



# CITY OF West Linn

## PLANNING MANAGER DECISION

DATE: July 23, 2024

FILE NO.: MISC-24-01

REQUEST: Approval for the expansion of a non-conforming detached garage to add a second story accessory dwelling unit at 1592 6<sup>th</sup> Ave.

PLANNER: Aaron Gudelj, Associate Planner

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Planning Manager DSW

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## GENERAL INFORMATION

**APPLICANT:** Thomas Watton - Watton Design Works, Inc.  
1880 Willamette Falls Dr. Ste 200-D  
West Linn, OR 97068

**OWNER:** Mary Brennock  
1592 6<sup>th</sup> Avenue  
West Linn, OR 97068

**SITE LOCATION:** 1592 6<sup>th</sup> Avenue  
West Linn, OR 97068

**SITE SIZE:** 7,500 Square Feet

**LEGAL DESCRIPTION:** Lot 12 and a Portion of Lot 11, Block 6, Willamette Falls Plat (1893)  
Tax Lot Number 31E02BC01900

**COMP PLAN DESIGNATION:** Medium Density Residential

**ZONING:** Residential, R-5

**APPROVAL CRITERIA:** Chapter 13: Residential R-5  
Chapter 34: Accessory Structures, Accessory Dwelling Units, and Accessory Uses  
Chapter 66: Non-Conforming Structures  
Chapter 99: Procedures for Decision-Making: Quasi-Judicial.

**120-DAY RULE:** The application became complete on May 2, 2024. The 120-day period therefore ends on September 4, 2024.

**PUBLIC NOTICE:** Notice was mailed to property owners within 300 feet of the subject property and to the affected neighborhood association on May 28, 2024. A sign was placed on the property on May 28, 2024. The notice was also posted on the City's website on May 28, 2024. Therefore, public notice requirements of CDC Chapter 99 have been met.

## EXECUTIVE SUMMARY

The applicant requests approval for a 204 square foot enlargement (6' x 34') of an existing 666 square foot non-conforming detached garage and a 884 square foot second level accessory dwelling unit above the detached garage at 1592 6<sup>th</sup> Ave. The existing garage is located 6'6" from the rear property line to the north, which does not meet the 20ft required rear-yard setback for a detached structure greater than 500 square feet in the underlying R-5 zone.

The applicant proposes expanding the ground-level detached garage floor an additional 6 feet towards the primary dwelling structure to the south while maintaining the existing non-conforming rear yard setback to the north. Additionally, the applicant proposes an 884 square foot second level accessory dwelling unit on top of the existing garage with a non-conforming rear yard setback of 6'6". The second level accessory dwelling unit will have a 6'6" rear yard setback, identical to the existing nonconforming ground level garage rear yard setback of 6'6".

### **Public Comments:**


No public comments received for this application.

## DECISION

The Planning Manager (designee) approves this application (MISC-24-01), 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, Elevations, and Narrative.** The project shall conform to the applicant's submitted plans, elevations, and narrative submitted in 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 stormwater, 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 additional, voluntary, off-site improvements.

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

  
\_\_\_\_\_  
Aaron Gudelj, Associate Planner

July 23, 2024  
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 de-

novo. 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.

Mailed this 23<sup>rd</sup> day of July, 2024.

Therefore, the 14-day appeal period ends at 5 p.m., on August 6, 2024.

## ADDENDUM

### APPROVAL CRITERIA AND FINDINGS MISC-24-01

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

*Chapter 13; RESIDENTIAL, R-5*

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**13.040 ACCESSORY USES**

*Accessory uses are allowed in this zone as provided by Chapter 34 CDC. (Ord. 1745 § 1 (Exh. A), 2023)*

**Staff Finding 1: The applicant proposes an accessory dwelling unit on the second level of an existing detached garage. 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:*

<b>STANDARD</b>	<b>REQUIREMENT</b>	<b>ADDITIONAL NOTES</b>
<i>Minimum lot size</i>		
<i>For single-family detached units</i>	<i>5,000 sf</i>	<i>No yard shall be required between units.</i>
<i>For single-family attached units</i>	<i>4,500 sf</i>	
<i>Average minimum lot or parcel size for a townhouse project</i>	<i>1,500 sf</i>	
<i>Minimum lot width at front lot line</i>	<i>35 ft</i>	<i>Does not apply to townhouses or cottage clusters</i>
<i>Average minimum lot width</i>	<i>35 ft</i>	<i>Does not apply to townhouses or cottage clusters</i>
<i>Minimum yard dimensions or minimum building setbacks</i>		<i>Except as specified in CDC <u>25.070(C)(1)</u> through (4) for the Willamette Historic District. Front, rear, and side yard setbacks for a cottage cluster project are 10 ft. There are no additional setbacks for individual structures on individual lots, but minimum</i>

STANDARD	REQUIREMENT	ADDITIONAL NOTES
		<i>distance between structures shall follow applicable building code requirements.</i>
<i>Front yard</i>	<i>20 ft</i>	<i>Except for steeply sloped lots where the provisions of CDC <u>41.010</u> shall apply</i>
<i>Interior side yard</i>	<i>5 ft</i>	<i>Townhouse common walls that are attached may have a 0 ft side setback.</i>
<i>Street side yard</i>	<i>15 ft</i>	
<i>Rear yard</i>	<i>20 ft</i>	
<i>Maximum building height</i>	<i>35 ft</i>	<i>Except for steeply sloped lots in which case the provisions of Chapter <u>41</u> CDC shall apply.</i>
<i>Maximum lot coverage</i>	<i>40%</i>	<i>Maximum lot coverage does not apply to duplexes, triplexes, quadplexes, townhouses or cottage clusters. However, the maximum building footprint for a cottage cluster is less than 900 sf per dwelling unit.</i> <ul style="list-style-type: none"> <li>• <i>This does not include detached garages, carports, or accessory structures.</i></li> <li>• <i>A developer may deduct up to 200 sf for an attached garage or carport.</i></li> </ul>
<i>Minimum accessway width to a lot which does not abut a street or a flag lot</i>	<i>15 ft</i>	
<i>Maximum floor area ratio</i>	<i>0.45</i>	<i>Maximum FAR does not apply to duplexes, triplexes, quadplexes, townhouses or 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.</i>

**Staff Finding 2:** The subject property is approximately 7,500 square feet with 75' long front & rear lot lines and 100' long side lot lines. The existing detached garage rear yard setback at the ground level is at 6'-6" and is nonconforming to the 20' required by the underlying zone, as it is too large to qualify for the setback reductions in CDC 34.060(B). The proposed second level accessory dwelling unit above the detached garage will maintain the rear façade plane of the existing garage at 6'-6" from the rear lot line and will therefore not increase the nonconformity. The proposed lot coverage is approximately 35% and floor area ratio is approximately 36%. The criteria are met.

Chapter 34 ACCESSORY STRUCTURES, ACCESSORY DWELLING UNITS, AND ACCESSORY USES

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34.030 ACCESSORY DWELLING UNITS (ADUs)

A. One accessory dwelling unit (ADU), either attached or detached, may be allowed in conjunction with an existing primary single-family detached dwelling (excluding duplexes, triplexes and quadplexes) by conversion of existing space inside the primary dwelling; by means of an addition to an existing dwelling; by means of an addition as an accessory structure; or by converting or adding to an existing accessory structure, such as a garage, on the same lot with an existing primary dwelling, when the following conditions are met:

1. Public services can serve both dwelling units.

**Staff Finding 3: The proposed accessory dwelling unit will be a second-floor addition to the existing ground level garage. Existing public services serving the existing single-family residence and the surrounding neighborhood will not be impacted with the proposed addition. The criteria are met.**

2. The maximum size of an ADU shall be:

a. One thousand square feet when attached to the primary dwelling.

b. One thousand square feet or 75 percent of gross square footage of the primary dwelling, whichever is less, when contained in a detached accessory structure.

**Staff Finding 4: The existing single-family residence is 1,796 square feet (1,796 x .75 = 972). The proposed ADU is 884 sq. ft. The criteria are met.**

3. The ADU is in conformance with the setback and lot coverage requirements of the underlying zone.

**Staff Finding 5: The allowable lot coverage of the underlying zone (R-5) is 40%. The proposed lot coverage will be 35%. The second level ADU will be 18 ft from the easterly side lot line, 23ft from the westerly side lot line, and 6'6" from the rear lot line. The existing rear yard setback of the garage is non-conforming at 6'-6" – 20ft minimum is required by the underlying R-5 zone. The proposed second level addition will maintain the existing 6'-6" rear-yard setback, thereby not increasing the non-conformity. The criteria are met.**

4. The maximum height of a detached ADU shall be the greater of:

a. The height of the primary structure; or

b. Twenty-six feet. (Ord. 1463, 2000; Ord. 1742 § 1 (Exh. A), 2023)

**Staff Finding 6: The height of the proposed ADU is 25'-2". The criteria are met.**

Chapter 66 NONCONFORMING STRUCTURES

....

66.040 DETERMINATION OF STATUS

A. The Planning Director shall make a determination regarding non-conforming status without giving notice.

...

**Staff Finding 7: The Planning Director determined the existing garage is non-conforming to the required rear yard setback – 6'-6" existing, 20ft is required in the R-5 zone. The criteria are met.**

66.080 Enlargement of or Alteration to a Non-Conforming Structure: Process and Approval Standards

...

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

...

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
- b. All other applicable ordinance provisions will be met.

