

## STAFF REPORT FOR THE CITY COUNCIL

FILE NUMBER:	AP-20-01
HEARING DATE:	May 11, 2020
REQUEST:	Appeal of the Planning Manager decision to deny a Class I Variance request to reduce the required rear yard setback from 20 feet to 16.5 feet at 2622 Dillow Drive (VAR-19-05).
APPLICABLE CRITERIA UNDER APPEAL:	Community Development Code (CDC): CDC 75.020.A.1(a) CDC 75.020.A.1(b)
STAFF REPORT PREPARED BY:	CDC 75.020.A.1(c) Chris Myers, Associate Planner
Commu	nity Development Director Review

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# **GENERAL INFORMATION**

APPELLANT:	Jennifer Skyler 2622 Dillow Drive West Linn, OR 97068
APPEAL DEADLINE:	The appeal deadline was 5:00 p.m. on January 9, 2020. The appellant filed the appeal application at January 6, 2020, thus meeting the deadline.
PUBLIC NOTICE:	Public notice was mailed to all persons with standing, neighborhood association, and property owners within 500-feet on March 31, 2020. The property was posted with a notice sign on March 31, 2020. The notice was published in the West Linn Tidings on April 9, 2020. In addition, the application was posted on the City's website March 31, 2020.
SITE LOCATION:	2622 Dillow Drive
LEGAL DESCRIPTION: SITE SIZE:	Clackamas County Assessor Map 2S-1E-25AB, Tax lot 1900 11,067 square feet
ZONING:	R-10, Single-Family Residential Detached and Attached.
COMP PLAN DESIGNATION:	Low-Density Residential
OWNER/APPLICANT:	Jennifer Skyler 2622 Dillow Drive West Linn, OR 97068
120-DAY PERIOD:	This approved application became complete on February 1, 2020. The appellant requested an extension of the 120-day maximum application-processing period to May 15, 2020.

#### BACKGROUND

The variance request resulted from a building permit application on April 2, 2019, for an addition to the home located at 2622 Dillow Drive. The building permits were issued and construction proceeded. During a site visit in late June 2019, West Linn Building staff identified that the joist spans didn't match and the addition was larger than the approved permit plans. Building and Planning staff returned to the site to measure the size of the addition and setbacks and confirm whether the addition was consistent with the approved permit plans. It was determined the addition was encroaching into the required 20 foot rear yard setback and not consistent with approved building permit plans.

The City stopped construction until revised building plans were submitted and approved, and a new hub and tack (a measurement taken by a certified surveyor) was submitted to verify that the required setbacks were being met. The hub and tack showed a 3.5 foot encroachment into the required rear yard setback. The appellant was provided the option to either modify the addition to comply with the originally approved permit plans and 20 foot rear yard setback, or apply for a Class I Variance. A Class I Variance, decided by the community development director, allows for minor relief from certain code provisions where it can be demonstrated that the modification will not harm adjacent properties.

The property owner 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 variance application required review and approval by the West Linn Planning Manager.

Public notice was sent per Community Development Code Chapter 99 requirements. 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.

A staff report was written and 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.

The applicant appealed the denial of the Class I Variance. The appellant met the application requirements by referencing the application to be appealed, providing a statement of standing, paying the required fee, and identifying the applicable approval criteria that were misapplied.

## ANALYSIS

In this analysis, staff has provided the provisions of the West Linn Community Development Code the appellant contends were misapplied, with a summary of the record regarding each provision, including appellant arguments and associated findings or a reference to where the information can be found in the record.

# APPROVAL CRITERIA #1 CONTENDED TO BE MISAPPLIED

# 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:

# The appellant contends the request was below the maximum allowed modification to a required yard of 20 percent.

Staff concurs that reducing the rear yard setback from the required 20 feet to 16.5 feet (17.5 percent) is below the maximum allowed modification if all other criteria are satisfied. The Community Development Director found, using the discretionary decision-making power in a variance application, all relevant criteria were not met and denied the variance request based on an adverse impact to the adjacent property at 2690 Dillow Drive.

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

The appellant contends that extending the addition into the rear yard setback will be a more efficient use of space as it is a currently unused backyard space and the additional space is needed for ADA accessibility.

The Community Development Director found, using the discretionary decision-making power in a variance application, all relevant criteria were not met and denied the variance request based on an adverse impact to the adjacent property at 2690 Dillow Drive. The Community Development Code dictates minimum setbacks in all residential zones. The subject property is 11,000 square feet, 10 percent above the 10,000 square foot minimum required in the R-10 zoning district. The variance need could have been avoided with proper site design and planning to efficiently use the site.

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

The appellant contends that original, mature trees and landscaping will remain intact.

Staff concurs the variance request will preserve and incorporate natural features, primarily trees, into the design. However, the variance need could have been avoided with proper site design and planning to efficiently use the site.

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

The applicant contends the variance request does not adversely impact adjoining properties:

- 1. In terms of light, the existing mature trees already provide shade on two borders of the property including the setback property line in question.
- 2. In terms of *air circulation*, there is 16.5 feet from the addition to the property line fencing. Furthermore the neighbor adjacent to the rear yard, and directly impacted, has significant distance from his structure to the property line.
- 3. In terms of *noise level*, there will be no increase in associated noise due to building into the setback.
- 4. In terms of *privacy,* there are mature trees and fencing that border the rear setback and trees and fencing on the west side of the property (neighboring property that sent public comment during variance review that the view of Mt. Hood would be blocked). There is a retaining wall between the east property line and the neighboring property.
- 5. In terms of *fire hazard* there won't be any increase in fire hazard if the structure is built into the setback by 3.5 feet.

The appellant also contends there is no Class I code criteria related to a reduced setback and view obstruction. The appellant contends the neighboring property to the south (neighboring property that sent public comment during variance review that the view of Mt. Hood would be blocked) is not impacted in regards to light, air circulation, noise levels, privacy, or fire hazards. The appellant contends the public comment of an obstructed view of Mt. Hood was incorrectly used to deny the variance request as:

- 1. The variance request is for the rear yard setback on the south side of the property.
- 2. The west side of property has existing mature trees, fencing, and the neighbor's windowless outbuilding that block both views of Mt. Hood and the home addition being constructed. Mt. Hood can be viewed from the front yards (north side) and street of both the neighboring property and our property. Mt. Hood cannot be viewed from the south of either of the properties. \*please see property map and photos\*

The Community Development Director found, using the discretionary decision-making power in a variance application, all relevant criteria were not met and denied the variance request based on an adverse impact to the adjacent property at 2690 Dillow Drive. The Community Development Code requires minimum setbacks in all residential zones. The variance need could have been avoided with proper site design and planning to efficiently use the site. d. Provides for safe vehicular and pedestrian access to the site and safe on-site vehicular and pedestrian circulation.

The applicant contends the variance request does not impact vehicular or pedestrian access as the request is for the rear yard setback.

Staff concurs the variance request will not impact vehicular or pedestrian access as the request is for the rear yard setback. However, the variance need could have been avoided with proper site design and planning to efficiently use the site.

## **PUBLIC COMMENT**

As of the publication date of this report, staff has received one public comment from the neighboring property to the south. All comments can be found in Exhibit CC-3.

# RECOMMENDATION

Staff recommendation is to approve the appeal (AP-20-01) of VAR-19-05 and allow construction to continue into the rear yard setback. This recommendation is based upon new information received after the denial was issued. Specifically that the view of Mt. Hood will not be affected by allowing the addition of the home at 2622 Dillow Drive. The blocked view of Mt. Hood was considered to be the adverse impact on the adjacent property and thus the reason for denial of VAR-19-05.

In consultation with City Attorney Tim Ramis, he concurred that with the new information regarding the view of Mt. Hood the adverse impact on an adjacent property does not exist and therefore the variance criteria have been met.

**EXHIBIT CC-1 PLANNING MANAGER DECISION** 



# STAFF REPORT PLANNING MANAGER DECISION

- DATE: December 26, 2019
- FILE NO.: VAR-19-05
- REQUEST: Class I Variance to reduce side yard setback standard up to 20% at 2622 Dillow Drive
- PLANNER: Chris Myers, Associate Planner

Community Development Director

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## **GENERAL INFORMATION**

OWNER/	
APPLICANT:	Jennifer Skyler
	2622 Dillow Drive
	West Linn, OR 97068
SITE LOCATION:	2622 Dillow Drive
SITE SIZE:	11,113 sq. ft.
LEGAL DESCRIPTION:	Tax Lot Number 21E25AB01900
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 August 20, 2019. The 120-day period therefore ends on January 15, 2020.

# **EXECUTIVE SUMMARY**

The applicant requested a provision for "Required yard and minimum lot dimensional requirements." The request considers a reduction of the rear yard setback up to the 20% allowed in a Class I variance (20% of a 20' setback is a 4' reduction). The property owner/applicant is doing an addition to their home to assist family members, is dealing with upcoming weather issues, and is asking for the lessor variance. A Class I variance is considered a lessor variance and provides "minor relief from certain code provisions" that will not harm adjacent properties and conforms to any other code provisions.

