

## DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT: Myers	PROJECT NO(S): VAR-22-01	PRE-APPLICATION NO.: PA-21-19
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)                       |
| <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.

<b>Site Location/Address:</b>  <b>1201 Rosemont Rd</b>	Assessor's Map No.: <b>21E26AD</b> Tax Lot(s): <b>3009</b> Total Land Area: <b>0.24</b>
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**Brief Description of Proposal:**  
**variance to allow existing driveway greater than 15% but less than 20%**

<b>Applicant Name:</b> <i>Marius Rosca</i> <small>(please print)</small> <b>Address:</b> <i>PO Box 209</i> <b>City State Zip:</b> <i>West Linn, Oregon 97068</i>	Phone: <b>971-506-1041</b> Email: <b>mariusros79@yahollcom</b>
<b>Owner Name (required):</b> <small>(please print)</small> Address: <b>same</b> City State Zip:	Phone: Email:
<b>Consultant Name:</b> <i>Bruce Goldson, PE</i> <small>(please print)</small> <b>Address:</b> <i>PO Box 1345</i> <b>City State Zip:</b> <i>Lake Oswego, Ore 97035</i>	Phone: <b>503-481-8822</b> Email: <b>thetaengllc@gmail.com</b>

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. The permit approval will not be effective until the appeal period has expired.
4. The City accepts electronic (.pdf) land use applications and project submissions from applicants. Applicants should submit this form and supporting documents through the [Submit a Land Use Application](https://westlinnoregon.gov/planning/submit-land-use-application) web page:  
<https://westlinnoregon.gov/planning/submit-land-use-application>

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.

M Rosca	01/25/2022	
Applicant's signature	Date	Owner's signature (required) _____
		Date _____





1201 Rosemont Rd  
Class II Variance  
City File PA 21-23

## NARRATIVE:

The subject property is further identified as Tax Lot 21E26AD03009 and was created by partition. A pre-application conference was held November 18, 2021 to discuss the existing driveway gradient with respect to Chapter 48 of the development code.

48.020

C. No building or other permit shall be issued until scaled plans are presented to the City and approved by the City as provided by this chapter, and show how the access, egress, and circulation requirements are to be fulfilled. Access to State or County roads may require review, approval, and permits from the appropriate authority.

It is my understanding that a scaled site plan was submitted to the City. A copy of the plan is attached to this review. The site plan, that I have, doesn't have a profile and there is a note that a portion of an original driveway is to remain, but no grades and size. There isn't any stationing on the site plan to indicate the total distance.

48.030

3. Maximum driveway grade shall be 15 percent. The 15 percent shall be measured along the centerline of the driveway only. Variations require approval of a Class II variance by the Planning Commission pursuant to Chapter 75 CDC. Regardless, the last 18 feet in front of the garage shall be under 12 percent grade as measured along the centerline of the driveway only. Grades elsewhere along the driveway shall not apply.

The approved site plan indicates a garage floor elevation, does not specify the required 12% grade nor the maximum 15% grade. The house was staked out by surveyors prior to construction. Subsequently overall distance on the approved plan was measured with AutoCAD and using the proposed garage elevation and the existing sidewalk elevation it was calculated that the overall slope from the garage to the sidewalk was approximately 14.5%. The required 18-feet of 12% slope or less is not accounted for. As built survey finds the slope from the garage out the required 18-feet finds a 12.0 % slope and the final garaged floor is slightly higher than design. The net result finds the driveway slope greater than the maximum 15%. The as built survey finds the remainder of the drive past the 12% as 17.4% to the right of way.

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

A. who may apply



This application is being submitted by the property owner

B. pre-application conference.

A pre-application conference has been completed.

## Conclusions:

Development of this property has been a challenge and several driveway designs were investigated. The developer recognized that the driveway would not meet the standards once the construction of the house was underway. At that point alteration of the garage was not possible. Re-grading and realignment of the driveway as attempted and found not possible. To avoid erosion through the winter, the driveway was paved.

It has been my observation, because of the steep topography found in many parts of West Linn that there are examples of driveways exceeding the maximum grade. Although the City reviewed and approved the driveway plan I believe that in this case it should have been a stamped engineering plan due to site conditions.

Other jurisdictions in the Metro area allow driveways up to 20%. It is my opinion that driveways that have 20% grades can operate safely. There are no alternatives for access to this property. The existing driveway has been found to be less than 20% and a deviation from the standard should be approved by Design Review.

