

GENERAL INFORMATION

OWNER/ APPLICANT:	Albert and Laura Secchi 1920 6 th Avenue, West Linn, OR 97068
CONSULTANT:	N/A
SITE LOCATION:	1920 6 th Avenue
SITE SIZE:	6,250 square feet
LEGAL DESCRIPTION:	Assessor's Map 3S-1E-02BA Tax Lot 4600
COMP PLAN DESIGNATION:	Medium-Density Residential
ZONING:	R-5, Single-Family Residential Detached and Attached/Duplex (5,000 sq. ft. min. lot size)
APPROVAL CRITERIA:	Community Development Code (CDC) Chapter 13: R-5, Single-Family Residential Detached and Attached/Duplex; Chapter 66: Non-Conforming Structures; Chapter 99: Procedures for Decision Making: Quasi-Judicial.
120-DAY RULE:	The application became complete on April 18, 2018. The 120-day period therefore ends on August 16, 2018.
PUBLIC NOTICE:	Notice was mailed to property owners within 300 feet of the subject property and to all neighborhood associations on April 20, 2018. A sign was placed on the property on April 23, 2018. The notice was also posted on the City's website on April 20, 2018. Therefore, public notice requirements of CDC Chapter 99 have been met.

EXECUTIVE SUMMARY

The applicant seeks approval for an enlargement of a non-conforming single-family structure. The home is located at 1920 6th Avenue, which is on the northeast corner of 6th Avenue and 12th Street, in the Willamette Neighborhood. The existing non-conformity is the structure has a rear yard setback of three feet when the underlying R-5 zone requires a 20-foot setback. The applicant proposes a second story addition that will maintain the three-foot rear yard setback. All other dimensional standards, setbacks, lot coverage, and other provisions of the underlying R-5 zone are met.

Public comments:


No public comments were received by the close of the comment period (May 4, 2018 at 4:00pm).

DECISION

The Planning Manager (designee) approves this application (MIS-18-03), based on: 1) the findings submitted by the applicant, which are incorporated by this reference, 2) supplementary staff findings included in the Addendum below, and 3) the addition of conditions of approval below. With these findings, the applicable approval criteria are met. The conditions are as follows:

1. **Site Plan. The final design submitted for building permits shall conform to the submitted Plan Sheets (Exhibit PD-5).**

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



Darren Wyss, Associate Planner

May 9, 2018
Date

Appeals to this decision must be filed with the West Linn Planning Department within 14 days of mailing date. Cost is \$400. 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 9th day of May, 2018.

Therefore, the 14-day appeal period ends at 5 p.m., on May 23, 2018.

**ADDENDUM
APPROVAL CRITERIA AND FINDINGS
MIS-18-03**

This decision adopts the findings for approval contained within the applicant’s submittal, with the following exceptions and additions:

I. CHAPTER 13, SINGLE FAMILY RESIDENTIAL DETACHED AND ATTACHED/DUPLEX, R-5

13.030 PERMITTED USES

The following uses are permitted outright in this zoning district:

1. *Single-family detached residential unit.*

(...)

Staff Finding 1: The applicant proposes an enlargement of an existing non-conforming single-family detached home. This criterion is met.

13.070 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. *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.*

Staff Finding 2: The subject property has an existing single-family detached home and is 6,250 square feet. This criterion is met.

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.*

Staff Finding 3: The front lot line and average lot width is 125 feet. These criteria are met.

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.*

Staff Finding 4: The applicant proposes an enlargement of an existing non-conforming single-family detached home. After enlargement, the home will be setback 20 feet from the front property line, 35 feet from the interior side yard property line, and 26.5 feet from the side yard abutting a street property line. These criteria are met.

4. For a rear yard, 20 feet.

Staff Finding 5: The rear yard setback for the existing home is 3 feet, thus requiring the application for enlargement of an existing non-conforming single-family detached home. This criterion is met.

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.

Staff Finding 6: The existing home is 12 feet 9 inches high and after the second story addition the home will be 25 feet 9 inches in height. This criterion is met.

G. The maximum lot coverage shall be 40 percent.

Staff Finding 7: The lot coverage after the enlargement will be 25 percent. This criterion is met.

H. The minimum width of an accessway to a lot which does not abut a street or a flag lot shall be 15 feet.

Staff Finding 8: This criterion is not applicable.

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.

Staff Finding 9: The existing home is 1,513.41 square feet. The proposed second story addition is 1,242 square feet for a total of 2,755.41 square feet. The property is 6,250 square feet, which yields an FAR of 44.1%. This criterion is met.

J. The sidewall provisions of Chapter 43 CDC shall apply.

Staff Finding 10: The proposal is exempt from Chapter 43 as the gable ends are facing the side lot line (CDC 43.040.C.5). This criterion is met.

II. CHAPTER 66, NON-CONFORMING STRUCTURES

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.*

Staff Finding 11: The applicant proposes an enlargement of an existing non-conforming single-family detached home, which is a conforming use in the R-5 zone. This criterion is not applicable.

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.*

Staff Finding 12: The applicant proposes an enlargement of an existing non-conforming single-family detached home, which is a conforming use in the R-5 zone. The enlargement does not meet all provisions of the code, as the rear yard setback for the existing home is 3 feet, not meeting the required 20 foot setback. In this circumstance, the criteria of CDC 66.080.B.2 applies. Design review is not applicable to detached single-family home per CDC 55.025.A. This criterion is met.

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*

Staff Finding 13: The applicant proposes an enlargement of an existing non-conforming single-family detached home, which requires Planning Director review and approval. The rear yard setback for the existing home is 3 feet. The rear yard setback after the addition of a second story will remain 3 feet. The enlargement will not change or increase the non-conformity. This criterion is met.

b. *All other applicable ordinance provisions will be met.*

Staff Finding 14: Please see Staff Findings 1 through 10. This criterion is met.