**Staff Finding 8: The proposed alteration is an enlargement of an existing non-conforming structure containing a conforming use. The enlargement does not meet the rear yard setback of 20ft required by the dimensional standards of the underlying zone, but it is proposed that the second story addition maintain the current non-conforming rear yard setback distance of 6'6". Thus, the enlargement will not change the non-conformity, and all other dimensional standards and provisions of the Community Development Code are met. The criteria are met.**

Chapter 99: PROCEDURES FOR DECISION MAKING: QUASI-JUDICIAL

99.060 APPROVAL AUTHORITY

...

A. Planning Director authority. The Planning Director shall have the authority to:

1. Approve, deny, or approve with conditions the following applications:

...

h. Enlargement or alteration of a non-conforming single-family structure containing a conforming use (Chapter 66 CDC).

...

4. Make the initial determination regarding the status of the following:

- a. Non-conforming structure (Chapter 66 CDC).

**Staff Finding 9: The Planning Director determined the existing structure is non-conforming. See Staff Finding 3. The proposed scope is the enlargement of a non-conforming accessory structure containing a conforming use. The criteria are met.**

99.080 NOTICE

Notice shall be given in the following ways:

...

B. Class B Notice. Notice of a proposed action on a development application pursuant to CDC 99.060 shall be given by the Director in the following manner:

1. At least 14 days prior to the decision date, a notice shall be sent by mail to:
  - a. The applicant or their agent;
  - b. The affected recognized neighborhood association or citizens advisory committee; and
  - c. All property owners of record within 300 feet of the site perimeter;
2. At least 10 days prior to the earliest date that the approval authority can take action on the application, the applicant shall place a sign, provided by the Community Development Department, on



the subject property in plain view. The sign shall state, "This property is the subject of a land use decision," with the type of use or request indicated.

3. The Director shall cause an affidavit of mailing of notice and posting of notice to be filed and made part of the administrative record.

4. At the conclusion of the land use action the signs shall be removed.

...

LAND USE ACTION	TYPE OF NOTICE
...	...
<i>Enlarge or Alter Non-conforming Use/Structure:</i>	
...	...
<i>Single-Family Residential</i>	<i>B</i>
...	...

**Staff Finding 10: A Class B Notice was prepared. The notice was sent via mail to the applicant, the affected neighborhood association, and all property owners within 300 ft. of the site perimeter of 2247 5<sup>th</sup> Ave on 7/11/23. A sign detailing the property’s status as being the subject of a land use decision with case details was placed on the property on 7/12/23. An affidavit of mailing of notice and posting of notice was filed in the land use case record. The sign will be removed at the conclusion of the action. The criteria are met.**

## EXHIBIT PD-1: APPLICANT SUBMITTAL



## DEVELOPMENT REVIEW APPLICATION

### For Office Use Only

STAFF CONTACT <b>John Floyd</b>	PROJECT NO(S). <b>MISC-24-01</b>	PRE-APPLICATION NO. <b>n/a</b>
NON-REFUNDABLE FEE(S) <b>\$1,200</b>	REFUNDABLE DEPOSIT(S)	TOTAL <b>\$1,200</b>

**Type of Review** (Please check all that apply):

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Annexation (ANX)               | <input type="checkbox"/> Final Plat (FP) <span style="color: red;">Related File # _____</span> | <input type="checkbox"/> Subdivision (SUB)                               |
| <input type="checkbox"/> Appeal (AP)                    | <input type="checkbox"/> Flood Management Area (FMA)   | <input type="checkbox"/> Temporary Uses (MISC)                           |
| <input type="checkbox"/> CDC Amendment (CDC)            | <input type="checkbox"/> Historic Review (HDR)   | <input type="checkbox"/> Time Extension (EXT)                            |
| <input type="checkbox"/> Code Interpretation (MISC)     | <input type="checkbox"/> Lot Line Adjustment (LLA)   | <input type="checkbox"/> Right of Way Vacation (VAC)                     |
| <input type="checkbox"/> Conditional Use (CUP)          | <input type="checkbox"/> Minor Partition (MIP)   | <input type="checkbox"/> Variance (VAR)                                  |
| <input type="checkbox"/> Design Review (DR)             | <input type="checkbox"/> Modification of Approval (MOD)  | <input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP) |
| <input type="checkbox"/> Tree Easement Vacation (MISC)  | <input checked="" type="checkbox"/> Non-Conforming Lots, Uses & Structures                     | <input type="checkbox"/> Water Resource Area Protection/Wetland (WAP)    |
| <input type="checkbox"/> Expediated Land Division (ELD) | <input type="checkbox"/> Planned Unit Development (PUD)  | <input type="checkbox"/> Willamette & Tualatin River Greenway (WRG)      |
| <input type="checkbox"/> Extension of Approval (EXT)    | <input type="checkbox"/> Street Vacation   | <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:** **1592 6th Ave. West Linn, Or. 97068**  
**N.W. Corner of 6th Ave. and 15th Street**

Assessor's Map No.: **31E02BC**

Tax Lot(s): **31E02BC01900**

Total Land Area: **7,500sf**

**Brief Description of Proposal:**

Expanding existing detached garage 6 feet south toward the house. Also adding a second floor to the existing garage as a accessory dwelling unit. The addition to this garage will be built no closer to the street or alley than the existing garage structure. The proposed non-conforming areas will be the expansion of the width of the garage as it is closer than 20' from street setback. Also the ADU space over the garage would be considered in the rear buildign setback.

**Applicant Name\*:** **Mary Brennock**  
 Address: **1592 6th Ave.**  
 City State Zip: **West Linn, Or. 97068**

Phone: **503-522-1448**  
 Email: **mary@willamettegarage.com**

**Owner Name** (required): **Mary Brennock**  
 Address: **1592 6th Ave.**  
 City State Zip: **West Linn, Or. 97068**

Phone: **503-522-1448**  
 Email: **mary@willamettegarage.com**

**Consultant Name:** **WattonDesign Works, Inc. - Thomas Watton**  
 Address: **1880 Willamette Falls Drive, Suite 200-D**  
 City State Zip: **West Linn, Or. 97068**

Phone: **503-504-7775**  
 Email: **thomas@wattondesign.com**

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.

Applicant's signature MISC-24-01	Date	DocuSigned by:  Mary Brennock 8710BDCA1A76415... Owner's signature (required)	1/17/2024 Date Planning Manager Decision
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## DEVELOPMENT REVIEW CHECKLIST

The application form and supporting materials should be submitted electronically through <https://westlinnoregon.gov/planning/submit-land-use-application> as one (1) .pdf file. To create a single PDF file, go to [Adobe Acrobat Free Merge PDF](#) online tool. [Other free Acrobat PDF tools](#) like converting a file to PDF or reducing the file size are available on the Adobe website.

Supporting reports may be uploaded separately through this web form *if* the file size is too large. The separate submissions should be numbered (i.e., Submittal 1 of 2) and noted under transmittal contents. All plan set files **MUST** be flattened and reduced.

Submission requirement to upload through the web form:

- .pdf format.
- Individual file size no larger than 128 MB.
- Do not attach 'zip' files. Our server will reject all 'zip' files.
- Reduce and flatten all plan sets BEFORE uploading plan sets. The raster/vector settings should be optimized for printing.

A complete application must include the following:

- Development Review Application. Original signatures from all owners must be on the application form. **Do NOT use DocuSign.**
- A **project narrative** outlining the project's scope in detail, including the changes to the site, structure, landscaping, parking, land use, and lot consolidations.
- Complete written responses to identified approval criteria in the [Community Development Code \(CDC\)](#).
- A Service Provider Letter from Tualatin Valley Fire and Rescue - <https://www.tvfr.com/399/Service-Provider-Permit> Please contact Jason Arn at [jason.arn@tvfr.com](mailto:jason.arn@tvfr.com) with any questions about TVF&R requirements.
- Vicinity Map showing the site within the City.
- Site Plan drawn to scale showing the:
  - Taxlot and address of the project,
  - Area of the site (acres or square feet),
  - Zoning and Neighborhood Association,
  - Location and dimensions of existing and proposed buildings, structures,
  - Location of existing and proposed on-site driveways and off-street parking,
  - Configuration and dimensions of all existing and proposed lots and tracts, including a proposed park, open space, and or drainage tracts or easements,
  - Location and width of existing and proposed easement for access, drainage, etc., and
  - Location of existing and proposed trees and other proposed landscaping.
  - Location of existing public and private utilities, easements, and 100-year floodplain,
  - Sensitive areas, including the location of on-site wetlands and riparian areas,
  - Location of existing off-site driveways across the street,
  - If applicable, internal circulation system, name, and location of existing and proposed roadways and roadway easements (private and public), and
  - Location and width of existing and proposed on-site pedestrian and bicycle facilities on-site.
- If applicable, a Utility Plan and Landscape plan, drawn to scale.
- If applicable, Building elevation drawings with exterior elevations for every side of each structure, height including building materials and floor levels, drawn to scale.
- If required, documentation of any required meeting with the respective City-recognized neighborhood association per CDC [99.038](#).
- Any other materials identified by city staff at the pre-application meeting.

For applications that the Planning Commission decides, the applicant or applicant's representative should present their proposal to the PC at the public hearing.



