

Concurrent to the review and approval of a subdivision application for a property known as the Pyrch Property in West Linn OR, the following is a description of and request for variance approvals for code items related to the development.

Project Description:

The 2 acre site is located on the North edge of Rosemont Rd between Gregory and Linn Lane. The house of the original owner and longtime West Linn citizen (Dr Pyrch) is located on the property.

The existing site is rectangular with the long axis along Rosemont Rd (420Ft) and the shorter axis in the North South direction (205 Ft). (see attached site plan sheet C3.0 Subdivision Application)

Several trees have been planted on the property in the past and a significant tree plan has been established by the City arborist. The developer generally agrees with the tree plan, will attempt to preserve as many of the trees as possible, and has retained a project arborist to provide recommendations as to how to best preserve the trees. (see attached tree plan (sheet C5.0 Subdivision Application)and arborist report)

The four lots to the East of the site are provided access by a single private drive. This provides the opportunity to implement a small grouping of homes that will vary from the norm of two story, larger homes in the newly developed R10 zones of the City. Along with the preservation of as much of the original family home as possible, a grouping will be provided to accommodate single level, moderate sized homes that can be used by families and are also conducive to senior living.

The homes will have less emphasis on “back yards” and more emphasis on more compact yard areas or shared areas and the provision of added security by having all entries to the homes as visible as possible to one another. Active outdoor areas will be provided in the “fronts” of the homes and entries will often be incorporated into them.

A strong sense of immediate neighborhood will be achieved and the added security of more “eyes” will be welcomed by the four families.

The site is designed with storm water treatment and infiltration on each lot. These systems are designed to accommodate a 100 year storm event.

The proposed private drives that serve the seven lots will reduce access points on Rosemont Road and help insure that the Road may function as an

arterial. To provide further clarity and eliminate the addition of six mailboxes on the North side of Rosemont Road adjacent to the site (all mail boxes for residences on the North and South side of Rosemont Rd are located on the North side) , although not a variance, the Applicant requests that the This will result in Seven less mailboxes and mail stops on Rosemont Road.

The applicate agrees to work with staff to properly name these access ways and will not propose “Street”, Road”, “Avenue” or other such terms after the names that would serve to confuse these areas as public streets.

Variance Item Number 1 : Lot Depth

CDC Chapter 11.070 (4) requires that lots in an R10 zone have an average depth of more than 90 feet.

CDC Chapter 85.200(7)(d) requires that, for flaglot configurations, the depth be considered perpendicular to the main access street and parallel to the “stem” of the flag lot.

Under these interpretations, the two of the proposed lots do not comply. Lot No. 7 has an average depth of 78.5 ft, Lot No. 6 has an average depth of 88.5 ft.

Request: Lots No 6, and 7 be approved as submitted with the lot depths described above. Approval for Lot 7 is more than a 10 foot variance and therefore requires a Class II variance while approval of Lot 6 are less than 10 feet and can be granted as a Class I variance.

Approval Criteria for Variance Number 1: Lot Depth (CDC Chapter 75.060)

A. “Exceptional or extraordinary circumstances....”

As described above, the proposed subdivision plan has seven R10 lots along with individual rain gardens and two private access ways servicing the lots. Due to the topography which dictates where the Rain Gardens will work best , the rectilinear existing parcel with a narrow depth, the desire to preserve as much of the existing residence as possible, and a desire to preserve as many significant trees as possible, the depth variance is necessary.

The rectilinear and existing depth of the property also limits the options of providing North South 90 foot deep lots. By preserving the existing residence and most of th significant trees, a further limitation is created

B. “... Preservation of Property Right.....”

The requested variance is necessary to allow the subdivision of requirements of the CDC. The proposed design will allow the creation of lots of a quality similar to those which have been created to the North and West of the property on similarly zoned land.

Failure to grant the request for relief of the Lot Depth will result in one or more of the following: less lots, water treatment of a less preferred nature, less preservation of significant trees, and or no preservation of the existing home.

- C. "... the Variance will not be materially detrimental to the Purposes and Standards of this Code."

The subject property is bordered on two sides (West and North) by previously subdivided and developed property. The adjacent property to the South has been substantially developed and there are two existing residences to the East on properties that may support further development.

Due to the relative small nature of this subdivision, its position as a "last to be, or later" development, and the fact that there are no internal connections from this property to the existing neighboring developments, granting of this variance will have no material detriment to the adjacent properties.

The granting of the variance will actually allow for a better design response that better meets the material Purpose and Standards of the Community Development Code as describe in item B above.

- D. "The Variance Request is the Minimum Variance which would Alleviate....."

As described above the dimensional variances requested are for a total of three lots, with the largest variance at 12.8% of the required 90 feet and the smallest variance at 1.7% of the requirement.

Efforts have been made to keep the designed lots as close to the standards as possible while still allowing for the quality of lots that meet or exceed the standards for the community.

- E. "The Exceptional and Extraordinary Circumstances does not Arise from a Violation of this Code"

None of the exceptional and extraordinary circumstances described above in item A arise from a violation of the CDC. Rather, these circumstances arise from the location of the existing residence, the location of natural storm collection and treatment areas, the desire to preserve significant trees and the shallow depth of the property.

- F. "The Variance will not Impose Physical Limitations on other properties or uses in the area...."

Care has been taken to insure that the variance request will not impose limitations on other properties or on future use of neighboring vacant or undeveloped properties.

Variance Item Number 2 : Fence or Wall Height

Formerly requested variances for fence and wall heights has been withdrawn as they are no longer necessary due to redesign of the lots and consultation with Staff.

Variance Number 3: Significant Trees, Preservation and Removal

Formerly requested variances for removal of significant trees has been withdrawn as they are no longer necessary due to redesign of the lots and Consultation with Staff.