



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

application fee  
 paid on 4/19 =  
 application  
 date.

# Application for Land Use Action

Master File #: VR-2021-007

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

**RESPONSIBLE PARTIES:**

**APPLICANT** (owner or other eligible applicant—see reverse): Stephen W. Klingman

Mailing address: 5840 SE Morris St. Portland, OR State/Zip: 97206

Phone(s): 541-556-9326 Email: kman2780@gmail.com

Please note: The information submitted in this application may be subject to public records law.

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

Mailing address: N/A State/Zip:

Phone(s): Email:

**SITE INFORMATION:**

Address: 5840 SE Morris St. Map & Tax Lot(s): 12E30AD03600

Comprehensive Plan Designation: LD Zoning: R7 Size of property: 13,055 sq ft

**PROPOSAL (describe briefly):**

Small shed (192sq') was built only 43" from house instead of 60".  
I would prefer to not move it as it was built carefully & as a permanent structure.

**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 provided within this application package is complete and accurate.

Submitted by: [Signature] Date: 4-17-2021

**IMPORTANT INFORMATION ON REVERSE SIDE**

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

**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

**\*\*Note:** Natural Resource Review applications **may require a refundable deposit**. Deposits require completion of a Deposit Authorization Form, found at [www.milwaukieoregon.gov/building/deposit-authorization-form](http://www.milwaukieoregon.gov/building/deposit-authorization-form).

**THIS SECTION FOR OFFICE USE ONLY:**

| FILE TYPE  | FILE NUMBER | AMOUNT<br><small>(after discount, if any)</small> | PERCENT DISCOUNT | DISCOUNT TYPE  | DATE STAMP |
|--|-------------|---|------------------|--|------------|
| Master file  |             | \$  |                  |  |            |
| Concurrent application files   |             | \$  |                  |  |            |
|  |             | \$  |                  |  |            |
|  |             | \$  |                  |  |            |
|  |             | \$  |                  |  |            |
| Deposit (NR only)  |             |   |                  | <input type="checkbox"/> Deposit Authorization Form received |            |
| TOTAL AMOUNT RECEIVED: \$  |             |   | RECEIPT #:       |  | RCD BY:    |
| Associated application file #s (appeals, modifications, previous approvals, etc.): |             |   |                  |  |            |
| Neighborhood District Association(s):  |             |   |                  |  |            |
| Notes:   |             |   |                  |  |            |



Application for Land Use Action  
Variance

Steve Klingman  
5840 SE Morris St.  
Portland, OR 97206

Proposal

My small (192 sq') shed built only 43" from my house instead of the required 60". I would prefer to not move it as it was built for low impact on the site and my neighbors, and to match the quality of the house.

Detailed and comprehensive description of all existing and proposed uses and structures.

1. The Shed: A 12' x 16' structure built in a style to closely match the house. It was sized to nest exactly underneath a new top floor deck. Though it has no electricity, mechanical or plumbing it is a temperate space due to excellent natural-flow ventilation and the fact that it sits on a concrete slab that maintains an ambient temperature of around 52°F, and is the floor of the shed. It should never freeze in the shed, nor will it ever get too warm.

- Uses#1: **Storage** of garden stuff, wine, furniture, books, clothing, tires, a generator, tools, a bike, a mothballed home brewing system...the list goes on. It was built for storage of important items that would be put at risk in a more rustic shed.
- Use#2: **Aesthetic presence** for the garden-facing patio that I hope to add this summer. This house now is a pretty nice place, and I want the ground-level patio to have that same feel. The shed is designed to reinforce the built environment, the East side of the space.

2. The house: Originally a roughly 30' x 25' cedar shingled cracker box with a metal shed roof. It was built with all the living space on the top floor, and a garage on the ground floor.

- I carefully planned to upgrade the house by building out living space on the ground floor, bumping out the garage 5' and adding a 10' front porch, adding interest to the structure and utility to the home. This was a complex project for which I hired professionals (architectural designer and a builder) to advise and accomplish.
- My entire lot (or at least most of it) is located inside a Habitat Conservation Area next to Johnson Creek. It was overrun with weeds and invasive species when I bought it in 2015. I've invested a lot of time and money to clean it up and plant native vegetation. Siting the shed where I did (43" from the house) meant it would stay within the already construction-disrupted land. Moving it out further would have meant moving into that undisturbed zone.
- Why 43"? The original house structure included a narrow, 43" deep top-floor *deck*, supported by a series of 6"x6" posts across the back of the house. This formed a natural break between the house and the yard/garden. Siting the shed this same 43" distance from the house made sense for scale and aesthetics. And none of us knew about the

60" requirement, just about the basic rules for a shed that can be built without a permit, which we followed.

