

DEVELOPMENT REVIEW APPLICATION

For Office Use Only			
STAFF CONTACT	PROJECT NO(S). VAR-23-02	PRE-APPLICATION NO. n/a	
NON-REFUNDABLE FEE(S) \$825	REFUNDABLE DEPOSIT(S)	TOTAL	\$825

Type of Review (Please check all that apply):



- | | | |
|--|---|--|
| <input type="checkbox"/> Annexation (ANX)
<input type="checkbox"/> Appeal (AP)
<input type="checkbox"/> CDC Amendment (CDC)
<input type="checkbox"/> Code Interpretation (MISC)
<input type="checkbox"/> Conditional Use (CUP)
<input type="checkbox"/> Design Review (DR)
<input type="checkbox"/> Tree Easement Vacation (MISC)
<input type="checkbox"/> Expediated Land Division (ELD)
<input type="checkbox"/> Extension of Approval (EXT) | <input type="checkbox"/> Final Plat (FP)
<input type="checkbox"/> Flood Management Area (FMA)
<input type="checkbox"/> Historic Review (HDR)
<input type="checkbox"/> Lot Line Adjustment (LLA)
<input type="checkbox"/> Minor Partition (MIP)
<input type="checkbox"/> Modification of Approval (MOD)
<input type="checkbox"/> Non-Conforming Lots, Uses & Structures
<input type="checkbox"/> Planned Unit Development (PUD)
<input type="checkbox"/> Street Vacation | <input type="checkbox"/> Subdivision (SUB)
<input type="checkbox"/> Temporary Uses (MISC)
<input type="checkbox"/> Time Extension (EXT)
<input type="checkbox"/> Right of Way Vacation (VAC)
<input checked="" type="checkbox"/> Variance (VAR)
<input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP)
<input type="checkbox"/> Water Resource Area Protection/Wetland (WAP)
<input type="checkbox"/> Willamette & Tualatin River Greenway (WRG)
<input type="checkbox"/> Zone Change (ZC) |
|--|---|--|

Pre-Application, Home Occupation, Sidewalk Use, Addressing, and Sign applications require different forms, available on the website.

Site Location/Address: 2005 Caliente Court, West Linn, OR, 97068	Assessor's Map No.: 21E23CAS1
	Tax Lot(s): 21E23CA13100
	Total Land Area: 0.23 Acres

Brief Description of Proposal:

The Homeowners would like to apply for a class 1 Variance for the property to reduce the rear set backs by 20%. The homeowners are constructing a patio cover to cover their deck. They own a small taxlot next to the site location, that cannot be used in the setback calculation despite owning it, and the lot being unbuildable, therefore believe no inconvenience will be received by neighbors or the city.

Applicant Name*: Alexander Laster Address: 2005 Caliente Ct City State Zip: West Linn, OR 97068	Phone: 503-312-8635 Email: Alexhlaster@gmail.com
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Owner Name (required): Alexander Laster Address: 2005 Caliente Ct City State Zip: West Linn, OR 97068	Phone: 503-312-8635 Email: Alexhlaster@gmail.com
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Consultant Name: N/A Address: City State Zip:	Phone: N/A Email:
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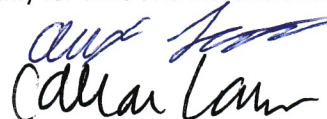
1. Application fees are non-refundable (excluding deposit). Applications with deposits will be billed monthly for time and materials above the initial deposit. ***The applicant is financially responsible for all permit costs.**
2. The owner/applicant or their representative should attend all public hearings.
3. A decision may be reversed on appeal. The decision will become effective once the appeal period has expired.
4. Submit this form, application narrative, and all supporting documents as a single PDF 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 authorizes the application and grants city staff the **right of entry** onto the property to review the application. Applications with deposits will be billed monthly for time and materials incurred above the initial deposit. The applicant agrees to pay additional billable charges.

Same as owners

Applicant's signature

Date



Owner's signature (required)

5-12-23
5/12/2023

Date

Class 1 Variance Narrative for Property Located at 2005 Caliente Court, West Linn, OR 97068

To whom it may concern,

Hello, our names are Alex & Callan Laster, the property owners of 2005 Caliente Ct. We have submitted a building permit for the construction of a patio cover, covering our deck at the rear of our home. The rear setbacks for our property are 15’, and we are requesting a class 1 variance to reduce that setback to 12’.