The applicant requested to waive the pre-application requirement for a Class I variance for an allowed reduction of the rear yard setback up to 4'. A Class I variance is a lessor variance that is considered a minor relief from code provisions that does not harm adjacent property owners.

#### **Public comments:**

See exhibit PD-4 for comments submitted.

# DECISION

The *Community Development Director* denies this application (VAR-19-05), 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 April 2, 2019. (See Staff Finding 1)

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

Chris Myers, Associate Planner

12/26/2019

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 27th day of December 2019.

Therefore, the 14-day appeal period ends at 5 p.m., on January 9, 2020

# ADDENDUM APPROVAL CRITERIA AND FINDINGS VAR-17-05

# 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 <u>41.010</u> 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 is proposing a variance to the dimensional requirements. See Staff Response 3.

# **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 decisionmaking 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 applicant has applied for a class I Variance to reduce the setback requirement to allow for the expansion and remodel of the existing structure. The reduction would allow the proposed expansion to encroach into the rear setback by the maximum allowed, 20% or 4', for a Class I Variance. 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. Findings show an adverse impact on the adjoining property located at 2690 Dillow Drive. *This criteria is not satisfied*.

# PD-1 COMPLETENESS LETTER



September 17, 2019

Jennifer Skyler 2622 Dillow Drive West Linn, OR 97068

SUBJECT: VAR-19-05 application for a Class I Variance to side yard setbacks at 2622 Dillow Drive.

Dear Ms. Skyler:

Your application was received on August 20, 2019 and found to be **complete**. The City has 120 days to exhaust all local review. That period ends January 15, 2020.

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,

Juic a slo

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 19.05 Applicant's Name Jennif Development Name 2622 Dillow DRive	inskyler
Scheduled Meeting/Decision Date Oct 23, 2019	
<b><u>NOTICE</u></b> : Notices were sent at least 20 days prior to the sche 99.080 of the Community Development Code. (check below)	duled hearing, meeting, or decision date per Section
TYPE A TYPE A	
A. The applicant (date)	
B. Affected property owners (date)	(signed)
C. School District/Board (date)	(signed) (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)
	(Signed)
At least 10 days prior to the scheduled hearing or meeting, notice	was published/posted:
Tidings (published date)	
City's website (posted date)	(signed)(signed)
SIGN	(signed
At least 10 days prior to the scheduled hearing, meeting or dee Section 99.080 of the Community Development Code.	cision date, a sign was posted on the property per
(date) (signed)	
<b>NOTICE</b> : Notices were sent at least 14 days prior to the sched 99.080 of the Community Development Code. (check below)	uled hearing, meeting, or decision date per Section
TYPE B X	
A. The applicant (date) /0 - 9 - 19	(signed) Y user Ciliandea
<ul> <li>A. The applicant (date) <u>10-9-19</u></li> <li>B. Affected property owners (date) <u>300 feet</u> <u>10-9-19</u></li> <li>C. School District/Board (date) <u>w1/A</u></li> </ul>	(signed) Lynn Courseler (signed) Lynn Guroder
C. School District/Board (date) W/A	(signed)
<ul> <li>D. Other affected gov't. agencies (date) //A</li> <li>E. Affected neighborhood assns. (date) // 10 - 9 - 19</li> </ul>	(signed) Ly un Sau oder
Notice was posted on the City's website at least 10 days prior to the	
<b><u>STAFF REPORT</u></b> mailed to applicant, City Council/Planning Co prior to the scheduled hearing.	mmission and any other applicable parties 10 days
(date) (signed)	
FINAL DECISION notice mailed to applicant, all other parties surveyor's office.	with standing, and, if zone change, the County
(date) (signed)	

p:\devrvw\forms\affidvt of notice-land use (9/09)

# PD-3 APPLICANT'S SUBMITTAL

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# DEVELODMENT DEVIENA ADDUCATION

STAFF CONTACT	For Office Use Only PROJECT NO(S).	
NON-REFUNDABLE FEE(S)	REFUNDABLE DEPOSIT(S)	Τοται
<b>be of Review</b> (Please check all that a	apply):	
Annexation (ANX)	Historic Review	Subdivision (SUB)
Appeal and Review (AP) *	Legislative Plan or Change	Temporary Uses *
Conditional Use (CUP)	Lot Line Adjustment (LLA) */**	Time Extension *
Design Review (DR)	Minor Partition (MIP) (Preliminary Plat or P	Plan) 🔀 Variance (VAR)
Easement Vacation	Non-Conforming Lots, Uses & Structures	Water Resource Area Protection/Single Lot (WA
Extraterritorial Ext. of Utilities	Planned Unit Development (PUD)	Water Resource Area Protection/Wetland (WA
Final Plat or Plan (FP) Flood Management Area	Pre-Application Conference (PA) */** Street Vacation	Willamette & Tualatin River Greenway (WRG
Hillside Protection & Erosion Control	Sheet Vacation	Zone Change
Home Occupation, Pre-Application, S	idewalk Use, Sign Review Permit, and Terms, available on the City website or at C	emporary Sign Permit applications require Tity Hall.
e Location/Address:		Assessor's Map No.:
22 Dillow Drive	4	Tax Lot(s):
est Linn, OR 9706	3	Total Land Area:
ef Description of Proposal: Vopsed Class 4 V	aviance of Back	yard Set-back.
V.		
plicant Name: Jennifer Sk	yler	Phone: 503-888-5426
dress: 2622 Dillow	BAVE	Email: Stral control
y State Zip: West Linn,	OR 97068	Email: SKypaxe JMail
<b>/ner Name</b> (required): lease print)		Phone:
dress:	11	Email:
y State Zip:		
nsultant Name: (please print)		Phone:
dress:		Email:
y State Zip:		Lindii.
All application fees are non-refundable (e	excluding deposit). Any overruns to dep	oosit will result in additional billing.
The owner/applicant or their representat A denial or approval may be reversed on a	appeal. No permit will be in offect until	ngs.
inree (3) complete hard-copy sets (single	e sided) of application materials must b	e submitted with this application
One (1) complete set of digital application f large sets of plans are required in appl	in materials must also be submitted on	CD in PDF format.
CD required / ** Only one hard-copy		
e undersigned property owner(s) hereby autho	rizes the filing of this application, and author	izes on site review by authorized staff. I hereby agree to
with all code requirements applicable to r	ny application. Acceptance of this application	n does not infor a complete submitted All
	f regulations adopted after the application is	connected shall be suffered at the state
proved applications and subsequent de	ent is not vested under the provisions in plag	e at the time of the initial application.
proved applications and subsequent developm		
proved applications and subsequent developm	8/16/2019 \FI	XIIII
soved applications and subsequent developm		XIV 8/16/
plicant's signature	<u>7/16/2019</u> Date Owner's s	ignature ( <i>required</i> ) Date
soved applications and subsequent developm	<u>8/6/2019</u> Date Owner's s	ignature (required) Date

# **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;

# This 3' 6 back yard setback adjustment enables more efficient use of the addition by providing for more square footage for handicap (ADA) accessibility than what the original plans provided. (Homeowner will be caring for elderly parents and a grandparent once the addition is complete.)