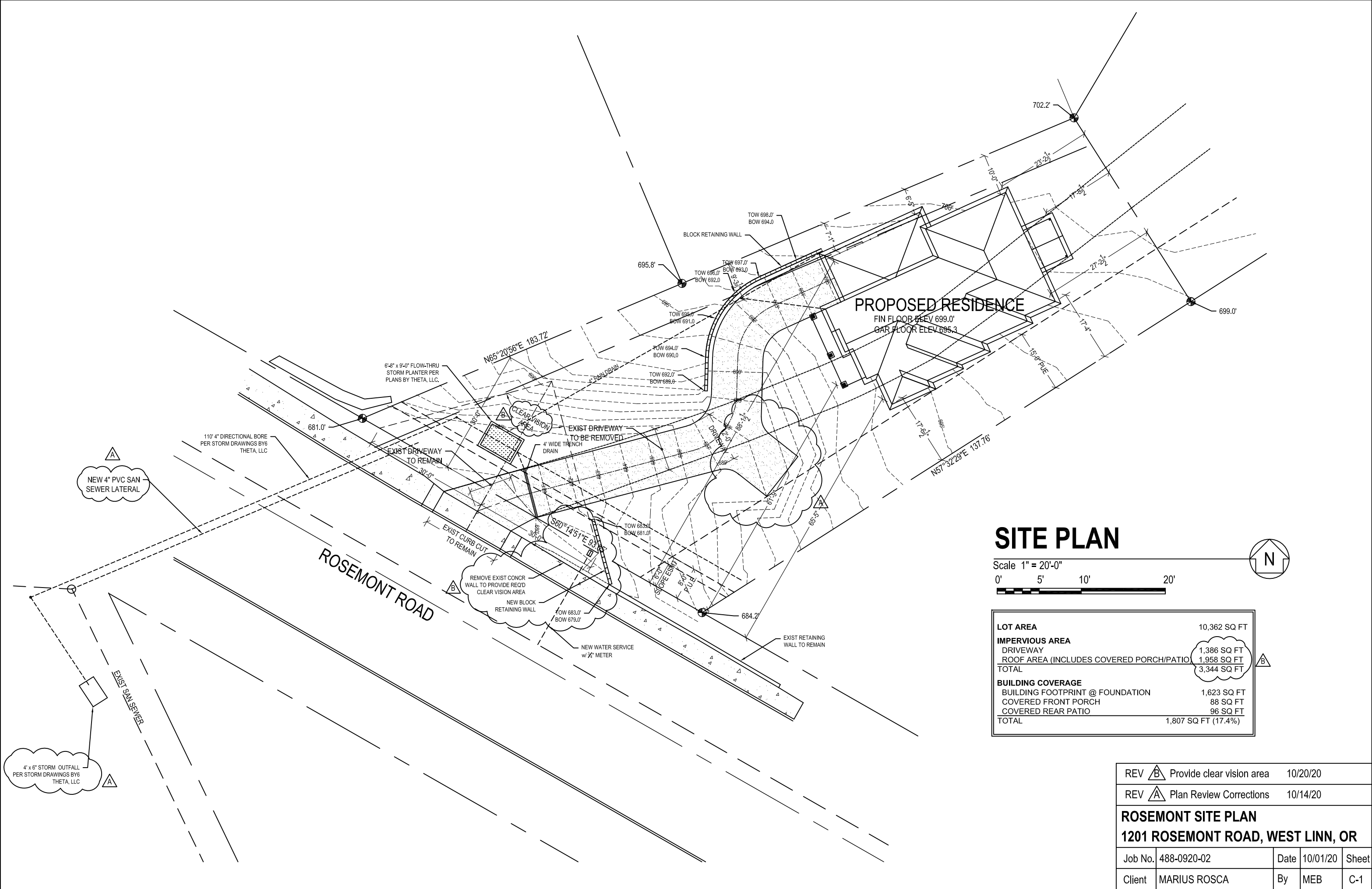
Prepared by:

