



CITY OF
West Linn

PLANNING MANAGER DECISION

DATE: July 19, 2022

FILE NO.: MISC-22-02

REQUEST: Approval for an enlargement to a non-conforming structure (primary bedroom) at 2535 Warwick Street.

PLANNER: Chris Myers, Associate Planner

Planning Manager DSW

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GENERAL INFORMATION

APPLICANT: Sasha Beckwith
7728 SE Tolman St.
Portland, OR. 97206

OWNER: Christopher Crotty
2535 Warwick St.
West Linn, OR. 97068

SITE LOCATION: 2535 Warwick Street

SITE SIZE: 5000 Square Feet

LEGAL DESCRIPTION: Assessor's Map 21E36AB Tax lot 06901

COMP PLAN DESIGNATION: Medium Density Residential

ZONING: Single-Family Residential Detached and Attached/Duplex, R-5

APPROVAL CRITERIA: Community Development Code (CDC) Chapter 13 Single-Family Residential Detached and Attached/Duplex, R-5; Chapter 66 Non-Confirming Structures; 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 to the affected neighborhood association on April 19, 2022. A sign was placed on the property on April 21, 2022. The notice was also posted on the City's website on April 18, 2022. Therefore, public notice requirements of CDC Chapter 99 have been met.

EXECUTIVE SUMMARY

The applicant requests approval for an enlargement of a non-conforming single-family home located at 2535 Warwick Street in the Sunset Neighborhood. The existing non-conformity is the single-family home is approximately 3 feet 1¼ inches from the southeastern property line. The required side yard setback for the R-5 zone is 5 feet. The applicant proposes an expansion of the single-family home towards the rear of the home following the same plane as the home itself. This addition will maintain the non-conformity of 3 feet 1¼ inches rather than the required 5-foot side yard setback. All other dimensional standards, setbacks, lot coverage, and other provisions of the underlying R-5 zone have been met.

Public Comments:

No public comments received for this application

DECISION

The Planning Manager (designee) approves this application (MISC-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 below, and 3) the addition of conditions of approval below. With these findings, the applicable approval criteria are met. The conditions are as follows:

1. **Site Plan.** With the exception of modifications required by these conditions, the final plat shall conform to the Preliminary Partition Plat dated 4/13/22 (Exhibit PD-1).
2. **Engineering Standards.** All public improvements and facilities associated with the approved site design, including but not limited to street improvements, driveway approaches, curb cuts, utilities, grading, onsite and offsite storm water, street lighting, easements, easement locations, and connections for future extension of utilities are subject to conformance with the City Municipal Code and Community Development Code. These must be designed, constructed, and completed prior to final plat approval. Public Works may coordinate with the applicant to complete voluntary additional off-site improvements.

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

Chris J. Myers

Chris Myers, Associate Planner

July 19, 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 Director 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 20TH day of July 2022.

Therefore, the 14-day appeal period ends at 5 p.m., on August 3, 2022.

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

This decision adopts the findings for approval contained within the applicant's submittal, with the following exceptions and additions:

*Chapter 13: SINGLE-FAMILY RESIDENTIAL DETACHED AND ATTACHED/DUPLEX, R-5
13.030 PERMITTED USES*

The following are uses permitted outright in this zoning district:

- 1. Single-family detached residential unit.*

Staff Finding 1: The applicant proposes an addition to an existing non-conforming single-family home (primary bedroom). Single-family detached homes are permitted uses in the R-5 zone.

The criteria are met.

13.070 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, 5,000 square feet.*
 - 2. For each attached single-family unit, 4,500 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 50 feet.*
- D. Repealed by Ord. 1622.*

Staff Finding 2: The subject property has a single-family detached home, the property is 5000 square feet with an average width of 50 feet, including a front lot line width of 50 feet.

The criteria are met.

