



CITY OF
West Linn

**STAFF REPORT
PLANNING MANAGER DECISION**

DATE: June 6, 2022

FILE NO.: VAR-22-02

REQUEST: Class I Variance to reduce the rear yard setback for an uncovered deck from 15 feet to 12 feet from the property line (20% reduction) at 2904 Rawhide.

PLANNER: John Floyd, Associate Planner

Planning Manager

DSW

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GENERAL INFORMATION

OWNER: Dr. Chris Jacobs
2904 Rawhide St.
West Linn, OR 97068

APPLICANT: Eric Rose
16869 SW 65th Ave #417
Lake Oswego OR 97035

SITE LOCATION: 2904 Rawhide St.

LEGAL DESCRIPTION: Robinwood Estates #3 Lot 2
Map and Tax Lot Number 21E23DB03000

SITE SIZE: 10,064 Square feet

COMP PLAN DESIGNATION: Low Density Residential

ZONING: R-10 (Single Family Residential Detached; 10,000 square foot minimum lot size)

APPROVAL CRITERIA: Community Development Code (CDC) Chapter 11: R-10 Zone; Chapter 38: Projections into Yards; Chapter 75: Variances and Special Waivers; Chapter 99: Procedures for Decision-Making: Quasi-Judicial.

120-DAY RULE: The application became complete on April 13, 2022. The 120-day period therefore ends on August 11, 2022.

PUBLIC NOTICE: Notice was mailed to property owners within 300 feet of the subject property and the Hidden Springs Neighborhood Association on April 19, 2022. The property was posted with a notice sign on April 19, 2022. The notice and application were posted on the City's website April 18, 2022. Therefore, public notice requirements of CDC Chapter 99 have been met.

EXECUTIVE SUMMARY

The applicant requested a Class I Variance from “Required yard and minimum lot dimensional requirements.” The request includes the reduction of the rear yard setback for a deck from 15 feet to 12 feet, as allowed in a Class I Variance. The purpose of the variance is to permit the property owner/applicant to construct a deck extension-on the rear of an existing single-family dwelling at 2904 Rawhide Street.

The Class I Variance provides “minor relief from certain code provisions” that will not harm adjacent properties and conforms to any other code provisions. With approval of the variance, the front yard setback would be reduced to 12 feet.

Public comments:

No public comments were received.

DECISION

The Community Development Director (designee) approves this application (VAR-22-02), 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 condition of approval below:

Condition of Approval

- 1. The final plan shall conform to the plans for Proposed Class I Variance contained in PD-1.**

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



John Floyd, Associate Planner

June 6, 2022

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 unless substantial construction has taken place or an extension is granted per Chapter 99 CDC.

Mailed this **9th** day of **June 2022**.

Therefore, the 14-day appeal period ends at 5 p.m., on **June 23, 2022**.

**ADDENDUM
APPROVAL CRITERIA AND FINDINGS
VAR-22-02**

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 Finding 1: The subject property will contain one single family detached home which is an allowed use within the R-10 zone. This standard is met.

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:

(...)

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.

(...)

Staff Finding 2: The applicant is requesting a variance from the rear yard setback for an elevated deck. Per staff finding 3, decks over 30 inches in height may extend into the rear yard setback by 5 feet, thus reducing the standard setback from 20 to 15 feet. The proposed reduction is 20% or 3 feet. With the Class I Variance, this standard will be met.

II. CHAPTER 38, ADDITIONAL YARD AREA REQUIRED; EXCEPTIONS TO YARD REQUIREMENTS; PROJECTIONS INTO YARDS

39.060 PROJECTIONS INTO REQUIRED YARDS

(...)

F. Front and rear porches, covered porches, unroofed landings and stairs (over 30 inches in height) may encroach into the front or rear yard setback up to five feet.

Staff Finding 3: The applicant is requesting a variance from a rear yard setback for an elevated deck. As the deck is over 30 inches, it qualifies for a five foot extension into the rear yard setback. The proposed reduction is 20% or 3 feet. With the Class I Variance, this standard will be met.

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.*

(...)

Staff Finding 4: As detailed in the project description and findings presented in Exhibit PD-1, the applicant has requested a Class I Variance to reduce the rear-yard setback for an elevated deck by 20 percent or 3 feet (15 feet permitted, 12 feet proposed). The purpose of the variance is to facilitate the construction of an extension to an existing deck. The additional deck area will result in a safer and more efficient use of a sloped area of the property. There are no natural features to be preserved on this site, and as a through-lot there are no abutting properties to the rear that will be impacted by the reduction. These criteria are met.