Bruce D. Goldson, PE

Theta, LLC

January 25, 2022

2020-326.2



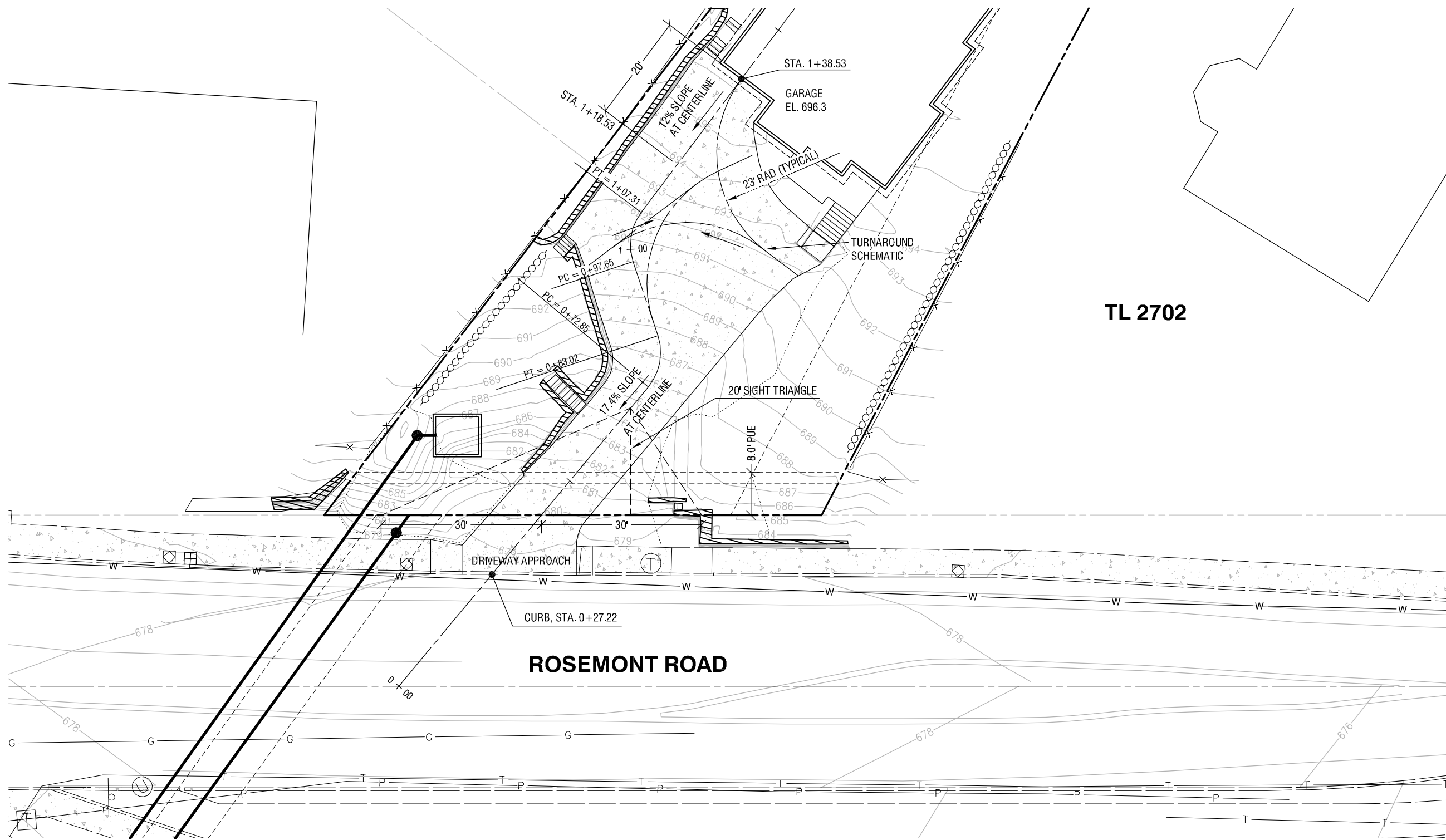
# SITE PLAN

Scale 1" = 20'-0"  
 0' 5' 10' 20'

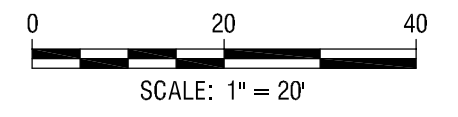


<b>LOT AREA</b>	10,362 SQ FT
<b>IMPERVIOUS AREA</b>	
DRIVEWAY	1,386 SQ FT
ROOF AREA (INCLUDES COVERED PORCH/PATIO)	1,958 SQ FT
<b>TOTAL</b>	<b>3,344 SQ FT</b>
<b>BUILDING COVERAGE</b>	
BUILDING FOOTPRINT @ FOUNDATION	1,623 SQ FT
COVERED FRONT PORCH	88 SQ FT
COVERED REAR PATIO	96 SQ FT
<b>TOTAL</b>	<b>1,807 SQ FT (17.4%)</b>

REV	<b>B</b>	Provide clear vision area	10/20/20
REV	<b>A</b>	Plan Review Corrections	10/14/20
<b>ROSEMONT SITE PLAN</b>			
<b>1201 ROSEMONT ROAD, WEST LINN, OR</b>			
Job No.	488-0920-02	Date	10/01/20 Sheet
Client	MARIUS ROSCA	By	MEB C-1



TL 2702



2019-326.2

DRIVEWAY PLAN

DESIGNED:	BDG
DRAWN:	BJS
SCALE:	1" - 20'
DATE:	January, 2022
FILE:	Haverhill Civil3

**Theta, llc**

ENGINEERING - SURVEYING - PLANNING  
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 503/481-8822  
 email: thetaeng@comcast.net

Marius Rosca  
 mariusros79@yahoo.com

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 West Linn, Oregon 97068

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