

**PLANNING DEPARTMENT**  
 6101 SE Johnson Creek Blvd  
 Milwaukie OR 97206  
 503-786-7630  
 planning@milwaukieoregon.gov

# Application for Land Use Action

Master File #: VR-2019-005

Review type\*:  I  II  III  IV  V

CHECK ALL APPLICATION TYPES THAT APPLY:		
<input type="checkbox"/> Amendment to Maps and/or Ordinances:	<input type="checkbox"/> Land Division:	<input type="checkbox"/> Planned Development
<input type="checkbox"/> Comprehensive Plan Text Amendment	<input type="checkbox"/> Final Plat	<input type="checkbox"/> Residential Dwelling:
<input type="checkbox"/> Comprehensive Plan Map Amendment	<input type="checkbox"/> Lot Consolidation	<input type="checkbox"/> Accessory Dwelling Unit
<input type="checkbox"/> Zoning Text Amendment	<input type="checkbox"/> Partition	<input type="checkbox"/> Duplex
<input type="checkbox"/> Zoning Map Amendment	<input type="checkbox"/> Property Line Adjustment	<input type="checkbox"/> Manufactured Dwelling Park
<input type="checkbox"/> Code Interpretation	<input type="checkbox"/> Replat	<input type="checkbox"/> Temporary Dwelling Unit
<input type="checkbox"/> Community Service Use	<input type="checkbox"/> Subdivision	<input type="checkbox"/> Sign Review
<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Miscellaneous:	<input type="checkbox"/> Transportation Facilities Review
<input type="checkbox"/> Development Review	<input type="checkbox"/> Barbed Wire Fencing	<input checked="" type="checkbox"/> Variance:
<input type="checkbox"/> Director Determination	<input type="checkbox"/> Bee Colony	<input type="checkbox"/> Use Exception
<input type="checkbox"/> Downtown Design Review	<input type="checkbox"/> Mixed Use Overlay Review	<input checked="" type="checkbox"/> Variance
<input type="checkbox"/> Extension to Expiring Approval	<input type="checkbox"/> Modification to Existing Approval	<input type="checkbox"/> Willamette Greenway Review
<input type="checkbox"/> Historic Resource:	<input type="checkbox"/> Natural Resource Review	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Alteration	<input type="checkbox"/> Nonconforming Use Alteration	<b>Use separate application forms for:</b>
<input type="checkbox"/> Demolition	<input type="checkbox"/> Parking:	• Annexation and/or Boundary Change
<input type="checkbox"/> Status Designation	<input type="checkbox"/> Quantity Determination	• Compensation for Reduction in Property Value (Measure 37)
<input type="checkbox"/> Status Deletion	<input type="checkbox"/> Quantity Modification	• Daily Display Sign
	<input type="checkbox"/> Shared Parking	• Appeal
	<input type="checkbox"/> Structured Parking	

## RESPONSIBLE PARTIES:

**APPLICANT** (owner or other eligible applicant—see reverse): JUSTIN STANGEL

Mailing address: 3422 SE FLAT TAIL LN Zip: 97267

Phone(s): 503-781-1383 Email: Jamie Stangel@gmail.com

**APPLICANT'S REPRESENTATIVE** (if different than above): Jamie Stangel

Mailing address: 3422 SE FLAT TAIL LN Zip: 97267

Phone(s): 503-781-1383 Email: Jamie Stangel@gmail.com

## SITE INFORMATION:

Address: 11805 SE 28<sup>th</sup> AVE Map & Tax Lot(s): Lot 3 of 11E36CA03700 & 3701

Comprehensive Plan Designation: \_\_\_\_\_ Zoning: R7 Size of property: 100 x 118.50

## PROPOSAL (describe briefly):

A variance to reduce 10' side yard to 6' 40% reduction TYPE II

A variance of increase 10% lot coverage TYPE II

## SIGNATURE:

**ATTEST:** I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) Subsection 19.1001.6.A. If required, I have attached written authorization to submit this application. To the best of my knowledge, the information I provided within this application package is complete and accurate.