EXHIBIT PD-1 APPLICANT SUBMITTAL

Revised Submittal
March 31, 2022



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

DEVELOPMENT REVIEW APPLICATION

For Office Use Only			
STAFF CONTACT	John Floyd	PROJECT NO(S)	VAR-22-02
		PRE-APPLICATION NO.	N/A
NON-REFUNDABLE FEE(S)	\$825	REFUNDABLE DEPOSIT(S)	0
		TOTAL	\$825

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: 2904 Rawhide St. West Linn, Oregon 97068	Assessor's Map No.:
	Tax Lot(s): 21E23DB03000
	Total Land Area:

Brief Description of Proposal:

Request the set-back to be reduced on the East side of property, allowing a deck extension. Deck extension would be approximately 10-12 ft from the existing deck posts. We request such variance due to the deck being approximately 40ft above the street elevation.

Applicant Name: Eric Rose <small>(please print)</small>	Phone: 503-575-8548
Address: 16869 SW 65th Ave #417,	Email: Eric@EpiConstruct.com
City State Zip: Lake Oswego, OR 97035	
Owner Name (required): Dr. Chris Jacobs <small>(please print)</small>	Phone: 432-559-7013
Address: 2904 Rawhide St.	Email: drjacobs@drchrisjacobs.com
City State Zip: West Linn, OR 97068	
Consultant Name: <small>(please print)</small>	Phone:
Address:	Email:
City State Zip:	

- All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
- The owner/applicant or their representative should be present at all public hearings.
- A decision may be reversed on appeal. The permit approval will not be effective until the appeal period has expired.
- 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>

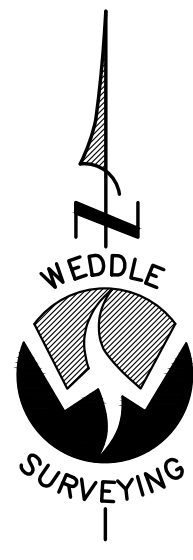
The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to 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.

Jon. E. Rose
Applicant's signature

2-11-22
Date

Christopher Jacobs
Owner's signature (required)