PD-1 AFFADAVIT AND NOTICE PACKET

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. MISC-18-03 Applicant's Name Albert : Laura Secchi
Development Name _____
Scheduled Meeting/Decision Date 5-4-18

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) 4-23-2018 (signed) [Signature]

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) 4-20-18 (signed) S. Skoyev
- B. Affected property owners (date) 4-20-18 (signed) S. Skoyev
- C. School District/ Board (date) _____ (signed) _____
- D. Other affected gov't. agencies (date) _____ (signed) _____
- E. Affected neighborhood assns. (date) 4-20-18 (signed) S. Skoyev

All

Notice was posted on the City's website at least 10 days prior to the scheduled hearing or meeting.
Date: 4-20-18 (signed) S. Skoyev

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

(date) _____ (signed) [Signature]

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

(date) 5-9-2018 (signed) [Signature]

**CITY OF WEST LINN
NOTICE OF UPCOMING
PLANNING MANAGER DECISION
FILE NO. MIS-18-03**

The West Linn Planning Manager is considering a request for an Enlargement of a Non-Conforming Single-Family Structure to add a second story to the home at 1920 6th Avenue.

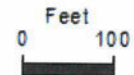
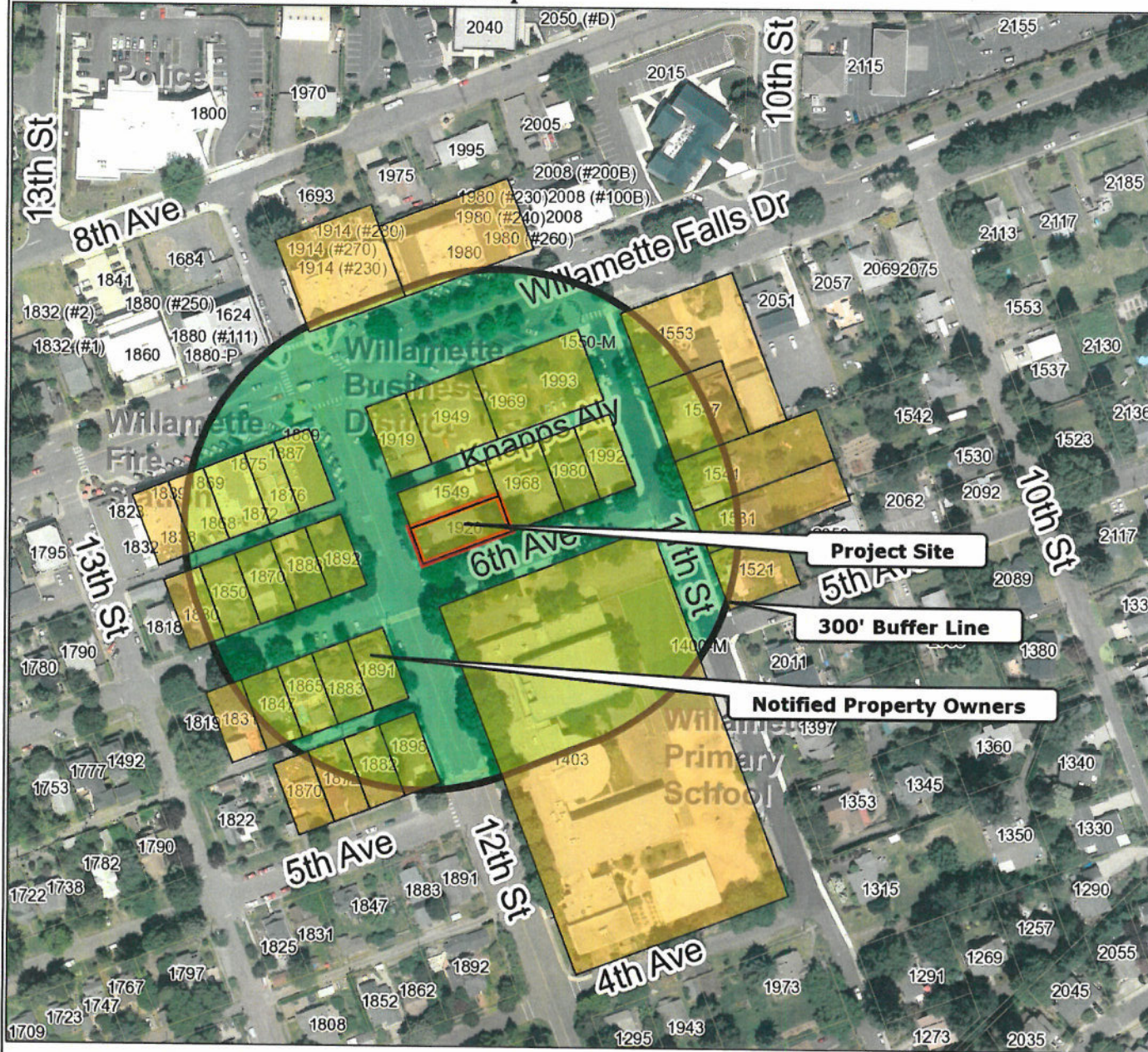
The decision will be based on the approval criteria in Chapters 13 and 66 of the Community Development Code (CDC). The approval criteria from the CDC are available for review at City Hall, at the City Library, and at <http://www.westlinnoregon.gov/cdc>.

You have received this notice because County records indicate that you own property within 300 feet of this property (Tax Lot 4600 of Clackamas County Assessor's Map 31E 02BA) or as otherwise 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 <https://westlinnoregon.gov/planning/1920-6th-avenue-2nd-story-addition-non-conforming-structure> 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 May 4, 2018. 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 Darren Wyss, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, (503) 742-6064, dwyss@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.** 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.

1920 6th Avenue Notification Map



Scale 1:2,400 - 1 in = 200 ft
Scale is based on 8-1/2 x 11 paper size



Map created by: SSHROYER
Date Created: 02-Apr-18 01:51 PM

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 # MISC-18-03
MAIL: 4/20/18 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-2 COMPLETENESS LETTER



CITY OF West Linn

April 18, 2018

Albert and Laura Secchi
1920 6th Avenue
West Linn, OR 97068

SUBJECT: Non-Conforming Structure Expansion at 1920 6th Avenue (MISC-18-03)

Dear Al and Laura:

Your application submitted on March 29, 2018 has been deemed **complete**. The city has 120 days to exhaust all local review; that period ends August 16, 2018.

