

DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT	PROJECT NO(S).	PRE-APPLICATION NO.
NON-REFUNDABLE FEE(S)	REFUNDABLE DEPOSIT(S)	TOTAL

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) Related File# _____
<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) 12 Minor Variances
<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: 4092 Norfolk Street	Assessor's Map No.: 21E36AC <hr/> Tax Lot(s): 1400 <hr/> Total Land Area: 1.05 Acres
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Brief Description of Proposal:

This is a proposed consolidated application to reduce the side yard setbacks for the six lots in the Norfolk Landing subdivision by 20% from the standard 7.5' to 6'.

Applicant Name*: Icon Construction & Development, LLC Address: 1969 Willamette Falls Drive, Suite 260 City State Zip: West Linn, OR 97068	Phone: 503-657-0406 Email: darren@iconconstruction.net
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Owner Name (required): Same as applicant. Address: City State Zip:	Phone: Email:
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Consultant Name: Rick Givens, Planning Consultant Address: 28615 SW Paris Ave., Unit 110 City State Zip: Wilsonville, OR 97070	Phone: 503-351-8204 Email: rickgivens@gmail.com
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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 related to the propose land use.
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 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	Date	9-9-24	 Owner's signature (required)	Date	9-9-24
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Norfolk Landing Variances Application

INTRODUCTION: This application requests approval of minor variances to allow the side yard setback for the homes to be reduced by 20%, from the R-7 standard of 7.5 feet to 6 feet. The requested variances would apply to both sides of all six of the lots within the Norfolk Landing subdivision. A total of 12 variances are requested (one for each side yard). The applicant requests that the review of all variances be consolidated into a single application.

On August 7, 2024, the West Linn Planning Manager approved a request for a 6-lot expedited land division at 4092 Norfolk St (Taxlot 01400 Clackamas County Assessor Map 21E36AC).



Figure 1: Tentative Plan

The subdivision included a total of 6 lots, each of which is proposed to be developed with a single-family detached home. As shown in the approved Tentative Plan above, each lot meets the minimum lot size of 7,500 square feet. Lots 1-5 are 50.5 feet in width, while Lot 6 has a frontage of 51.13 feet. These narrow lot widths allow a building width of 35.5 feet if the 7.5' side yard standard is used. This width limits the floor plans that will fit on the lot and makes the garages take up an excessive amount of the front elevation. Approving the requested variances would allow homes that are 38.5 feet in width, which makes a larger number of floor plans available and reduces the percentage of the front elevation taken up by the garage. The requested variances would allow for an overall design that is more compatible with the character of the surrounding neighborhood.