Submitted by: [Signature] Date: 4.12.19

## IMPORTANT INFORMATION ON REVERSE SIDE

\*For multiple applications, this is based on the highest required review type. See MMC Subsection 19.1001.6.B.1.

**WHO IS ELIGIBLE TO SUBMIT A LAND USE APPLICATION** (excerpted from MMC Subsection 19.1001.6.A):

**Type I, II, III, and IV** applications may be initiated by the property owner or contract purchaser of the subject property, any person authorized in writing to represent the property owner or contract purchaser, and any agency that has statutory rights of eminent domain for projects they have the authority to construct.

**Type V** applications may be initiated by any individual.

**PREAPPLICATION CONFERENCE:**

A preapplication conference may be required or desirable prior to submitting this application. Please discuss with Planning staff.

**REVIEW TYPES:**

This application will be processed per the assigned review type, as described in the following sections of the Milwaukie Municipal Code:

- Type I: Section 19.1004
- Type II: Section 19.1005
- Type III: Section 19.1006
- Type IV: Section 19.1007
- Type V: Section 19.1008

**THIS SECTION FOR OFFICE USE ONLY:**

FILE TYPE	FILE NUMBER	FEE AMOUNT*	PERCENT DISCOUNT	DISCOUNT TYPE	DEPOSIT AMOUNT	DATE STAMP
Master file	VR-2019-005	\$ 1,000			\$	<p>RECEIVED APR 16 2019 CITY OF MILWAUKIE PLANNING DEPARTMENT</p>
Concurrent application files		\$			\$	
		\$			\$	
		\$			\$	
		\$			\$	
<b>SUBTOTALS</b>		\$ 1,000			\$	

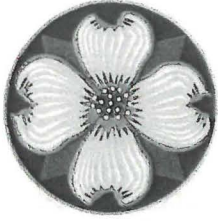
**TOTAL AMOUNT RECEIVED:** \$ 1,000      **RECEIPT #:**      **RCD BY:**

**Associated application file #s** (appeals, modifications, previous approvals, etc.):

**Neighborhood District Association(s):**

**Notes:**

\*After discount (if any)



**MILWAUKIE PLANNING**  
6101 SE Johnson Creek Blvd  
Milwaukie OR 97206  
503-786-7630  
planning@milwaukieoregon.gov

# Submittal Requirements

**For all Land Use Applications  
(except Annexations and Development Review)**

All land use applications must be accompanied by a signed copy of this form (see reverse for signature block) and the information listed below. The information submitted must be sufficiently detailed and specific to the proposal to allow for adequate review. Failure to submit this information may result in the application being deemed incomplete per the Milwaukie Municipal Code (MMC) and Oregon Revised Statutes.

Contact Milwaukie Planning staff at 503-786-7630 or [planning@milwaukieoregon.gov](mailto:planning@milwaukieoregon.gov) for assistance with Milwaukie's land use application requirements.

1. **All required land use application forms and fees**, including any deposits.

*Applications without the required application forms and fees will not be accepted.*

2. **Proof of ownership or eligibility to initiate application** per MMC Subsection 19.1001.6.A.

*Where written authorization is required, applications without written authorization will not be accepted.*

3. **Detailed and comprehensive description** of all existing and proposed uses and structures, including a summary of all information contained in any site plans.

*Depending upon the development being proposed, the description may need to include both a written and graphic component such as elevation drawings, 3-D models, photo simulations, etc. Where subjective aspects of the height and mass of the proposed development will be evaluated at a public hearing, temporary onsite "story pole" installations, and photographic representations thereof, may be required at the time of application submittal or prior to the public hearing.*

4. **Detailed statement** that demonstrates how the proposal meets the following:

A. All applicable development standards (listed below):

1. **Base zone standards** in Chapter 19.300.
2. **Overlay zone standards** in Chapter 19.400.
3. **Supplementary development regulations** in Chapter 19.500.
4. **Off-street parking and loading standards and requirements** in Chapter 19.600.
5. **Public facility standards and requirements**, including any required street improvements, in Chapter 19.700.