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 503-742-6064, or by email at dwyss@westlinnoregon.gov if you have any questions or comments.

Sincerely,

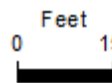
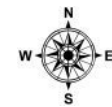
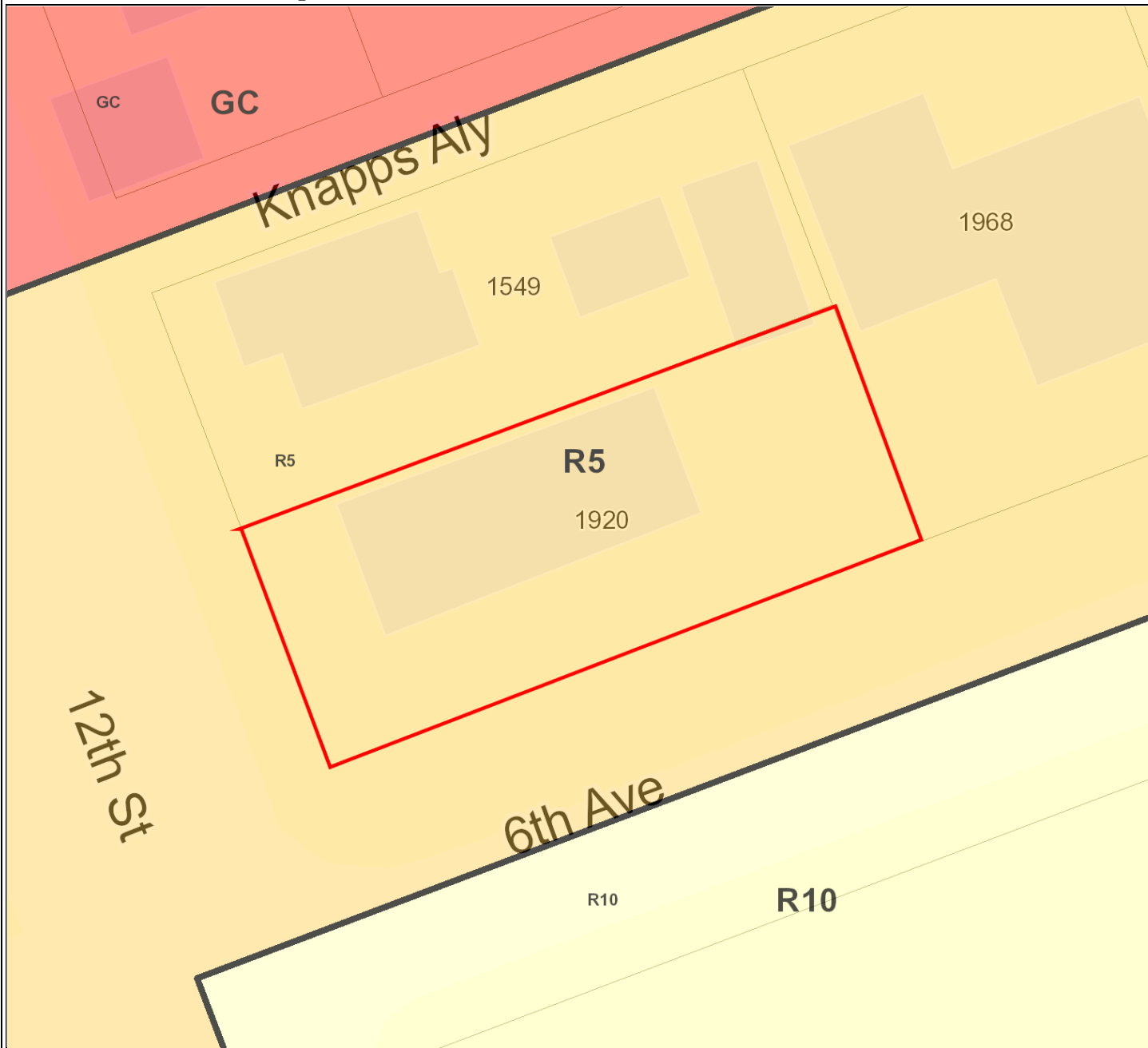
A handwritten signature in blue ink that reads "Darren Wyss".

Darren Wyss

Associate Planner

PD-3 PROPERTY MAPS

1920 6th Ave. - Map 1



Scale 1:360 - 1 in = 30 ft
Scale is based on 8-1/2 x 11 paper size

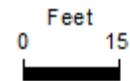
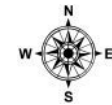


Map created by: DWYSS
Date Created: 04-May-18 03:25 PM

WEST LINN GIS

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1920 6th Ave. - Map 2



Scale 1:360 - 1 in = 30 ft
Scale is based on 8-1/2 x 11 paper size



Map created by: DWYSS
Date Created: 04-May-18 03:26 PM

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.

PD-4 APPLICANT'S SUBMITTAL

DEVELOPMENT REVIEW APPLICATION

<small>For Office Use Only</small>		
STAFF CONTACT <i>Darren Wyss</i>	PROJECT NO(S). <i>MISC-18-03</i>	
NON-REFUNDABLE FEE(S) <i>1000-</i>	REFUNDABLE DEPOSIT(S)	TOTAL <i>1000-</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 type="checkbox"/> Variance (VAR) |
| <input type="checkbox"/> Easement Vacation | <input checked="" 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.

Site Location/Address: <i>1920 6TH AVE, WEST LINN, OR 97068</i>	Assessor's Map No.: 31E02BA
	Tax Lot(s): 31E02BA04600
	Total Land Area: 6250 SQ. FT.