2-14-2022
Date



SCALE: 1" = 10'
1-FT. CONTOUR INTERVAL
OCTOBER 25, 2021

TOPOGRAPHIC SURVEY

2904 RAWHIDE STREET

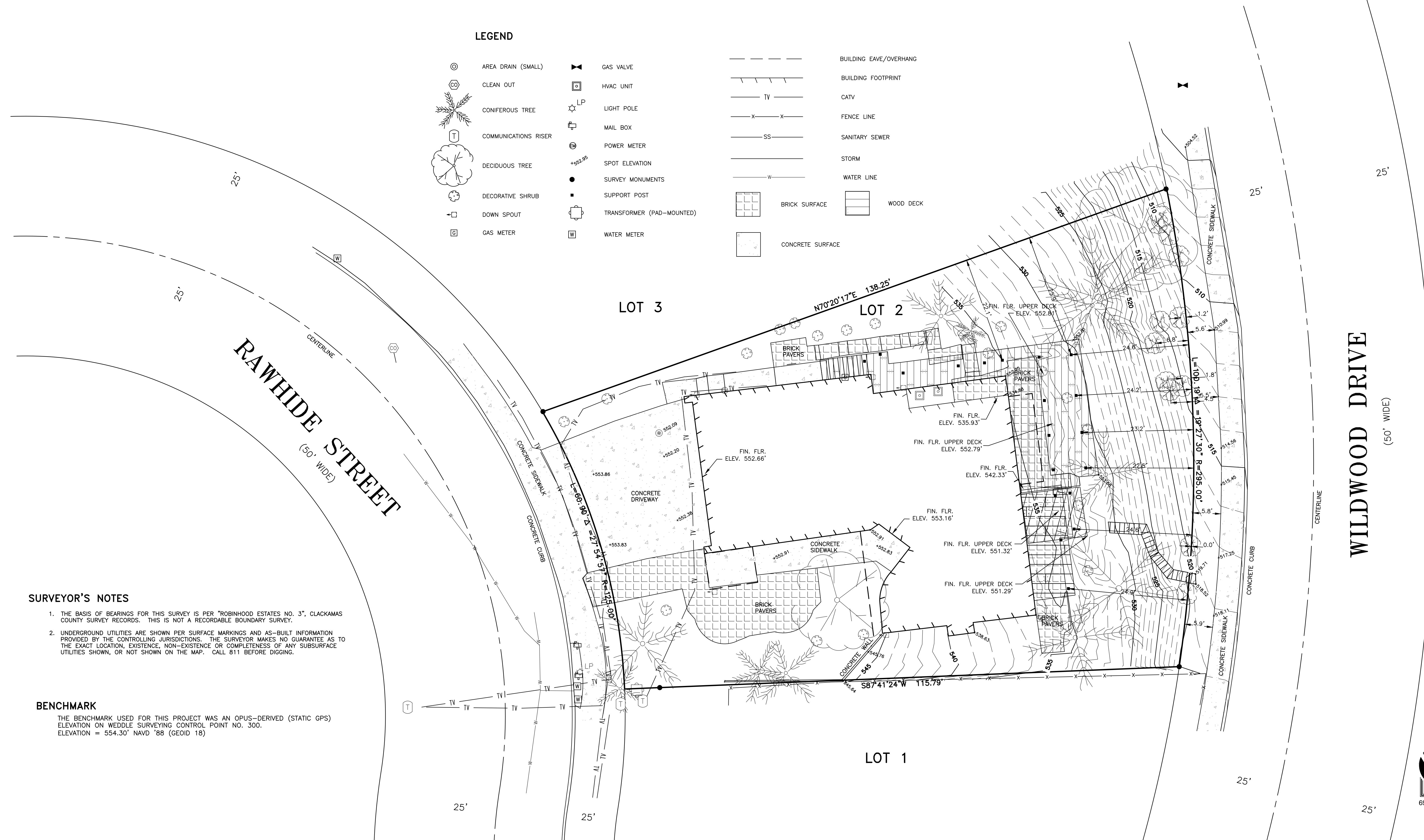
LOT 2, BLOCK 5, "ROBINWOOD ESTATES NO. 3"
LOCATED IN THE S.E. 1/4 OF SECTION 23
TOWNSHIP 2 SOUTH, RANGE 1 EAST, W.M.
IN THE CITY OF WEST LINN
CLACKAMAS COUNTY, OREGON

OWNER: CHRISTOPHER JACOBS

REQUESTED BY: ERIC ROSE
EPIC CONSTRUCTION & REMODELING
EMX: ERIC@EPICCONSTRUCT.COM

LEGEND

	AREA DRAIN (SMALL)		GAS VALVE		BUILDING EAVE/OVERHANG
	CLEAN OUT		HVAC UNIT		BUILDING FOOTPRINT
	CONIFEROUS TREE		LIGHT POLE		CATV
	COMMUNICATIONS RISER		MAIL BOX		FENCE LINE
	DECIDUOUS TREE		POWER METER		SANITARY SEWER
	DECORATIVE SHRUB		SPOT ELEVATION		STORM
	DOWN SPOUT		SURVEY MONUMENTS		WATER LINE
	GAS METER		SUPPORT POST		BRICK SURFACE
			TRANSFORMER (PAD-MOUNTED)		WOOD DECK
			WATER METER		CONCRETE SURFACE



SURVEYOR'S NOTES

1. THE BASIS OF BEARINGS FOR THIS SURVEY IS PER "ROBINWOOD ESTATES NO. 3", CLACKAMAS COUNTY SURVEY RECORDS. THIS IS NOT A RECORDABLE BOUNDARY SURVEY.
2. UNDERGROUND UTILITIES ARE SHOWN PER SURFACE MARKINGS AND AS-BUILT INFORMATION PROVIDED BY THE CONTROLLING JURISDICTIONS. THE SURVEYOR MAKES NO GUARANTEE AS TO THE EXACT LOCATION, EXISTENCE, NON-EXISTENCE OR COMPLETENESS OF ANY SUBSURFACE UTILITIES SHOWN, OR NOT SHOWN ON THE MAP. CALL 811 BEFORE DIGGING.

