

DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT JOHN FLOYD	PROJECT NO(S). VAR-21-04	PRE-APPLICATION NO. PA-21-04
NON-REFUNDABLE FEE(S) \$2,900	REFUNDABLE DEPOSIT(S)	TOTAL \$2,900

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) Class II |
| <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:	Assessor's Map No.: 21E35BA
2182 TANNER DR, WEST LINN, OR 97068	Tax Lot(s): 20803
	Total Land Area: 9,586 SF

Brief Description of Proposal:

WE PROPOSE TO ENCROACH INTO SETBACKS A TOTAL OF 172 SQUARE FEET TO ALLOW THE INSTALLATION OF A FIBERGLASS INGROUND SWIMMING POOL ONTO AN IRREGULAR SHAPED PROPERTY.


Applicant Name: Ritchie Cameron <small>(please print)</small> Address: 17300 SE 82nd Dr City State Zip: Clackamas, OR 97015	Phone: 503.209.6248 (cell) Email: ritch.cameron@classicpoolandspa.com
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Owner Name (required): Katie Spurlock <small>(please print)</small> Address: 2182 TANNER DRIVE City State Zip: WEST LINN, OR 97068	Phone: 503.522.8779 Email: kspurlock@windermere.com
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Consultant Name: <small>(please print)</small> Address: City State Zip:	Phone: Email:
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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.

<i>Ritchie Cameron</i> Applicant's signature	04/09/2021 Date	 Owner's signature (required)	4/8/21 Date
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Received 4/12/21
by LS

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YOUR BACK YARD FUN STORE SINCE 1979

A Latham Grand Dealer.

May 13, 2021

City of West Linn
Planning Department
22500 Salamo Rd.
West Linn, OR 97068

RE: Katie Spurlock Class II Variance Application
2182 Tannler Dr.
West Linn, OR 97068

SUBJECT: VAR-21-04 Application for a Class II variance to allow a swimming pool to be located within the rear and side-yard setbacks of 2182 Tannler Drive.

Dear Mr. Floyd:

On May 6, 2021, we received notice that the above referenced Application was deemed incomplete and additional information was requested. Below, and attached, is the additional information requested.

1. CDC Chapter 75.050.C.1 – Narrative

Please revise your response to CDC 75.020.B.1(a)(2) to more clearly address the shape of the lot and why a pool cannot be located within the standard setbacks.

Reply;

When the property was recently sub-divided to allow for multiple single-family residences, and to allow all lots, including this one, to meet the minimum size requirements, this specific lot was positioned with its rear property line abutting an existing roadway. The roadway is a curved road, which results in this lot having a rear yard that is somewhat triangular in shape, with the most acute angle being at the rear-most point of the property. Thus resulting in a shape of the lot as to make the installation of almost any swimming pool impossible without encroaching into the setbacks.

Page 1 of 2

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Oregon CCB #: 60675

Service 503.292.6018

Washington #: CLASSPS991N8

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2. CDC Chapter 75.060.B.2(a) – “The lot or parcel configuration and dimensions, and the location of all existing structures; the setback distances and the location of all structures on abutting units of land, and the setback distances”

Please revise the site plan to include all existing and proposed structures, including:

- Retaining walls
- Fences
- Utility Boxes

Reply;

Attached landscaping site plan identifies a 24” high landscape wall. For the variance application VAR-21-04, there are no retaining walls proposed.

Attached Classic Pool Spa and Hearth revised site plan, pages 01 and 02, identify fencing and utility boxes.

Note regarding Utility Boxes; the water meter for this residence is not installed on this lot, and therefore is not shown. (The water meter is located next to the curb, on Tannler Dr., and is at least 200’ east of the property line of 2182 Tannler Dr. at its closest point.)

If you have any questions at all, please feel free to give me a call.

Ritchie Cameron
503.209.6248 (cell)

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April 9, 2021

City of West Linn
Planning Department
22500 Salamo Rd.
West Linn, OR 97068

RE: Katie Spurlock Class II Variance Application
2182 Tannler Dr.
West Linn, OR 97068

We have performed a review of the City Variance requirements, and the following is our formal application for a Class II variance for and on behalf of Katie Spurlock.

West Linn Community Development Code

Chapter 12

SINGLE-FAMILY RESIDENTIAL DETACHED AND ATTACHED, R-7

12.040 ACCESSORY USES

Accessory uses are allowed in this zone as provided by Chapter 34 CDC.