Brief Description of Proposal: *SECOND STORY ADDITION TO EXISTING NON-CONFORMING STRUCTURE*

Applicant Name: <i>ALBERT AND LAURA SECCHI</i> <small>(please print)</small>	Phone: 503 957 6060
Address: <i>1920 6TH AVE.</i>	Email: LMSECCHIS@YAHOO.COM
City State Zip: <i>WEST LINN, OR 97068</i>	



Owner Name (required): <i>ALBERT AND LAURA SECCHI</i> <small>(please print)</small>	Phone: 503 957 6060
Address: <i>1920 6TH AVE.</i>	Email: LMSECCHIS@YAHOO.COM
City State Zip: <i>WEST LINN, OR 97068</i>	

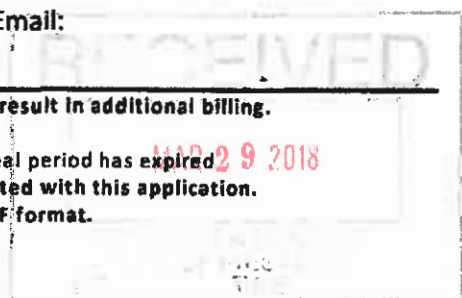
Consultant Name: <small>(please print)</small>	Phone:
Address:	Email:
City State Zip:	

- 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>3/29/2018</i> 6/19/2017		<i>3/29/2018</i> 6/19/2017
Applicant's signature	Date	Owner's signature (required)	Date



Albert and Laura Secchi
1920 6th Ave
West Linn, OR 97068
(503)723-9635 Main
(503)358-9635 Mobile

Subject: Alteration/Expansion of Non-Conforming Structure at
1920 6th Ave
West Linn, OR 97068

Darren,

In response to your request for a narrative addressing the approval criteria of CDC Chapter 66.00(B2)(a) and (b), please find the following:

- a. The proposed alterations and expansions to the existing residence will not adversely impact the existing non-conforming rear yard. The non-conforming rear yard is boarded by an existing fence on the property line with adjacent property. The proposed second story expansion to the one story residence will not restrict views to any adjacent properties.
- b. Other applicable ordinance provisions in CDC Chapter 13:
Section 13.070:
 - (A) Complies with the minimum lot size of 5,000 sq. ft. by providing 6250 sq. ft.
 - (B) Complies with minimum front yard width of 35 ft. at 125 ft.
 - (C) Complies with minimum lot width of 50 ft.
 - (D) N/A
 - (E1) 20 ft. front yard required: 20 ft. provided
 - (E3) 15 ft. side yard abutting a street required: 20 ft. provided
 - (E4) 20 ft. rear yard required: existing 3 ft. +/- non-conforming
 - (F) 35 ft. maximum height required: Under 35 ft. provided
 - (G) 40% maximum lot coverage required: 25% provided
 - (H) N/A
 - (I) 45 % maximum FAR (floor area ratio) required: 44% provided
 - (J) N/A

Additional applicable ordinances provisions in CDC Chapter 28:

Section 38.060(B): 24 in roof eaves to match existing, complies with 36 in maximum Eave overhand into required yards.

Section 38.060(F): Proposed front porch addition complies with 5 ft. encroachment into front yard.

Alterations furthermore comply with Section 66.080:

B. An enlargement or alteration to a non-conforming structure containing a conforming use may be permitted subject to the following:

(B2) 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.

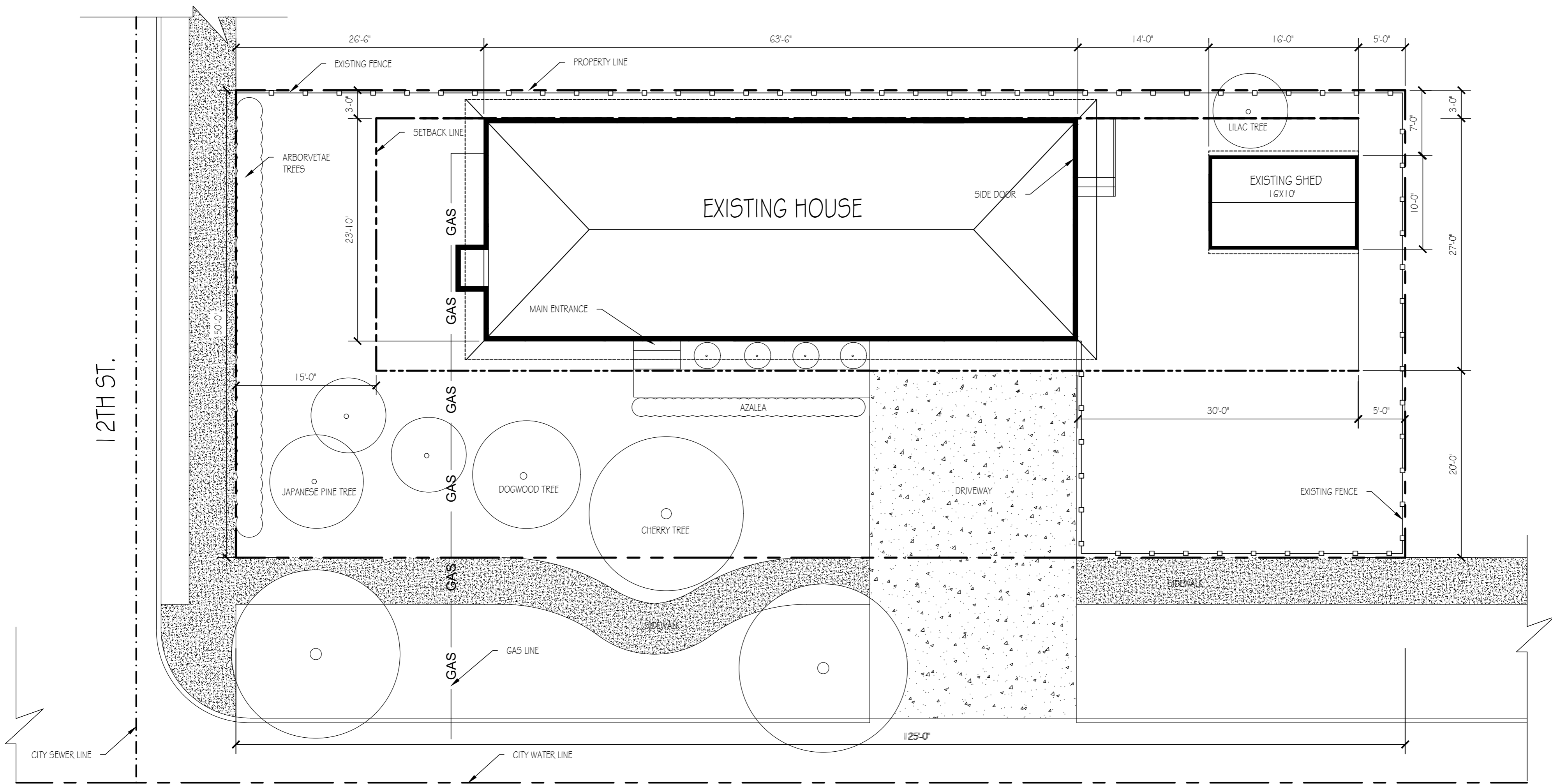
- a. The enlargement or alteration will not change the non-conformity; and
- b. All other applicable ordinance provisions will be met. (Ord. 1192, 1987)