BENCHMARK

THE BENCHMARK USED FOR THIS PROJECT WAS AN OPUS-DERIVED (STATIC GPS) ELEVATION ON WEDDLE SURVEYING CONTROL POINT NO. 300. ELEVATION = 554.30' NAVD '88 (GEOID 18)

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael D. Rennick

OREGON
JULY 25, 1995
MICHAEL D. RENNICK
2718

EXPIRES: DECEMBER 31, 2022

6950 SW HAMPTON ST., STE. 170, TIGARD, OR 97223
PH: (503) 941-9585 FAX: (503) 941-9640
www.weddlesurveying.com

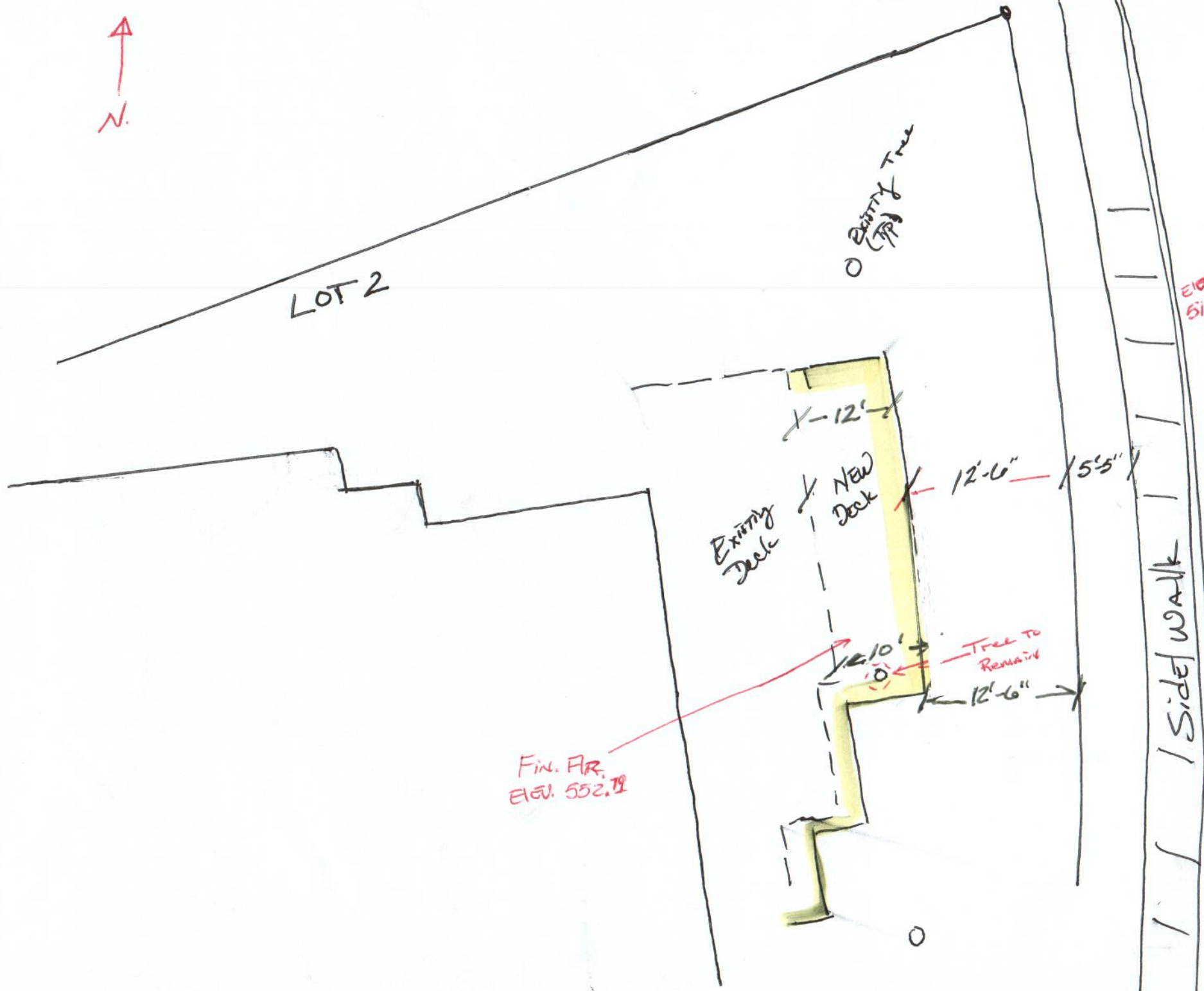


LOT 2

○ Existing Tree
(TP)