E. Except as specified in CDC [25.070\(C\)\(1\)](#) through (4) for the Willamette Historic District, 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, five feet.*
- 3. For a side yard abutting a street, 15 feet.*
- 4. For a rear yard, 20 feet.*

Staff Finding 3: The applicant proposes an enlargement of an existing non-conforming detached single-family home. After enlargement, the structure will be setback 30 feet 8

inches from the rear property line, 25 feet 3 inches from the front property line, 4 feet from the north side property line, and 3 feet 1¼ inches from the south side property line. The applicant proposes the addition of a primary bedroom extending the single-family home approximately 14 feet and maintaining the 3 feet 1¼ inches south side setback distance thus requiring the application for enlargement of a non-conforming structure.

The criteria are met.

F. The maximum building height shall be 35 feet, except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.

G. The maximum lot coverage shall be 40 percent.

H. The minimum width of an accessway to a lot which does not abut a street or a flag lot shall be 15 feet.

I. The maximum floor area ratio shall be 0.45. Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter 66 CDC.

J. The sidewall provisions of Chapter 43 CDC shall apply. (Ord. 1377, 1995; Ord. 1538, 2006; Ord. 1614 § 4, 2013; Ord. 1622 § 24, 2014; Ord. 1675 § 14, 2018)

Staff Finding 4: The proposed addition will be approximately 12 feet 9 inches in height. The existing footprint of the home is approximately 1407 square feet. The proposed addition will be 182 square feet for a total of 1589 square feet. The lot coverage will be 31.8% after construction of the addition. The existing structure is a total of 1810 square feet after construction of the addition the total square feet will be 1992 square feet and the FAR will be 39.4%. No changes are proposed to the property's access. The proposed sidewall is less than 700 sq. ft. and meets the criteria in CDC Chapter 43.

The criteria are met.

CHAPTER 66, NON-CONFORMING STRUCTURES

66.080 ENLARGEMENT OF OR ALTERATION TO A NON-CONFORMING STRUCTURE: PROCESS AND APPROVAL STANDARDS

A. An enlargement of or alteration to a non-conforming structure containing a non-conforming use may be permitted subject to review and approval by the Planning Commission under the provisions of CDC 99.060(B) and CDC 65.120 through 65.140.

Staff Finding 5: The non-conforming structure (single-family home) does not contain a non-conforming use. The use of the property is residential, which is a permitted or conforming use in the R-5 zone.

The criteria is not applicable.

B. An enlargement or alteration to a non-conforming structure containing a conforming use may be permitted subject to the following:

1. If the enlargement, in and of itself, meets all provisions of this code, the enlargement will be permitted. This exception does not preclude design review or other applicable provisions of this code.

Staff Finding 6: The applicant proposes enlarging an existing non-conforming single-family home, which is a conforming use in the R-5 zone. The enlargement does not meet all provisions of the code, as the side yard setback for the existing home is approximately 3 feet 1¼ inches, not meeting the required 5 foot setback. In this circumstance, the criteria of CDC 66.080.B.2 applies. Design review is not applicable to detached single-family homes per CDC 55.025.A.

The criteria are met.

2. If the enlargement, in and of itself, does not meet all provisions of the code, review and approval by the Planning Director for single-family structures, and by the Planning Commission for non-single-family structures under the provisions of CDC 99.060(B) is required subject to the following standards.

a. The enlargement or alteration will not change the non-conformity; and

Staff Finding 7: The applicant proposes the enlargement of an existing non-conforming single-family home, which requires Planning Director review and approval. The side yard setback for the existing home is 3 feet 1¼ inches and will remain as such after the addition is constructed. The enlargement will not change or increase the non-conformity.

The criteria are met.

b. All other applicable ordinance provisions will be met.

Staff Finding 8: See staff findings 1-4.

The criteria are met.