Submitted as requested.



By _____

Albert Secchi



6TH AVE.

1 EXISTING SITE PLAN
1/8" = 1'-0"



EXISTING SITE PLAN NON CONFORMING STRUCTURE	SCALE: 1/8" = 1'-0"
DR BY: JB	DATE: 5/3/2017
PROJECT ADDRESS: 1920 6TH AVE. WEST LINN, OR.	
SHEET NO: A-1	

LOT COVERAGE

EXISTING HOUSE : 1,513.41 SQFT
 SECOND FLOOR ADD : 1,242 SQFT
 TOTAL AREA: 2,755.41 SQFT

LOT AREA: 6,250 SQFT
 PERCENTAGE: 44.08%

PROPOSED SITE PLAN
 NON CONFORMING
 STRUCTURE

SCALE:
 1/8" = 1'-0"

DR BY: JB

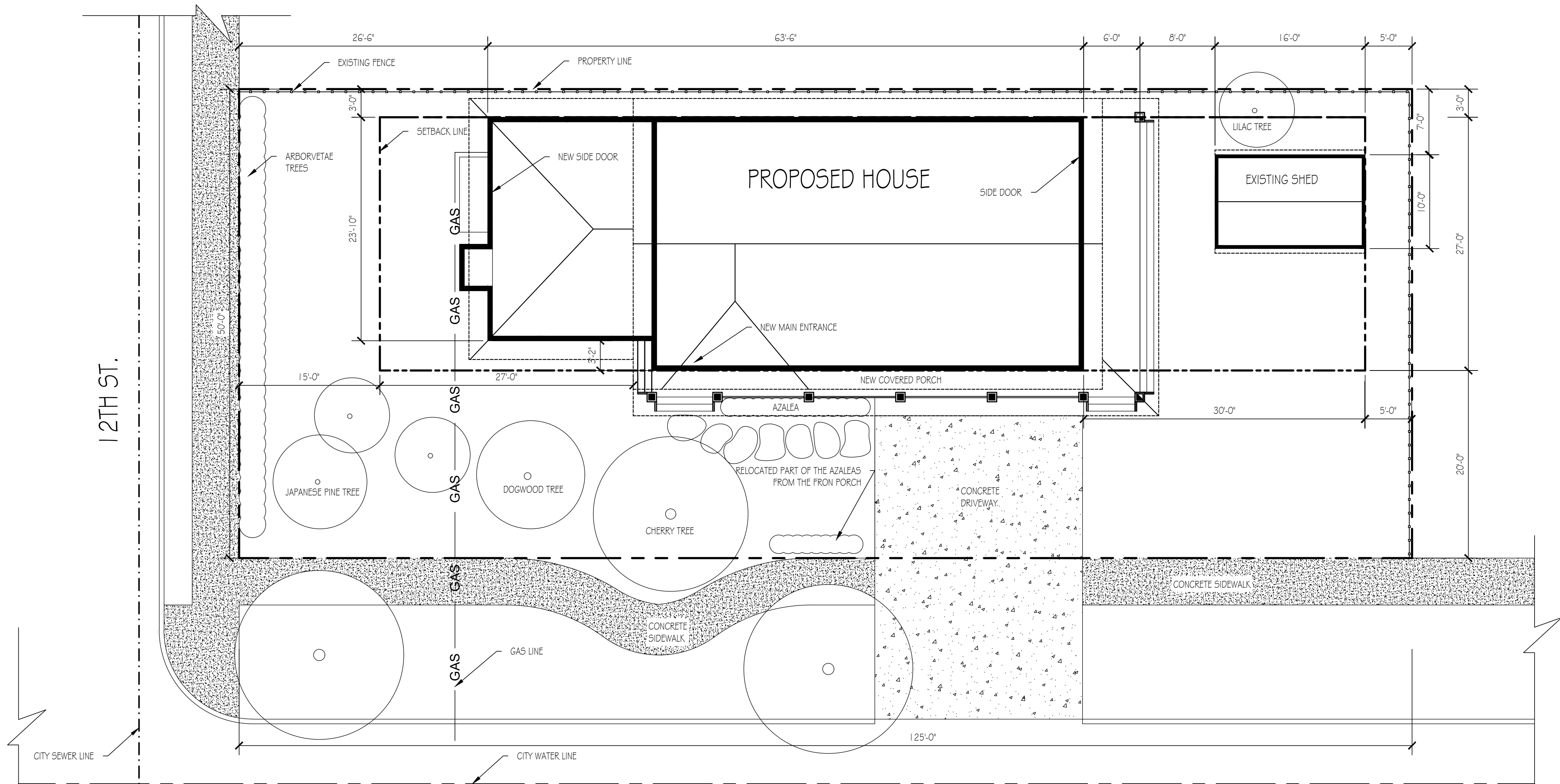
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 5/8/2017

PROJECT ADDRESS:
 1920 6TH AVE.
 WEST LINN, OR.