Chapter 34

34.060 SETBACK PROVISIONS FOR ACCESSORY STRUCTURES (NON-DWELLING)

A. Accessory structures shall comply with all requirements for the principal use except as provided in CDC 34.040 and where specifically modified by this code as follows.

This variance request is to modify the rear and side yard setbacks of the property, as specified in 12.070, to allow for the installation of a fiberglass inground swimming pool.

Chapter 2

02.030 SPECIFIC WORDS AND TERMS

For the purpose of these regulations, the following terms or words are defined as follows.

Accessory dwelling unit (ADU). Attached or detached dwelling unit which is secondary to the primary dwelling unit and intended to provide convenient and affordable housing opportunities.

Accessory structure. A subordinate structure with a maximum area of 1,500 square feet, except for agricultural buildings, located on a lot or parcel with a principal use, the use of which is clearly incidental to and associated with the principal use. Examples of **accessory structures include**, but are not limited to, the following:

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1. Greenhouse or hothouse;
2. **Swimming pools;**
3. Children's playhouses and structures;
4. Sheds;
5. Barns;
6. Gazebos;
7. Solar and wind energy systems;
8. Garages;
9. Dog houses for up to four dogs, bird feeders, or other pet shelters;
10. Appurtenances such as mailboxes and heat pumps; and
11. Similar structures as determined by the Planning Director.

(NOTE: **Bold** accents added by CPS&H)

Chapter 12

12.070 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, 7,000 square feet.
 2. For each attached single-family unit, 5,500 square feet. No yard shall be required between the units.
- 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 35 feet.
- D. Repealed by Ord. 1622.
- E. 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, seven and one-half feet.**
 3. For a side yard abutting a street, 15 feet.
 4. **For a rear yard, 20 feet.**
- F. The maximum building height shall be 35 feet, except for steeply sloped lots in which case the provisions of CDC 41.010 shall apply.

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G. The maximum lot coverage shall be 35 percent.

(NOTE: **Bold** accents added by CPS&H)

Chapter 75

VARIANCES AND SPECIAL WAIVERS

75.020 CLASSIFICATION OF VARIANCES

B. Class II Variance. Class II variances may be utilized when strict application of code requirements would be inconsistent with the general purpose of the CDC and would create a burden upon a property owner with no corresponding public benefit. A Class II variance will involve a significant change from the code requirements and may create adverse impacts on adjacent property or occupants. It includes any variance that is not classified as a Class I variance or special waiver.

1. Class II Variance Approval Criteria. The approval authority may impose appropriate conditions to ensure compliance with the criteria. The appropriate approval authority shall approve a variance request if all the following criteria are met and corresponding findings of fact prepared.

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 or 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.

The code allows swimming pools as accessory structures in this zone.

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

The physical shape of this property is the reason for this variance request. The 20' rear setback creates a condition that the property cannot be used in a manner consistent with the underlying zoning and the addition of an accessory structure. We propose to encroach into one specific area of the rear yard setback with 105 square feet of accessory structure and impervious surface. We also propose, in order to mitigate the amount of encroachment into the rear yard setback, to encroach into the side yard setback with 72 square feet of accessory structure and impervious surface.

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

The potential for economic development on this property is not a factor.

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

The variance will not result in the violation of any other code standards. (The eight foot P.U.D. easement on the rear property line will be maintained.)

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

The unique shape of the property was not created by us or the homeowner.

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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.

This request is for one variance only. No special waivers, other than what is included within, are proposed.

Additional information that is relevant to this variance request;

Because the swimming pool is an inground swimming pool, there is nothing above ground that will visually affect the adjoining property owners enjoyment of their property. The swimming pool equipment will be installed in the crawlspace of the home – thereby assuring there will be no visual or sound effects to the adjoining property owners for the enjoyment of their property.

Also, there is existing fencing on the property that shields, to an extent, the swimming pool from the adjoining property owners view.

In addition, the owner of this property is planning on planting shrubs between the pool deck and the existing fencing along the side yard to further visually shield the pool from the adjoining property owners.

Staff Summary Sheet, PA-21-04:

Item #3 references a dry well. Our research has found that the reference is actually for an underground drain line that runs from the crawlspace to a point as indicated on the site plan. Should the drain line be ‘discovered’ during the installation of the swimming pool, it will be relocated a minimum of five feet away from the swimming pool. Any required inspections will be called for before it is covered.