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

# A setback adjustment does not impede the pre-existing landscape or trees (mature and young) in any way.

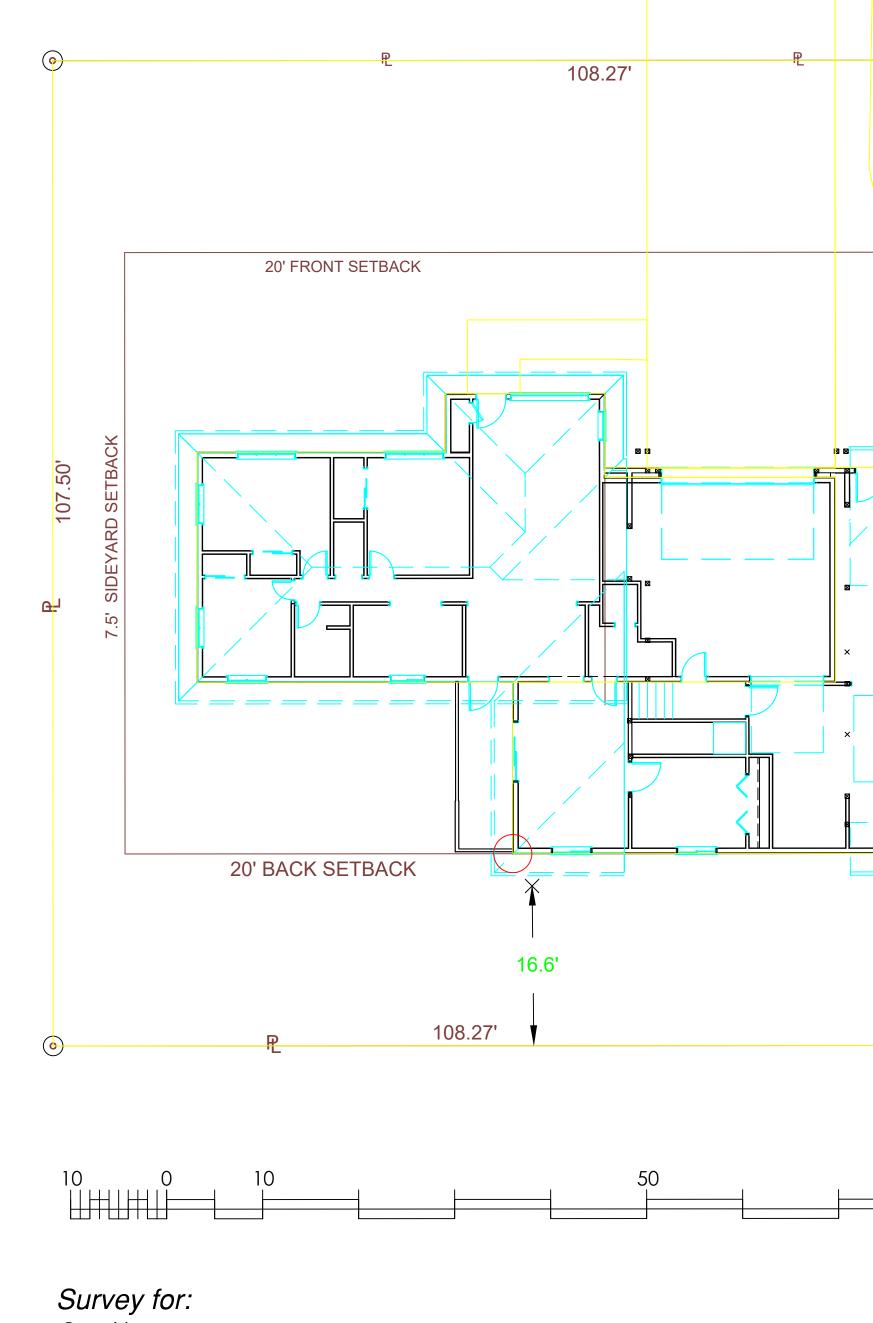
c. Does not adversely affect adjoining properties in terms of light, air circulation, noise levels, privacy, and fire hazards; and

The initial (approved) design of the addition back wall was precisely at the 20' setback. The several additional feet of encroachment into the 20' setback still allows for 16' 4" of air circulation and fire safety. Mature trees and fencing maintain the same level of privacy with the bordering properties. Noise levels are not impacted.

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

# The setback adjustment to the addition does not interfere with vehicular or pedestrian access and circulation in any way.

**DILLOW DRIVE** 



*Survey for:* Greg Liascos 2622 Dillow Dr West Linn OR, 97068

# 10/20/18:

 $(\mathbf{0})$ 

16.6' —

SIDEYARD SETBACK

ίΩ.

16.3' —

16.5'

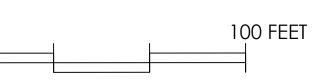
P

102.64'

From previously established boundary monuments, I Brian Paull, Professionally Licensed Land Surveyor in the State of Oregon, set hub and tacks at the northeast, southeast and southwest corners of proposed garage addition on October 20, 2018, as per this plan and setbacks shown hereon (red circles). Corners were staked according to the linework in CAD format provided to me by my client's architect, which is represented on this map.

# UPDATE 7/8/19:

Upon the most-recent visit, the as-built structure was located and the NE, SE and SW corners were measured. They are represented by the "X" symbols shown hereon, along with dimensions to the Approximate property lines.



<del>(</del>)



Brass & Stone Land Surveying<br/>Brian Paull, PLS (503) 871-0030Date: 07/08/2019479 E. Robidoux St.<br/>Stayton, OR 97383Scale 1"= 10'Sheet 1 of 1

# NAILING SCHEDULE

**R602.3 Design and construction.** Exterior walls of wood-frame construction shall be designed and constructed in accordance with the provisions of this chapter and Figures R602.3(1) and R602.3.(2) or in accordance with AF&PA's NDS. Components of exterior walls shall be fastened in accordance with Tables R602.3(1) through R602.3(4). Structural wall sheathing shall be fastened directly to structural framing members. Exterior wall coverings shall be capable of resisting the wind pressures listed in Table R301.2(2) adjusted for height and exposure using Table R301.2(3). Wood structural panel sheathing used for exterior walls shall conform to the requirements of Table R602.3(3). Studs shall be continuous from support at the sole plate to a support at the top plate to resist loads perpendicular to the Table R602.3(3). Studs shall be a foundation or floor, ceiling or roof diaphragm or shall be designed in accordance with accepted engineering practice.

Exception: Jack studs, trimmer studs and cripple studs at openi Sgl Ξ. walls that comply with Tables R502 2.5(1) and R502.5(2)

Roof ω Ч Ν 

 TABLE R602.3(1)
 FASTENER SCHEDULE FOR STRUCTURAL MEMBERS

 ITEM
 DESCRIPTION OF BUILDING ELEMENTS

 **Ceiling joists** ocking between joists ling joists to plate, toe nail not attached or rafters to top ð parallel rafter, laps plate, toe over g ns, face nail 3-8d (21/2"× 0.113") NUMBER AND TYPE OF -8d (21/2" 3-10d < 0.113") FASTENERa, , o n SPACING ę FASTENERS

Vall **Floor** 23 24 4 V 0 22 21 20 14 15 16 17 18 25 26 27 28 10 11 12 13 Built-up corner studs Built-up header, two pieces with 1/2" spacer Continued header, two pieces Continuous header to stud, toe nail Double studs, face nail Double top plates, face nail Double top plates, minimum face nail in lapped area Sole plate to joist or blocking, face nail16d Sole plate to joist or blocking at braced wall pa Stud to sole plate, toe nail Joist to sill or gire 1" × 6" subfloor o 2" subfloor to joist or girder, blind and face nail Rim joist to top plate, toe nail (roof applications also) 2" planks (plank & beam - floor & roof)2-16d (31/2" × Built-up girders and beams, 2-inch lumber layers toe nail 4 Roof rafters to ridge, valley or hip Wider than Top or sole plate to stud, end nail Top plates, laps at corners and intersections, face nail 1" brace to each stud and plate, face nail Rafter to plate, toe nail Collar tie rafter, face nail or 11/4" × 8 × 6" sheathing to each bearing, face nail sheathing to each bearing, face nail 1" × rder, toe nail or less to each joist, face nail 8" sheathing to each rafters: ' × 20 gage bear , ğu panels ridge strap nail 0.135 10d  $(3" \times 0.128")$ 16d  $(31/2" \times 0.135")$ 16d  $(31/2" \times 0.135")$ 4-8d  $(21/2" \times 0.135")$ 10d  $(3" \times 0.128")$ 24-inch offset of end joints, 8-16d  $(31/2" \times 0.135")$ -  $(31/2" \times 0.135")$ 3-8d  $(21/2" \times 0.135")$ 2-16d  $(31/2" \times 0.135")$ 2-16d  $(31/2" \times 0.135")$ 2-16d  $(31/2" \times 0.135")$ 2-16d  $(31/2" \times 0.135")$ 2-10d  $(3" \times 0.128")$ 2-8d  $(21/2" \times 0.113")$ or 2 staples 13/4"2-8d  $(21/2" \times 0.113")$ or 3 staples 13/4"3-8d  $(21/2" \times 0.113")$ or 4 staples 13/4"3-8d (21/2" × 0.113") 2-8d (21/2" × 0.113") or 2 staples 13/4" 2-16d (31/2" × 0.135") 8d (21/2" × 0.113") ")at each bearing 10d (3" × 0.128") 2-16d (31/2" × 0.135") 3-10d (3" × 0.128") 4-16d (31/2" × 0.135") -16d (31/2" × : 0.135") 32 0.c. a Two 16" 16" . at 0.c. Nail each layer as follows: It top and bottom and staggered. nails at ends and at each splice. At each joist or rafter . alor 24" o.c. ong each edge ong each edge 6" 0.c. 16" o.c. 16" o.c. 24" o.c. 24" o.c. | |

Wood : 30 29 TABLE R602 ITEM structural panels, 3/8" -1/2 " Ledger strip supporting joists or rafters 3-16d (31/2" × 0.135") 3(1)-continued FASTENER SCHEDULE FOR STRUCTURAL MEMBERS DESCRIPTION OF BUILDING DESCRIPTION OF FASTENERb subfloor, , roof and interior wall sheathing to framing and particlebo OF FASTENERb, Ç, Ð ard wall Edges sheathing to framing SPACING OF FASTENERS (inches)iIntermediate supportsc, e (inches)