PD-1 APPLICANT SUBMITTAL

DEVELOPMENT REVIEW APPLICATION

For Office Use Only

STAFF CONTACT John Floyd	PROJECT NO(S): MISC-22-02	PRE-APPLICATION NO.
NON-REFUNDABLE FEE(S) \$1,000	REFUNDABLE DEPOSIT(S)	TOTAL \$1,000

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 type="checkbox"/> Variance (VAR) |
| <input type="checkbox"/> Easement Vacation | <input checked="" 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.:
2535 Warwick St Portland OR 97068	Tax Lot(s):
	Total Land Area:

Brief Description of Proposal:

Addition to create master suite 182 sf

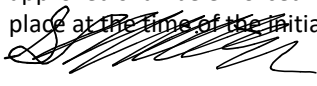
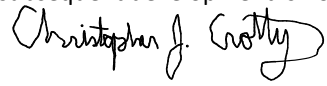
Applicant Name: Sasha Beckwith <small>(please print)</small>	Phone: 541-231-6318
Address: 7728 SE Tolman St	Email: sasha.a.beckwith@gmail.com
City State Zip: Portland OR 97206	

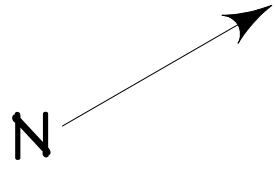
Owner Name (required): Christopher Crotty <small>(please print)</small>	Phone:
Address: 2535 Warwick St	Email: chriscottymail@gmail.com
City State Zip: West Linn OR 97068	

Consultant Name: <small>(please print)</small>	Phone: 503-473-4537
Address: 16869 SW 65th Ave Suite 246	Email: matt@ziebartconstruction.com
City State Zip: Lake Oswego OR 97035	

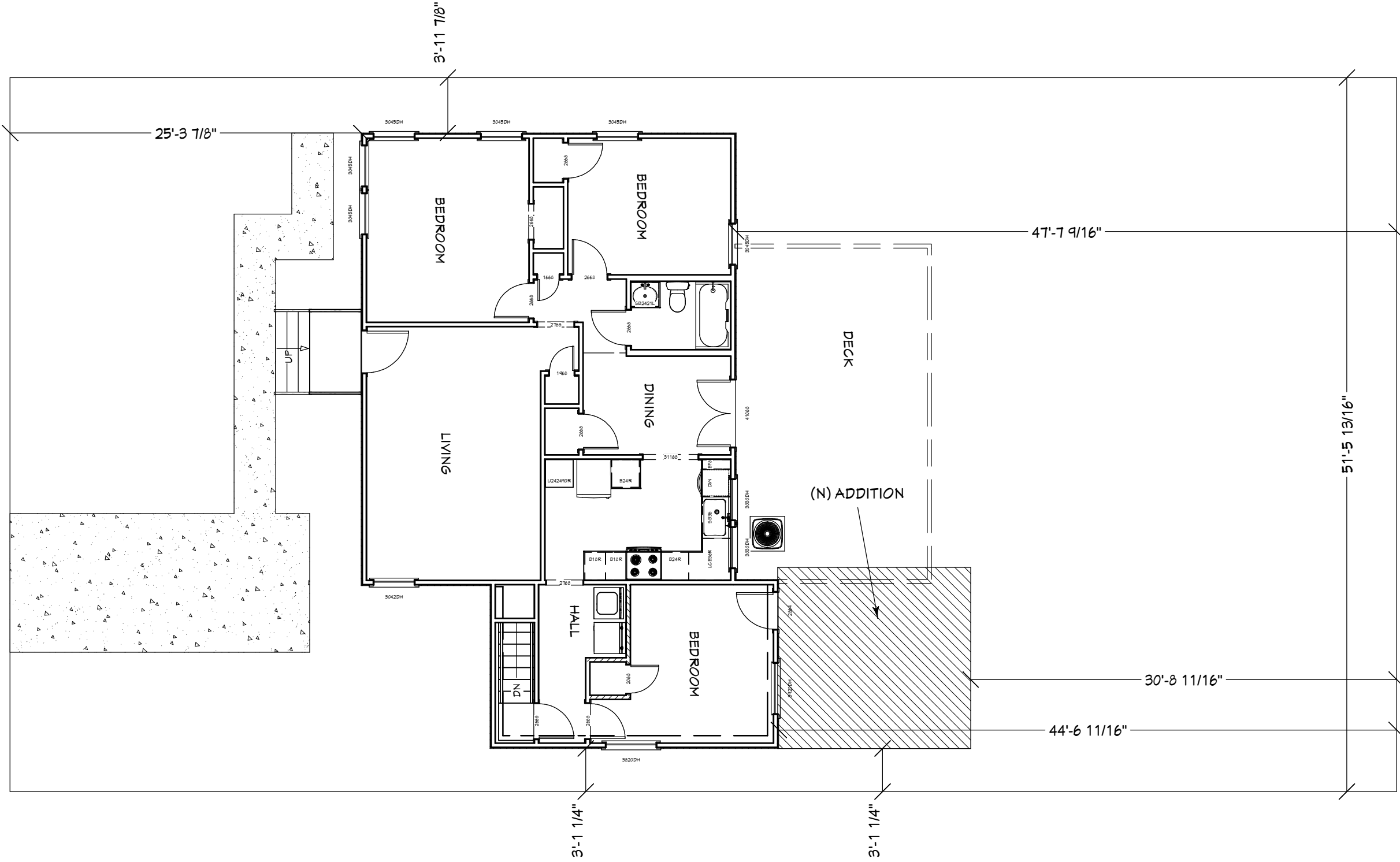
1. All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
2. The owner/applicant or their representative should be present at all public hearings.
3. A decision may be reversed on appeal. The permit approval will not be effective until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

