response to the request for a Class I variance to reduce the side yard setback requirement up to 20% at 1089 Epperly Way. We are the immediate (west side) neighbors/homeowners that reside at 1085 Epperly Way in the Arbor Cove neighborhood.

Based on the sheer size of the structure, we feel that the existing setback is not adequate in its own right, never mind a reduction (please see images). Our neighborhood is a small *green-built* neighborhood and additions such as these are very intrusive, in that they effect, light, air flow, privacy and views adversely. There is also a fireplace built into this structure, and considering the setbacks, I am **extremely** concerned about fire safety.

We are concerned that this will set a precedent in the neighborhood and other such projects, thereby damaging the neighborhoods reputation and beautiful esthetic. This results in lower quality of life and financial value for its residents.

Aside from the variance request, this entire project is way out of scale for the lot size. The request is regarding the side yard; but the current setback for the back yard (south side), is currently about 2.5 **inches** (see images). This is outrageous in our opinion, respectfully. Also, this variance request is after the fact – the structure is already built and in place.

I do have a question. Is the setback in relation to the structure's wall or is the roof line included in that measurement? If the roof line is included, then there is currently zero setback. From the street, it appears that the roofline bleeds into our property (see images).

Thank you for eliciting our comments for this request to reduce the side yard setback. I urge the City of West Linn to deny the side yard setback requirement variance request.

Thank you for your time and service!