ELEV. 510

Wildwood Dr



Existing Deck

New Deck

12'-6"

5'-5"

12'-6"

Tree to Remain

12'-6"

FIN. FR.
ELEV. 552.79

Side Walk



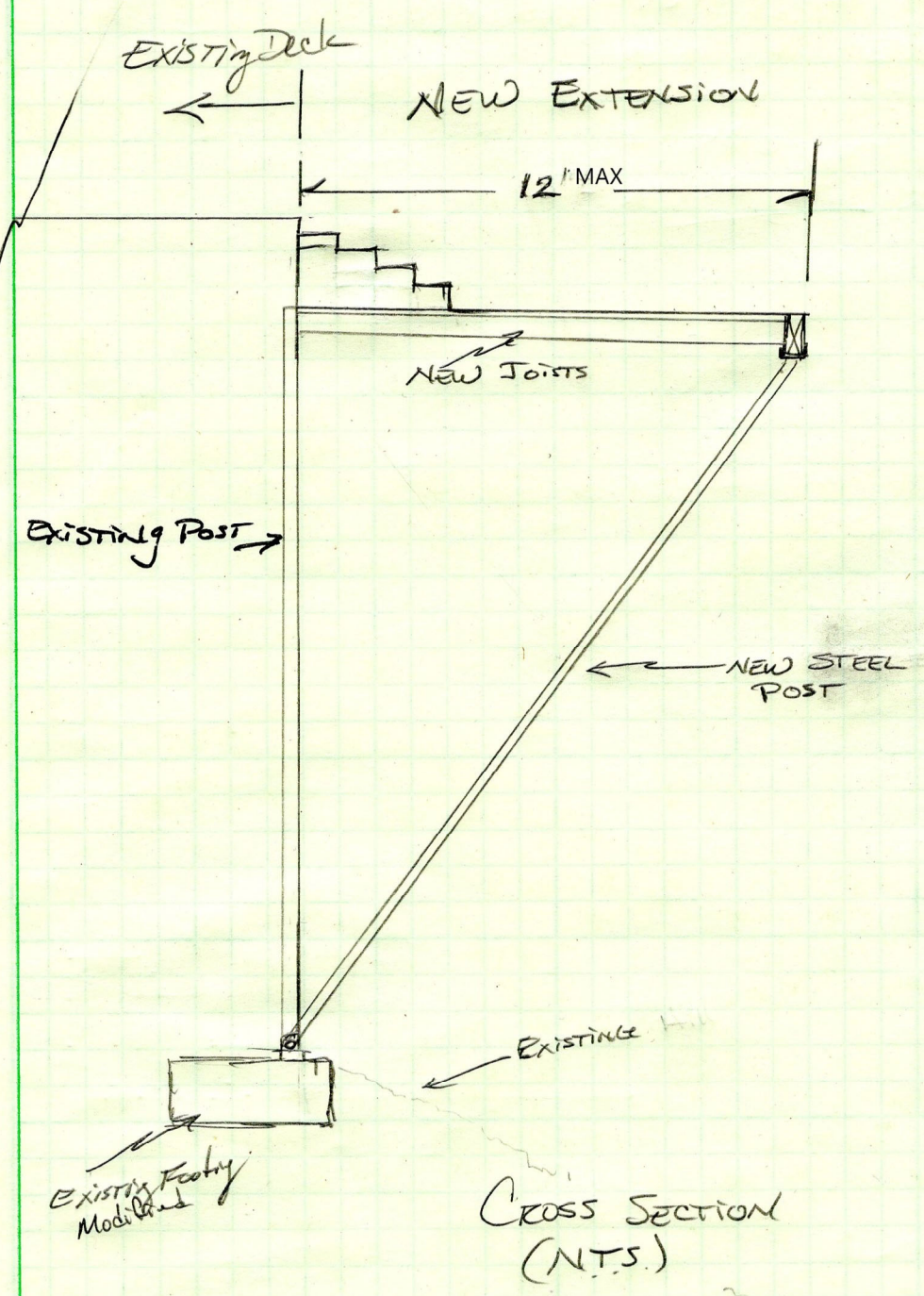


EXHIBIT PD-2 COMPLETENESS LETTER



CITY OF
West Linn

April 13, 2022

Eric Rose
Epic Construction & Remodeling LLC
16869 SW 65th Ave #417
Lake Oswego, OR 97035