### 3. Discretionary Relief Criteria

a. The applicant's alternatives analysis provides, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to the baseline code requirements.

The only real alternative to the variance would be to shorten the north end of the shed by 17". This would be done removing the corner trim pieces, cutting the walls from the roof and end, cutting 17" off both sides and hammering the north end south to meet those shortened sides. We would reattach it all as best we could. A window on the east side would need to be removed and either replaced with a smaller window or simply covered over. These alterations would ruin the symmetry (vents, windows, door) and some of the functionality (venting, size). We would hope to leave the metal roof and the slab in place, and use the new exterior space as covered storage. Removing them would create even more disruption to the aesthetic, not to mention jackhammering the slab and trying to re-fit the metal roof and gutter system. Cost to simply shorten the shed would be about \$1,000, which doesn't include my own labor or costs to store contents while all of this is happening. This would satisfy the 60" distance requirement, but the shed would lose its symmetry on both the east and west sides. It would look odd and reduce the aesthetic of the patio experience.

b. The proposed variance is determined by the Planning Commission to be both reasonable and appropriate, and it meets one or more of the following criteria:

- The proposed variance avoids or minimizes impacts to surrounding properties by allowing me to nest the shed perfectly under the deck. It is not close to either of my neighbor's properties, though in full view of both. The noise, dust, waste and expense of complying with the 60" rule would be forgone, making my neighbor's lives more peaceful. Also, informed design/build raises my neighborhood's profile, which also raises my neighbors' property values.
- The proposed variance has desirable public benefits because it keeps this building as far away as possible from Johnson Creek and the relatively undisturbed parts of my property.
- The proposed variance responds to the existing built or natural environment in a creative and sensitive manner by matching the style and aesthetic already present in the house, and by nesting it perfectly underneath the top floor deck. A lot of effort went into making it look like it belongs to the house - and my neighbors appreciate it.

c. Impacts from the proposed variance will be mitigated to the extent practicable. I take to heart my responsibilities to make the world a better place, and that begins with my little corner of the world...this skinny third-of-an-acre lot. I continue to restore it and be a good steward. My footprint is minimal and I intend to keep it this way. That was a big part of keeping the shed close to the house.

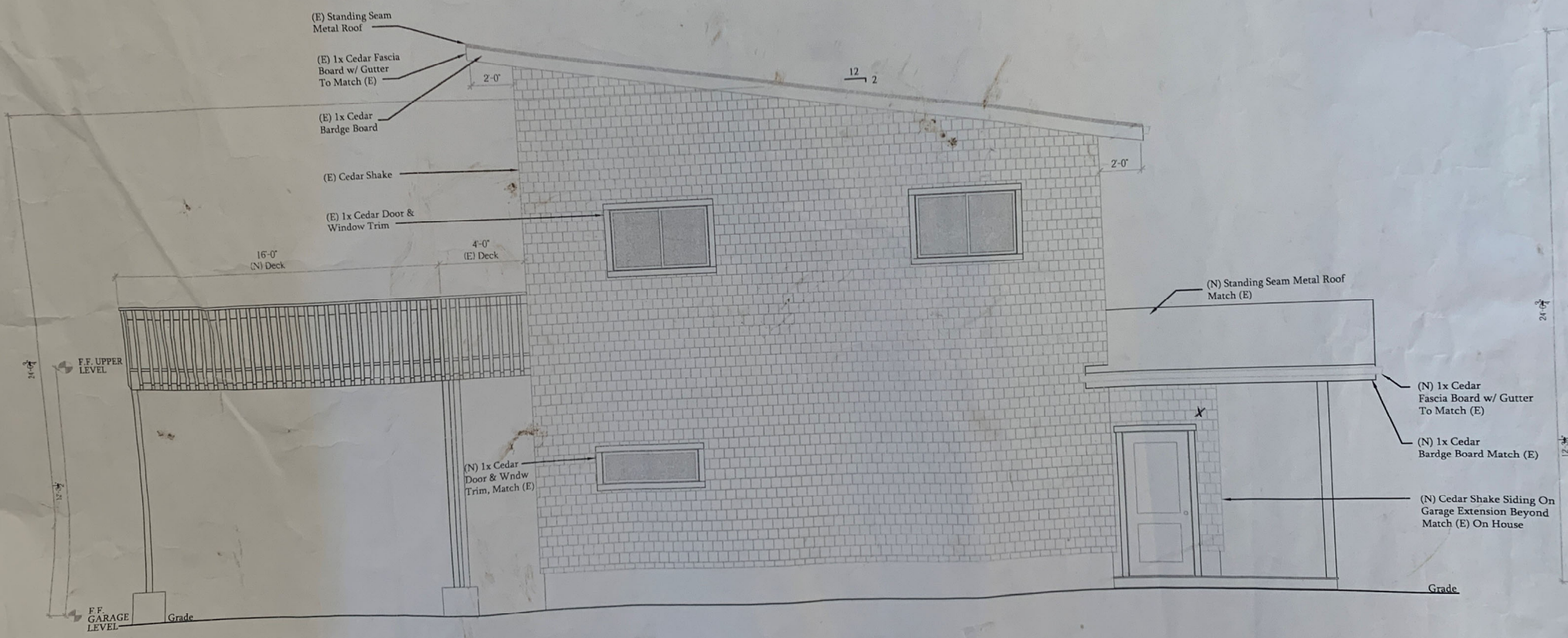
(N) Porch Railing  
F.F. GARAGE LEVEL  
Grade