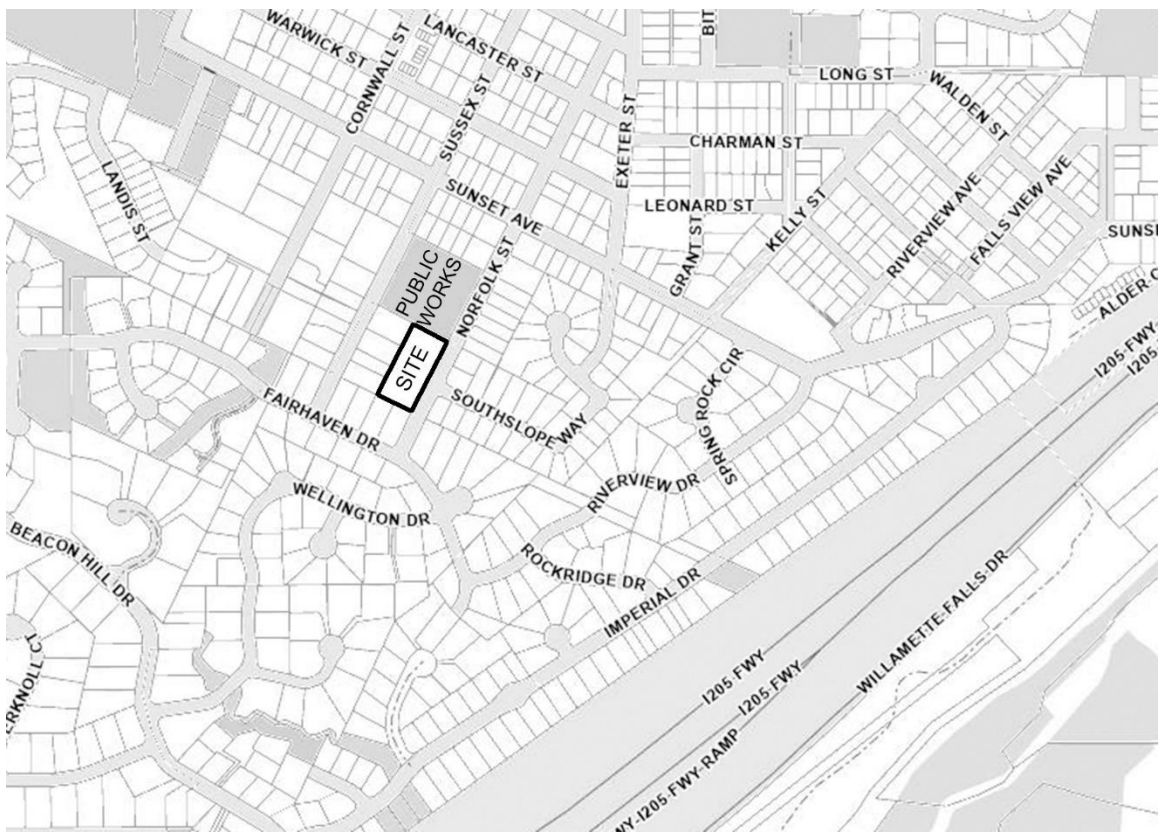


Figure 2: Vicinity Map

COMPLIANCE WITH APPROVAL CRITERIA:

The requested 20% variances to side setback requirements are consistent with the dimensional standards for Class 1 Variances, as set forth in CDC 75.020 – Classification of Variances:

- 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:*

Applicant Response: The requested reduction of the side yard standard from 7.5 feet to 6 feet is a 20 percent reduction, consistent with the maximum allowed by this CDC section. The requested variances conform to the approval criteria as follows:

- a. *Provides for a more efficient use of the site;*

Applicant Response: The wider building footprint afforded by the requested variances will allow three more feet of living space at the important front elevation of the home. Assuming a minimum 20-foot double garage width of 20 feet, the living space portion of the home can increase from 15.5 feet to 18.5 feet in width. With a typical 5.5-foot-wide entryway area, this means that the space for a living room or office can increase from 10 feet to a much more usable 13 feet. This allows for a more efficient use of the front portion of the lots.

- b. *Preserves and incorporates natural features into the overall design of the project;*

Applicant Response: The trees that will be retained on site are in the rear portion of the lots, as shown on the approved Tree Plan shown below. Increasing the width of the lots means that more living space can be provided in the areas that are already planned to be cleared for site development, thereby permitting a greater setback from the driplines of the trees that will be preserved. The greater separation reduces the potential impacts existing tree resources.



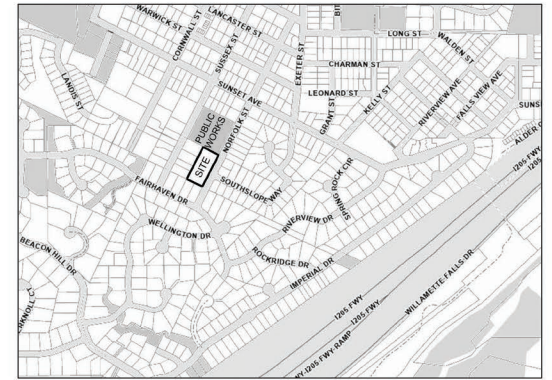
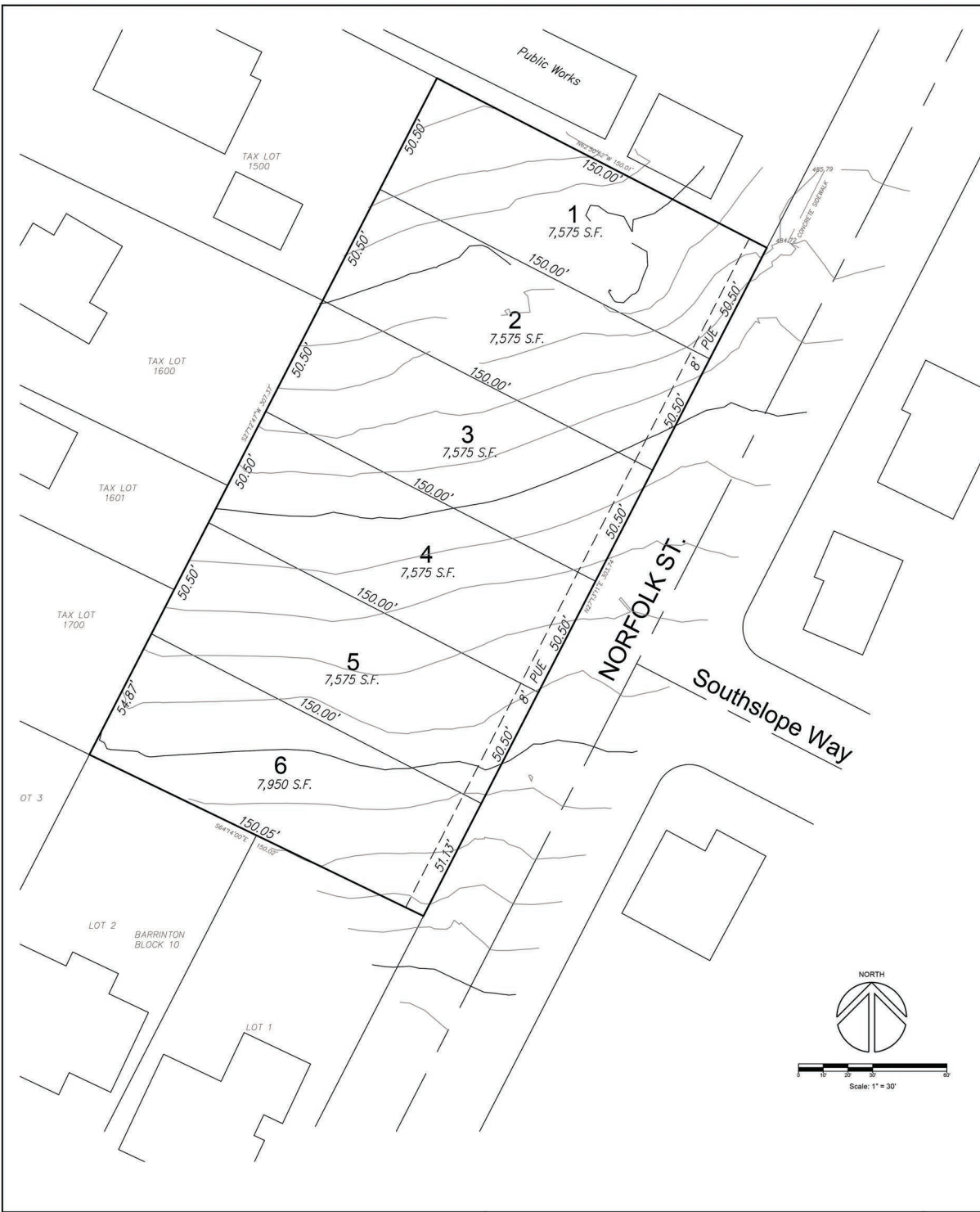
Figure 3: Tree Plan