1880 Willamette Falls Dr.  
 Suite 200-D  
 West Linn, Or. 97068  
 503.655.1001  
 thomas@wattondesign.com  
 wattondesign.com

**Client Information:**

Mary Brennock  
 1592 6<sup>th</sup> Ave.  
 West Linn, Or. 97068

**Project:**

Non-Conforming Review  
 Garage Addition w/ ADU over

Darren Wyss  
 Planning Manager  
 22500 Salamo Road  
 West Linn, Or. 97068

Planning Manager Wyss,

Please see attached application and supporting documents for the non-conforming review of a six-foot addition to the width of an existing non-conforming detached garage at the address listed above. The non-conforming garage is with-in the 20' building setback for garages. We will also be adding a second level to the building as an ADU. This building is 6'-6" off of the Knapp Alley so the ADU will be the same dimension. The structural modifications to the existing garage will be significant to support the ADU above. We are considering this a partial demo of the existing garage. We will keep as much as possible. We will have a better idea regarding the amount to be saved once our structural engineer has done their review. Below is the response addressing approval criteria of chapters 13, 66 & 34 of the West Linn CDC.

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.

***Response: The existing structure to be enlarged is the primary garage and will not contain any non-conforming uses.***

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.

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

**Response: The proposed enlargement to the existing non-conforming garage will not change the existing non-conformity.**

**The non-conformity of the existing structure is that it is located 18' from the east street sideyard where 20' to garages are required. The enlargement we are proposing will expand the garage width to the south by 6' to make it more accommodating for today's garage needs. The proposed expansion will be no closer to the side street than the existing structure. We are proposing to add an ADU over the detached garage that will match the garage footprint with exterior access stairs tucked behind to the west.**

**This modification will also allow us to upgrade the structural and lateral design integrity of the old structure. We will be able to install a port-hole frame at the garage door face that will greatly stiffen this structure to wind and earthquake forces.**

**Please note that is no direct adjacent property this non-conforming addition. There will never be any adjacent structures built near this property line.**

## **13.080 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS**

**We have chosen to also address section 13.070 requirements for the R-5 Zone.**

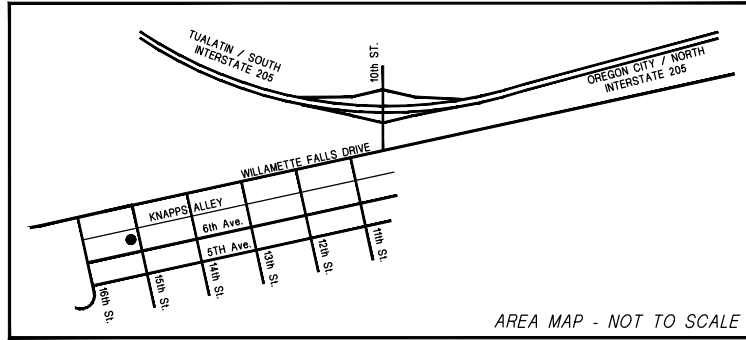
- 1. 5,000 min. lot size: This Lot is 7,500sf**
- 2. 35' min. front yard width: This lot is 75.00' wide**
- 3. 35' Average width: This lot is 75.00' average width**
- 4. n/a**
- 5. Building setbacks:**
  - a. 20' front: n/a**
  - b. 5' interior side: current setback to structure is 23'. The proposed addition will not encroach any closer.**
  - c. 15' street side: Corner lot with garage door facing the street. Garage door must be 20' from street. The existing non-conforming garage is 18' off the property line. Our non-conforming addition will equal this setback.**
  - d. 20' rear: Existing garage 6'-6". Alley to garage setback is 3'.**
- 6. 35' max. ht.: This building height will be 25'-2" which now includes an ADU over.**
- 7. Max lot coverage: Existing house (1,667sf) + existing garage (612sf) + proposed (272sf) = 2,551sf / 7,500 = 34% total coverage.**
- 8. Min. accessway: n/a**
- 9. FAR: Does not apply to ADU's.**

## 34.030 ACCESSORY DWELLING UNITS (ADUs)

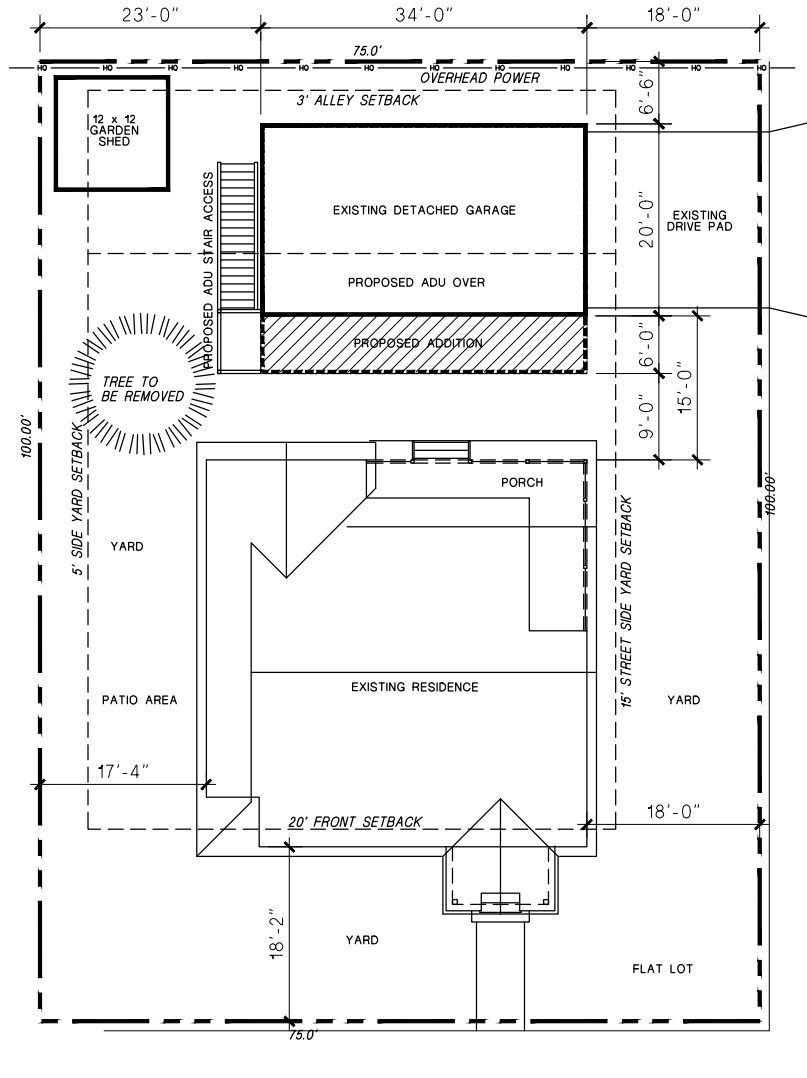
A. One accessory dwelling unit (ADU), either attached or detached, may be allowed in conjunction with an existing primary single-family detached dwelling (excluding duplexes, triplexes and quadplexes) by conversion of existing space inside the primary dwelling; by means of an addition to an existing dwelling; by means of an addition as an accessory structure; or by converting or adding to an existing accessory structure, such as a garage, on the same lot with an existing primary dwelling, when the following conditions are met:

1. Public services can serve both dwelling units. **Yes.**
2. The maximum size of an ADU shall be:
  - a. One thousand square feet when attached to the primary dwelling. **n/a Not attached.**
  - b. One thousand square feet or 75 percent of gross square footage of the primary dwelling, whichever is less, when contained in a detached accessory structure. **Proposed ADU is 50% of the primary (see design sheet 1 for calculation).**
3. The ADU is in conformance with the setback and lot coverage requirements of the underlying zone. **The ADU is located above an existing structure that is over the building setback requirements along the alley lot line.**
4. The maximum height of a detached ADU shall be the greater of:
  - a. The height of the primary structure; or
  - b. Twenty-six feet. (Ord. [1463](#), 2000; Ord. [1742](#) § 1 (Exh. A), 2023) . **The proposed ADU will be slightly taller than the existing residence but lower than 26'. Building height 25'-2" (see design sheet 1 for vertical dimensions on proposed front exterior elevation).**

WEST LINN / WILLAMETTE DISTRICT



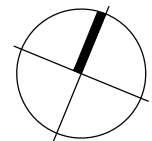
KNAPPS ALLEY



6TH AVE.

SITE PLAN

SCALE 1" = 20' - 0"



**WATTON DESIGN WORKS, Inc.**  
 1880 Willamette Falls Drive  
 Suite 200-D  
 West Linn, Or. 97068

WATTON DESIGN WORKS WILL NOT BE LIABLE FOR THE ACCURACY OF THE TOPOGRAPHY INFORMATION. IT IS THE SOLE RESPONSIBILITY OF THE BUILDER / OWNER TO VERIFY ALL SITE CONDITIONS, INCLUDING ANY FELL PLACED ON THE SITE THAT MAY CAUSE OF ANY POTENTIAL FIELD MODIFICATIONS.