In 2022, we purchased a piece of property directly behind our house from a taxpayer that was delinquent on the property taxes. We’ve subsequently moved our fence back to that property line and have improved the landscaping around it. The property purchased was the residual lot from an old flagpole lot for a driveway easement on the road above us, on Sunburst Terrace, that over the years was subdivided into different lots, except for this remaining lot. We purchased our house in 2020, so this all occurred well before we moved in. This lot, tax lot number 21E23CA18000, is not buildable and has no market value to anyone other than the owner of our house, or our rear neighbor.

During the permit process for our patio cover, we discovered that we don’t meet the setbacks required. This is because we cannot use the unbuildable property that we purchased and subsequently included in our yard. Despite visually meeting the setback requirements if you were to look at our backyard, our actual property line goes through the middle of our yard. A lot line adjustment is not a financially feasible option for us at this time, so we are requesting a Class 1 variance to reduce our setbacks to allow for the patio cover. The approval of the variance will still require us to reduce the footprint of the patio cover, but we feel it is a good compromise compared to the size the patio cover would be if we did not get the variance. The patio cover will extend the full back wall of our home, where we exit the home into the backyard and approximately 11’ into the yard. The patio cover, excluding eaves, will be approximately 27’x11’.

We believe that we meet the following Dimensional criteria of a class 1 lot variance per CDC 11.070 , due to the following:

STANDARD	REQUIREMENT	ADDITIONAL NOTES	Homeowner Notes for Variance Request
Minimum lot size Average minimum lot or parcel size for a townhouse project	10,000 sf 1,500 sf	For a single-family attached or detached unit	Home meets the lot size requirements, no change proposed
Minimum lot width at front lot line	35 ft	Does not apply to townhouses or cottage clusters	Home meets the lot width requirements, no change proposed
Average minimum lot width	50 ft	Does not apply to townhouses or cottage clusters	Home meets the average minimum lot width requirements, no change proposed
Minimum yard dimensions or minimum building setbacks		Except as specified in CDC <u>25.070(C)(1)</u> through (4) for the Willamette Historic District.	Home meets the minimum yard dimensions or minimum

STANDARD	REQUIREMENT	ADDITIONAL NOTES	Homeowner Notes for Variance Request
		structures on individual lots, but minimum distance between structures shall follow applicable building code requirements.	
Front yard	20 ft	Except for steeply sloped lots where the provisions of CDC <u>41.010</u> shall apply	Home meets the front yard requirements, no change proposed
Interior side yard	7.5 ft	Townhouse common walls that are attached may have a 0-ft side setback.	Home meets the front yard requirements, no change proposed
Street side yard	15 ft		Home meets the front yard requirements, no change proposed
Rear yard	20 ft		The covered porch project with a class 1 variance would reduce the rear setbacks to 12' (per cdc 38.060(f) a covered porch can encroach 5' into the 20' setbacks. This would reduce the setback to 15', a class 1 variance would reduce the setback to 12'. The project will not encroach the 12' rear setback, see attached Site Map
Maximum building height	35 ft	Except for steeply sloped lots in which case the provisions of Chapter <u>41</u> CDC shall apply.	Project meets the maximum building height. The Covered patio will not go above the current roof line. No change proposed.
Maximum lot coverage	35%	Maximum lot coverage does not apply to cottage clusters. However, the maximum building footprint for a cottage cluster is less than 900 sf per dwelling unit. <ul style="list-style-type: none"> • This does not include detached garages, carports, or accessory structures. • A developer may deduct up to 200 sf for an attached garage or carport. 	Project meets the maximum lot coverage. See Attached Calculation. No change proposed.
Minimum accessway width to a lot which does not abut a street or a flag lot	15 ft		Home meets the front yard requirements, no change proposed
Maximum floor area ratio Duplex, triplex, and quadplex	0.45 0.60	Maximum FAR does not apply to cottage clusters. 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 <u>66</u> CDC.	Home meets the front yard requirements, no change proposed. N/A

We believe that we meet the following criteria of a class 1 lot variance per CDC 38.060(F) , due to the following:

- a. **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. Homes on corner lots may have a front porch that wraps around to the side street side. The porch on the side street may also encroach five feet into the required street side setback area. Enclosed porches are not permitted to encroach. The roofline of the house may be extended to cover the porch but no living space shall be allowed inside the front yard setback (i.e., dormers). The Planning Director shall determine compliance with this section as provided by CDC 99.060(A)(3). These provisions do not apply in the Willamette Historic District. (Ord. 1291, 1990; Ord. 1308, 1991; Ord. 1401, 1997; Ord. 1635 § 22, 2014).** Our plans are to create a covered porch over our deck in the rear of the home. Per this chapter, it allows us to go 5' into our rear setback. Moving our setback requirement from 20' to 15', and with a variance, reducing that to 12'.