SHEET NO:

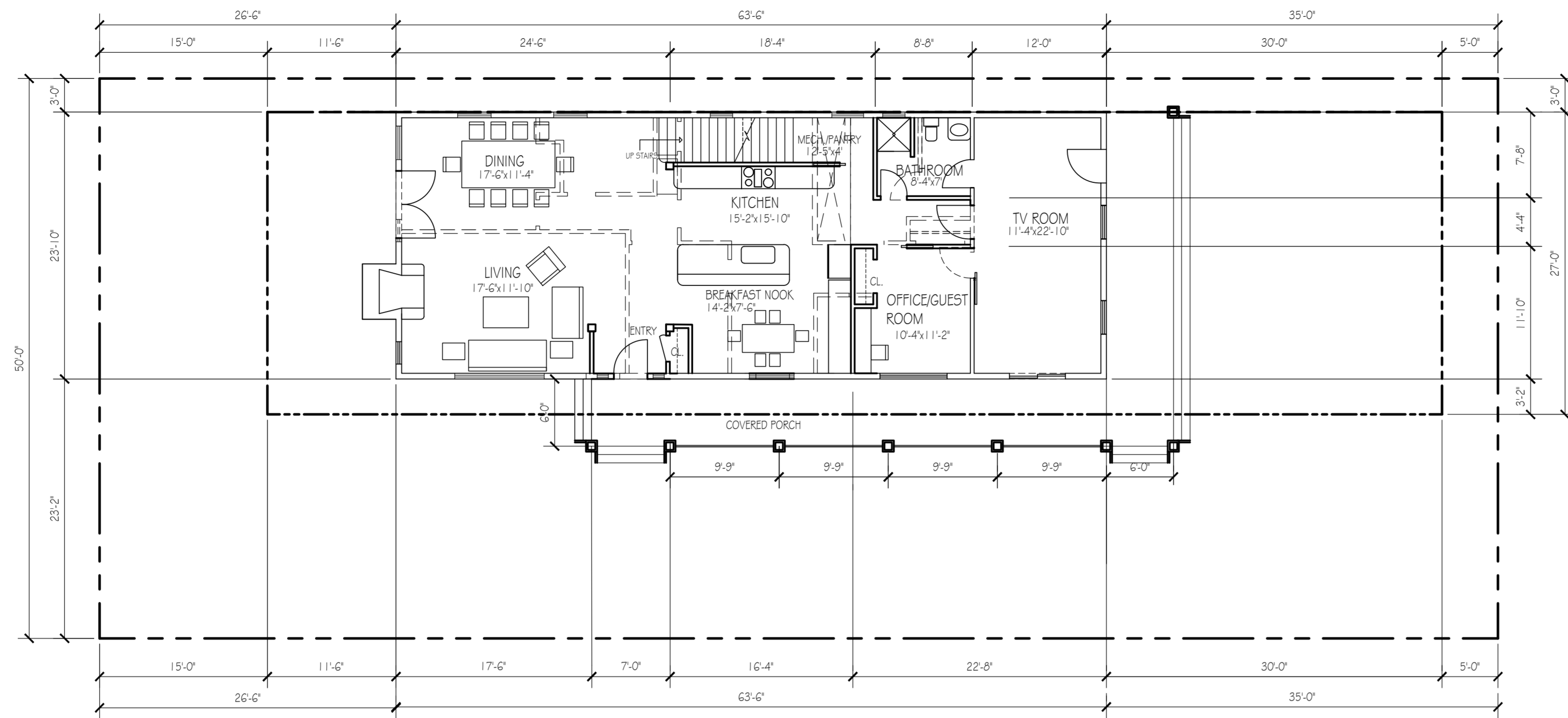
A-2

MS-18-03

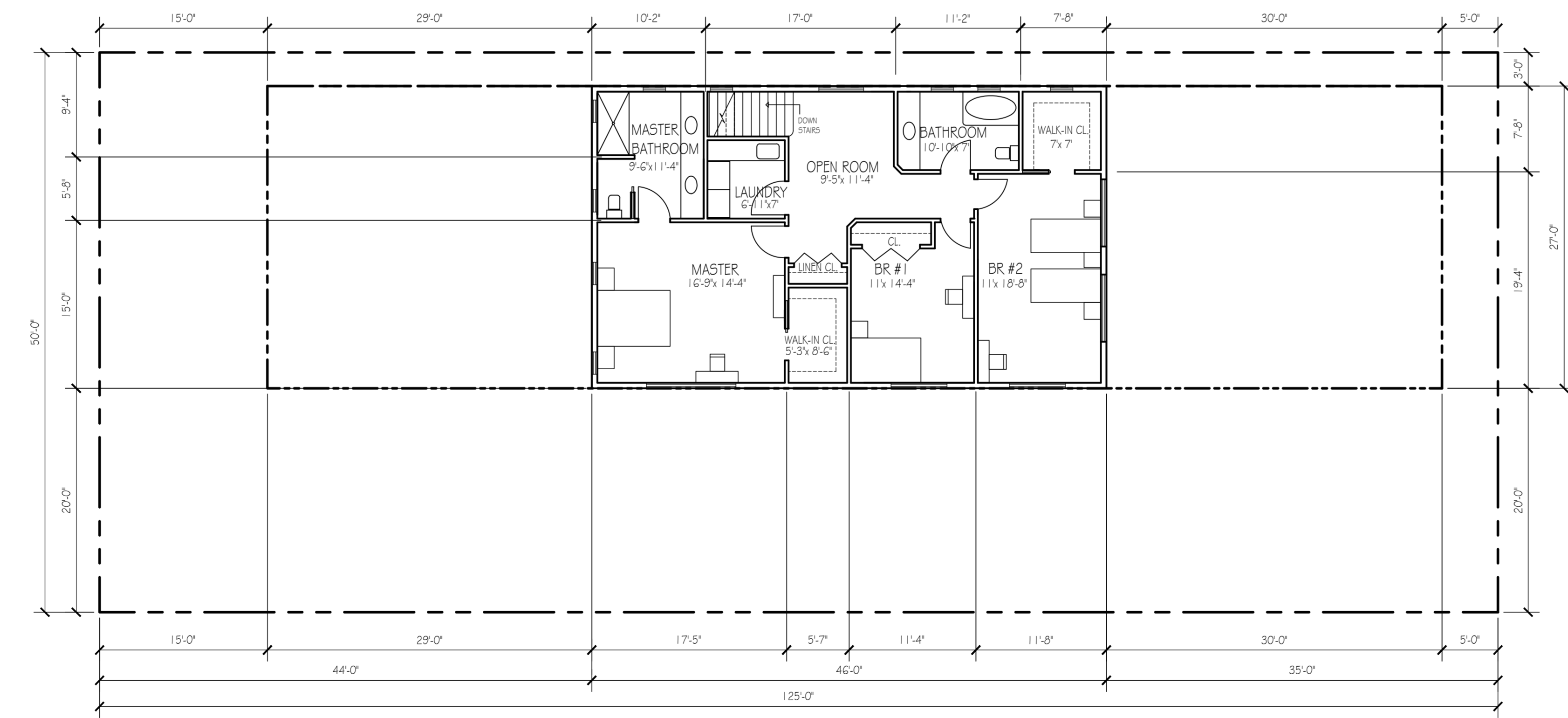


6TH AVE.

1 PROPOSED SITE PLAN
 1/8" = 1'-0"



1 GROUND FLOOR
1/8" = 1'-0"



2 UPPER FLOOR
1/8" = 1'-0"

NOTES:

- EXISTING WALLS _____
- DEMOLITION WALL - - - - -
- NEW WALLS _____
