

I. GENERAL INFORMATION

Applicant: Lucia Muresan
5084 SE King Road
Milwaukie, OR 97222
971-258-9613

Applicant's Representative: Paul H. Roeger
CMT Surveying & Consulting
20330 SE Hwy. 212
Damascus, Oregon 97089
503-850-4672
503-860-2545 Cell

Civil Engineer: To be determined

Surveyor: David Roeger, PLS
CMT Surveying & Consulting
20330 SE Hwy. 212
Damascus, OR 97089
503-850-4672

Property Owners: Lucida Muresan and Octavian Muresan
5084 SE King Road
Milwaukie, OR 97222

Tax Lot Information: Tax Map 2S-1E-11DA, Tax Lot 3200

Location: 5084 SE King Road

Current Zoning: R-5, Low Density Residential – 5,000 sq. ft.

Site Area: 11,146 square feet

Water District: City of Milwaukie

Sanitary Sewer: City of Milwaukie

Surface Water Mgmt.: City of Milwaukie

Fire District: Clackamas County Fire District #1

Power: Portland General Electric

Telephone: Century Link

Cable: Comcast

Gas:

Northwest Natural

II. REQUEST – APPROVALS SOUGHT

The Applicant, Lucica Muresan, is requesting Land Use approval for a **Replat** of this existing property into two parcels. The subject site is approximately 11,146 square feet (0.26 Acres) in size and is located at 5084 SE King Road (Tax map 1S-2E-30CD, tax lot 6800). The parcel currently has one single-family house, a storage shed, and two temporary metal carports, which will be removed upon approval of this request. The existing house will remain on one parcel with direct frontage on SE King Road, and will be 6,845 square feet. No additional right-of-way dedication is required, however, there is an additional front yard setback for SE King Road of 10.00-feet, for a total of 30.00-feet for the front yard setback. The existing front yard setback is 34.5-feet. The new Southern parcel will be 4,301 square feet. The existing house will continue to use the existing Western paved private driveway access onto SE King Road. The Eastern access to SE King Road will be closed, per City requirements. The new Southern parcel will take access to SE 51st Avenue and will construct a new driveway approach for that access.

Due to the location of the existing house and the desired size of the new parcel, a number of Variances are needed. Therefore, we are also requesting a rear yard setback Variance for the existing house to the new parcel lot line. With the request of a 10-foot rear lot setback for the existing house, this still only leaves the new parcel area of 4,301 square feet. Therefore, another Variance is required for lot area of the new parcel to be below the required 5,000 square feet of the R-5 zone. Also, because the existing Lot width East/West, 74.80-feet, which will end up being the new parcel lot depth, is less than the minimum required lot depth in the R-5 zone of 80-feet, we are requesting a lot depth Variance.

III. SITE DESCRIPTION AND SURROUNDING AREA

Location and Parcel Description:

The site is generally located on the Southwest corner of SE King Road and SE 51st Avenue. The property is described as Tax Lot 6800 of Tax map 1S-2E-30CD.

The site is bordered to the North by a SE King Road, on the West, South, and East by other R-5, Urban Low-Density Residential properties. The site is virtually flat with a slight slope down from North to South at approximately 2 to 3-percent. The property currently has a single-family residence approximately in the front center, with temporary covered parking on the back half of the property. The house is setback 34.5-feet from the front property line, 18-feet from the West property line, 67.5-feet from the South property line, and 2.3-feet from the East property line (existing non-conforming), which is also the West right-of-way line of SE 51st Avenue.

The site is zoned R-5 (Low Density Residential – 5,000 sq. ft.) on the City of Milwaukie Zoning Map. The site is surrounded by platted and developed single-family residential

land with some potential for additional development on properties to the West. The property to the East and South has recently been platted into a R-5 subdivision.

SE King Road is designated as an Arterial Street with a current right-of-way width of 60-feet, and an additional front yard requirement of 40-feet from centerline of SE King Road plus the required 20-feet of the R-5 zone.

Site access:

Access to the property is directly from SE King Road, currently with two driveway approaches and a paved driveway front yard loop. The detached carports are at the back of the property with a driveway along the West side of the existing house. Access for the new lot will be directly to SE 51st Avenue on the East side of the property. The Eastern driveway approach onto SE King Road for the driveway loop will be closed and a majority of the pavement for that loop will be removed to increase the landscape area of the front yard.