<b>PROJECT:</b> ADU OVER GARAGE
<b>OWNER:</b> MARY BRENNOCK 503-522-1448

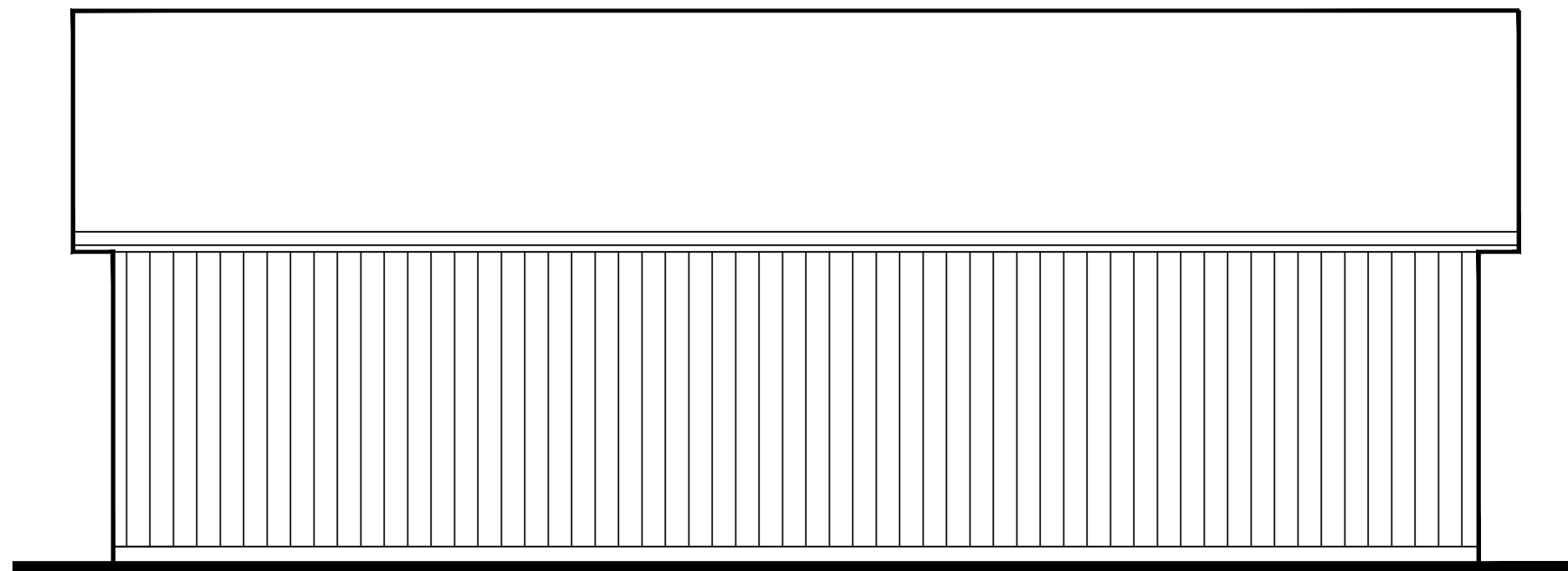
<b>SITE INFORMATION:</b>
1592 6th Ave. CITY OF WEST LINN, OR. 97068 CLACKAMAS COUNTY WILLAMETTE FALLS, BLOCK 7, LOT 12 TAX LOT: 31E02BC01900 LOT AREA 75,00 SQ. FT.

JOB No.	23089
DATE	1-15-2024
SHEET	S



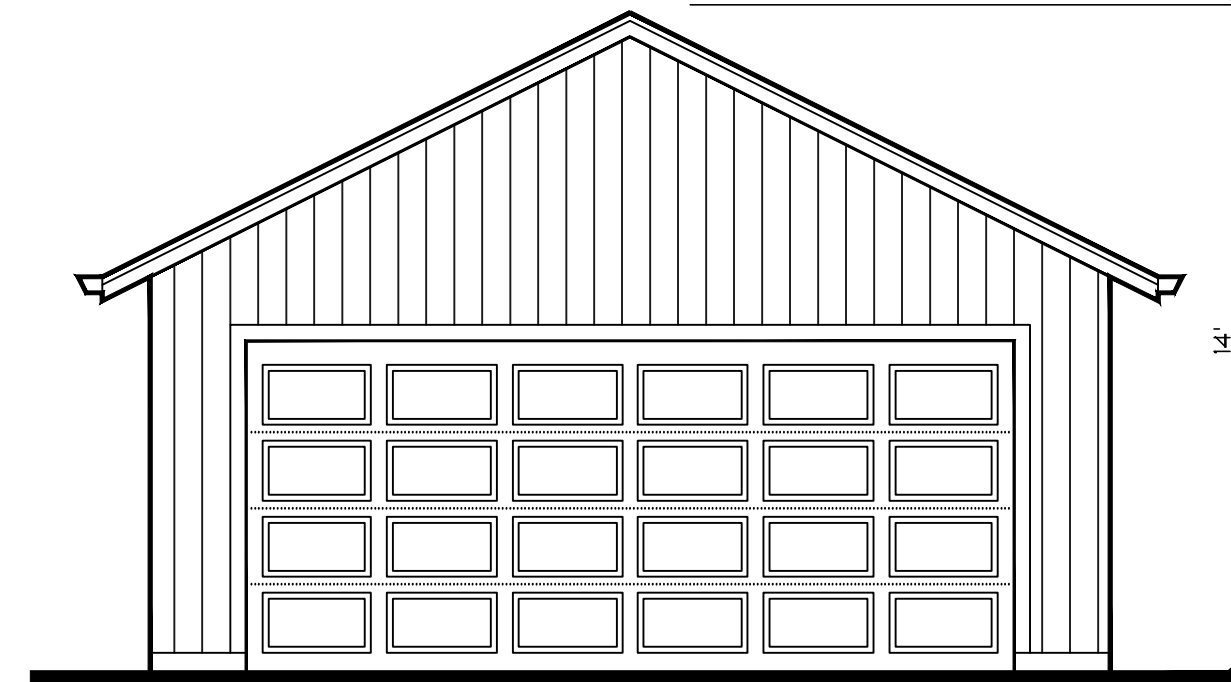
**BUILDING CODE DESIGN CALCULATIONS**

DETACHED ADU	884 SQ. FT.	BUILDING HEIGHT	25'-2"
RESIDENCE	1796 SQ. FT.	ALLOWED	26'-0"
ADU IS 50% OF RESIDENCE		75% ALLOWED	

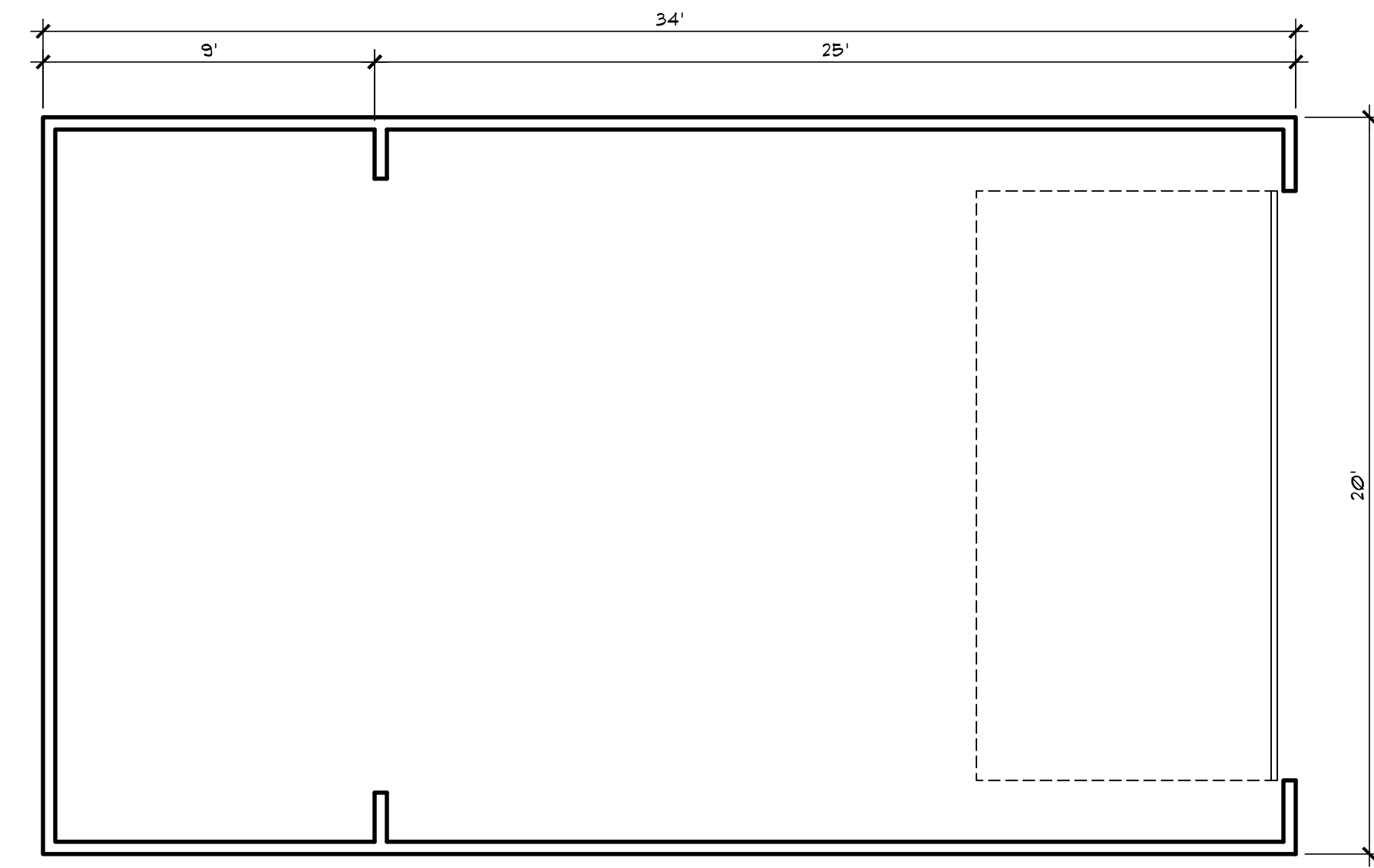


SIDE EXTERIOR  
EXISTING GARAGE

SCALE: 1/4" = 1'-0"



