

## DEVELOPMENT REVIEW APPLICATION

**For Office Use Only**

STAFF CONTACT <b>Jennifer Arnold</b>	PROJECT NO(S). <b>VAR-20-03</b>	PRE-APPLICATION NO.
NON-REFUNDABLE FEE(S) <b>\$2,900</b>	REFUNDABLE DEPOSIT(S)	TOTAL <b>\$2,900</b>

### 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 checked="" 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:

**2196 TANNER DR**

Assessor's Map No.: **21E35BA**

Tax Lot(s): **21E35BA20806**

Total Land Area: **7137 sq ft**

**Brief Description of Proposal: SEE NARRATIVE**

### Applicant Name: TOLL BROTHERS

(please print)

Address: **4949 MEADOWS RD**

City State Zip: **LAKE OSWEGO, OR 97035**

Phone: **425-829-1566**

Email:  
**jportlock@tollbrothers.com**

### Owner Name (required): TOLL WEST COAST LLC

(please print)

Address: **4949 MEADOWS RD**

City State Zip: **LAKE OSWEGO, OR 97035**

Phone: **425-829-1566**

Email:  
**jportlock@tollbrothers.com**

### Consultant Name: N/A

(please print)

Address:

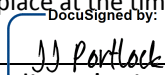
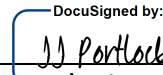
City State Zip:

Phone:

Email:

1. All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
2. The owner/applicant or their representative should be present at all public hearings.
3. A decision may be reversed on appeal. No permit will be in effect until the appeal period has expired.
4. **One complete hard-copy set of application materials must be submitted with this application.**  
**One complete digital set of application materials must also be submitted electronically in PDF format.**  
**If large sets of plans are required in application please submit one set.**

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	09-30-2020 Date	 Owner's signature (required)	09-30-2020 Date
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Dear Jennifer,

At the request of the City, I am submitting a post-construction variance request for Lot 6. This request is consistent with and will further confirm our ongoing good faith discussions with the City, and the attached building permit issued by the City, which previously approved our access to Lot 6 in the Savannah Heights Subdivision.

Because our access to Lot 6 from the private street was already approved by the City, both through extensive email discussions, and through the resulting building permit, and because the home and related access have already been constructed consistent with that building permit, with a sale pending, it is paramount that this post-construction access variance be immediately approved by the Planning Commission. In submitting this application at the City's request, we reserve all of our rights to rely on the good faith communication between staff and ourselves, which previously approved this access to Lot 6, as evidenced by the approved building permit attach to this application.

In summary, we remain willing to work collaboratively with the city on this issue, but must emphasize that because of our pending sale of the home on Lot 6, time is of the essence. Any delay in that regard will cause Toll additional damages. We thereby reserve our rights accordingly.

Respectfully,

JJ Portlock  
Division President, Oregon Division  
Toll Brothers  
4949 Meadows Rd, Suite 420

Lake Oswego, OR 97035  
Office: (971) 339-5176 | Cell: (425) 829-1566

**Applicant's Response to Class II Variance Criteria - -CDC 75.020(B)(1)(a)-(d):**

*a.) The variance is the minimum variance necessary to make reasonable use of the property. To make this determination, the following factors may be considered, together with any other relevant facts of circumstances:*

*1.) Whether the development is similar in size, intensity and type to developments on other properties in the City that have the same zoning designation.*

*2.) Physical characteristics of the property such as lot size or shape, topography, or the existence of natural resources.*

*3.) The potential for economic development of the subject property.*

Applicant's Response: The proposed variance is the minimum variance necessary to make reasonable use of the property, for at least the following reasons. First, the physical characteristics of this lot, including its size, shape and topography, make access from the public street both impractical and unreasonable. Second, it should be noted that this subdivision was not platted by the applicant. When the developer obtained plat approval, the developer and the city may not have appreciated the challenges of locating a reasonably designed home on this lot, with vehicular access on a side slope. The resulting home design would likely require a portion of the main living area to be located below grade in order for the entrance and garage to front on Tannler Drive, and would require either a very shallow home, or a front and rear yard setback variance. Neither of these design options are practical and reasonable, given the quality of the proposed homes in the neighborhood, the high cost to construct such improvements relative to the desirability of such a design, and the availability of access from the private street through a variance procedure. Third, by locating the driveway for lot 6 on the public street, so close to the turning path of a vehicles turning right to exit the private street and enter Tannler Drive, traffic safety issues could arise. These traffic safety issues can be avoided by the proposed variance. For all of these reasons, this criterion is met.

*b.) The variance will not result in violations of any other code standard, and the variance will meet the purposes of the regulation being modified.*