IV. PROPOSAL SUMMARY

The applicant wants to retain the existing house on the front parcel, Parcel 1, and create a new parcel, Parcel 2, behind the existing house that will access to SE 51st Avenue. Then a new home will be built on Parcel 2.

Transportation:

A Transportation Impact Analysis is not required for this partition. Only one additional dwelling will be added to the site.

Street:

SE King Road is an existing 48-foot asphalt paved street with a curb and curb tight sidewalk within a 60-foot right-of-way along this property frontage. Storm drainage in SE King Road is collected in catchbasins and piped to drywells.

SE 51st Avenue is an existing 24-foot asphalt paved street with curb and setback sidewalk within a 54.25-foot right-of-way along this property frontage. The back of the sidewalk is 7.25-feet from the right-of-way line.

Street improvements and additional right-of-way dedication will not be required along the frontage of either SE King Road or SE 51st Avenue. The Eastern driveway approach for the existing house off of SE King Road will be removed and replaced with full height curb and sidewalk. A new driveway approach will be installed for Parcel 2 off of SE 51st Avenue as required by the City.

Storm Drainage:

Storm drainage facilities for both of the homes will be drywells or infiltration systems installed for each house on each parcel per City of Milwaukie standards.

Water:

The property is served domestic water by the City of Milwaukie. There is an 8-inch water main on the South side of SE King Road and an 8-inch water main on the East side of SE 51st Avenue. The existing house is served by a standard 3/4-inch meter on the East side of the main driveway off of SE King Road. This service will continue to serve the existing house. A new service will be installed in SE 51st Avenue right-of-way for Parcel 2. The nearest existing fire hydrant is located at the Southeast corner of SE King Road and SE 51st Avenue.

Sanitary Sewer:

The existing house is connected to a 4-inch lateral from the 8-inch main in SE King Road. This lateral extends from the Northwest corner of the property at SE King Road along the West side of the existing house to the back of the house. Sanitary sewer is available from an 8-inch main on the West side of SE 51st Avenue for the new Parcel 2.

Other Utilities

Power is provided to the existing house overhead from the overhead main line on the pole at the Southwest corner SE King Road and SE 51st Avenue to the Northeast corner of the existing house. Telephone and Cable are also provided to the property from SE King Road to the Northeast corner of the house. All new power, telephone and cable will be installed underground, per City of Milwaukie requirements.

There is existing gas main on the South side of SE King Road with a service into the Northeast corner of the existing house. There is also a gas main on the East side of SE 51st Avenue. If gas service is needed for Parcel 2, it will come directly from this gas main on the East side of SE 51st Avenue.

V. LAND DIVISION – Title 17

17.12 Application Procedure and Approval Criteria

Response: Since this property consists of three full lots of an old Subdivision and three half lots of the same old Subdivision this is considered a Replat of those lots. This proposal is to partition this existing parcel under one owner into two R-5, single-family residential parcels. And because we need some Variances, this becomes a Type III review. Our intent is to comply with the Land Division Criteria and the Title 19 Zoning Criteria for R-5, single-family residential properties. This includes some Supplementary Development Regulations with regard to Lot Size Exceptions and Variances for Lot Depth and Rear Yard Setback.

After approval of the requested Variances, this proposed Preliminary Plat will comply with Title 19 of the City Code and other applicable ordinances, regulations, and design standards.

The proposed Partition/Replat will allow reasonable development and will not bring the property out of conformance with the Density standard of the R-5 zone. Since the existing house parcel, Parcel 1, will be 6,845 square feet and the new parcel, Parcel 2, will be 4,301 square feet, which is an average of 5,573 square feet, well in excess of the 5,000 square feet required by the R-5 zone.

No additional streets or roads will be created by this Partition/Replat.

This detailed narrative description demonstrates how the proposal conforms to all applicable code sections and design standards.

17.16 Application Requirements and Procedures

Response: The completed application form signed by owners of the property is included in this proposal. The application fee has been paid with this application. A narrative report that describes how the proposal meets approval criteria is included. The information specified on the “submission requirements” and “partition checklist” is included.