FRONT EXTERIOR

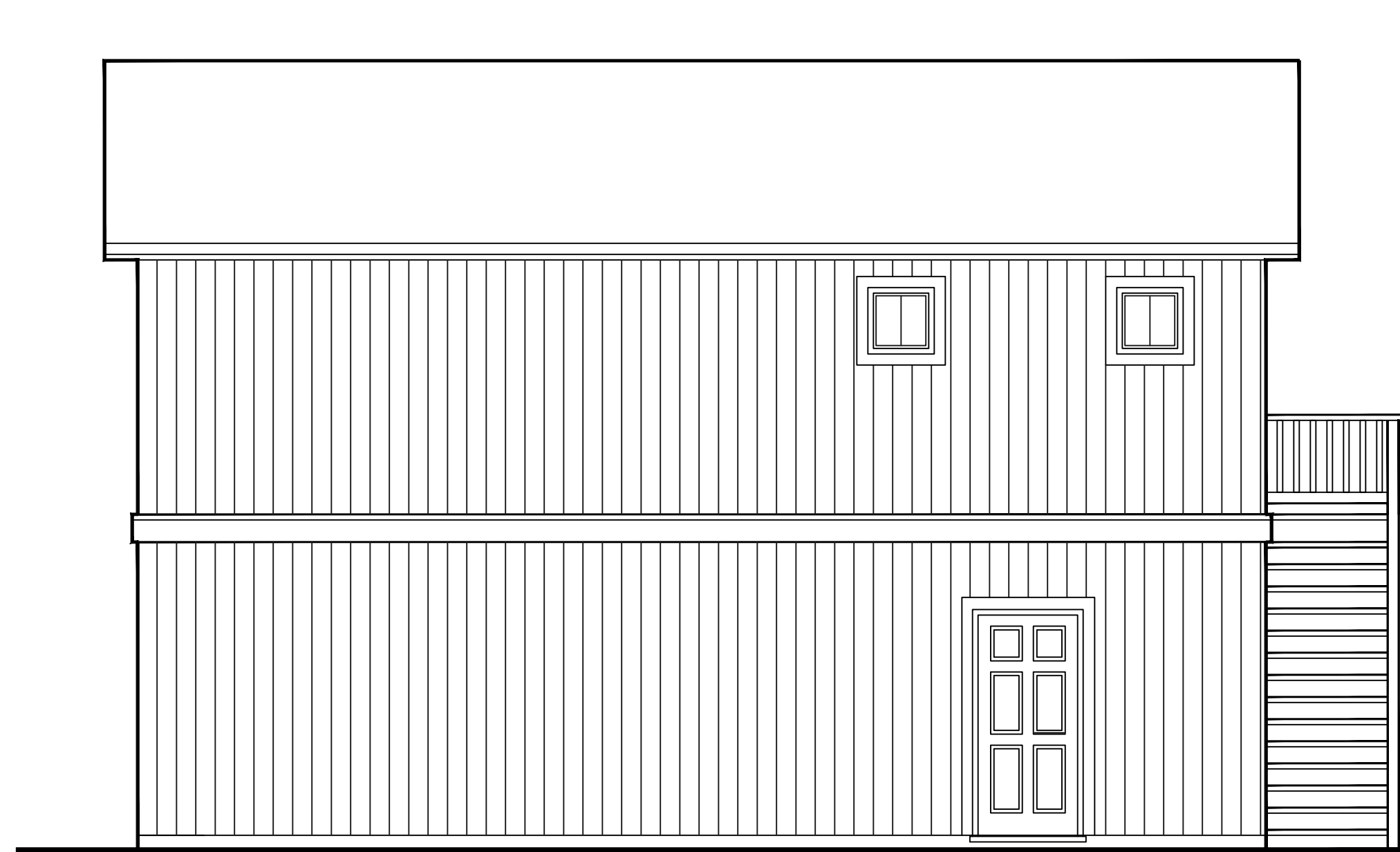


FLOOR PLAN

ALTERNATIVE DESIGN CASES ARE MADE WITH THE PROFESSIONAL DESIGNER'S RESPONSIBILITY TO PROVIDE THE BEST DESIGN FOR THE PROJECT AND TO COMPLY WITH ALL APPLICABLE CODES AND REGULATIONS. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE CONSTRUCTION OF THE PROJECT OR FOR THE PERFORMANCE OF THE PROJECT. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE CONSTRUCTION OF THE PROJECT OR FOR THE PERFORMANCE OF THE PROJECT. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE CONSTRUCTION OF THE PROJECT OR FOR THE PERFORMANCE OF THE PROJECT.

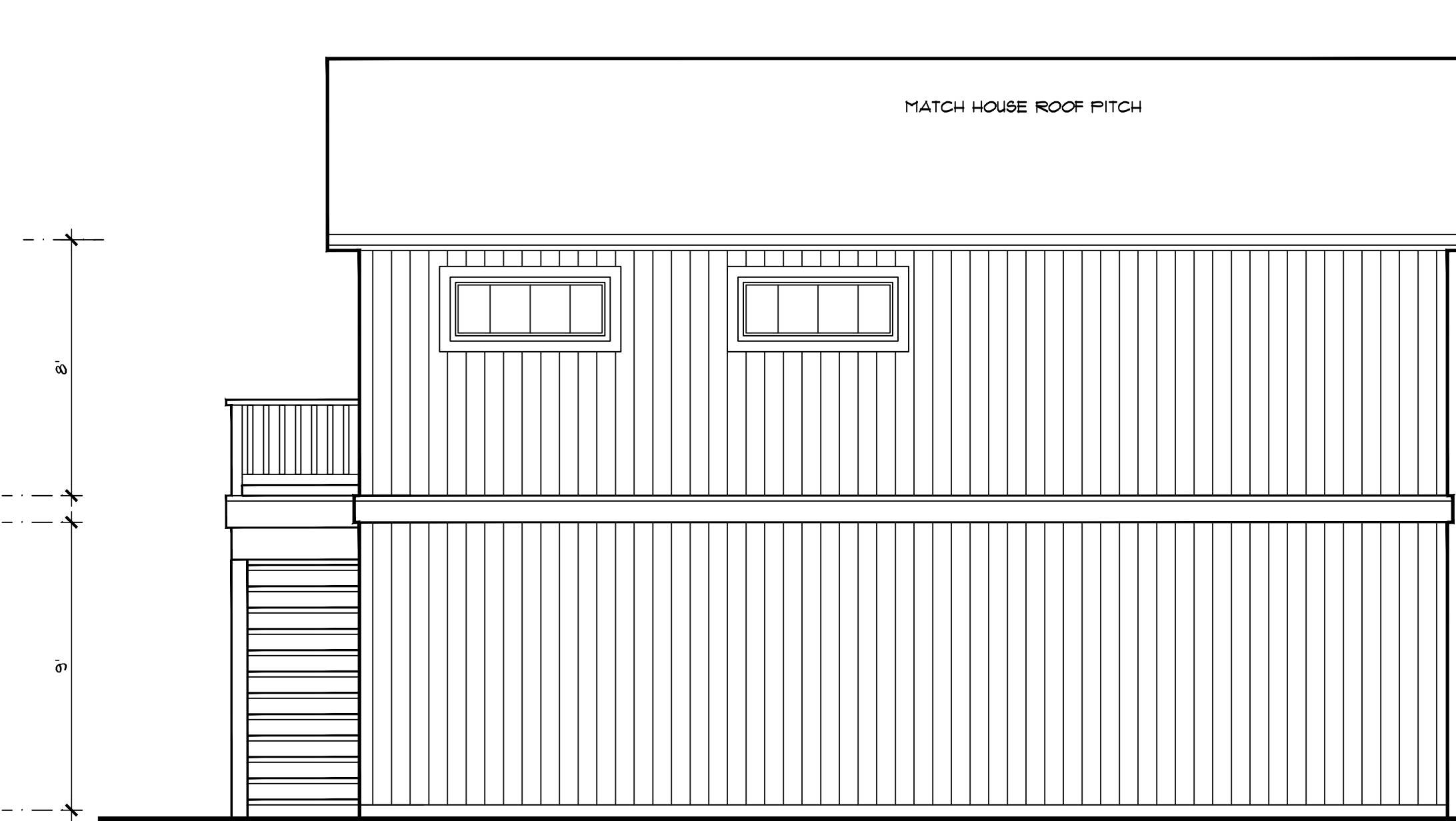
**WATTON DESIGN WORKS, Inc.**  
1880  
Willamette Falls Drive  
Suite #200-D  
West Linn, Or. 97068  
503.655.1001  
thomas@wattondesign.com

PROJECT: DETACHED GARAGE ADDITION W/ ADU OVER  
BUILDING SITE ADDRESS:  
1592 6TH AVE.  
WEST LINN, OR. 97068  
CITY OF WEST LINN, CLACKAMAS COUNTY



PROPOSED RIGHT ELEVATION

SCALE: 1/4" = 1'-0"