We believe that we meet the following criteria of a class 1 lot variance per CDC 75.020(A)(1), due to the following:

- a. **Provides for a more efficient use of the site;** The variance will allow us to build the patio cover over our deck, this will create a 4-season area of the yard that can be enjoyed year-round. I've always believed that the weather in Portland is nice enough to enjoy all year if you can be covered from the rain. This will allow us to utilize our yard all year round.
- b. **Preserves and incorporates natural features into the overall design of the project;** the patio cover that will be built as a result will mirror the design elements of the existing home. It will highlight the natural features in the yard and allow for more enjoyment of the outdoors.
- c. **Does not adversely affect adjoining properties in terms of light, air circulation, noise levels, privacy, and fire hazards;** The patio cover will not adversely affect adjoining properties in any regard. Approval from our neighbors has already been granted as a result of the approval process of the project with our Homeowners Association. The patio cover will only be one story tall, compared to our 2-story tall home, and as a result will not impact any of the above noted criteria.
- d. **Provides for safe vehicular and pedestrian access to the site and safe on-site vehicular and pedestrian circulation.** The patio cover will go over a deck and will have no impact on vehicular or pedestrian access to the site or circulation. Engineered plans have been drawn, and a city permit is in the process of being obtained, to ensure safe on site pedestrian circulation.

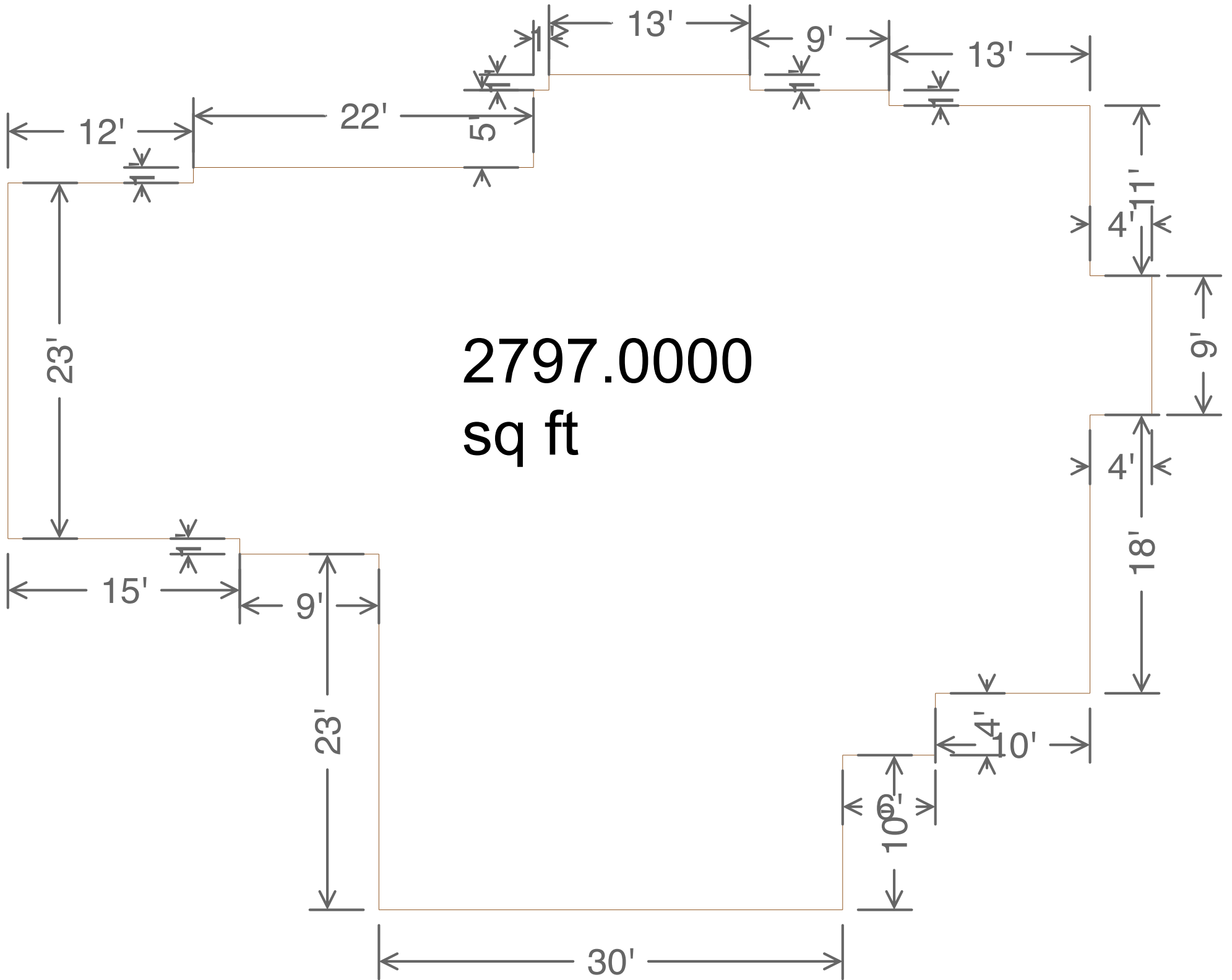
Thank you so much for considering the Class 1 Variance for our home so that we can move forward with our project and improve the enjoyment our growing family receives from our home for years to come.