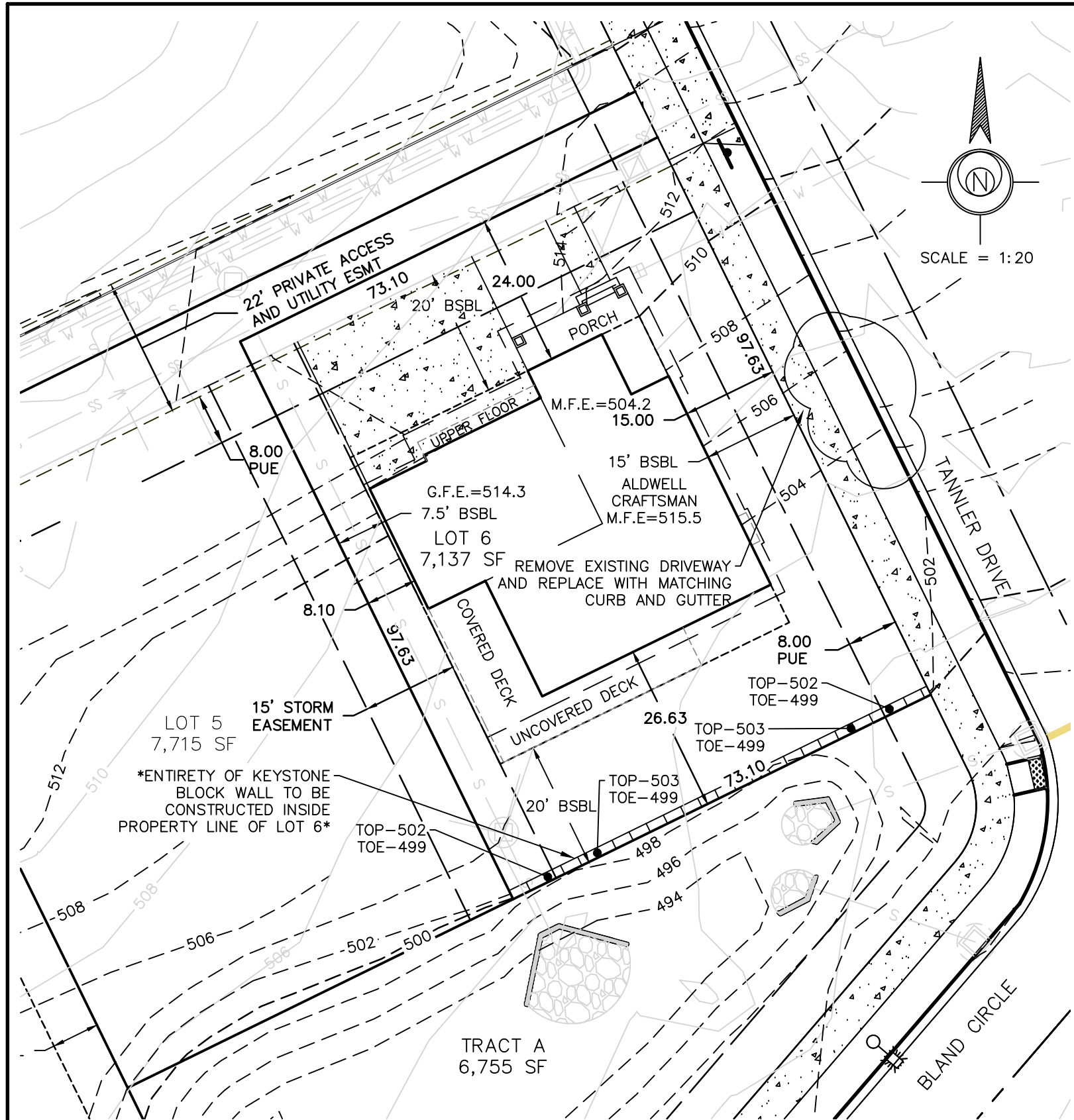
Applicant's Response: The proposed variance will not result in violation of any other known code standards. Furthermore, the variance will meet the purposes of the regulation being modified, because one of the purposes of CDC Chapter 48 (Access, Egress and Circulation), and CDC Section 48.030(D) (Minimum Vehicle Requirements for Residential Uses) in particular, is to seek to balance mobility, the need "to provide efficient, safe and timely travel with the ability to allow access to individual properties." Generally speaking, that balance has been struck in a clear and objective, but somewhat arbitrary way through the provisions in CDC Section 48.030(D), which limits access to private streets that are not built to full public street standards, to 4 lots. In this case, however, allowing one more lot, specifically lot 6, to access the private street, creates a more practical, more reasonable and arguably more safe access, egress and circulation pattern and produces a more well designed home, relative to the existing size, shape and slope of the lot. For these reasons, this criterion is met.

*c.) The need for the variance was not created by the applicant and/or owner requesting the variance.*

Applicant's Response: The current applicant/owner did not create the need for the variance. The prior applicant/developer, created the need for an access variance on lot 6, by not anticipating that it would be impractical and unreasonable to construct a home on the lot with access from the public street, rather than the private street. For these reasons, this criterion is met.

*d.) If more than one variance is requested, the cumulative effect of the variances results in a project that is consistent with the overall purpose of the zone.*

Applicant's Response: Only one variance is requested, and that variance would apply to only one lot. This criterion therefore does not apply.



**BUILDING COVERAGE**

MAIN:	1,319 SF.
GARAGE:	655 SF.
PORCH:	176 SF.

**LOT COVERAGE: 50% MAX**

LOT AREA:	7,137 SF.
BUILDING AREA:	2,150 SF.
PERCENTAGE:	30%

**IMPERVIOUS SURFACES**

DRIVEWAY (INCLUDING ACCESS):	915 SF.
ROOF:	2,703 SF.
WALKWAY:	65 SF.
TOTAL:	3,683 SF.

**UTILITIES**

STORM DRAINAGE LINE	— S —
SANITARY SEWER LINE	— SS —
WATER LINE	— W —
BSBL	BUILDING SETBACK LINE

**TOPOGRAPHY**

EXISTING CONTOUR LINES	— — — — —
PROPOSED CONTOUR LINES	- - - - -

**FLOOR TO AREA RATIO**

FIRST FLOOR	1,294 SF.
SECOND FLOOR	1,682 SF.

**ESE** Land Planning  
Engineering  
Land Surveying

ESE Consultants, Inc.  
8815 122ND AVE NE,  
Suite 200  
Kirkland, WA 98033  
TEL: 425-825-5367

**LOT 6 SITE PLAN**  
SAVANNA HEIGHTS  
WEST LINN, OR

TOLL BROS., INC.,  
8815 122ND AVE NE, SUITE 200  
KIRKLAND, WA 98033

10-04-19