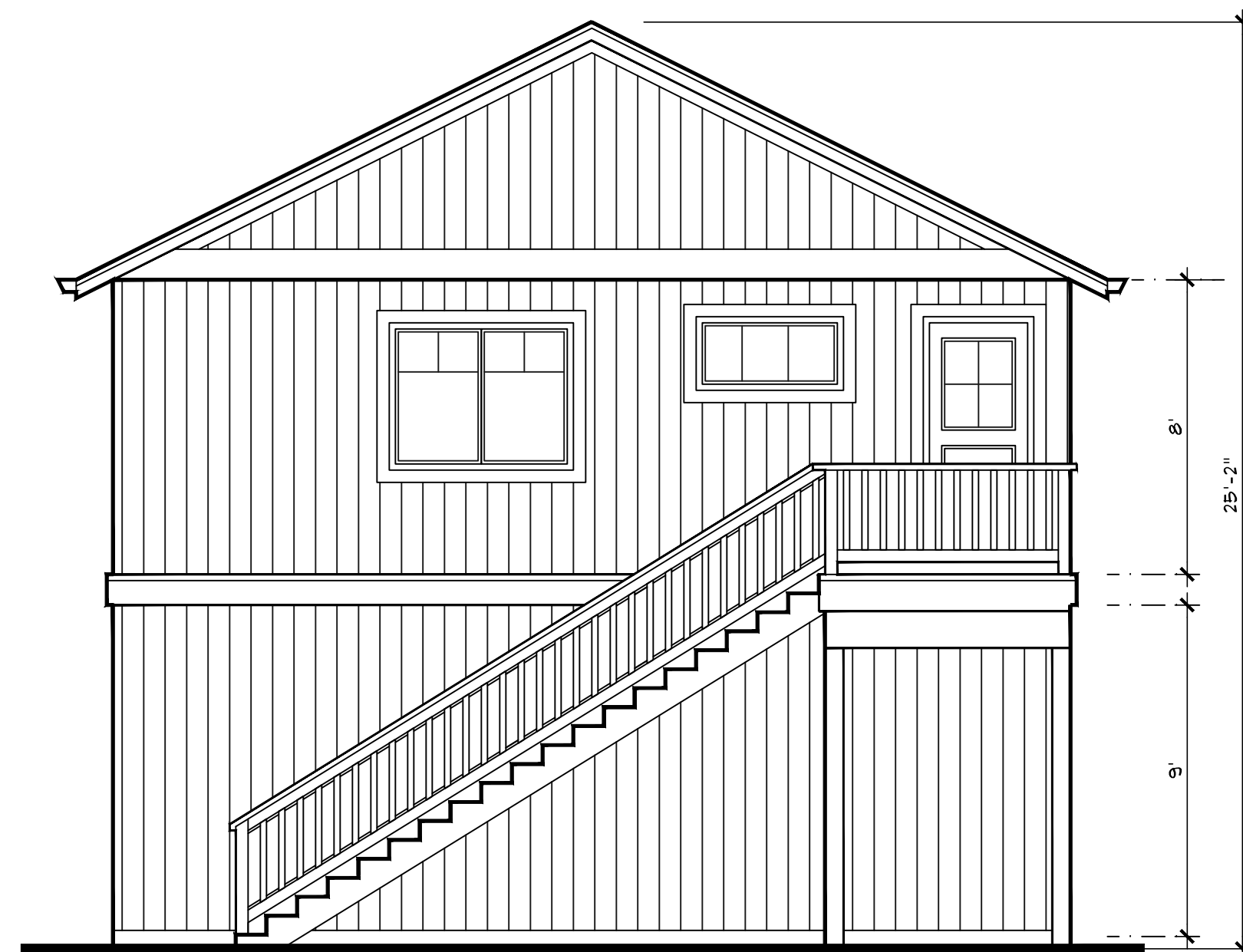
PROPOSED LEFT ELEVATION

SCALE: 1/4" = 1'-0"



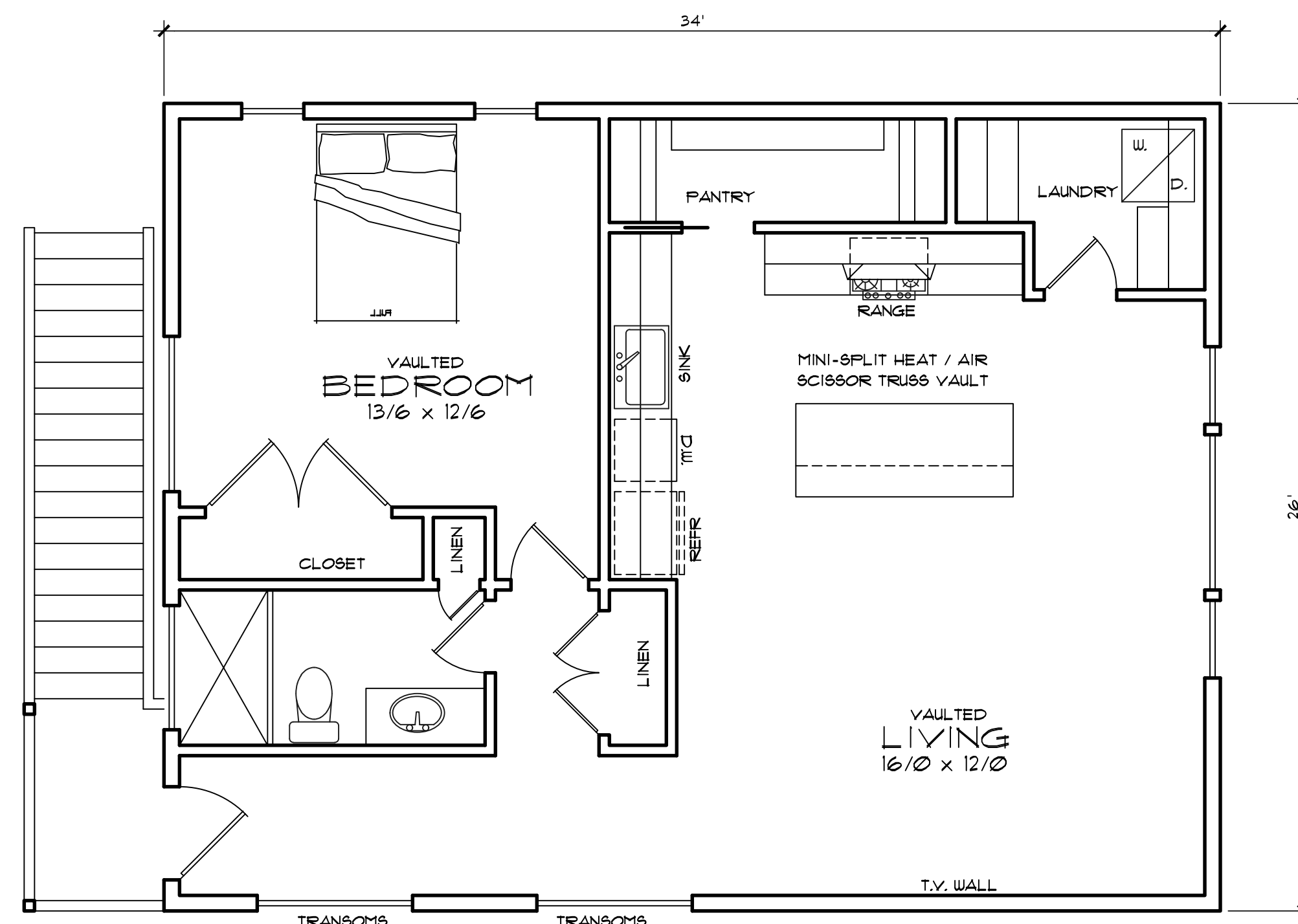
PROPOSED FRONT ELEVATION

SCALE: 1/4" = 1'-0"