SUBJECT: VAR-22-02 Proposed Type I Variance to a Rear Yard Setback **(Revised)**

Dear Mr. Rose:

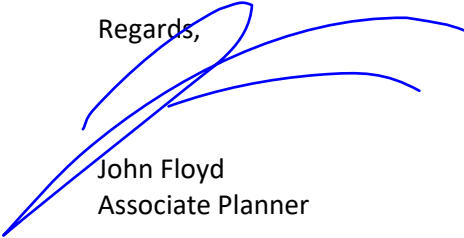
You submitted this application on February 17, 2022, and revised application materials on March 31, 2022. As a result of the revisions, the Planning Department now finds this application to be **complete**. The city has 120 days to exhaust all local review, that period ends **March 24, 2022 August 11, 2022**.

Please be aware that 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 Commission Director 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 503-742-6058, or by email at jfloyd@westlinnoregon.gov if you have any questions or comments.

Regards,



John Floyd
Associate Planner

EXHIBIT PD-3 AFFADIVIT AND NOTICE PACKET



**AFFIDAVIT OF NOTICE
TYPE B
PLANNING MANAGER DECISION**

We, the undersigned, certify that, in the interest of the party initiating a proposed land use, the following took place on the dates indicated below:

PROJECT

File No.: **VAR-22-02** Address: **2904 Rawhide**
Applicant's Name: **Eric Rose**
Scheduled Decision Date: **Planning Manager Decision no earlier than May 2, 2022**

MAILED NOTICE

Notice of Upcoming Planning Manager Decision was mailed at least 14 days before the decision date, per Section 99.080 of the Community Development Code to:

Chris Jacobs, applicant	4/19/22	<i>Lynn Schroder</i>
Eric Rose, applicant representative	4/19/22	<i>Lynn Schroder</i>
Property owners within 300ft of the site perimeter	4/19/22	<i>Lynn Schroder</i>
Hidden Springs Neighborhood Association	4/19/22	<i>Lynn Schroder</i>

WEBSITE

Notice was posted on the City's website 14 days before the decision date.

4/18/22	<i>Lynn Schroder</i>
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SIGN

A sign was posted on the property at least 10 days before the decision, per Section 99.080 of the CDC.

4/19/22	<i>John Floyd</i>
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FINAL DECISION

Notice of Final Decision was mailed to the applicant, all parties with standing, and posted on the City's website, per Section 99.040 of the Community Development Code.

6/8/2022	<i>Lynn Schroder</i>
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**CITY OF WEST LINN
NOTICE OF UPCOMING PLANNING MANAGER DECISION
FILE NO. VAR-22-02**

The West Linn Planning Manager is considering a Class 1 Variance at 2904 Rawhide Street in West Linn. The applicant is requesting approval to reduce the rear yard setback for an uncovered deck from 15 feet to 12.5 feet from the property line (20% reduction).

You have been notified of this proposal because County records indicate that you own property within 300 feet of the property (Clackamas County Assessor's Map 21E23DB03000), or as otherwise required by CDC Chapter 99.080.

The Planning Manager will decide the application based on criteria in Chapters 11.070, 38.060(F), 75, and 99 of the Community Development Code (CDC). The CDC approval criteria are available for review on the City website <http://www.westlinnoregon.gov/cdc> or at City Hall and the City Library.

The application is posted on the City's website, <https://westlinnoregon.gov/planning/2904-rawhide-circle-class-1-variance-deck-extension>. The application, all documents or evidence relied upon by the applicant and applicable criteria are available for inspection at City Hall at no cost. Copies may be obtained at reasonable cost.