 Applicant's signature	<div style="border: 1px solid green; padding: 2px; display: inline-block;"> RECEIVED <small>LSCHRODER, 3/14/2022, 9:57:37 AM</small> </div>	3/11/2022 Date	 Owner's signature (required)	3/11/2022 Date
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WARWICK ST



DRAWINGS PROVIDED BY:
 SAB DESIGN AND DRAFTING LLC
 SASHA.A.BECKWITH@GMAIL.COM
 541-231-6318

PROJECT DESCRIPTION:
 2535 WARWICK ST
 WEST LINN, OR 97068

SHEET TITLE:
 SITE PLAN

SCALE:
 1/8" = 1'-0"

DATE:
 3/11/2022

A-02

PD-2 COMPLETENESS LETTER



CITY OF
West Linn

April 13, 2022

Christopher Crotty
2535 Warwick St
West Linn, OR 97068

SUBJECT: MISC-22-02 Application requesting a Non-Conforming Lot status that would allow for the addition of 182 square feet to the existing single-family home.

Dear Mr. Crotty,

You submitted this application on March 11, 2022. Upon review of materials, the Planning Department finds that this application is **complete**. The city has 120 days to exhaust all local review; that period ends August 11, 2022.

Please be aware that determination of a complete application does not guarantee approval from staff for your proposal as submitted – it signals that staff believes you have provided the necessary information for the Planning Commission to render a decision on your proposal.

Please contact me at 503-742-6062, or by email at cmyers@westlinnoregon.gov if you have any questions or comments.

Sincerely,

Chris Myers

Chris Myers
Associate Planner

PD-3 AFFADAVIT 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.: **MISC-22-02** Address: **2535 Warwick St**
Applicant's Name: **Sasha Beckwith**
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:

Christopher Crotty, applicant	4/19/22	<i>Lynn Schroder</i>
Sasha Beckwith, applicant representative	4/19/22	<i>Lynn Schroder</i>
Property owners within 300ft of the site perimeter	4/19/22	<i>Lynn Schroder</i>
Sunset 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.

4/21/22	<i>Chris Myers</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.

7/20/22	<i>Chris Myers</i>
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**CITY OF WEST LINN
NOTICE OF UPCOMING PLANNING MANAGER DECISION
FILE NO. MISC-22-02**

The West Linn Planning Manager is considering a Non-Conforming Structure status at 2535 Warwick Street. The applicant is requesting approval for the addition of a Master Suite.

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 21E36AB06901, or as otherwise required by CDC Chapter 99.080).

The Planning Manager will decide the application based on criteria in Chapters 66 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/2535-warwick-drive-alteration-residential-non-conforming-structure>. 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 May 2, 2022 to cmyers@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 Chris Myers, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, 503-742-6062 for additional information.

MISC-22-02 Notified Properties within 300 feet of 2535 Warwick Street





**NOTICE OF UPCOMING
PLANNING MANAGER DECISION**

**PROJECT # MISC-22-02
MAIL: 4/19/2022 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.