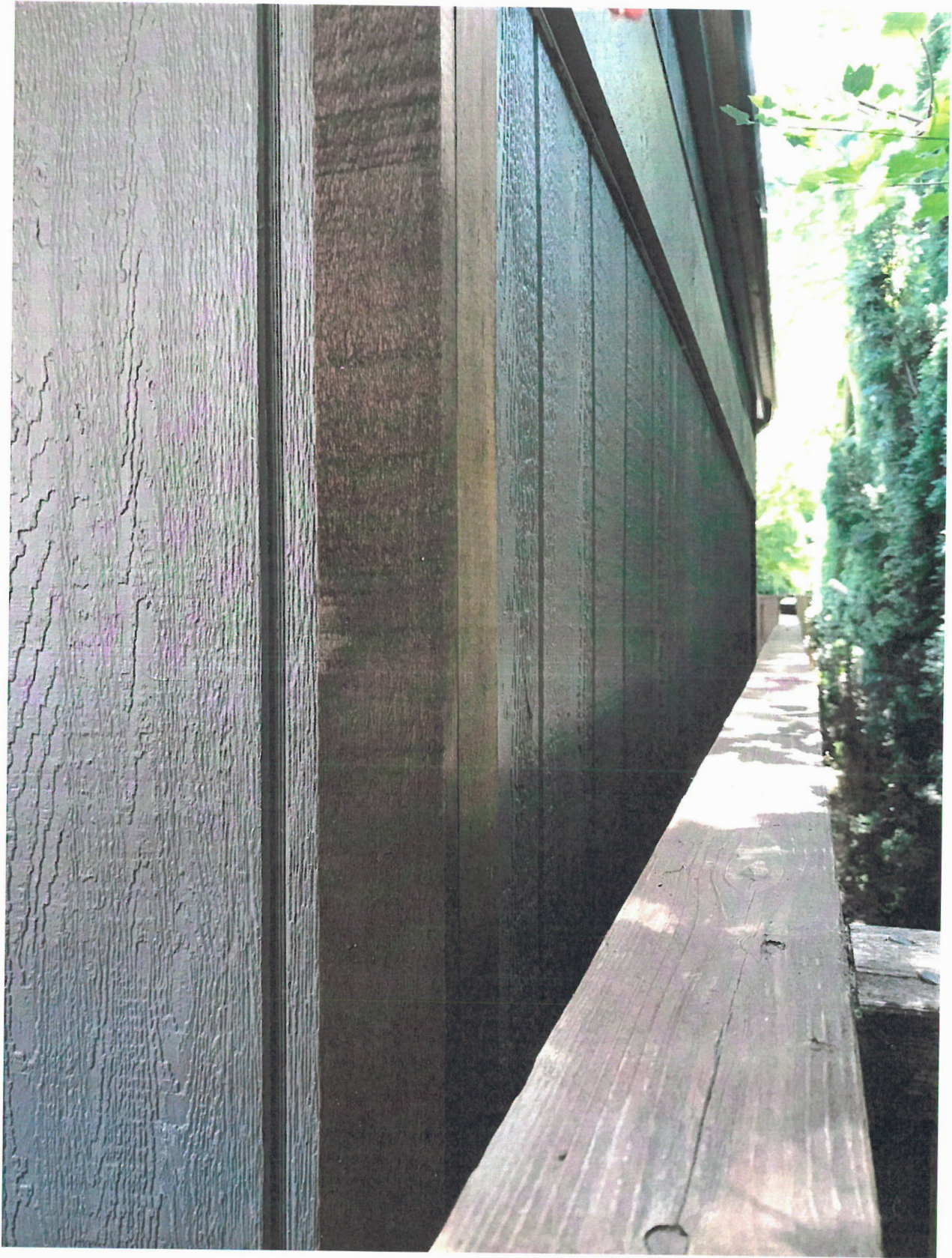
Respectfully,

Mike and Tracy Taylor

1085 Epperly Way

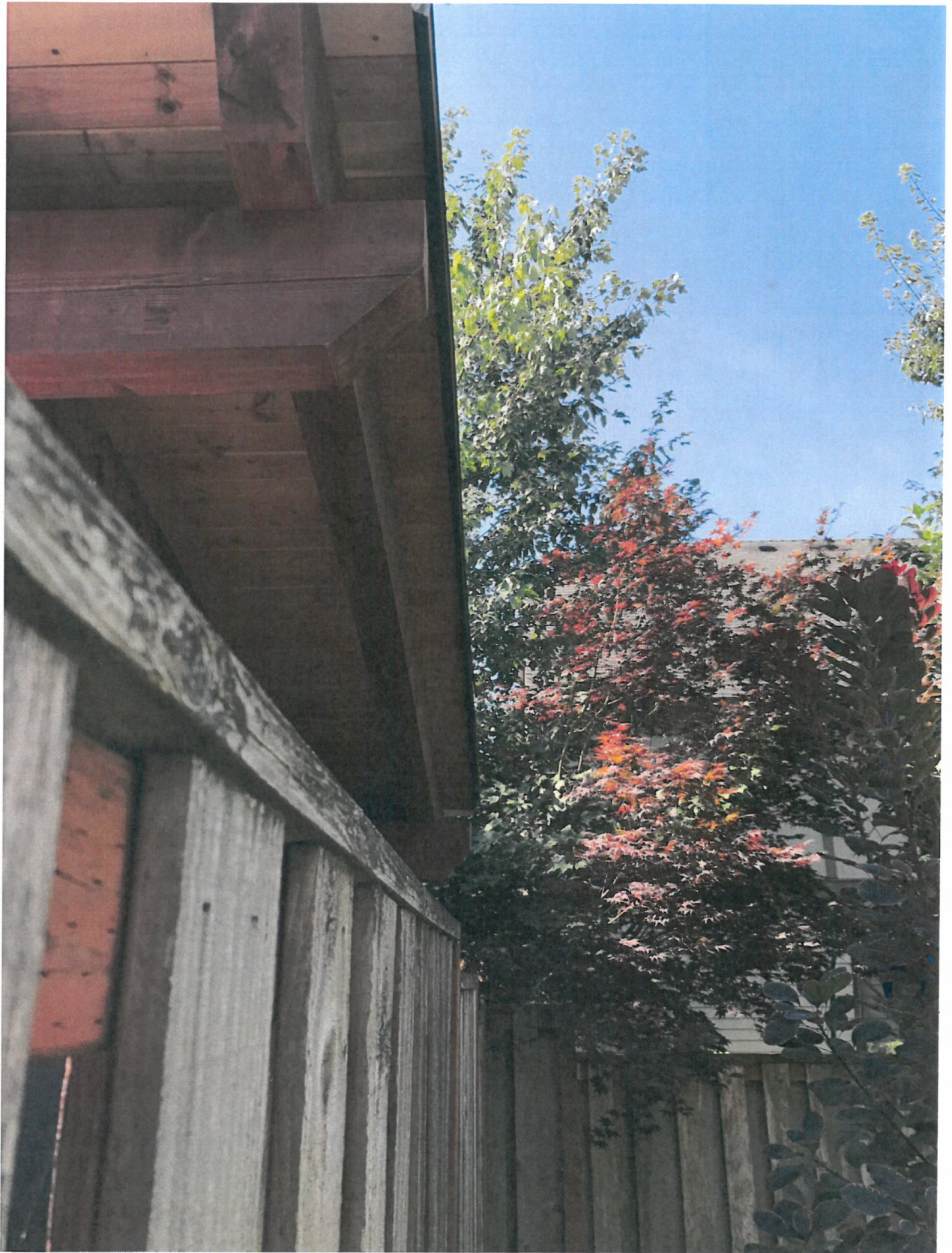


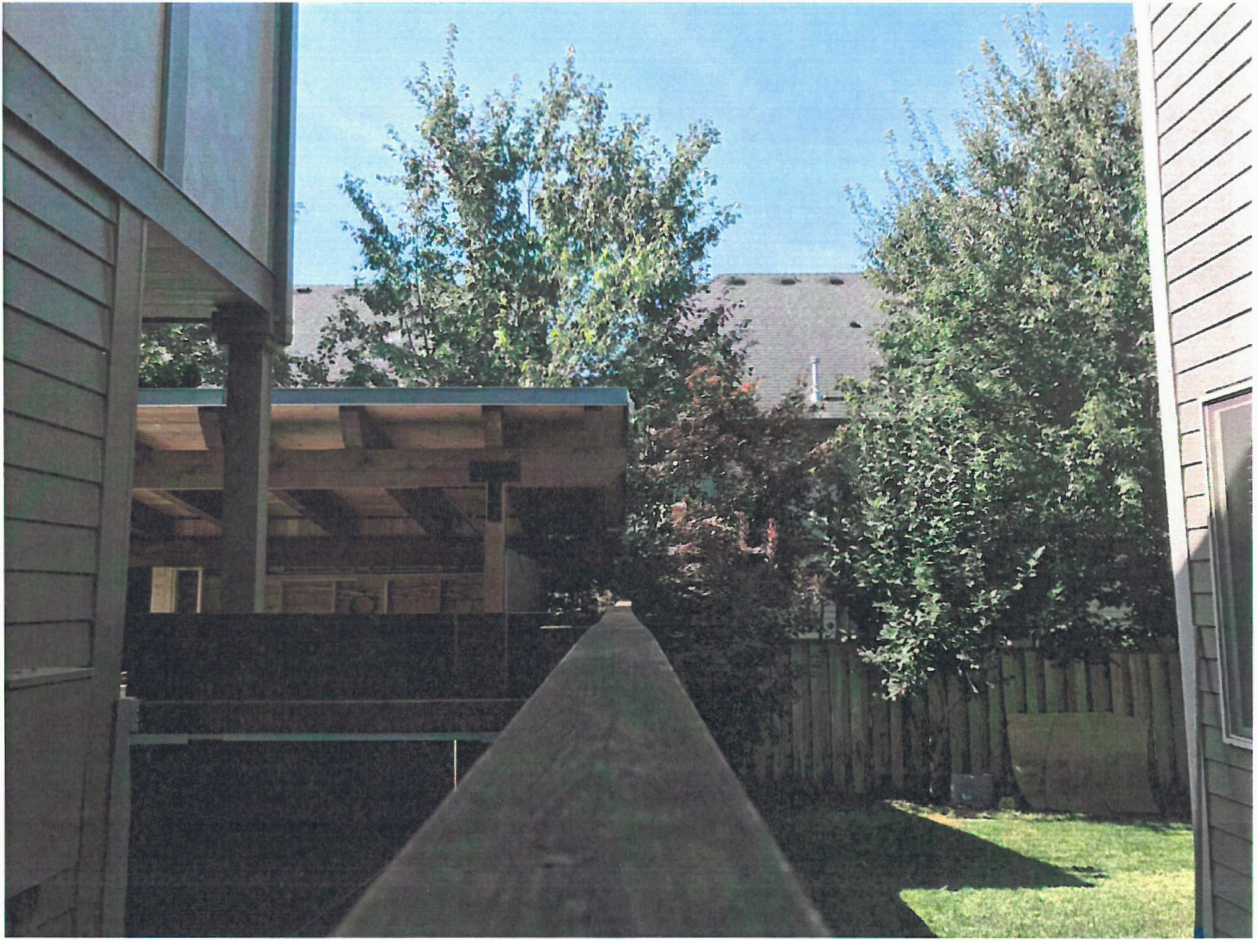










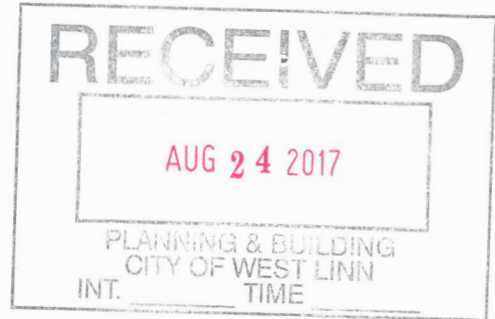




August 23, 2017

Jennifer Arnold, Associate Planner
West Linn City Hall
22500 Salamo Road
West Linn, OR 97068

Re: File No. VAR-17-05



Dear Ms. Arnold,

I am writing in response to the letter I received regarding a request for a Class I variance to reduce the side yard setback requirement up to 20% at 1089 Epperly Way. We are homeowners at 1097 Epperly Way, a few houses down from the project site in the Arbor Cove neighborhood. It does not appear that the variance request meets the standards established in Chapter 75.020 for granting a variance. My primary concerns are as follows:

- the variance has not been shown to be necessary to improve the efficiency of the property
- the modification will harm adjacent properties as well as neighboring properties.

I encourage the City of West Linn to uphold the setback requirements for a non-dwelling established in 34.060.