30	3/8" -1/2 "	6d common (2"×0.113") nail (subfloor wall) 8d common (21/2"×0.131") nail (roof)f612g		
31	19/32" - 1"	8d common nail (21/2"×0.131")	6	12g
32	11/8" - 11/4 "	10d common (3"×0.148") nail or 8d (21/2"×0.131") deformed nail	თ	12
Other wall	Other wall sheathing h			
33	1/2" structural cellulosic fiberboard sheathing	11/2" galvanized roofing nail, 7/16" crown or 1" crown staple 16 ga., 11/4 "long	ω	σ
34	25/32" structural cellulosic fiberboard sheathing	13/4 " galvanized roofing nail, 7/16" crown or 1" crown staple 16 ga., 11/2" long	ω	σ
35	1/2" gypsum sheathing *d	11/2 " galvanized roofing nail; staple galvanized, 11/2" long; 11/4 screws, Type W or S	7	7
36	5/8" gypsum sheathing *d	13/4" glavanized roofing nail; staple galvanized, 1 5/8 "long; 1 5/8 "screws, Type W or S	7	7
Wood strue	Wood structural panels, combination subfloor underlayment to framing	r underlayment to framing		
37	3/4" and less	6d deformed (2" × 0.120") nail or 8d common (21/2" × 0.131") nail	თ	12
38	7/8 "- 1"	8d common (21/2" × 0.131") nail or 8d deformed (21/2" × 0.120") nail	6	12
5	11/0 " 11/1 "	104 common (2% × 0.1.40%) and or		

39 11/8 "- 11/4 " 10d common (3" × 0.148") nail or 8d deformed (21/2" × 0.120") nail 6 12

a. All nails are smooth-common, box or deformed shanks except where otherwise stated. Wails used ion maning under the minimum average bending yield strengths as shown: 80 ksi for shank diameter of 0.192 inch (20d common nail), 90 ksi for shank diameters larger than 0.142 inch but not larger than 0.177 inch, and 100 ksi for shank diameters of 0.142 inch or less.
b. Staples are 16 gage wire and have a minimum 7/16-inch on diameter crown width.
c. Nails shall be spaced at not more than 6 inches on center at all supports where spans are 48 inches or greater.
d. Four-foot-by-8-foot or 4-foot-by-9-foot panels shall be applied vertically.
e. Spacing of fasteners not included in this table shall be based on Table R602.3(2).
f. For regions having basic wind speed of 110 mph or greater, 8d deformed (21/2"×0.120) nails shall be used for attaching plywood and wood structural panel roof sheathing to framing within minimum 48-inch distance from gable end walls, if mean roof height is more than 25 feet, up than 25 feet. more than 25 feet, up

to 35 feet maximum. g. For regions having basic wind speed of 100 mph or less, nails for attaching wood structural panel roof sheathing to gable end wall framing shall be spaced 6 inches on center. When basic wind speed is greater than 100 mph, nails for attaching panel roof sheathing to intermediate supports shall be spaced 6 inches on center for minimum 48-inch distance from ridges, eaves and gable end walls; and 4 inches on center to

ıble end wall framing. Gypsum sheathing shall conform to ASTM C 1396 and shall be installed in accordance with GA 253. Fiberboard sheathing shall conform to

ASTM C 208. I. Spacing of fasteners on floor sheathing panel edges applies to panel edges supported by framing members and required blocking and at all floor perimeters only. Spacing of fasteners on roof sheathing panel edges applies to panel edges supported by framing members and required рÂ

ocking. Blocking of roof or floor sheathing panel edges perpendicular to the framing members need not be provided except as required ther provisions of this code. Floor perimeter shall be supported by framing members or solid blocking. orted by frami

> NOMINAL MATERIAL THICKNESS TABLE R602.3(2) ALTERNATE ATTAC (inche

up to 1/2 (inches) Wood st structu panels

19/32 and 5/8

23/32 and 3/4

Р

(inches) NOMINAL THICKNESS

**Plywood** 1/4 and 5/1 6

Floor

19/32, 5/8, 23/3 11/32, 3/8, 15/32, д 1/2

Ν

and 3/4

0.2 Hardboard \*f

Particleboa

1/4

3/8

Staple 18 ga., 7/8 long, 3/16 crown 6d ring-grooved underlayment nail

 $\sigma$   $\omega$   $\sigma$   $\omega$   $\omega$ 

6 6 10 6

4d ring-groo

veu

underlayment nail

Staple 16 ga., 1 1/8 long, 3/8 crown

Sta 1/2, , 5/8 136

aple 16 ga., 15/8 loi ૡૼ , 3/8 crov

6d

ed

a. Nail is a general description and may be T-head, modified round head or round head.
b. Staples shall have a minimum crown width of 7/16-inch on diameter except as noted.
c. Nails or staples shall be spaced at not more than 6 inches on center at all supports where be spaced at not more than 12 inches on center at intermediate supports for floors.
d. Fasteners shall be placed in a grid pattern throughout the body of the panel.
e. For 5-ply panels, intermediate nails shall be spaced not more than 12 inches on center ea each way. 48 inches ð ሚ eater.

A1. ALL WORK SHALL COMPLY WITH T APPLICABLE STATE, COUNTY OR LOC. AND ANY

GENERAL NOTES:

shall

es) DESCRIPTION *a, b OF and wall sheathing to framing a Staple 15 ga. 1 3/4 0.097 - 0.099 Nail 2 1/4 Staple 16 ga. 13/4 0.113 Nail 2	OF FASTENER AND LENGTH ing and particleboard wall sheathir 1/4	SPACI Edges ng to framing	SPACINGc OF FASTENERS Intermediate supports aming *f 4 8
and wall sheathing to Staple 15 ga. 0.097 - 0.099 Staple 16 ga. 0.113 Nail 2	framing and particleboard wall sheathir 1 3/4 Nail 2 1/4	ng to framing 4	*
Staple 15 ga. 0.097 - 0.099 Staple 16 ga. 0.113 Nail 2	1 3/4 Nail 2 1/4	9 4	
0.097 - 0.099 Staple 16 ga. 0.113 Nail 2	Nail 2 1/4	•	
Staple 16 ga. 0.113 Nail 2		ω.	6
0.113 Nail 2	13/4	ω	6
		ω	6
Staple 15 and 16	l 16 ga. 2	4	œ
0.097 - 0.099 Nail 2 1/4	Nail 2 1/4	4	Ø
Staple 14 ga. 2	2	4	œ
Staple 15 ga. 1 3/4	1 3/4	ω	6
0.097 - 0.099 Nail 2 1/4	Nail 2 1/4	4	œ
Staple 16 ga. 2	2	4	8
Staple 14 ga. 2 1/4	2 1/4	4	8
0.113 Nail 2 1/4	./4	ω	6
Staple 15 ga. 2 1/4	2 1/4	4	Ø
0.097 - 0.099	- 0.099 Nail 2 1/2	4	8
DESCRIPTION	DESCRIPTION *a,b OF FASTENER AND LENGTH	SPACING*c (	SPACING*c OF FASTENERS
(inches)	Edges	Body ( (inches)	Body of panel*d s) (inches)
r underlayment; plywc	r underlayment; plywood-hardboard-particleboard*f		
1 1/4 ring or s	1 1/4 ring or screw shank nail-minimum	J	'n
Staple 18 ga.,	Staple 18 ga., 7/8, 3/16 crown width	2	σ (
1 1/4 ring or s 12 1/2 ga. (0.1	1 1/4 ring or screw shank nail-minimum 12 1/2 ga. (0.099") shank diameter	6	8*e
11/2 ring or s	11/2 ring or screw shank nail-minimum		
12 1/2 ga. (0.	12 1/2 ga. (0.099") shank diameter	6	8
Staple 16 ga. 1 1/2	1 1/2	6	ω
1 1/2 long rin;	1/2 long ring-grooved underlayment nail	σ	σ
4d cement-cc	4d cement-coated sinker nail	6	6
Staple 18 ga.,	Staple 18 ga., 7/8 long (plastic coated)	ω	6

THE 2017 OREGON RESIDENTIAL SPECIALTY CODE CAL REGULATIONS.

THE CONTRACTOR IS RESPONSIBLE TO CHECK THE PLANS AND SITE CONDITIONS AND TO NOTIFY DESIGNER OF ANY ERRORS OR OMISSIONS PRIOR TO THE START OF CONSTRUCTION.

A2. THE

A3. WRITTEN DIMENSIONS HAVE PRECEDENCE OVER SCALED DIMENSIONS.