Location

4  
A2.0

### PROPOSED WEST ELEVATION

SCALE:  $\frac{1}{4}'' = 1'-0''$



3  
A2.0

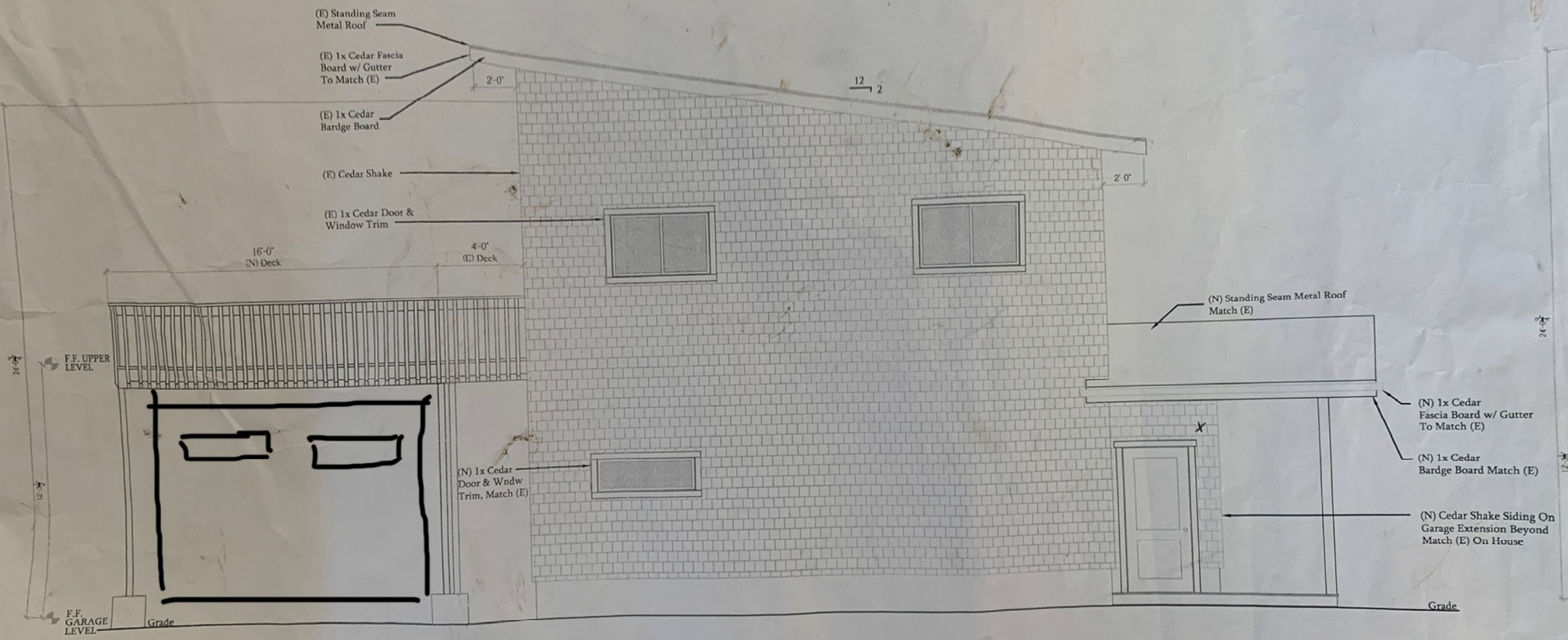