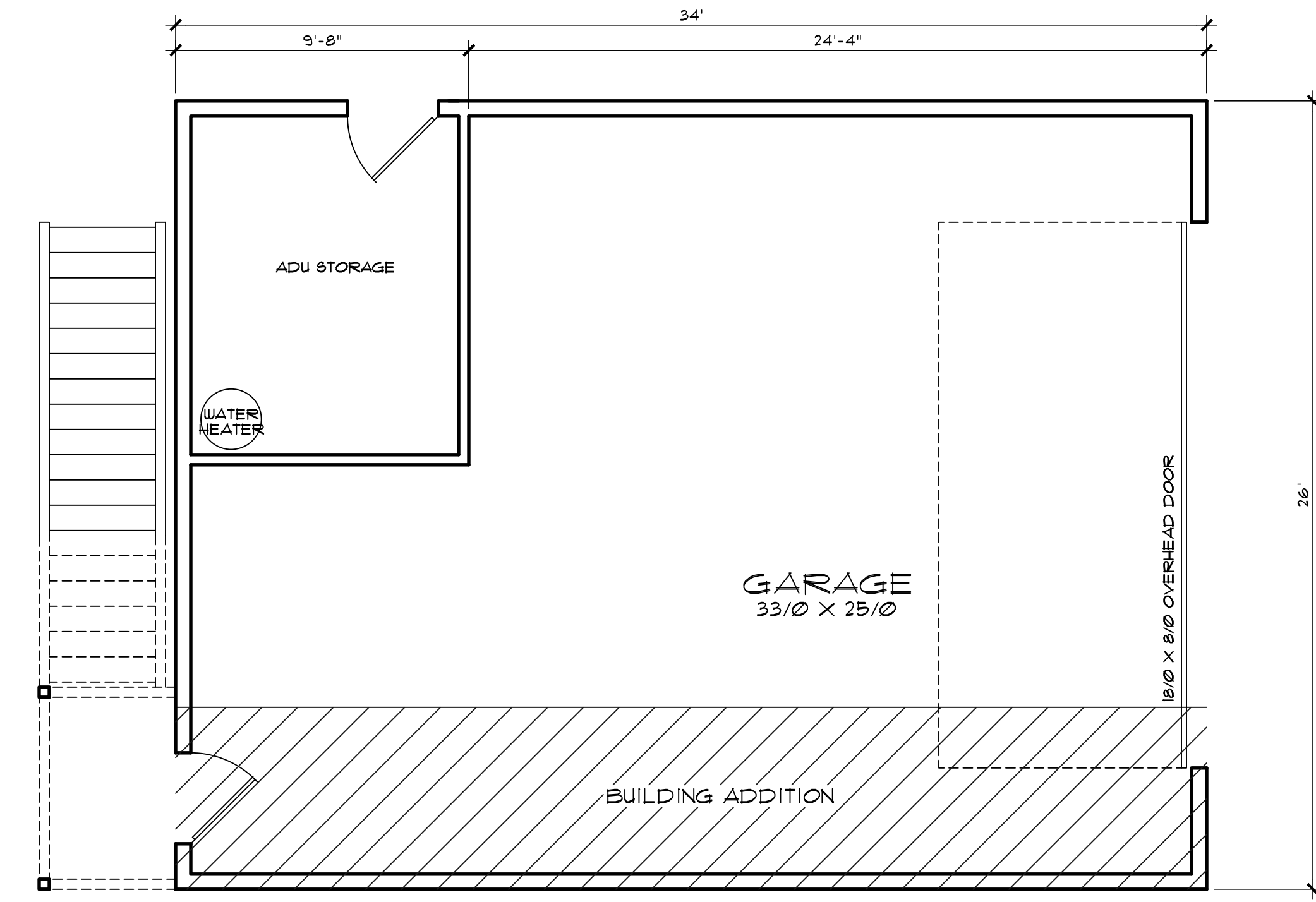
PROPOSED REAR ELEVATION

SCALE: 1/4" = 1'-0"



PROPOSED A.D.U. OVER GARAGE

SCALE: 1/4" = 1'-0"



PROPOSED GARAGE ADDITION

SCALE: 1/4" = 1'-0"

NON-CONFORMING DETACHED GARAGE

OWNER:  
**MARY BRENNOCK**  
503-522-1448

SQUARE FOOTAGE  
A.D.U. AREA 884 S.F.  
GARAGE AREA 884 S.F.

DATE:  
Est. 8-18-2023  
Rev.

PLANS VOID 1YR. FROM EST. DATE

JOB No.

23089

SHEET

**1**

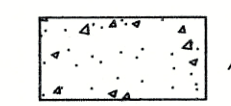
# SUPPLEMENTAL MAP

LOT 12, AND A PORTION OF LOT 11, BLOCK 6, "WILLAMETTE FALLS  
BLOCKS 1 TO 17 INCLUSIVE", PLAT NO. 121,  
LOCATED IN THE  
N.W. 1/4 SECTION 2, T.3S., R.1E., W.M.  
CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON  
APRIL 16, 2024 SCALE 1"=40'

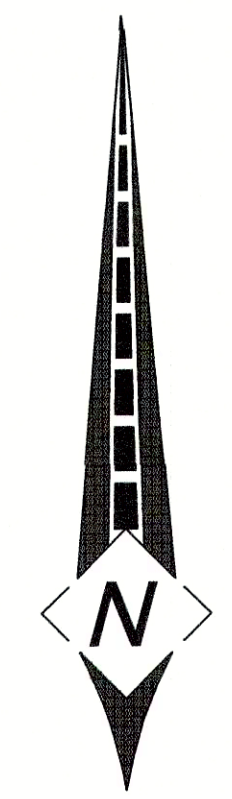
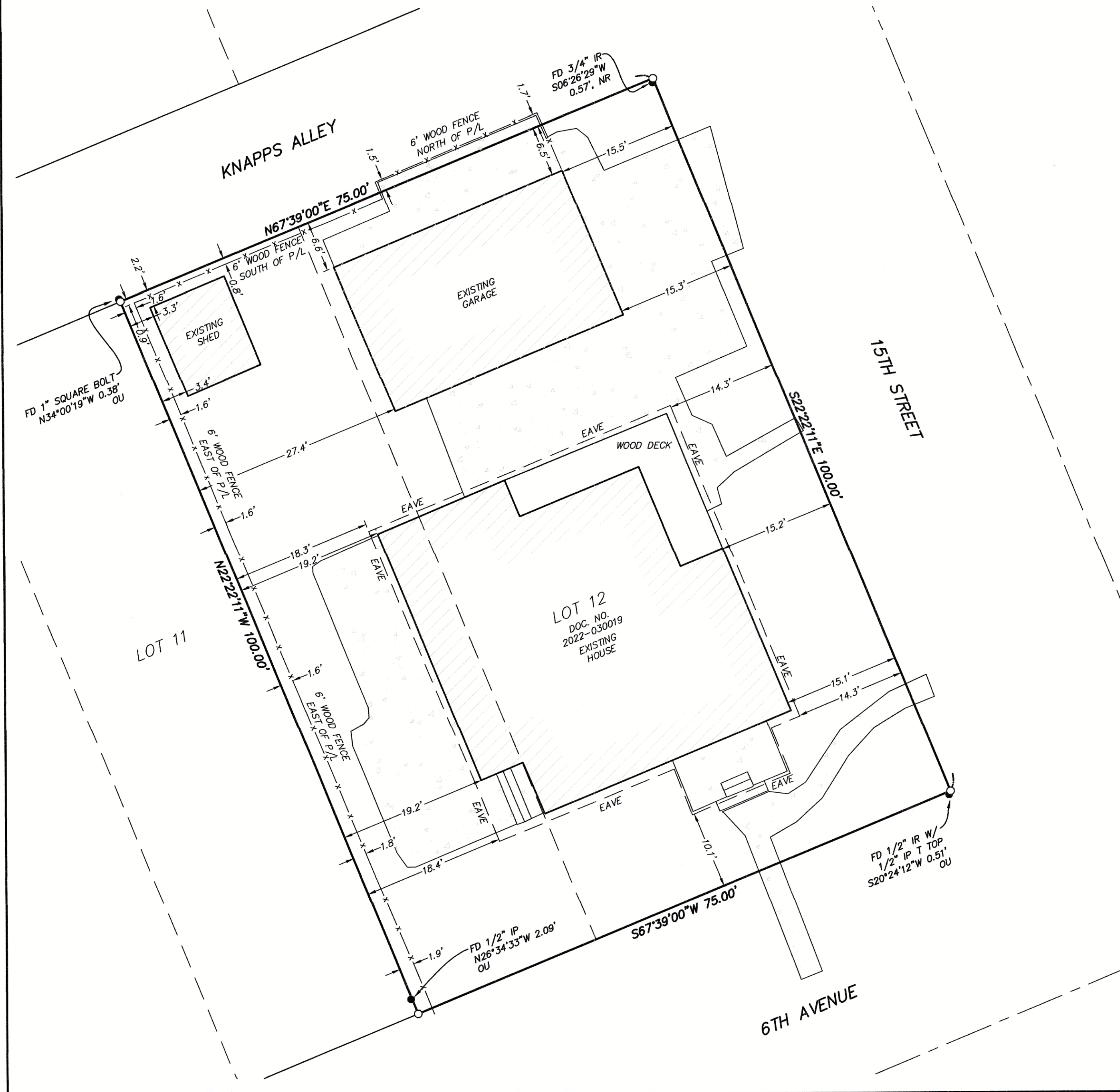
SURVEY PERFORMED FOR:  
MARY BRENNOCK

### LEGEND:

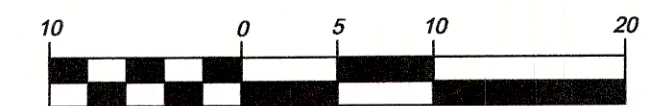
- OU = ORIGIN UNKNOWN
- NR = NO RECORD
- IP = IRON PIPE
- IR = IRON ROD
- FD = FOUND
- W/ = WITH
- R/W = RIGHT OF WAY
- MONUMENT TO BE SET
- FOUND MONUMENT AS NOTED



ASPHALT SURFACE



### GRAPHIC SCALE



(IN FEET)  
1 INCH = 10 FT.

SIGNED ON: *JRB* 2/24

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 13, 2004  
TOBY G. BOLDEN  
60377LS

RENEWS: DECEMBER 31, 2025

PLOTTED: M:\PROJECTS\BRENNOCK-6TH AVE-1592\DWG\SUPP-C3D.dwg

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

**From:** [thomas.wattondesign.com](mailto:thomas.wattondesign.com)  
**To:** [Floyd, John](#)  
**Subject:** FW: 1592 6th Ave. West Linn, Or. 97068 non-conforming expansion to accessory structure - MISC-24-01  
**Date:** Tuesday, February 27, 2024 9:03:38 AM

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**CAUTION:** This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

John,

Please see below email below from TVFR, Jason Arn stating that this project will have no effect on access or hydrant requirements.