- c. Does not adversely affect adjoining properties in terms of light, air circulation, noise levels, privacy, and fire hazards; and*

Applicant Response: The reduced side setbacks are internal to the development except for the northerly side setback of Lot 1 and the southerly side setback of lot 6. Lot 1 abuts the City of West Linn Public Works property. A 1.5' reduction in the side yard will have no measurable impact on the City's office and storage buildings on that site. The south side yard of Lot 6 abuts the rear yards of the homes on Tax Lots 2500 and 2600. The setbacks to these homes from the common lot line of the subject property exceed 20 feet and are therefore less impacted by the 1.5' reduction of the side setback on Lot 6. Further, these two neighboring properties are located to the south of Lot 6. Shading from the planned home on Lot 6 will be on the north side of the house, not the south. The reduced setback, combined with the 20' rear yard setback on Tax Lots 2500 and 2600, will maintain a minimum separation of 31 feet between homes, which is more than adequate to ensure light, air circulation, and privacy while protecting from noise impacts and fire hazards. It should also be noted that R-4.5 zoning is allowed in the Comprehensive Plan designation applied to the subject property. If the property were to be rezoned to R-4.5, a 5-foot interior side setback would be applied to the property. The proposed 6-foot setback exceeds this alternative setback that could be applied to this site.

- d. Provides for safe vehicular and pedestrian access to the site and safe on-site vehicular and pedestrian circulation.*

Applicant Response: The frontage of the subject property will be improved with a six-foot sidewalk, six-foot landscape strip, curb and gutter, and pavement improvements per City local street standards. The proposed lots will have driveway approaches consistent with current City standards. These improvements will not be impacted by the proposed reduction in side setbacks and they will serve to ensure that both safe vehicular and pedestrian access and circulation are provided.



Vicinity Map

Applicant/Owner:
 Icon Construction & Development, LLC
 1969 Willamette Falls Drive, Suite 260
 West Linn, OR 97068
 PH: (503) 657-0406

Legal: 2-1E-36AC TL 1400

Water: City of West Linn

Sewer: City of West Linn

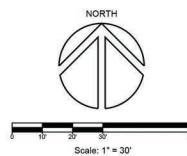
Contours: Site Survey

Site Area: 1.05 Acres

Engineer:
 Theta Engineering, Inc.
 PO Box 1345
 Lake Oswego, OR 97035
 PH: (503) 481-8822

Surveyor:
 CMT Surveying & Consulting
 20330 SE Hwy. 212
 Damascus, OR 97089
 PH: (503) 850-4672

Zoning: R-7



DESIGNED: REG			
DRAWN: REG			
SCALE: 1" = 30'			
DATE: Sept. 2024			
FILE: 24-ICN-101	DATE	NO.	REVISION

Richard E. Givens, Planning Consultant
 28615 SW Paris Ave., Unit 110
 Wilsonville, OR 97070
 PH: (503) 351-8204

APPLICANT: Icon Construction & Development, LLC
 1969 Willamette Falls Dr., Suite 260
 West Linn, OR 97068
 PH: (503) 657-0406

Norfolk Landing
 Site Plan

SHEET:
 1/1