Item #5 requests attention be paid to the lot coverage. A note on the site plans addresses the issue, and affirms that the maximum lot coverage will not be exceeded.

Item #7 has been discussed with West Linn Building Department, and the position of the swimming pool in the site plan complies with the answer given.

Item #8, to our knowledge, has not been followed up by staff.

Chapter 99

PROCEDURES FOR DECISION MAKING: QUASI-JUDICIAL

99.030 APPLICATION PROCESS: WHO MAY APPLY, PRE-APPLICATION CONFERENCE, REQUIREMENTS, REFUSAL OF APPLICATION, FEES

A. Who may apply.

1. Applications for approval required under this chapter may be initiated by:

a. The owner of the property that is the subject of the application or the owner’s duly authorized representative;

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This application is being submitted at the request of the property owner, Katie Spurlock, by Ritchie Cameron, on behalf of Classic Pool Spa and Hearth (address and phone number below).

B. Pre-application conferences.

1. Subject to subsection (B)(4) of this section, a pre-application conference is required for, but not limited to, each of the following applications:

o. Variances;

As noted above, PA-21-04 pre-application conference for this Class II variance application has been completed.

If you have any questions at all, please feel free to give me a call.
Ritchie Cameron
503.209.6248 (cell)

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APPROXIMATE
FOOTPRINT OF
23109 BLAND CIR

APPROXIMATE
FOOTPRINT OF
2176 TANNER DR

1/30" = 1'



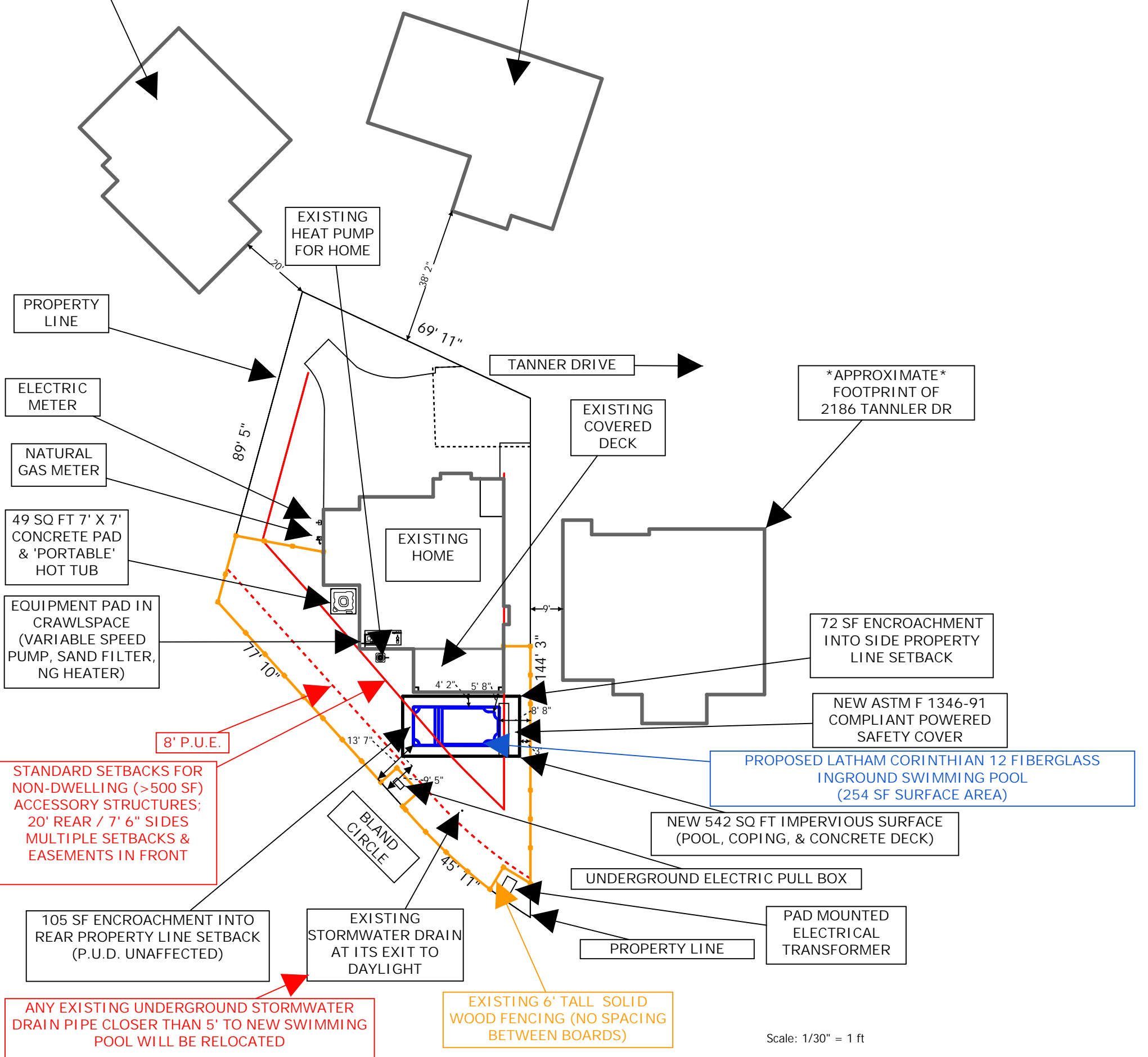
APPLICANT CONTACT INFORMATION;
Classic Pool Spa and Hearth
Ritchie Cameron
503.209.6248 (cell)
ritch.cameron@classicpoolandspa.com