CARPENTRY: B1. GRADING SHALL BE IN ACCORDANC D.F. POSTS. BEAMS, HEADERS, JOIS B. NO. 2 D.F. PLATES, SILLS, B C. STUD GRADE D.F. STUDS. D.F., D. UTILITY GRADE E. CD D.F. 32/16 PLY'D. SHEATHL CE WITH CURRENT WWPA STANDARD ISTS AND RAFTERS. GRADING RULES: A. NO. 2

믿

LOCKING, BRIDGING, ETC. DECKING

B2. UNLESS NOTED ON PLANS ALL EX
D.F.
B3. GLU LAM BEAMS (Fb. 2400 DFL ) P
(INTERIOR) OR AS PER FRAMING PLAY E. CD D.F. 32/16 PLY'D. SHEATHUNG. UNLESS NOTED ON PLANS ALL EXTERIOR WINDOW AND DOOR HEADERS ARE TO BE

4 x 12 NO. 2 ADHESIVE

YER AITC INDUSTRIAL GRADE WITH DRY USE

PROVIDE DOUBLE JOISTS UNDER AL
 PROVIDE SOLID BLOCKING OVER AL
 DESIGN LOADS: ROOF FLOOR LOWER FLOOR UPPER STAIRS

ALL PARALLEL PARTITIONS OVER ALL BEARING WALLS.

PSF DEAD + 25 LIVE (SNOW) PSF DEAD + 40PSF LIVE PSF DEAD + 30 PSF LIVE

B5. B6.

THAT A 4"

R602.3(1), R602.3(2), R602.3(3) IBC, 2014 ORSC. TO BE 36" HIGH WITH MAXIMUM OPENING SPACES SO THA ' SPHERE AT TREAD / RISER TRIANGLE.. H AS "SIMPSON' H2.5 @ TOP PLATE. ALL BEAMS AND HEADERS W/ CONTINUOUS LOAD PATH TO

 B0. DESIGN LOADS:
 15 PSF DEAD + 25 LIVE

 ROOF
 15 PSF DEAD + 25 LIVE

 FLOOR LOWER
 15 PSF DEAD + 40PSF L

 FLOOR UPPER
 15 PSF DEAD + 30 PSF I

 DECKS
 10 PSF DEAD 60 PSF LIVE

 B7. NAILING SCHEDULE AS PER TABLE R602.3(1), R602.3(2)

 B8. DECK AND BALCONY GUARDRAILS TO BE 36" HIGH WIT

 SPHERE CANNOT PASS THROUGH & 6" SPHERE AT TREAD

 B9. PROVIDE RAFTER TIE DOWNS SUCH AS "SIMPSON" H2.

 B10. PROVIDE SOLID FRAMING UNDER ALL BEAMS AND HE

 FOUNDATION.

 2 STUDS MIN.

 3 STUDS @ 3- 2 x 12 & GLU LAMS

 SOLID MEMBERS WHERE SHOWN ON FRAMING PLAN

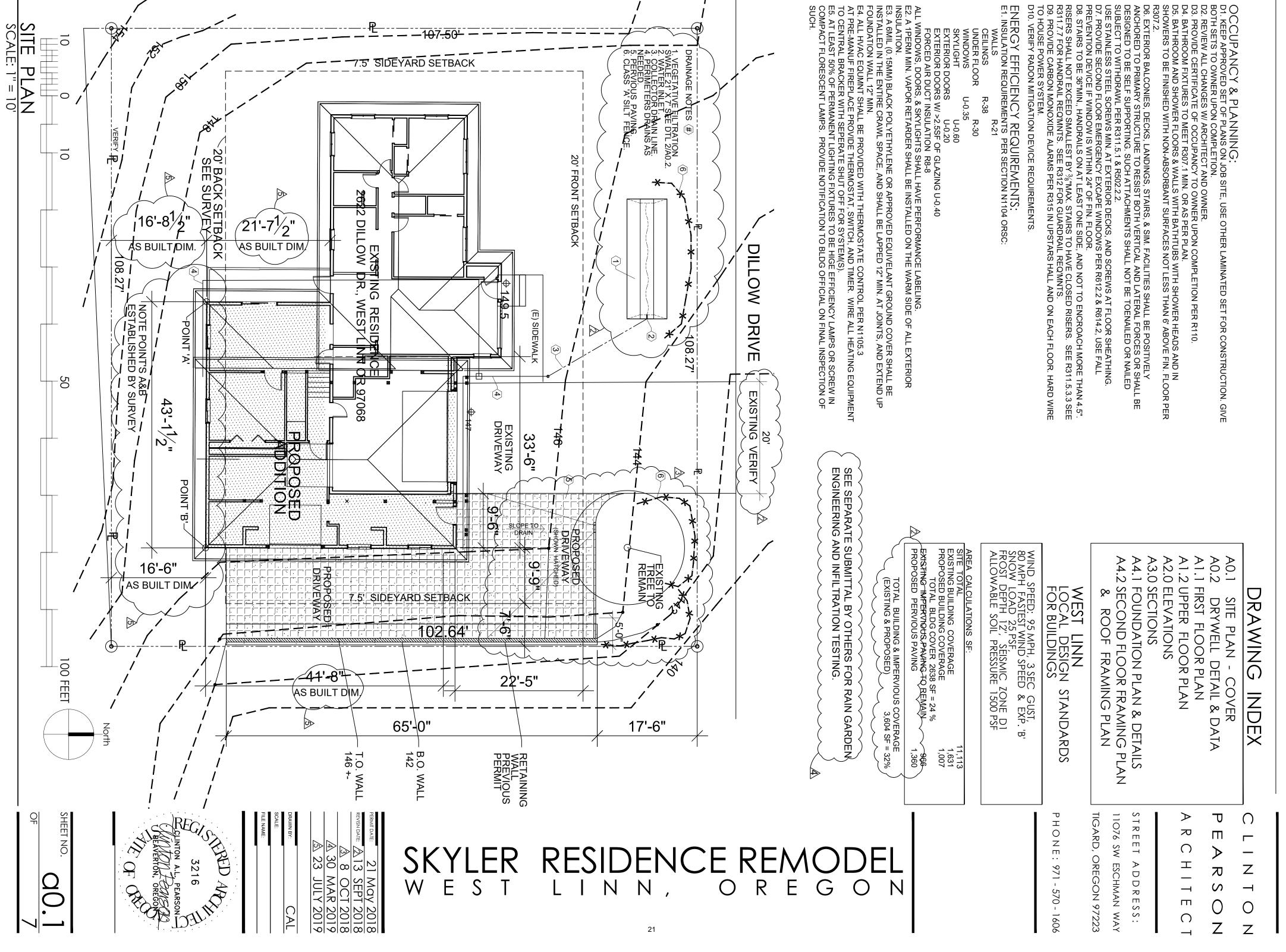
SOLID MEMBERS WHERE SHOWN ON FRAMING PLANS B11. PROVIDE DRAFT STOPS @ ALL BEARING WALLS. PACK ALL PLUMBING OR ELECTRICAL WORK IF THEY PENETRATE ANY OF THESE WALLS. B12. INSTALL 26 GA. SHEET METAL FIREBLOCKING FLUSH WITH BOTTOM OF ANY FLOOR JOIST AT PENETRATION OF CLASS 'B' WATER HEATER AND GAS FURNACE (IF USED ) EXHAUST FLUE. MAINTAIN 1" CLEAR TO ALL FRAMING. ENCLOSE VENT IN 1 HOUR SHELL THROUGH TO ROOF.