B. All applicable application-specific approval criteria (check with staff).

*These standards can be found in the MMC, here: [www.qcode.us/codes/milwaukie/](http://www.qcode.us/codes/milwaukie/)*

5. **Site plan(s), preliminary plat, or final plat** as appropriate.

*See Site Plan, Preliminary Plat, and Final Plat Requirements for guidance.*

6. **Copy of valid preapplication conference report**, when a conference was required.

**APPLICATION PREPARATION REQUIREMENTS:**

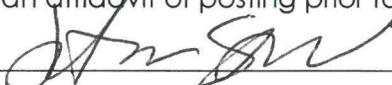
- Five hard copies of all application materials are required at the time of submittal. Staff will determine how many additional hard copies are required, if any, once the application has been reviewed for completeness.
- All hard copy application materials larger than 8½ x 11 in. must be folded and be able to fit into a 10- x 13-in. or 12- x 16-in. mailing envelope.
- All hard copy application materials must be collated, including large format plans or graphics.

**ADDITIONAL INFORMATION:**

- Neighborhood District Associations (NDAs) and their associated Land Use Committees (LUCs) are important parts of Milwaukie's land use process. The City will provide a review copy of your application to the LUC for the subject property. They may contact you or you may wish to contact them. Applicants are strongly encouraged to present their proposal to all applicable NDAs prior to the submittal of a land use application and, where presented, to submit minutes from all such meetings. NDA information: [www.milwaukieoregon.gov/citymanager/what-neighborhood-district-association](http://www.milwaukieoregon.gov/citymanager/what-neighborhood-district-association).
- Submittal of a full or partial electronic copy of all application materials is strongly encouraged.

As the authorized applicant I, (print name) JUSTIN STANGEL, attest that all required application materials have been submitted in accordance with City of Milwaukie requirements. I understand that any omission of required items or lack of sufficient detail may constitute grounds for a determination that the application is incomplete per MMC Subsection 19.1003.3 and Oregon Revised Statutes 227.178. I understand that review of the application may be delayed if it is deemed incomplete.

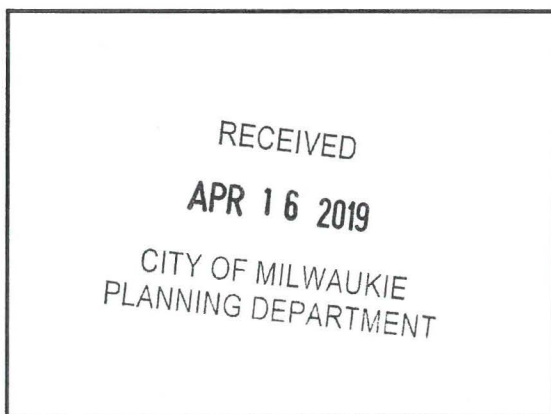
Furthermore, I understand that, if the application triggers the City's sign-posting requirements, I will be required to post signs on the site for a specified period of time. I also understand that I will be required to provide the City with an affidavit of posting prior to issuance of any decision on this application.

Applicant Signature: 

Date: 4-12-19

**Official Use Only**

Date Received (date stamp below):



RECORDING REQUESTED BY:



**Fidelity National Title**  
Company of Oregon

12809 SE 93rd Avenue  
Clackamas, OR 97015

Clackamas County Official Records  
Sherry Hall, County Clerk

**2019-016438**

03/29/2019 11:44:01 AM

D-D Cnt=1 Stn=75 CONNIE  
\$15.00 \$16.00 \$10.00 \$62.00

**\$103.00**

**GRANTOR'S NAME:**

EM Shelby Revocable Living Trust, dated August 1, 2018

**GRANTEE'S NAME:**

Alli Morgan Stangel and Justin Benjamin Stangel

**AFTER RECORDING RETURN TO:**

Order No.: 45141902185-RL  
Alli Morgan Stangel and Justin Benjamin Stangel  
3422 SE Flat Tail Lane  
Milwaukie, OR 97267

**SEND TAX STATEMENTS TO:**

Alli Morgan Stangel and Justin Benjamin Stangel  
3422 SE Flat Tail Lane  
Milwaukie, OR 97267

APN: 00028936  
11805 SE 28th Avenue, Milwaukie, OR 97222

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**STATUTORY WARRANTY DEED**

**Ross E. Wescott, Successor Trustee of the EM Shelby Revocable Living Trust, dated August 1, 2018,** Grantor, conveys and warrants to **Alli Morgan Stangel and Justin Benjamin Stangel**, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Clackamas, State of Oregon:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

**Subject to:**

Rights of the public to any portion of the Land lying within the area commonly known as streets, roads or highways.

**BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.**

Fidelity National Title of Oregon 45141902185-07

April 16, 2019

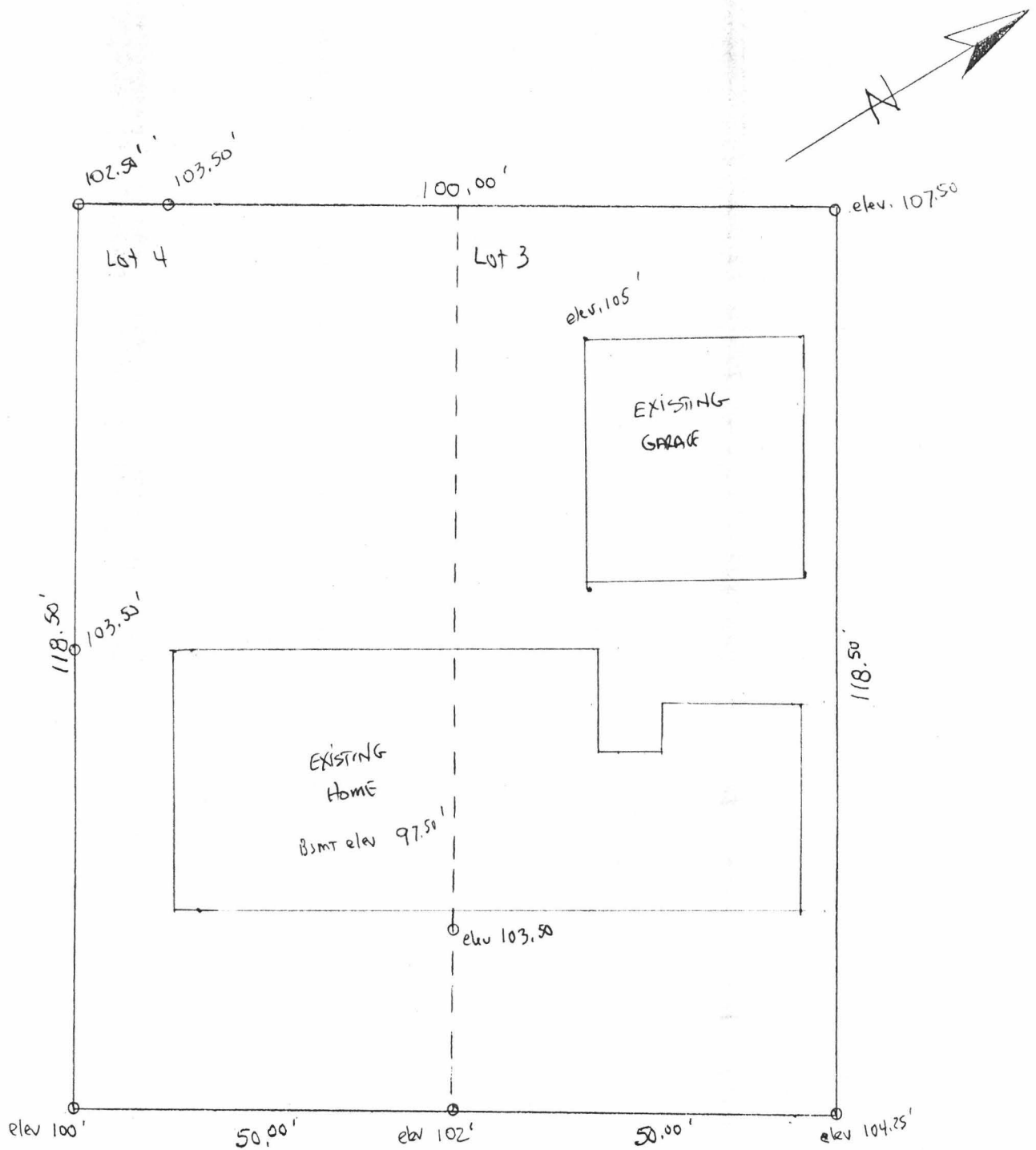
Type II Variance Request for Lot 3 & 4 of 11E36CA03700