VERSION 03
PAGE 1 of 2
05/12/2021

Primary Address: 2182 Tanner Dr
West Linn, OR 97068
Taxlot: 21E35BA20803

Katie Petzold Spurlock
LATHAM CORINTHIAN 12 FIBERGLASS
INGROUND SWIMMING POOL

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17875 SE 82nd Dr., Gladstone, OR 97027
503.656.0021 OR CCB #60675



LOT COVERAGE: 35% MAX (R-7)
LOT AREA; 9,586 SF
MAXIMUM LOT COVERAGE; 3,355 SF

PROPOSED MODIFICATIONS TO PROPERTY;

BUILDING COVERAGE:
EXISTING STRUCTURE; 2,356 SF
ADD SWIMMING POOL; 254 SF
TOTAL PROPOSED COVERAGE; 2,610 SF (27.22%)

IMPERVIOUS SURFACES
ADD 542 SF POOL AND CONCRETE POOL DECK
ADD 49 SF CONCRETE HOT TUB PAD
PROPOSAL TOTAL ADDED; 591 SF
PROPOSED TOTAL; 4,888 SF.

ENCROACHMENT INTO SETBACKS
PROPOSED SIDE YARD ENCROACHMENT; 72 SF.
PROPOSED REAR YARD ENCROACHMENT; 105 SF.
PROPOSED TOTAL ENCROACHMENTS; 177 SF.