### PROPOSED EAST ELEVATION

SCALE:  $\frac{1}{4}'' = 1'-0''$



4  
A2.0

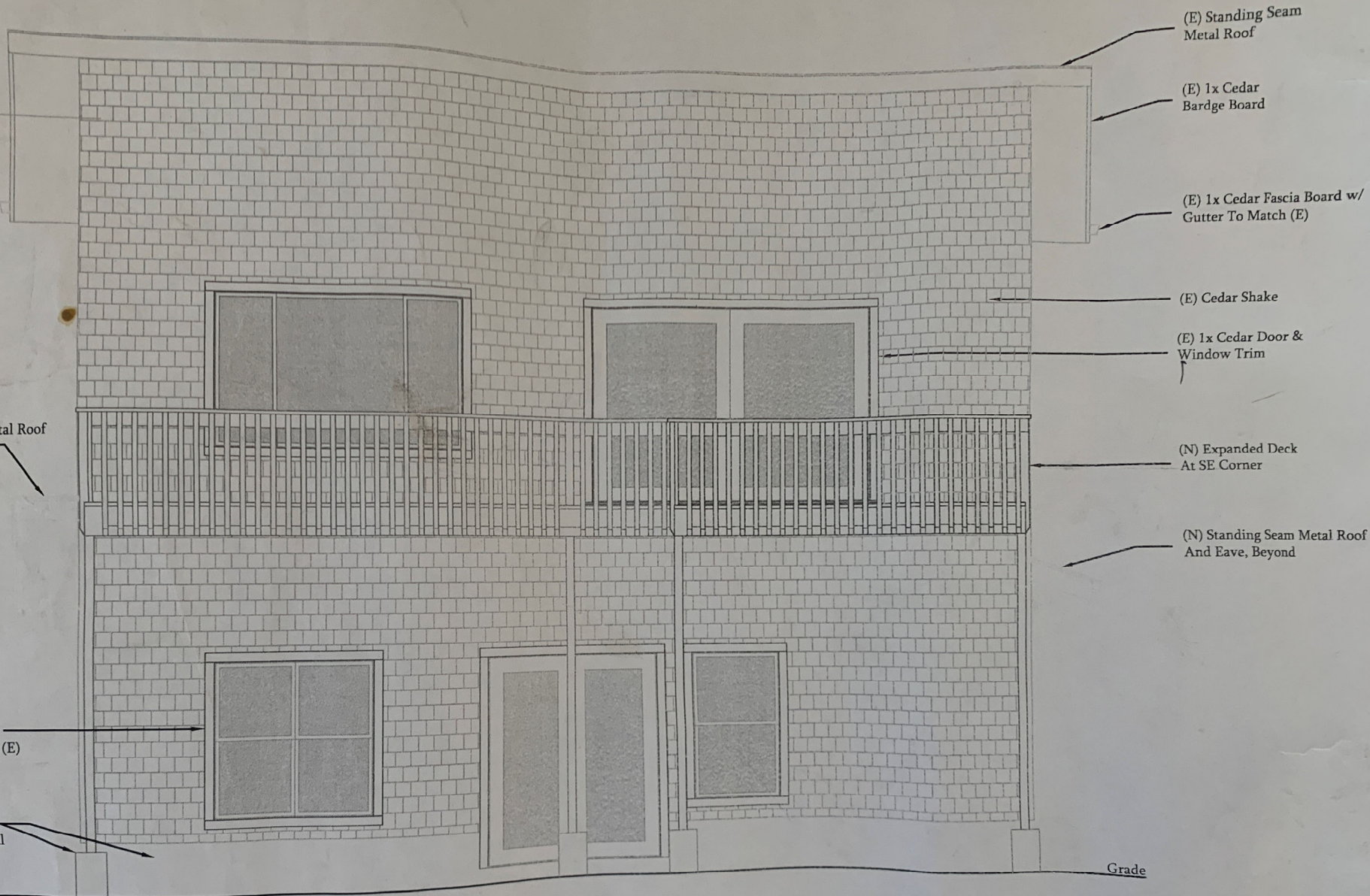
PROPOSED WEST ELEVATION  
SCALE: 1/4" = 1'-0"