17.20 Preliminary Plat

Response: The Preliminary Plat for this proposed Partition is included with this application, along with the other supplemental material required. The preliminary plat has been prepared by an Oregon registered land surveyor and includes all of the required general information, including the existing conditions and the proposed conditions.

VI. ZONING – Title 19

19.301 Low Density Residential Zones

Response: Since this property is zoned Low Density Residential, R-5, responses to those sections that do not relate to R-5 will be eliminated.

A new lot, Parcel 2, is being proposed for construction of a new single-family detached dwelling, which is a permitted use in the R-5 zone.

The minimum lot size in the R-5 zone is 5,000 square feet, however, we are only getting 4,301 square feet for the new parcel, Parcel 2, due to the location of the existing house and covered patio. Therefore, we are applying for a Variance to that standard under Subsection 19.111. The existing house lot, Parcel 1, will be 6,845 square feet, which meets the standard.

The minimum lot width in the R-5 zone is 50-feet. The width of Parcel 1 is 74.8-feet. The width of Parcel 2 is 57.49-feet. The standard is met.

The minimum lot depth in the R-5 zone is 80-feet. We can only get 74.8-feet wide on Parcel 2 due to the existing lot configuration. We are also applying for a Variance to that standard under Subsection 19.111. The depth of Parcel 1 is over 91-feet.

The minimum street frontage requirement for a standard lot in the R-5 zone is 35-feet. Parcel 1 will be 74.8-feet on SE King Road, and Parcel 2 will be 57.49-feet on SE 51st Avenue. The standard is met.

The front yard setback requirement in the R-5 zone is 20-feet. However, the existing house fronts on SE King Road, which has a 40-foot setback from centerline of SE King Road plus the 20-foot front yard, for a total of 60-feet from centerline. In this case the existing right-of-way line is 30-feet from centerline, so the required front yard setback is 30-feet from the right-of-way line of SE King Road. The existing house is setback 34.5-feet from the right-of-way line. The standard is met. Parcel 2 will meet the 20-foot front yard setback at the time of Building permit.

The side yard setback requirement in the R-5 zone is 5-feet. The existing house has an 18-foot setback from the West property line. The standard is met. Parcel 2 will meet the side yard setback standards at the time of Building permit.

The street side yard setback requirement on a corner lot in the R-5 zone is 15-feet. However, the existing house is only 2.3-feet from the East property line/SE 51st Avenue right-of-way line. This is an existing non-conforming condition. Nothing can be done to change it.

The rear yard setback requirement in the R-5 zone is 20-feet. However, due to the location of the existing house and covered patio, we are requesting a 10-foot setback in order to have a decent sized new parcel to build a new house. Therefore, we are applying for a Variance to the standard under Subsection 19.111.

VI. ZONING – Title 19

The maximum building height for primary structures is 2.5 stories or 35-feet. The existing house is a single story with a basement. The standard is met. The house built on Parcel 2 will meet the building height standard at the time of Building permit.

The maximum lot coverage in the R-5 zone is 35 percent, except portions of the structure that are less than 20-feet and no taller than one story are allowed to exceed the 35 percent coverage by 10 percent, in this case up to 45 percent. The existing house and covered patio on Parcel 1 is 2,219 square feet, which is a lot coverage 32.4 percent after, removal of the deck in the back yard. Parcel 2 will meet the maximum lot coverage at the time of Building permit.

The minimum vegetation requirement in the R-5 zone is 25 percent. Parcel 1 will have a minimum of 25 percent vegetation after removal of the existing loop driveway in the front yard, some paving behind the house, and the deck in back of the house. This will also increase the landscape area in the front yard to over 50 percent. Parcel 2 will meet the minimum vegetation requirement at the time of Building Permit.

The maximum density requirement of the R-5 zone is 8.7 dwelling units per acre. This proposal will result in two dwelling units on 0.256 Acres, or 7.8 dwelling units per acre. The standard is met.

The minimum vegetation standard for the front yard is 40 percent. By removing the loop driveway for the existing house and replacing it with landscaping and a turnaround, the front yard vegetation will be over 50 percent.