Chapter 75.020 provides for relief from a specific code provision where it can be demonstrated that the modification will not harm adjacent properties. Arbor Cove is a neighborhood with homes built on small tracts of land, approximately 4,500 sq. feet. Chapter 75.020(A)(1)(c) provides clear guidance on this issue and states the required setback yards may be modified if it "does not adversely affect adjoining properties in terms of light, air circulation, noise levels, privacy, and fire hazards". The proposed structure has already been erected, against code and without getting proper permits from the city, and it clearly encroaches on adjacent properties. The structure appears to be nearly touching the existing fence on the right side of the yard. The structure is an imposing 10' 1" tall and can be clearly seen from the sidewalk in front of the home. Due to the large size of the structure, small lot sizes and close proximity to adjacent properties, it blocks natural light and invades the privacy of the adjacent neighbors. The roofline appears to be overhanging into the neighbor's yard on the right side and is extremely close to the rear yard. The roofline is sloped toward the rear neighbor's yard. This raises a concern that rain run-off from the roof will flood the rear neighbor's yard as well as impact the side neighbor's yard. I hope the city plans to complete a site inspection as part of their approval process.

Chapter 75.020(A)(1)(a) provides the yard requirements may be modified if the approval "provides for a more efficient use of the site". The need for the variance has not been shown nor has it been shown how the variance will improve efficiency. The structure could easily have been built within the city code. The homeowner's argument about the lack of grass in that area of the yard is unpersuasive and does not pertain to increasing the use of the space in terms of the need for a setback variance. There has been no documentation provided by the

homeowner seeking the variance explaining why the structure could not be built in compliance with the setback requirements in 34.060.

Thank you for considering our written comments in regards to the request to reduce the side yard setback requirements. We urge the City of West Linn to deny the side yard setback requirement variance request. I would also ask that you keep neighbor's responses to this proposal private due to the temperament of the homeowner in question.

We have included pictures as well.

Respectfully yours,

Matt and Molly Hemsley

1097 Epperly Way