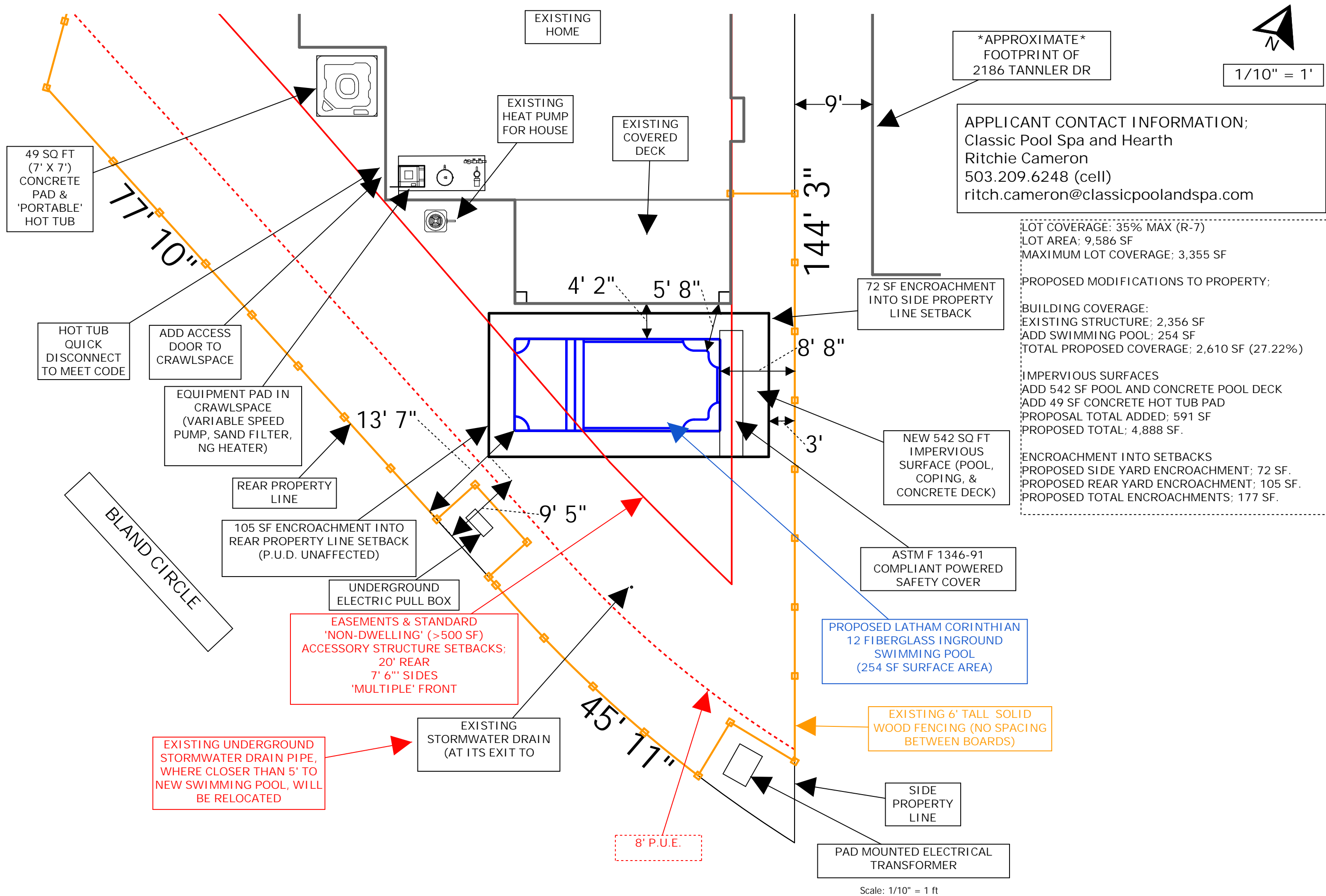
STANDARD SETBACKS FOR
NON-DWELLING (>500 SF)
ACCESSORY STRUCTURES;
20' REAR / 7' 6" SIDES
MULTIPLE SETBACKS &
EASEMENTS IN FRONT

105 SF ENCROACHMENT INTO
REAR PROPERTY LINE SETBACK
(P.U.D. UNAFFECTED)

ANY EXISTING UNDERGROUND
STORMWATER DRAIN PIPE
CLOSER THAN 5' TO NEW
SWIMMING POOL WILL BE
RELOCATED

EXISTING 6' TALL SOLID
WOOD FENCING (NO SPACING
BETWEEN BOARDS)

Scale: 1/30" = 1 ft



1/10" = 1'

APPROXIMATE
FOOTPRINT OF
2186 TANNER DR

APPLICANT CONTACT INFORMATION;
Classic Pool Spa and Hearth
Ritchie Cameron
503.209.6248 (cell)
ritch.cameron@classicpoolandspa.com