Thanks,

Tom Watton

**Watton Design Works, Inc.**

1880 Willamette Falls Drive, Suite 200-D  
West Linn, Or. 97068  
503.504.7775 c

---

**From:** Arn, Jason S. <[Jason.Arn@tvfr.com](mailto:Jason.Arn@tvfr.com)>  
**Sent:** Tuesday, February 27, 2024 8:18 AM  
**To:** thomas.wattondesign.com <[thomas@wattondesign.com](mailto:thomas@wattondesign.com)>  
**Subject:** RE: 1592 6th Ave. West Linn, Or. 97068 non-conforming residential addition

Hi Tom,

Your proposed addition and accessory dwelling unit do not change the exiting fire department access or require any fire hydrant changes.

Thanks for checking.

**Jason Arn | Deputy Fire Marshal CFI**

Tualatin Valley Fire & Rescue  
Direct: 503-259-1510  
[www.tvfr.com](http://www.tvfr.com)

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**From:** thomas.wattondesign.com <[thomas@wattondesign.com](mailto:thomas@wattondesign.com)>  
**Sent:** Monday, February 26, 2024 12:18 PM  
**To:** Arn, Jason S. <[Jason.Arn@tvfr.com](mailto:Jason.Arn@tvfr.com)>  
**Subject:** FW: 1592 6th Ave. West Linn, Or. 97068 non-conforming residential addition

**\*\*\*The sender is from outside TVF&R – Do not click on links or attachments unless you are sure they are safe\*\*\***

Jason,

Per my question below last month you called me back to let me know that it is not required for this property. The City is requesting that I get that information from you in writing. Can you just respond to this email stating that it is not required by TVFR.

Thanks,

Tom Watton

**Watton Design Works, Inc.**

1880 Willamette Falls Drive, Suite 200-D

West Linn, Or. 97068

503.504.7775 c

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**From:** thomas.watton@design.com

**Sent:** Wednesday, January 17, 2024 10:32 AM

**To:** 'jason.arn@tvfr.com' <[jason.arn@tvfr.com](mailto:jason.arn@tvfr.com)>

**Subject:** 1592 6th Ave. West Linn, Or. 97068 non-conforming residential addition

Jason,

I am filing a development review application for a non-conforming structure, with the city of West Linn. We are expanding the existing detached garage 6' in width and adding an Accessory Dwelling Unit above. In the Development review application, it says I need a service provider letter from TVFR. There is a link to the application that has several pages of boxes to check. Before I go through this exercise I just wanted to make sure that it was necessary for a minor project like this.

Thanks,

Tom Watton

**Watton Design Works, Inc.**

1880 Willamette Falls Drive, Suite 200-D

West Linn, Or. 97068

503.504.7775 c

## EXHIBIT PD-2: COMPLETENESS LETTER



# CITY OF West Linn

May 20<sup>th</sup>, 2024

Thomas Watton  
1880 Willamette Falls Dr, Ste. 200-D  
West Linn, OR 97068

SUBJECT: Expand Existing Nonconforming Garage & Second Floor Addition at 1592 6<sup>th</sup> Avenue  
(MISC-24-01)

Dear Mr. Watton:

The city accepted this application for review on January 30<sup>th</sup>, 2024. The application was found to be incomplete on February 26, 2024 due to the absence of a TVF&R Service Provider Permit and a stamped and signed survey in the application. On May 2, 2024 the applicant submitted a Tualatin Valley Fire & Rescue exemption email and a licensed survey. The Planning Department now finds the application to be **complete**. The city has 120 days to exhaust all local review; that period ends September 4<sup>th</sup>, 2024.

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 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 Director.

Please contact me at 503-742-6057, or by email at [agudelj@westlinnoregon.gov](mailto:agudelj@westlinnoregon.gov) if you have any questions or comments.

Sincerely,

Aaron Gudelj  
Associate Planner

**EXHIBIT PD-3: AFFIDAVIT 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-24-01

Address: 1592 6<sup>th</sup> Ave

Applicant's Name: **Marry Brennock & Thomas Watton - Watton Design Works, Inc.**

Scheduled Decision Date: **Planning Manager Decision no later than 09/02/24**

**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:

<b>Thomas Watton, applicant</b>	<b>5/28/24</b>	<i>Lynn Schroder</i>
<b>Mary Brennock, owner</b>	<b>5/28/24</b>	<i>Lynn Schroder</i>
<b>Property owners within 300ft of the site perimeter</b>	<b>5/28/24</b>	<i>Lynn Schroder</i>
<b>Willamette Neighborhood Association</b>	<b>5/28/24</b>	<i>Lynn Schroder</i>

**WEBSITE**

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

<b>5/28/24</b>	<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.

<b>5/28/24</b>	<i>Aaron Gudelfj</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.

<b>7/23/2024</b>	<i>Lynn Schroder</i>
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**CITY OF WEST LINN  
NOTICE OF UPCOMING PLANNING MANAGER DECISION  
FILE NO. MISC-24-01**

The West Linn Planning Manager is considering a request for expansion of a non-conforming accessory structure at 1592 6<sup>th</sup> Avenue. The applicant is requesting approval for a 6-foot-wide addition to the existing non-conforming detached garage and a second-level additional dwelling unit above the detached garage.

The Planning Manager will decide the application based on criteria in Chapters 13, 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/projects>. 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.

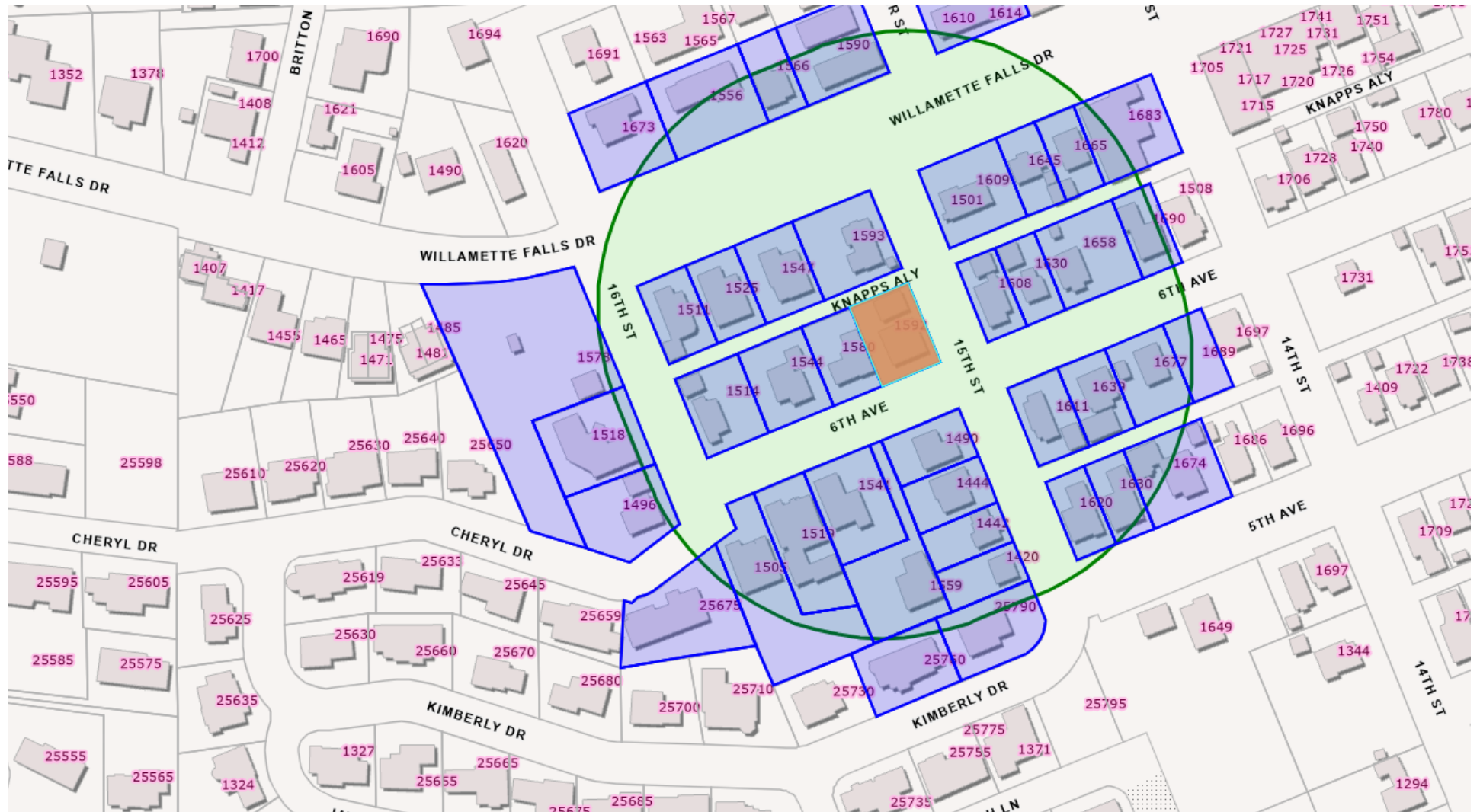
A public hearing will not be held for this decision. **Anyone wishing to submit comments for consideration must submit all material before 4:00 p.m. on 6/11/24 to [agudelj@westlinnoregon.gov](mailto:agudelj@westlinnoregon.gov) or mail them to City Hall. All comments must be received by the deadline.**

**It is important to submit all testimony in response to this notice.** All comments submitted for consideration of this application 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 Aaron Gudelj, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, 503-742-6057.

MISC-24-01 – Notified Properties within 300 feet of 1592 6<sup>th</sup> Ave





**NOTICE OF UPCOMING  
PLANNING MANAGER DECISION**

**PROJECT # MISC-24-01  
MAIL: 5/23/24 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.