



### DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT <i>Chris Myers</i>	PROJECT No(s). <i>AP 20-10, VAR 19-05</i>	
NON-REFUNDABLE FEE(S) <i>\$ 400</i>	REFUNDABLE DEPOSIT(S) <i>0</i>	TOTAL <i>\$ 400</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 checked="" 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 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:**

*2622 Dillow Drive  
West Linn, OR 97068*

**Assessor's Map No.:**

*Tax Lot(s): 21E25AB01900*

*Total Land Area: 11,113 sq. ft.*

**Brief Description of Proposal:**

*Asking to appeal the denial of requested 20% rear yard setback.*

**Applicant Name:**  
(please print)

*Jennifer Skyr*  
*2622 Dillow Drive*  
*West Linn, OR 97068*

Phone: *503-888-5426*

Email: *skypdx@gmail.com*

**Owner Name** (required)  
(please print)

*Jennifer Skyr*  
*2622 Dillow Drive*  
*West Linn, OR 97068*

Phone: *503-888-5426*

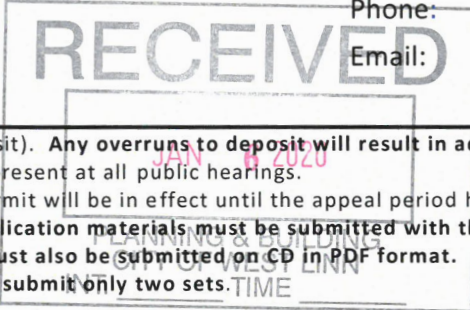
Email: *skypdx@gmail.com*

**Consultant Name:**  
(please print)

Address:  
City State Zip:

Phone:

Email:



- 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.

Applicant's signature

Date

Owner's signature (required)

Date

*Jan 6<sup>th</sup>, 2020*      *Jan. 6<sup>th</sup>, 2020*

Jennifer Skyler  
2622 Dillow Drive  
West Linn, OR 97068

March 2, 2020

Dear West Linn City Council,

My name is Jennifer Skyler. I have lived in the City of West Linn off and on for the past 30 years, and I co-own 2622 Dillow Drive with my parents Elaine and Gordon Grose, who also reside in West Linn. I am currently in the midst of building an addition on 2622 Dillow Drive.

On July 3rd, 2019, I stopped work on the addition in order to apply for a Class 1 Variance for our backyard setback. Per City of West Linn instruction, we wrapped the new construction in tarps to prevent rain damage. On August 6th, 2019 I submitted new drawings and new hub & tack information, as well as my application for the Class 1 Variance. I was informed that all decisions regarding the variance would be based on meeting code criteria for Class 1 Variances. On September 17th, 2019 I received a letter from Jennifer Arnold at the City of West Linn, that my application was received and then reviewed on August 20th, 2019 and that it was found to be complete. On December 26th, 2019 I received a letter from City of West Linn Planning, stating that my request for a Class 1 Variance was denied by the Community Development Director 1) based on the findings I submitted 2) supplementary staff findings, and that 3) conditions of approval to continue building, were that I would have to use our original drawings, which do not provide for ADA accessibility. Included, was a letter of complaint by my neighbor at 2690 Dillow.

In the staff report, there was **no description regarding the ways in which the documents I submitted did not meet code criteria**. There was **no documentation of staff findings and how those findings concluded that my variance did not meet code criteria**. **None of my neighbor's complaints referenced code violation**. I concluded that the decision was not in fact based on code. I filed an appeal.

**My request for a Class 1 Variance of the backyard setback at 2622 Dillow Drive complies with code:**

**1. Required yards may be modified up to 20% - which is 4ft. Our drawings use 3.5 ft of the 4 ft.**

- a. The variance I request for **our addition provides for more efficient use of space. It is an unused backyard space, and that space is needed for ADA accessibility.**
- b. The variance I request **keeps original, mature trees and landscaping intact.**
- c. The variance I request does not adversely affect adjoining properties in terms of:

**Light** - There is **no impact on adjoining properties** regarding light. Mature trees already provide shade on two borders of the property, including the setback property line.

**Air Circulation** - There are still **16.5 ft from our construction to the property line fencing** bordering our setback. The neighbor bordering the setback has significant footage between their residence and the fencing we share.

**Noise Levels** - There will be **no increase** in noise levels.

**Privacy** - We have **mature trees and fencing** bordering our setback (south side of our property) as well as the west side of our property (neighbor who wrote the complaint). We have a **retaining wall** built between our property and our neighbor to the east.

**Fire Hazards** - There is **no alteration** in fire hazards.

2. We have plenty of additional parking, paved and unpaved.
3. No change to sign requirements.
4. No impact or alteration to mature landscaping, whatsoever.

Now that I have addressed code, I would like to briefly address my neighbor's (2690 Dillow Drive) concerns.

- 1) Our neighbor's complaint of an obstructed view of Mt. Hood:  
The 4' Class 1 Variance of our setback is at the south of our property. Mature trees, fencing, and our neighbor's windowless outbuilding are in line of sight of our construction and setback, not Mt. Hood. Mt. Hood can be viewed from the north of both our neighbor's property and from the street. Mt. Hood cannot be viewed from the south of either of our properties. \*please see property map and photos\*

**Regardless, there is nothing in Class 1 Variance code criteria about a view obstructed, and our neighbor is in no way impacted in regards to light, air circulation, noise levels, privacy or fire hazards.**

2) Our neighbor is afraid I will run a soup kitchen out of the addition:

I am executive director of a small non-profit that supplies and supports food-sharing as a way to ease food insecurity for Portland area residents. There will never be a “soup kitchen” at our residence. This was a simple misunderstanding. And has nothing to do with code criteria.

3) Blue Tarps:

We were instructed to tarp and wrap our construction. We did so. This has nothing to do with code criteria.

4) Completing Construction in a timely manner:

Believe me, we want the same thing. Our hands have been tied. This complaint also has nothing to do with code criteria.

Thank you for your time, I look forward to meeting with you soon.

Sincerely,  
Jennifer Skyler