---Alex and Callan Laster

Calculation of Lot Coverage Ratio

Property Lot Size	10,019.00	As reported on tax statements
	<u>35%</u>	Maximum allowable percentage
	3,506.65	Calc'd maximum sqft
Existing Home Roof Sqft	<u>2,797.00</u>	As calc'd on supporting document
	709.65	Excess allowable after house
Patio Cover	<u>385</u>	Sqft of Patio cover roof
	<u><u>324.65</u></u>	Excess lot coverage allowable - within permissible range

Lot, coverage. The area covered by a building or buildings, expressed as a percentage of the total land area. For residential uses, these buildings shall include the principal residence or house, any accessory dwelling unit, and accessory structures requiring a building permit.



SURVEY NOTES:

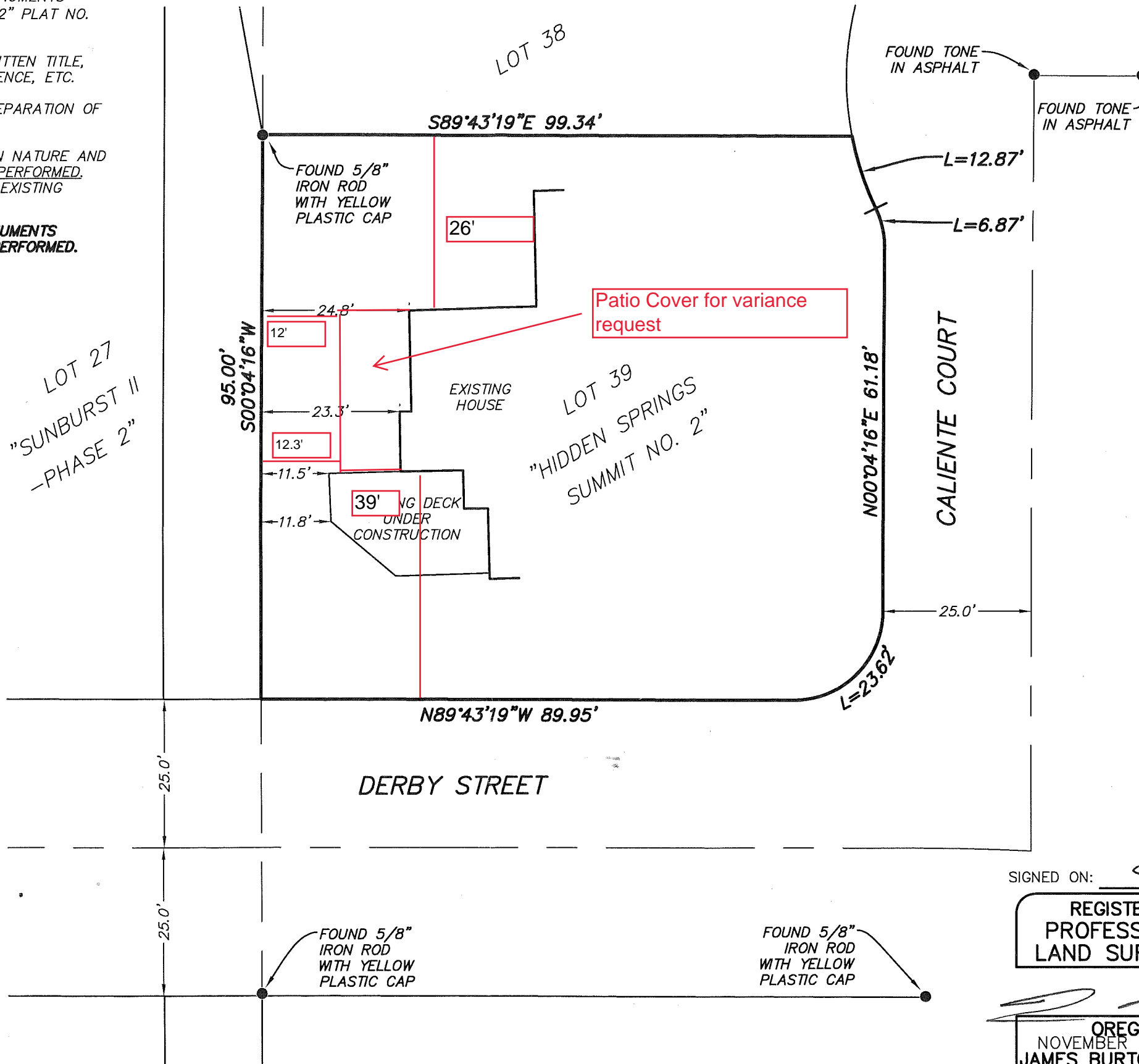
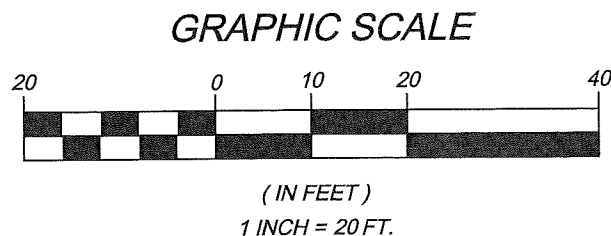
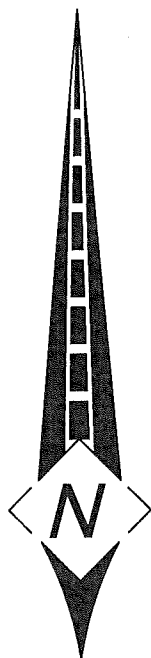
THE BASIS OF BEARINGS FOR THIS SURVEY IS PER MONUMENTS FOUND AND HELD PER "HIDDEN SPRINGS SUMMIT NO. 2" PLAT NO. 2780, CLACKAMAS COUNTY PLAT RECORDS

NO WARRANTIES ARE MADE AS TO MATTERS OF UNWRITTEN TITLE, SUCH AS ADVERSE POSSESSION, ESTOPPEL, ACQUIESCENCE, ETC.

NO TITLE REPORT WAS SUPPLIED OR USED IN THE PREPARATION OF THIS MAP.

PROPERTY LINES SHOWN HEREON ARE APPROXIMATE IN NATURE AND SHOULD BE TREATED AS SUCH, NO RESOLUTION WAS PERFORMED. LINES SHOWN ARE FROM EXISTING SURVEY DATA AND EXISTING PARCEL MAP DATA.

RECORD OF SURVEY IS RECOMMENDED, AS FOUND MONUMENTS CANNOT BE VERIFIED WITHOUT FURTHER WORK BEING PERFORMED.