- SETBACK LINE - - - - -
- PROPERTY LINE - - - - -

FLOOR PLANS
NON CONFORMING
STRUCTURE

DR BY: JB

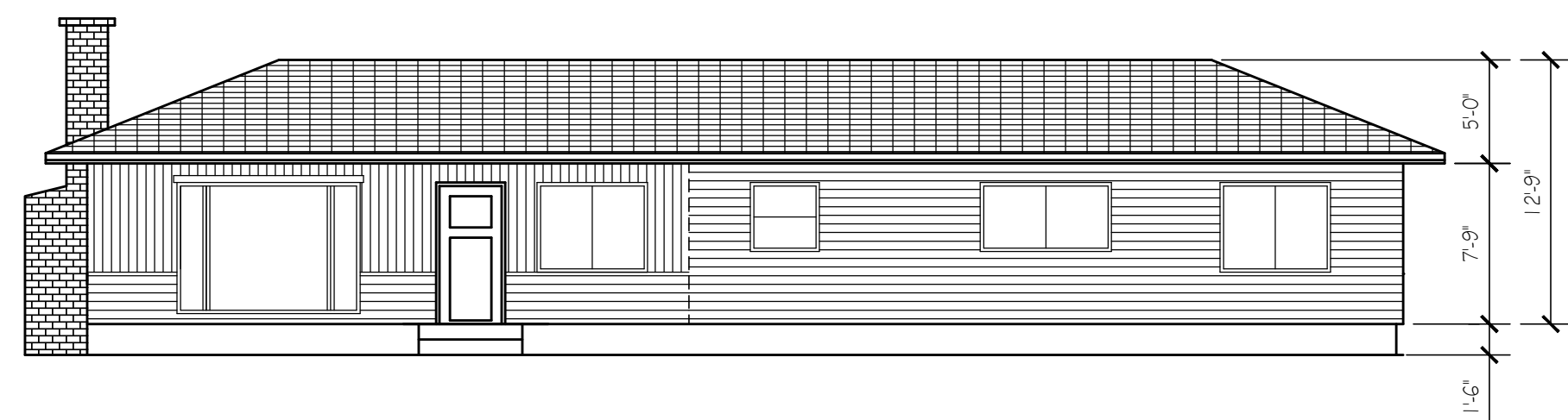
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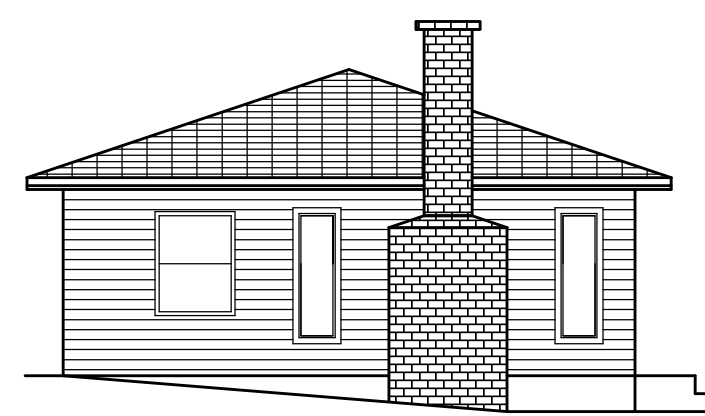
PROJECT ADDRESS:
1920 6TH AVE.
WEST LINN, OR.