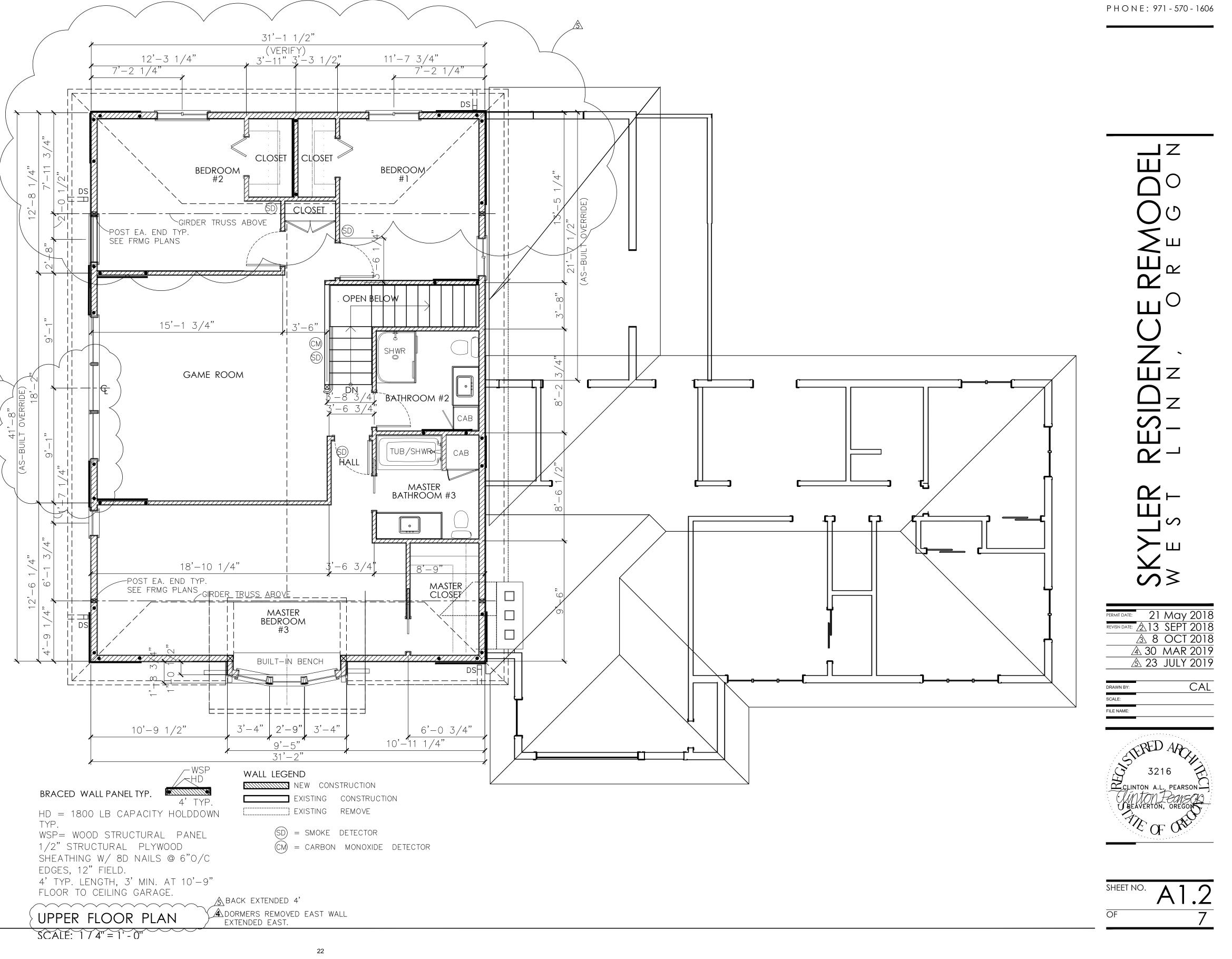
MISCELLANEOUS:
C1. ALL WINDOWS WITHIN 18" OF FLOOR OR WITHIN 12" OF DOORS ARE TO BE TEMPERED.
C2. ALL SHOWER AND TUB ENCLOSURES ARE TO HAVE SAFTY GLAZING.
C3. PROVIDE 1/2" MOISTURE PROOF GYPSUM BOARD OR CEMENT BD AT TUB AND SHOWER ENCLOSURES, WITH A HARD MOISTURE RESISTANT SURFACE UP TO 6'-0" MIN.
C4. EACH BEDROOM TO HAVE A MINIMUM WINDOW OPENING OF 5.7 SQ. FT. WITH A MINIMUM WIDTH OF 20" AND A MINIMUM HEIGHT OF 24". THE SILL IS TO BE NO MORE THAN 44" OFF THE FINISHED FLOOR.
C5. ALL SKYLITES TO BE MADE WITH EITHER TEMPERED GLASS OR WIRED GLASS, OR AS APPROVED.
C6. PROVIDE COMBUSTION AIR VENTS TO ALL FIREPLACES, WOODSTOVES AND ANY HEATING APPLIANCES USING OPEN FLAME.
C7. ALL EXHAUST VENTS TO BE VENTED TO OUTSIDE.
C8. THE LIGHING SHOWN ON THE PLANS IS MEANT TO BE USED AS A GUIDE ONLY. ELECTRICAL SWICHES AND OUTLETS ARE TO BE INSTALLED AS PER LOCAL CODES AND THE OWNERS REQUIREMENTS.
C9. ATTIC ACCES TO BE 22"x30"MIN. W/30" HEADROOM ABOVE AND READILY ACCESSIBLE.
C10. SMOKE DETECTORS TO CONNECT TO HOUSE POWER.

DER

U-0.35

**()** 1. VEGETATIVE FILTRATION SWALE 21'X 7'SEE DTL 2/A0.2. 2. WATER INLET. 3. COLLECTOR DRAIN LINE. 4. PERIMETERS DRAINS AS 5. PERVIOUS PAVING. 6. CLASS 'A' SILT FENCE. DRAINAGE NO TES (#) 20' FRONT SETBACK ා -⊁--<sup>له</sup> ک \*  $\bigcirc$ 

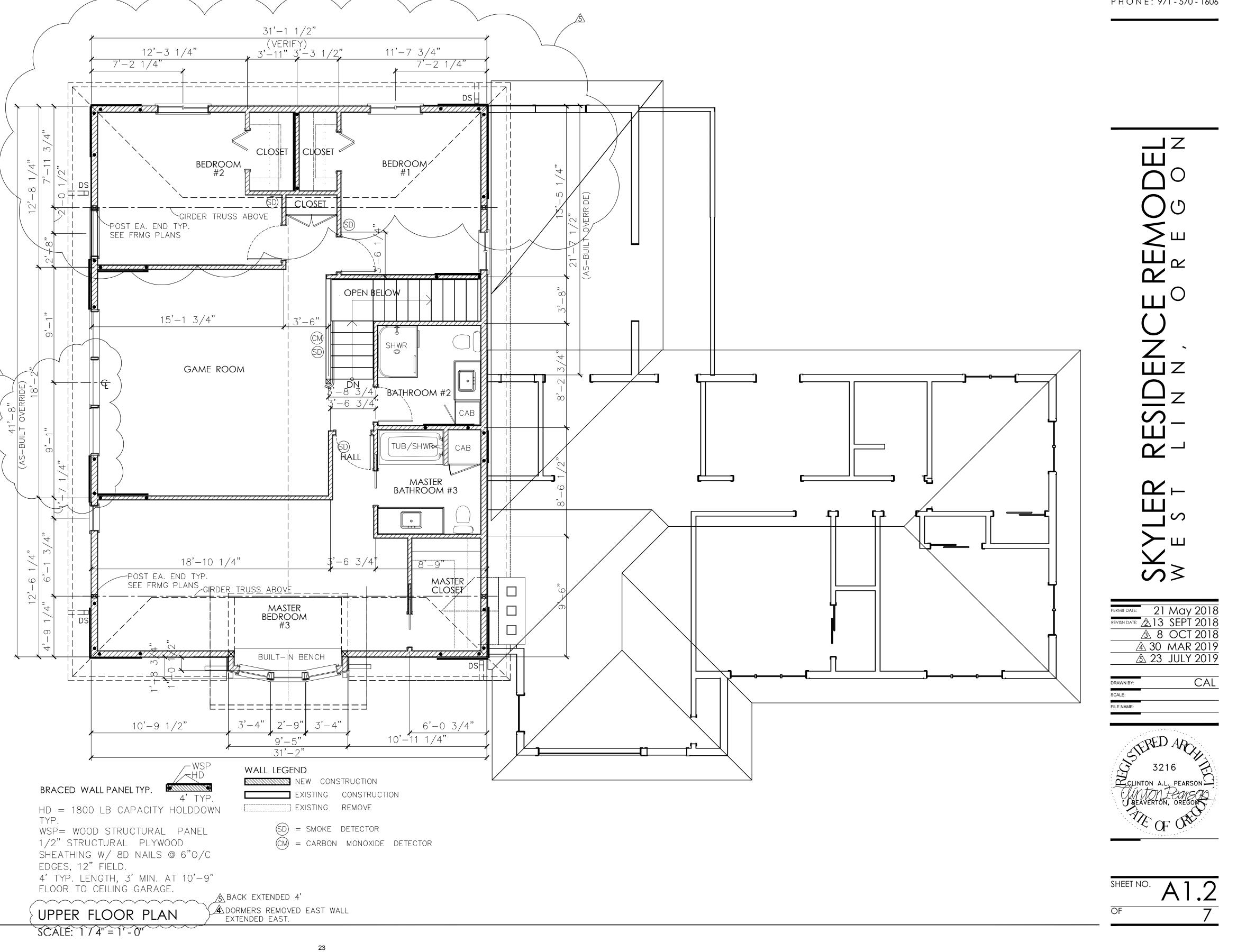




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STREET ADDRESS: 11076 SW ESCHMAN WAY TIGARD, OREGON 97223

PHONE: 971 - 570 - 1606



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STREET ADDRESS: 11076 SW ESCHMAN WAY TIGARD, OREGON 97223

PHONE: 971 - 570 - 1606

# PD-4 PUBLIC COMMENTS

## CITY OF WEST LINN NOTICE OF UPCOMING PLANNING MANAGER DECISION FILE NO. VAR-19-05

The West Linn Planning Manager is considering a request for a reduction of the rear yard setback up to the 20% allowed in a Class I Variance (20% of a 20' setback is a 4' reduction) at 2622 Dillow 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 <u>http://www.westlinnoregon.gov/cdc</u>.

You have received this notice because County records indicate that you own property within 300 feet of this property (Tax Lot 01900 of Clackamas County Assessor's Map 21-E25AB) 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 <u>https://westlinnoregon.gov/planning/2622-dillow-drive-class-i-variance-rear-yard-setback</u> 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 <u>4:00 p.m. on October 23, 2019</u>. 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 Chris Myers, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, (503) 742-6062, cmyers@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.