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LOT AREA: 9,586 SF
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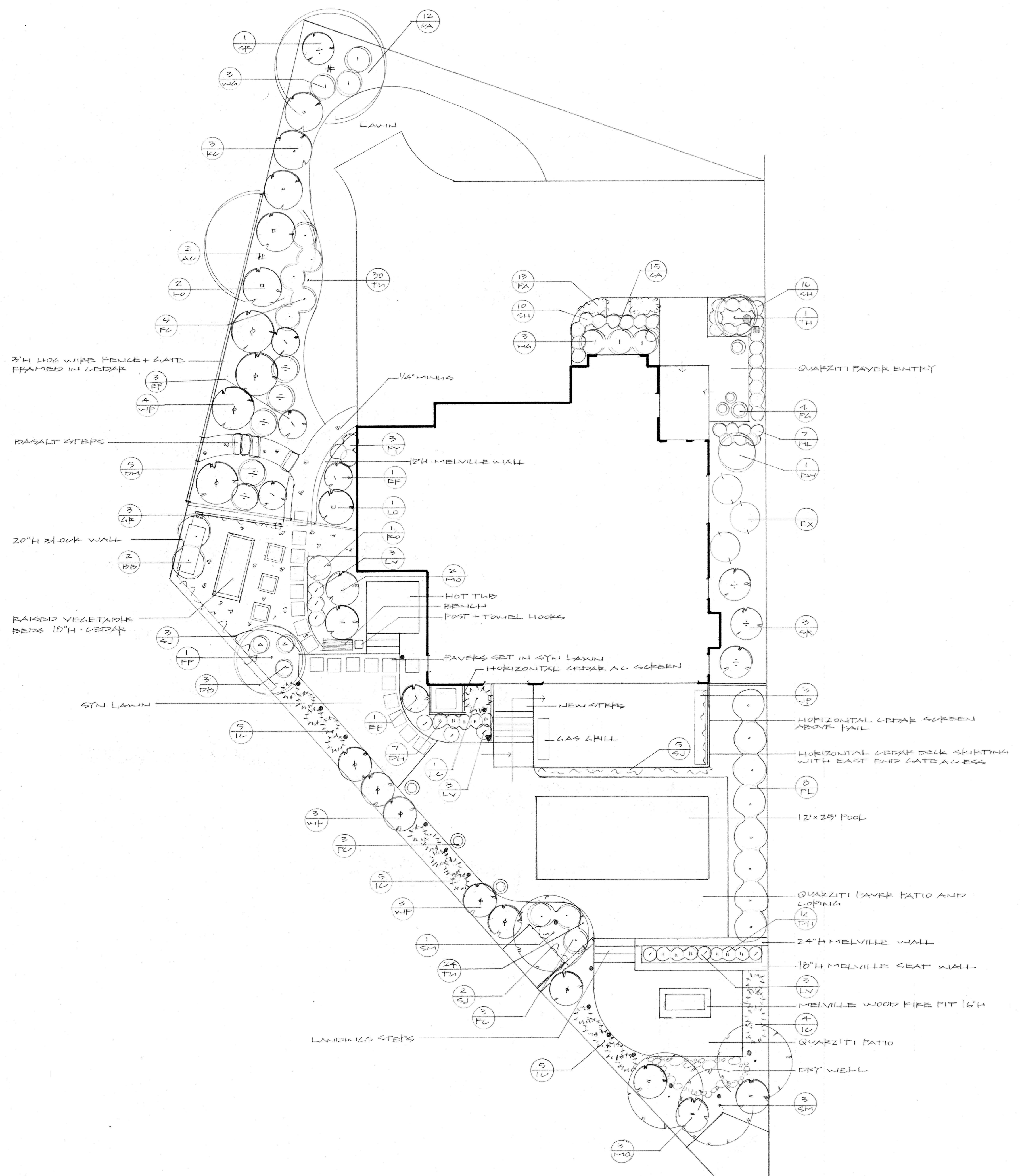
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Primary Address: 2182 Tanner Dr
West Linn, OR 97068
Taxlot: 21E35BA20803

Katie Petzold Spurlock
LATHAM CORINTHIAN 12 FIBERGLASS
INGROUND SWIMMING POOL

Scale: 1/10" = 1 ft

REVISIONS	BY



- Legend**
- AC Akebono Flowering Cherry
 - BB Black Bamboo in black powder coated planter
 - CA Camassia
 - DB Dwarf Blueberry
 - DH Dahlia
 - DM Dwarf Mock Orange
 - EF Eternal Fragrance Dogwood
 - EW Edgeworthia
 - EX Existing Flax moved
 - FC Pink Flower Carpet Rose
 - FP Fuji Persimmon
 - GR Grapes
 - HL Helleborus
 - IC Italian Cypress
 - JP Star Jasmine in black powder coated planter
 - KC Kanjira Camellia
 - LC Lemon Cypress
 - LO Loropetalum
 - LV Lavender
 - MO Mexican Orange
 - PA Pachysandra
 - PC Pot of Citrus
 - PG Pot of Gardenia
 - PL Portuguese Laurel
 - PY Peony
 - RO Rosemary
 - SH Sarcococca humilis
 - SJ Star Jasmine on trellis
 - SM Dwarf Southern Magnolia
 - SR Sarcococca ruscifolia
 - TH Tree form Waxleaf Privet or Hydrangea
 - TU Tulips
 - WG Wedding Gown Hydrangea
 - WP Waxleaf Privet
 - ▽ Water Bio moved
 - Up Light

SPURLOCK
 2102 TANKLER DR. WEST LINN

Date	
Scale	1/8"=1'-0"
Drawn	
Job	
Sheet	1
Of	Sheets