3  
A2.0

PROPOSED EAST ELEVATION  
SCALE: 1/4" = 1'-0"

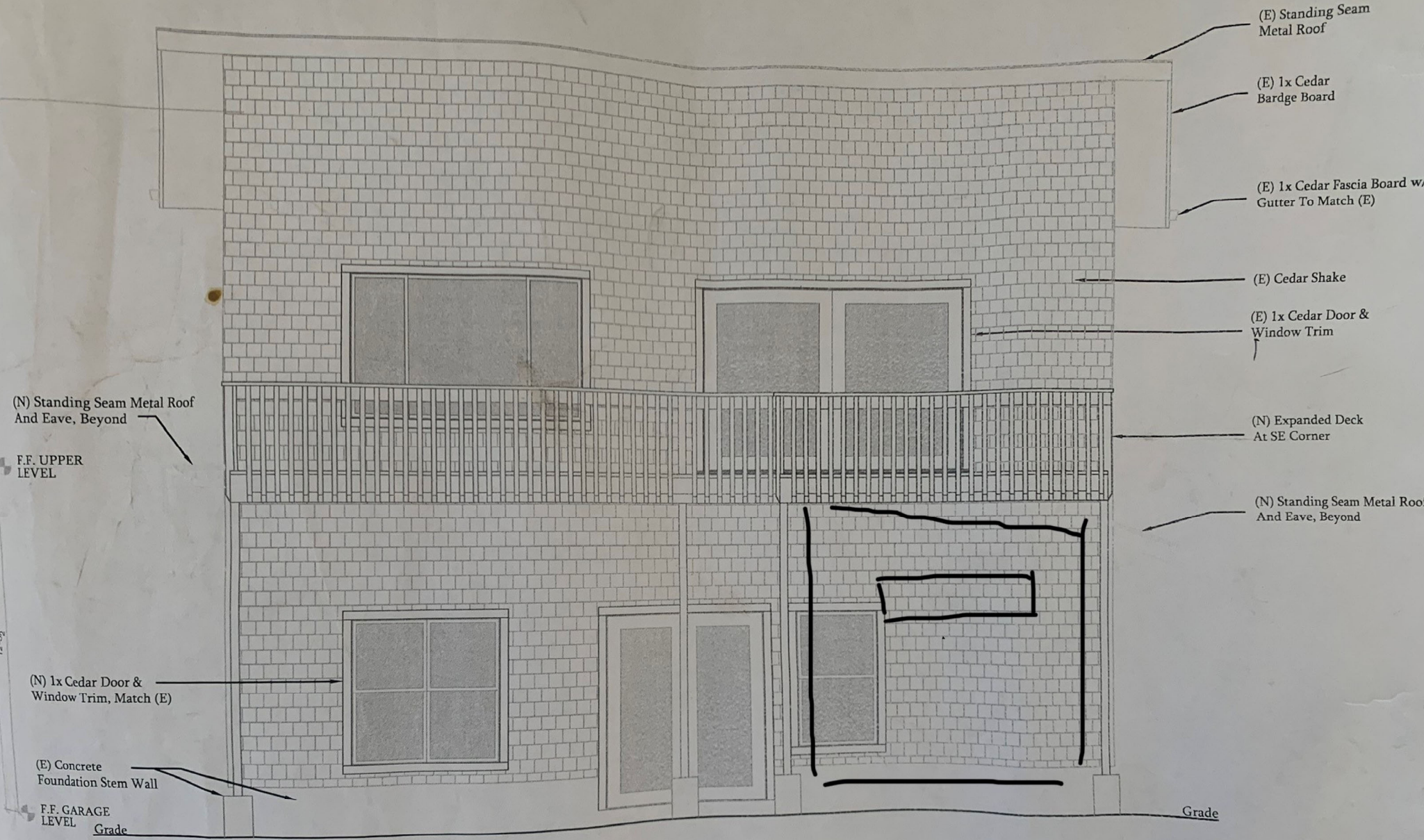




2  
A2.0

PROPOSED SOUTH ELEVATION  
SCALE:  $\frac{1}{4}'' = 1'-0''$





2  
A2.0

PROPOSED SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"