LET THE RECORDS SHOW WE STRONGLY APPOSE THE REQUESTED SET BACK.

THE ADDITIONAL 4' GET BACK BLOCKS OUR VIEW OF MIT. HOOD FROM A LARGE PORTION OF OUR YARD.

GREGORY LIASCOS STATED TO US LAST SUMMER THAT HIS PLAN IS TO OPEN A SOUP KITCHEN HERE AT THE RESIDENCE.

FOR WELL OVER A MONTH, LARGE BLUE TAPPS ARE BLOWING IN THE WIND, UN MAINTAINED, EXPOSING THE NEW STRUCTURE TO THE ELEMENTS. PERHAPS CAMD TARPS WOULD BE LESS OF AN EYE SORE!

WE ARE IN FULL SUPPORT OF OUR NEIGHBOR PULLING BACK THE 4 AND COMPLETING THEIR ENDEVOURS IN A TIMELY FASHION.

**EXHIBIT CC-2 APPELLANT APPLICATION** 



Planning & Development • 22500 Salamo Rd #1000 • West Linn, Oregon 97068 Telephone 503.656.4211 • Fax 503.656.4106 • westlinnoregon.gov

Deve	LOPMENT REVIEW APPLI	CATION
STAFF CONTACT Chris Myers	PROJECT NO(S). AP20-11	0, UAR 19-05
NON-REFUNDABLE FEE(S) 5 400	REFUNDABLE DEPOSIT(S)	TOTAL \$ 400
Appeal and Review (AP) *       Legis         Conditional Use (CUP)       Lot L         Design Review (DR)       Mind         Easement Vacation       Non-         Extraterritorial Ext. of Utilities       Plann         Final Plat or Plan (FP)       Pre-A	oric Review slative Plan or Change Line Adjustment (LLA) */** or Partition (MIP) (Preliminary Plat or Plan -Conforming Lots, Uses & Structures ned Unit Development (PUD) Application Conference (PA) */** et Vacation	Water Resource Area Protection/Single Lot (WAP) Water Resource Area Protection/Wetland (WAP) Willamette & Tualatin River Greenway (WRG) Zone Change porary Sign Permit applications require
Site Location/Address:		Assessor's Map No.:
22. D. llow Drive		Tax Lot(s): 21 E25AR01900
hest kinn OK 97068		Total Land Area: 11 118 60 4
Applicant Name: PAN & denial i (please print) Address: 2622 & J. W. M. City State Zip: 2624 & M. M. Owner Name (required); PAN, & J. (please print) Address: 2622 & J. M. M. City State Zip: 2624 & M. M. Consultant Name: (please print)	of requested 20% r Composed 20% r OR 97088 St Drive OR 97068 OR 97068	Phone: 503-888-5426 Email: Skypdxegma: 1. com Phone: 503-888-5426 Email: Skypdxegma: 1. Phone:
Address: City State Zip:	RECEI	Email:
<ol> <li>All application fees are non-refundable (exclu 2. The owner/applicant or their representative s</li> <li>A denial or approval may be reversed on apped</li> <li>Three (3) complete hard-copy sets (single sid One (1) complete set of digital application m If large sets of plans are required in applicat</li> <li>* No CD required / ** Only one hard-copy set</li> </ol>	should be present at all public hearing eal. No permit will be in effect until t ded) of application materials must be haterials must also be submitted on C ion please submittonly two sets.	s. he appeal period has expired. submitted with this application. P in PDF format.
The undersigned property owner(s) hereby authorizes comply with all code requirements applicable to my a to the Community Development Code and to other re Approved applications and subsequent development is Applicant's signature Development Review Application (Rev. 2011.07)	pplication. Acceptance of this application gulations adopted after the application is a	approved shall be enforced where applicable. at the time of the initial application.

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.

 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

# **EXHIBIT CC-3 PUBLIC COMMENT**

I am Richard Ponting and have lived at 2615 Hughes Dr since 1974.

I would like to offer my support to the home owners remodel of second house down the street on Dillow from Highway 43. They have been remodeling and I know have been stopped because their setback is 16' and needs to be 20'.

I wholeheartedly and without reservation support their building project. I do not know these people and have not spoken to them. But they are trying to improve their property and must have hugely invested in doing so in bettering their home and neighborhood. I absolutely support this project.

I imagine the neighbor in back, Kenneth Orr has complained. Well I am his neighbor on Hughes. It was once a beautiful home and property when the Quinn's lived there. Now it's a dump and it has been for years. He put high intensity lighting on a a pole on his garage that stays on all night that I have had to mitigate by planting a laurel hedge. It illuminates all the garbage that is everywhere. I have repeatedly complained to the city about the tires, trailers, appliances, and misc trash against my fence and all over the property. It is an eyesore, disgraces the neighborhood and city, and attracts vermin. Some of it has been there for decades. The city had done nothing but note it.

Now his sewer line is broken. He is above me and I image it is somehow leaching into the clay. This repair will be expensive. They started work then stopped.

I have had to live with his crap all over his yard and against my fence while he destroys the property and lowers property value. Now I am afraid I have to live with his crap literally. It is unacceptable that his crushed sewer line is allowing His sewage to leach in the ground above me. The work needs to be properly completed, monitored, and permitted; and now.

So two things: I completely support the construction at the house on Dillow. I remain unhappy that Kenneth Orrs house is tolerated as a junk yard, that he had been allowed to illuminate the junk all night with a high powered light forcing me to deal with it, and that his broken sewer line remains broken with the work repairing it stopped.

I hope you and city can do something in both circumstances, both involving Mr. Orr.

Thank you for your consideration.

Richard Ponting 2615 Hughes Dr West Linn 503 929 8249

Sent from my iPhone

#### Hello,

My name is Andrew Young. I live close to the property in question and I'd like to state my support for the development application at 2622 Dillow Drive. My family walks by this property often and we have been able to see the development as it has both progressed as well as halted because of the denial of Class I Variance. After reviewing the city's available information on the process as well as the information provided by Jennifer Skyler it appears that the area needed to accomplish ADA accessibility complies with the available space allotted in the reduced setback requirements. The current renovations done at this address do not pose any visual or other burden on the neighborhood in terms of use or aesthetics and I feel that allowing exceptions for ADA accessibility is a form of support that should be considered very important in West Linn where there is a substantial elderly population. In fact as I can visualize the completed project I can clearly see that this addition will increase the overall quality of the home and perception of the neighborhood. I find it very concerning that the city did not specify exact details for the variance denial based in specific code compliance. I feel that we should be supporting much needed improvements to properties in the area so that we can increase the overall quality of the homes available in a city with very little room for new construction. I would hope that the planning department would cooperate and help this family finish a project that is important for them to be able to care for their aging family. We are a community and we are strongest when we help each other and our city should be working on our behalf in a manner that is transparent and logical. Allowing this variance is the ethical and right thing to do and I urge you to reverse the decision made on December 26, 2019. The alternative is a construction project that is needlessly delayed and a neighborhood that is left with unfinished views of tarps on roofs for months on end. Please let this family finish their project and let's move on.

Thank you for your time.

Andrew Young andrew@splintmedia.com www.splintmedia.com www.andrewmyoung.com Mr. Myers; my original position stands regarding the subject property. I thought codes were written to insure equality for everyone. Some years back we were denied because of the current code of the day even though it changed later to suit some one else. The man knew he was in violation but proceeded any way. I'm writing this so as not to violate the government mandate of shelter in place. Thank you for your consideration in this matter. Tom Taylor 2690 Dillow Dr, West Linn. OR 97068

Good morning Mr. Myers -

Just a quick note of thanks for taking my call yesterday afternoon. I appreciate your attentiveness and empathy regarding the blue tarps covering the "never ending project" at 2622 Dillow Drive. My hope like yours, is that they can proceed and finish the project VERY soon so as to not continue to negatively impact the value of the properties in the area.

As I expressed to you on our call, we and other fellow home owners in immediate proximity to this address, are scared and feel that there is a <u>real and assessable negative cost impact to the value of our properties</u> due directly to the ongoing negligent condition of 2622 Dillow Drive. <u>We would like that noted for the record</u>. We as neighbors also feel that due to the direct causal nature of the delays and the ongoing "abandoned" condition (homeowner negligence in not adhering to the building code and in violation of the building permit issued = stop work order) that the value of the damages to our properties could be punitive.

Point being, we have reached out limit and are out of patience with the blue tarps, half-finished retaining walls, stacks of water damaged building materials, exposed pipes and utilities, gaping ditches with mud run-off, lack of silt fences, excavation and other equipment being left on the road and in our midst for over a year.

As a fellow "West Linner" and based on what you told me, I know you understand and empathize. Please do what you can to expedite this in any/every way possible. Let me know if there is anything further we, as neighbors, can do as well. We are invested in the community and feel it is time for this project to draw to a close and to be completed.