Existing accessory structures on the property will be removed

Only one dwelling structure will be on each of the resulting parcels.

19.600 Off-street Parking and Loading

The off-street parking requirements for the existing house on Parcel 1 is two spaces, since it is a Residential home which requires one space per unit plus one space per employee. The required off-street parking requirement for Parcel 2 will be one space, since one unit will be constructed on it.

The existing residential home will retain adequate parking along the West side of the existing house well beyond the required 30-foot front yard. There is a 16-foot wide strip between the house and the fence line. A turnaround will also be installed in front yard area to allow vehicles to enter SE King Road in a forward motion.

The Parcel 2 will provide a minimum of one off-street parking space at the time of Building permit.

VI. ZONING – Title 19

19.700 Public Facility Improvements

SE King Road is classified as an Arterial Street with curb and sidewalk within an existing 60-foot right-of-way. The existing Eastern driveway approach will be eliminated by removing the approach and replacing it with full height curb and sidewalk. This will leave only one driveway entrance for the existing house on Parcel 1. A Traffic Impact Study is not required for this proposed Partition.

SE 51st Avenue is a new local residential street with existing curb and setback sidewalk. A new driveway approach will be constructed for Parcel 2 which will take access to SE 51st Avenue.

There is an existing City of Milwaukie 8-inch water main in SE 51st Avenue which will provide service for Parcel 2. A new water meter assembly will be installed within the existing right-of-way of SE 51st Avenue. The existing house is connected to the City main in SE King Road. A fire hydrant is located on the Southeast corner of SE King Road and SE 51st Avenue.

There is an existing City of Milwaukie 8-inch sewer main in SE 51st Avenue which will provide service for Parcel 2. A new 4-inch lateral will be constructed from this main to the new home on this new parcel.

There are existing stormwater systems in both SE King Road and SE 51st Avenue to handle the existing street stormwater. A drywell will be constructed on each of these two parcels to handle rain water from the roofs. An infiltration test was done for the new Mission Park subdivision which showed an infiltration rate of 7-inches per hour. Therefore, an infiltration test for this property is NOT required.

The existing house is served by gas from SE King Road to the East side of the house. Gas is available on the East side of SE 51st Avenue from a 2-inch gas main should Parcel 2 need gas.

Power, telephone and cable currently serve the existing house overhead from pole in SE King Road near the Northeast corner of the property. Underground power, telephone, and cable are available underground in SE 51st Avenue to serve Parcel 2.

19.911 Variances

We are applying for three Variances, as follows:

Rear yard setback – We are applying for a rear yard setback Variance for the existing house in order to get a decent sized new parcel to build on. The existing house sets back from SE King Road 34.5-feet, which is in excess of the 30-foot requirement of the front yard setback along SE King Road. Also, there is a very nice large covered patio attached to the back of the house which is used by the residential home residents, the maximum preferred setback for the rear yard is 10-feet. This will allow some room for a small

VI. ZONING – Title 19

backyard for some landscaping and useable area, as well a provide some space between the existing covered patio and any new house built on Parcel 2. The existing deck at the back of the house will be removed.

Lot size – We are applying for a lot size Variance for Parcel 2 due to the location of the existing house and covered patio. In order to provide for a decent sized new building lot, we propose a 4,301 square foot lot. This is a 14 percent reduction from the required lot area of 5,000 square feet. With a 35 percent maximum lot coverage, this provides for a 1,505 square foot building footprint. With the required 20-foot front and rear yards and the 5-foot side yards we would have 1,653 square feet, so this leaves some flexibility in the placement of the house. Reducing the size of the new parcel any more would not allow for as nice of a new home to be built on Parcel 2.

Lot depth – We are applying for a lot depth Variance for Parcel 2 due to the existing lot configuration. The existing lot is only 74.8-feet wide for the existing house, however, that translates to a 74.8-foot deep Parcel 2, since it fronts on SE 51st Avenue. There is no way to increase the lot depth due to current ownership of property, and with the required 20-foot front and rear yard setbacks that will still be met, there is no impact to adjoining properties.

The cumulative effect of these multiple variances will not be detrimental to surrounding properties, natural resource areas, or public health, safety, or welfare.