SIGNED ON: 4-27-23

REGISTERED
PROFESSIONAL
LAND SURVEYOR

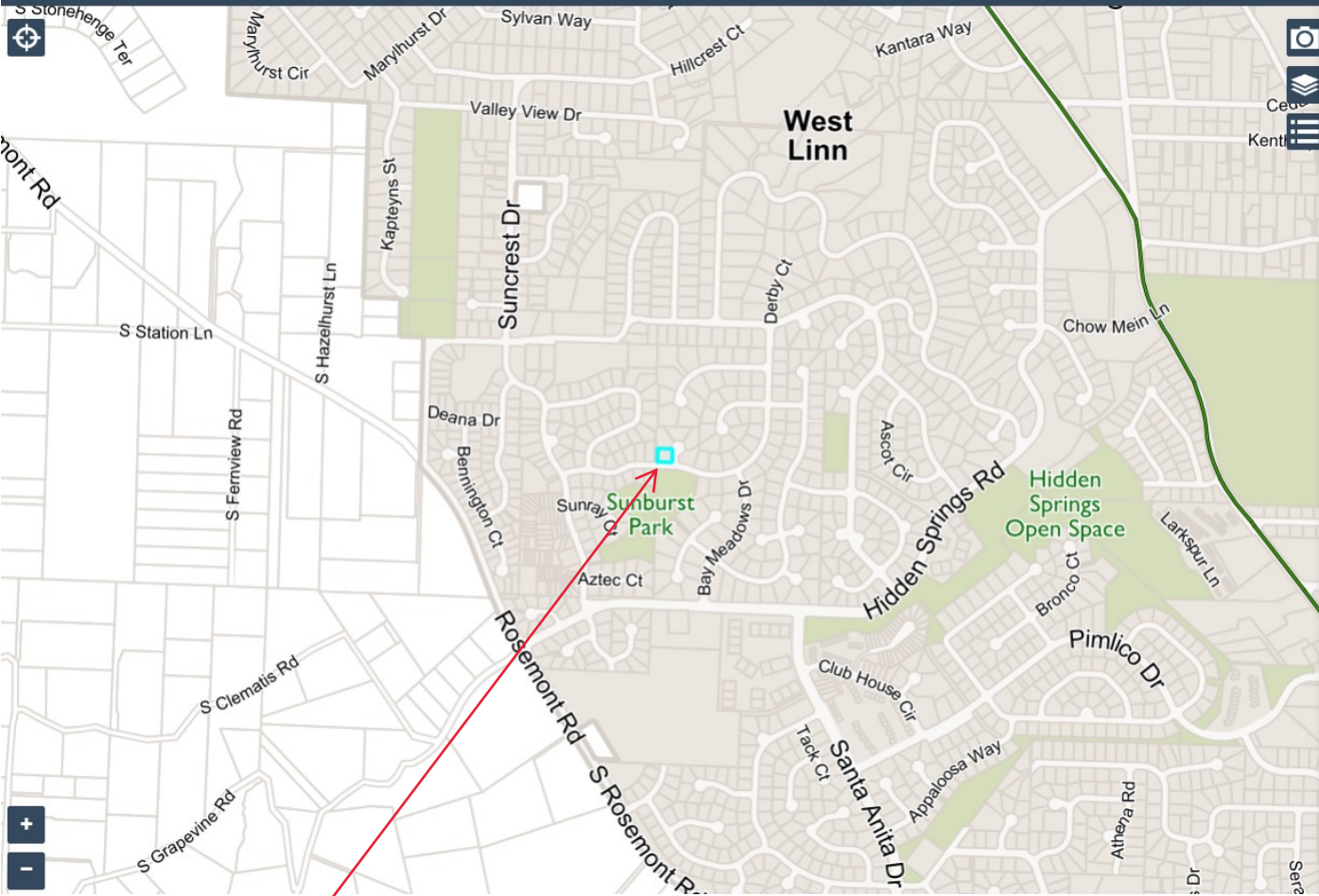
[Signature]
OREGON
NOVEMBER 30, 2007
JAMES BURTON BROWN
60379

RENEWS: DECEMBER 31, 2023

CENTERLINE CONCEPTS
LAND SURVEYING, INC.
19376 MOLALLA AVE., SUITE 120
OREGON CITY, OREGON 97045
PHONE 503.650.0188 FAX 503.650.0189

SCALE DRAWING
"HIDDEN SPRINGS SUMMIT NO.2" LOT 39
CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON
Scale: 1"=20'

CLIENT: ALEX LASTER
ORIG. DATE: 4/27/2023
DRAWN BY: CS
SHEET No. 1 OF 1



Objectid: 127326
Primary Address: 2005 Caliente Ct, West Linn, 97068
Jurisdiction: [West Linn](#)
Map Number: 21E23CAS1
Taxlot Number: 21E23CA13100
Parcel Number: 01342871
Document Number: 2020-079851
Census Tract: 020504
Landclass: 101

- Assessment
- Schools
- Public Safety
- Zoning & Development
- Voting
- Utilities & Districts
- Environmental & Hazards
- Parks
- Documents

Property of class 1 land variance request