Thanks again for your time.

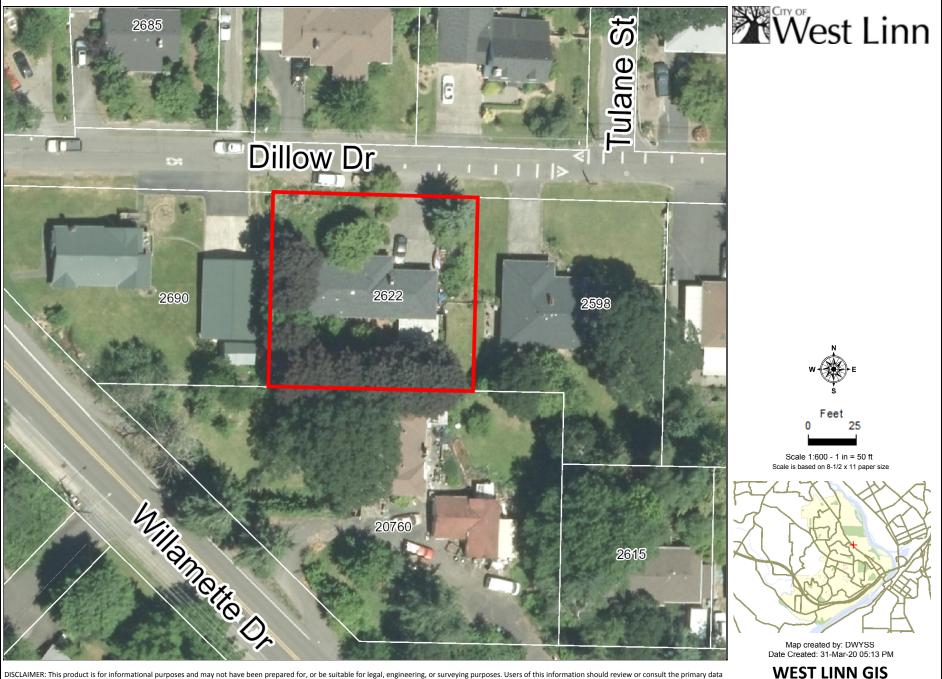
# **Mike Rodgers**

Engineered Products 503-872-3618 Desk 541-992-6101 Cell <u>ewp@shelter-products.com</u>



# **EXHIBIT CC-4 PROPERTY MAPS**

# 2622 Dillow Drive Aerial Photo



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.

**EXHIBIT CC-5 AFFIDAVIT 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 A P-20-01	Applicant's Name_ Jennifer Skyler	
Development Name	2622 DINOW DR	
Scheduled Meeting/Decisio	on Date <u>5-11-20</u>	

<u>NOTICE</u>: 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) <u>4/20/20</u>
B. Affected property owners (date) <u>4/20/20</u>
C. School District/Board (date) \_\_\_\_\_\_
D. Other affected gov't. agencies (date) \_\_\_\_\_\_
E. Affected neighborhood assns. (date) <u>Belton 4-20-20</u>
F. All parties to an appeal or review (date) <u>4000</u> 4-20-20

(signed)_	XSchoder
(signed)_	Lander
(signed)_	
(signed)_	
(signed)_	ASduroder
(signed)_	Fluroder

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

Tidings (published date)	April 30, 2020	
City's website (posted date)		

(signed) Mmi Selwider (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) \_\_\_\_\_

<u>NOTICE</u>: 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)

#### TYRE B A. The applicant (date) \_\_\_\_\_ (signed)\_ Β. Affected property owners (date) (signed) C. School District/Board (date) (signed) D. Other affected gov't. agencies (date) \_\_\_\_ (signed) Affected neighborhood assns. (date) \_\_\_\_\_ E. (signed) 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 (date) <u>4-20-20 to CC</u> (signed) <u>Mun</u> Schroder

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

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

p:\devrvw\forms\affidvt of notice-land use (9/09)

# CITY OF WEST LINN CITY COUNCIL PUBLIC HEARING NOTICE FILE NO. AP-20-01

The West Linn City Council will hold a public hearing on **Monday, May 11, 2019**, starting at **6:30 p.m**. in the Council Chambers of City Hall, 22500 Salamo Road, West Linn. The public hearing will consider a denial of a Class I Variance to reduce side yard setback standard up to 20% at 2622 Dillow Drive made by the Planning Manager on December 26, 2019 (File VAR-19-05).

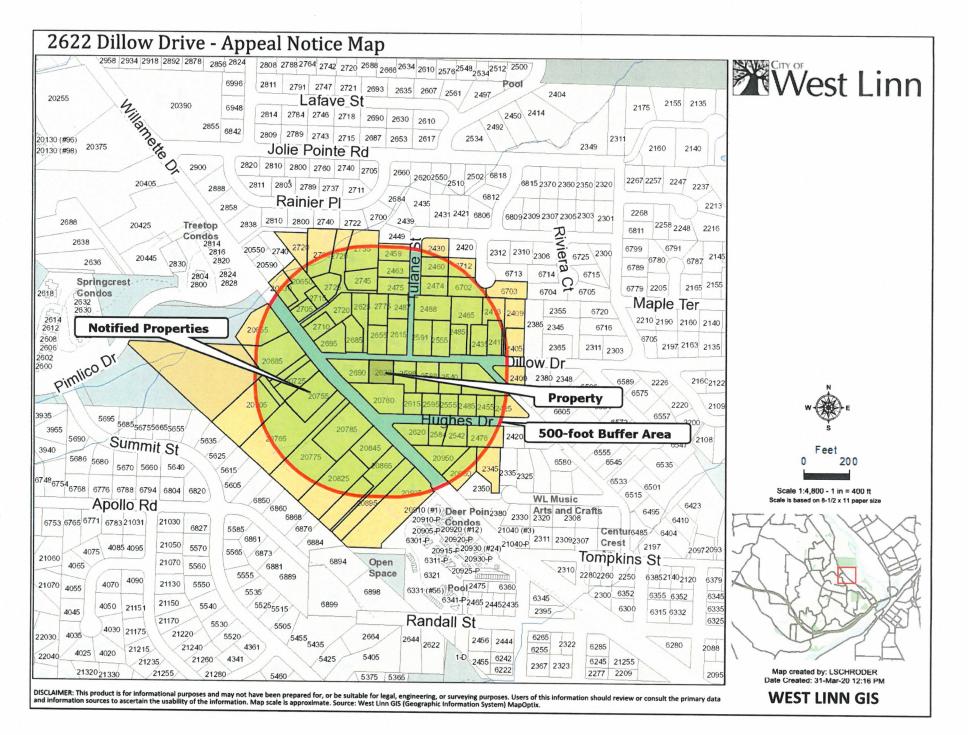
The review of the Community Development Director's decision will consider the criteria in Chapter 75.020.1. of the Community Development Code. This review will examine the potential adverse impact on an adjoining property based upon a denial of VAR-19-05 at 2622 Dillow Drive.

An appeal or review is de novo hearing and not limited to the stated grounds for review, and all relevant issues may be considered. All evidence presented to the lower approval authority shall be considered and given equal weight as evidence presented on appeal. The Criteria applicable to the Variance approved by the Planning Manager and under review by City Council are in Chapter 75 of the Community Development Code (CDC). The approval authority may affirm, reverse, or modify the December 26, 2019 decision that is subject of this appeal or review.

You have been notified of this proposal because City records indicate that you had standing on case VAR-19-05 or because notice is required by CDC 99.140 and 99.260.

The notice of appeal or review and complete application for AP-20-01 is available for inspection at no cost at City Hall or via the City of West Linn's website <u>https://westlinnoregon.gov/planning/2622-dillow-drive-appeal-planning-manager-decision-var-19-05</u>. Printed copies of these documents may be obtained at City Hall for a minimal charge per page. At least 10 days before the hearing, a copy of the staff report will be available for inspection at no cost or copies can be obtained for a minimal charge per page. For further information, please contact Chris Myers, Associate Planner, at City Hall, 22500 Salamo Road, West Linn, OR 97068, 503-742-6062 or cmyers@westlinnoregon.gov.

Anyone wishing to present written testimony on the issue under review may do so before, or at the public hearing. At the public hearing, the City Council will receive a staff presentation and then invite both oral and written testimony from the public. The City Council may continue the public hearing to another meeting to obtain additional information, leave the record open, or close the public hearing and take action on the review as provided by CDC 99.290. Failure to raise an issue in person or in writing at some point before the close of the hearing, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to the Land Use Board of Appeals (LUBA) based on that issue.





# NOTICE OF UPCOMING CITY COUNICL DECISION

# PROJECT # AP-20-01 MAIL: 4/20/2020 TIDINGS: 4/30/20

# CITIZEN CONTACT INFORMATION

To lessen the bulk of agenda packets and land use application notice, and to address the concerns 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.