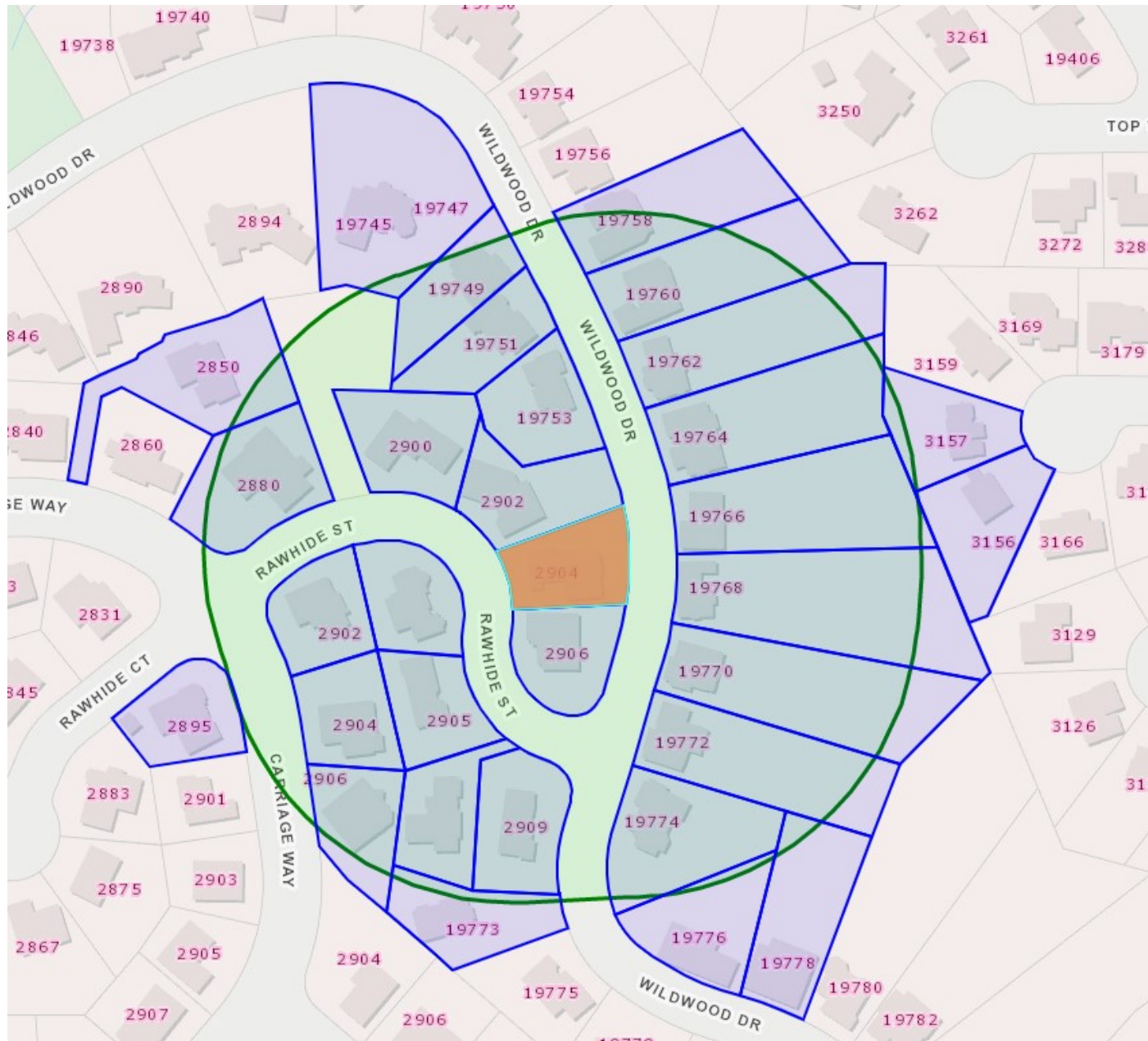
A public hearing will not be held for this decision. **Anyone wishing to submit comments for consideration must submit all material before 4:00 p.m. on Monday, May 2nd, 2022 to jfloyd@westlinnoregon.gov or mail them to City Hall. All comments must be received by the deadline.**

It is important to submit all testimony in response to this notice. All comments submitted for consideration of this appeal should relate specifically to the applicable criteria. Failure to raise an issue in a hearing, in person, or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue, precludes appeal to the Oregon Land Use Board of Appeals based on that issue (CDC Section 99.090).

The final decision will be posted on the website and available at City Hall. Persons with party status may appeal the decision by submitting an appeal application to the Planning Department within 14 days of mailing the notice of the final decision pursuant to CDC [99.240](#).

For additional information, please contact John Floyd, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, 503-6058 for additional information.

VAR-22-02 Notified Properties within 300 feet of 2904 Rawhide Street





**NOTICE OF UPCOMING
PLANNING MANAGER DECISION**

**PROJECT # VAR-22-02
MAIL: 04/19/22 TIDINGS: N/A**

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.