**19.911.4 Approval criteria:**

- A.1 The variances being requested will not be detrimental to the surrounding properties as the setback reductions will occur between lots 3 and 4. There is no natural resource area applicable to these lots, there is no detrimental impact to the public health, safety or welfare.
- A.2 As these lots already exist the variances requested will not interfere with planned future improvements to any transportation facility or utility.
- A.3 There will be no existing site improvements on either lot
- A.4 Do not see any impacts from the proposed variances that would necessitate any mitigation

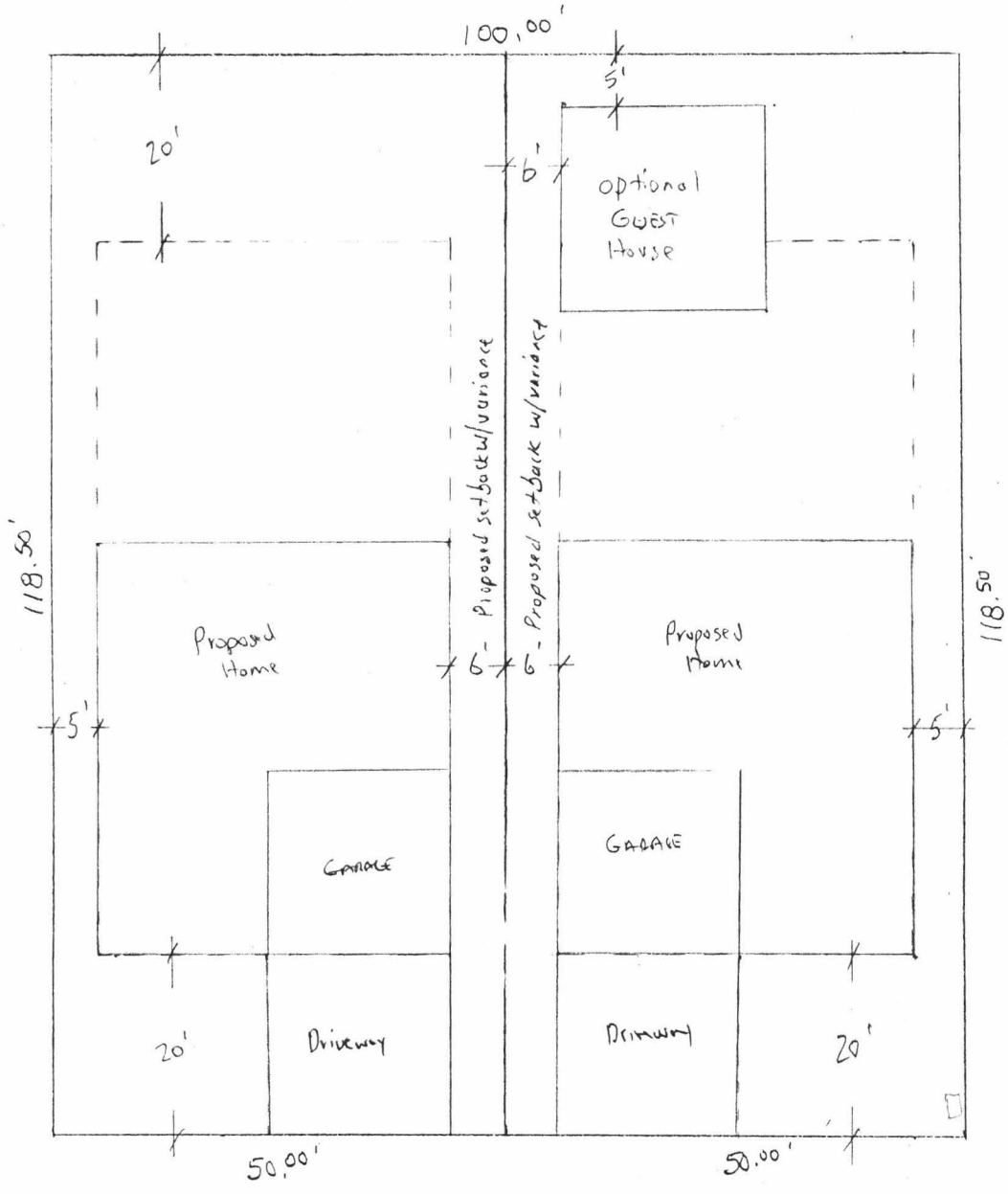
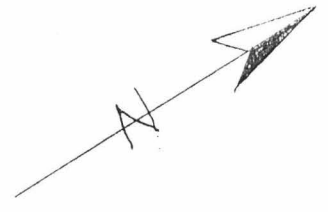
Two variances being request are:

1. **To reduce the required 10' side yard set back by 40% to 6'.** This variance is being requested because the lot is a 50' wide lot in an R7 zone, this lot was platted in a subdivision that was created in 1926 prior to the current zoning requirements being established. The R7 zone was established with a minimum lot width of 60' which would allow a building width of 45', the current lot is only 50' wide and would only allow a building width of 35' which would negatively affect the design flexibility of the home proposed for the lot. Allowing the variance of 40% reduction to the 10' side yard requirement on one side yard would result in the building width to increase to 39' which would give more flexibility to design a more attractive front facade and make the house more functional. This variance will have no effect on the existing homes in the neighborhood as the reduced setbacks will occur on the lot line shared by lots 3 & 4.
2. **To increase lot coverage 10%.** This variance is being requested to allow for the construction of a detached guest house that would have the potential to be converted to an ADU in the future that would be in step with the city's desire to have more workforce housing. Section 19.301.5.B.2 already allows for a 10% increase to lot coverage for 1 story (up to 20' in height) additions. Although the guest house would not be attached to the primary house lot coverage would be the same as the allowed 10% increase for the 1 story addition. Again, the intent is to provide the flexibility to have the ability to construct a guest house with the potential to convert to an ADU in the future.



SE 28<sup>th</sup> AVE.

EXISTING SITE PLAN



SE 28<sup>th</sup> AVE.  
Proposed SITE PLAN



April 11, 2019

Cartography Department  
Clackamas County  
150 Beaver Creek Rd  
Oregon City, OR 97045

Mary,

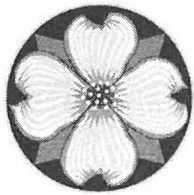
I am requesting to separate tax lot 11E36CA03700 along existing plat lines so as to make two (2) tax lots. If you have any questions please call 503-781-1383.

Sincerely

Justin Stangel  
503-781-1383



*KAL*  
*New TL 3701*



www.milwaukieoregon.gov

# Transaction Receipt

601-19-000041-PLNG

Receipt Number: 16599

Receipt Date: 4/16/19

Milwaukie Planning Department

6101 SE Johnson Creek Blvd

Milwaukie, OR 97206

503-786-7630

Fax: 503-774-8236

planning@milwaukieoregon.gov

Worksite address: 11805 SE 28TH AVE, MILWAUKIE, OR 97222

Parcel: 11E36CA03700

## Fees Paid

Transaction date	Units	Description	Account code	Fee amount	Paid amount
4/16/19	1,000.00	Amount Type II Administrative Review	110-000-4480	\$1,000.00	\$1,000.00

Payment Method: Check number: 5137 Payer: Jamie Stangel  
 Transaction Comment: 3422 SE Flat Trail Ln  
 Milwaukie OR 97267

Payment Amount: \$1,000.00

Cashier: Tempest Blanchard

**Receipt Total: \$1,000.00**