SHEET NO:

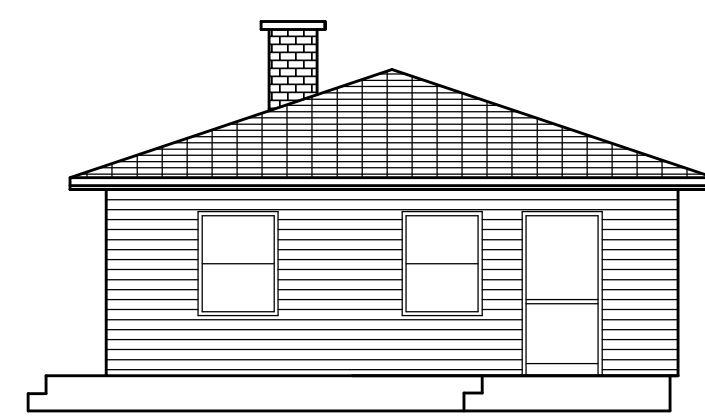
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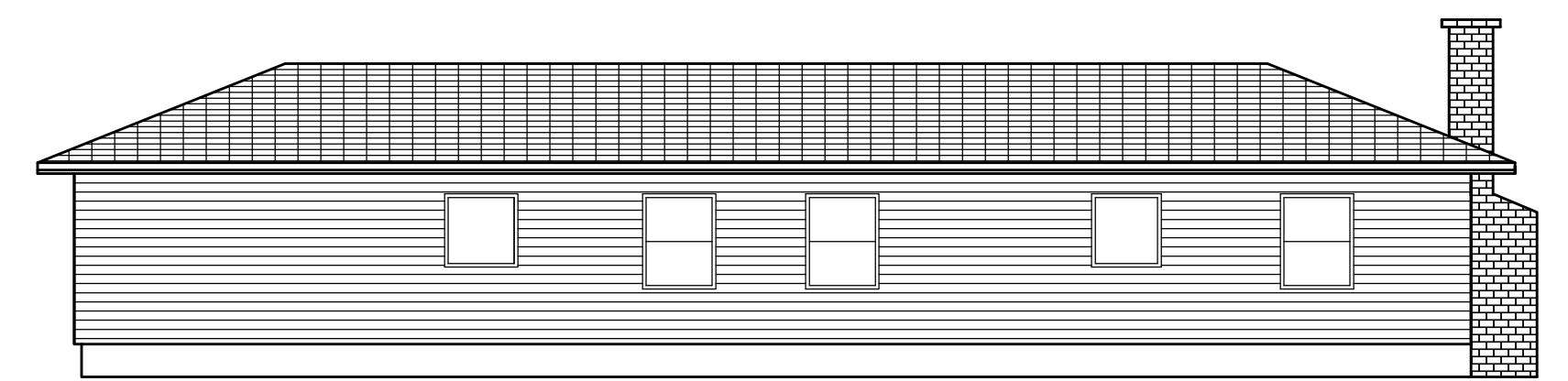
1 EXISTING EXTERIOR NORTH ELEVATION



3 EXISTING EXTERIOR EAST ELEVATION



5 EXISTING EXTERIOR WEST ELEVATION



7 EXISTING EXTERIOR SOUTH ELEVATION



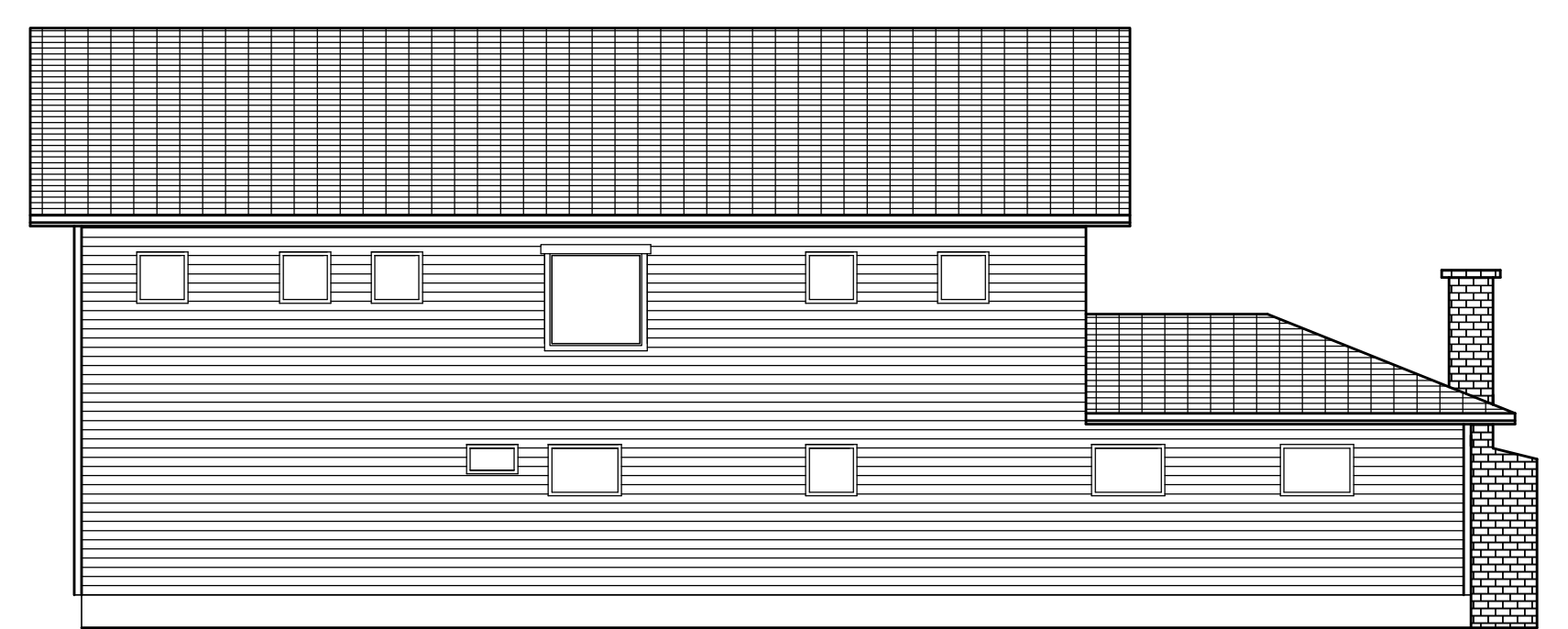
2 PROPOSED EXTERIOR NORTH ELEVATION



4 PROPOSED EXTERIOR EAST ELEVATION



6 PROPOSED EXTERIOR WEST ELEVATION



8 PROPOSED EXTERIOR SOUTH ELEVATION