

WEST LINN CITY COUNCIL
FINAL DECISION AND ORDER
AP-20-01

**IN THE MATTER OF AN APPEAL OF THE PLANNING MANAGER DENIAL
OF A CLASS I VARIANCE TO REDUCE THE REQUIRED REAR YARD
SETBACK UP TO 20 PERCENT AT 2622 DILLOW DRIVE**

I. Overview

Jennifer Skyler (Applicant) submitted a land use application on August 20, 2019 for a Class I Variance (VAR-19-05) to reduce the required rear yard setback from 20 feet to 16.5 feet. The application was deemed complete on September 17, 2019. The approval criteria for the application are found in Chapters 11 and 75 of the West Linn Community Development Code (CDC). The decision was noticed and conducted pursuant to CDC Chapter 99.

The adjacent property owner to the west, Tom Taylor at 2690 Dillow Drive, submitted a comment that the encroachment into the required setback would block his view of Mt. Hood from a portion of his yard. He objected to the variance request based on the assertion that his view was blocked.

On December 26, 2019 the Community Development Director, using the discretionary decision-making power in a variance application, denied the Class I Variance (VAR-19-05) based on an adverse impact to the adjacent property at 2690 Dillow Drive.

Jennifer Skyler (Appellant) filed an appeal of the Planning Manager decision on January 6, 2020. The appeal hearing was held on May 11, 2020. The Appellant presented oral argument, with no oral arguments from the public. Staff recommended approval of the appeal based on new evidence submitted by the Appellant. Council closed the public hearing and Council Relyea made a motion to approve the appeal AP-20-01 and overturn the Planning Manager decision to deny VAR-19-05. Councilor Sakelik seconded the motion, and the motion passed unanimously.

II. The Record

The record was finalized at the May 11, 2020 appeal hearing. The record includes the entire file for AP-16-01 and VAR-19-05.

III. Procedural Issues and Scope of Review

The Appellant and Applicant agreed that the scope of the hearing was de novo.

IV. Findings of Fact

- 1) The Overview set forth above is true and correct.
- 2) The applicant is Jennifer Skyler.
- 3) The appellant is Jennifer Skyler.
- 4) The Council finds that it has received all information necessary to make a decision based on the Agenda Report; appeal application; the Appellant’s oral argument; and the evidence in the whole record.

V. Findings

The Council finds substantial evidence in the record to demonstrate that all applicable criteria for approval of a Class I Variance were satisfied and overturns the Planning Manager denial of VAR-19-05.

VI. Order

The Council concludes that AP-20-01 is approved. The Council overturns the Planning Manager denial of VAR-19-05 based on the entire Record, Findings of Fact, Findings above, and the following condition of approval from the VAR-19-05 Staff Report:

- 1. The final plan shall conform to the submittal dated April 2, 2019.



RUSSELL B. AXELROD, MAYOR
WEST LINN CITY COUNCIL

DATE: 6/1/20

This decision may be appealed to the Land Use Board of Appeals in accordance with the applicable rules and statutes.

Mailed this 2 day of _____ June, 2020.

Therefore, this decision becomes effective at 5 p.m., _____ June 23, 2020.