

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

# Application for Land Use Action

Master File #: VR-2022-002

Review type\*:  I  II  III  IV  V

**CHECK ALL APPLICATION TYPES THAT APPLY:**

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Amendment to Maps and/or Ordinances:<br><input type="checkbox"/> Comprehensive Plan Text Amendment<br><input type="checkbox"/> Comprehensive Plan Map Amendment<br><input type="checkbox"/> Zoning Text Amendment<br><input type="checkbox"/> Zoning Map Amendment<br><input type="checkbox"/> Code Interpretation<br><input type="checkbox"/> Community Service Use<br><input type="checkbox"/> Conditional Use<br><input type="checkbox"/> Development Review<br><input type="checkbox"/> Director Determination<br><input type="checkbox"/> Downtown Design Review<br><input type="checkbox"/> Extension to Expiring Approval<br><input type="checkbox"/> Historic Resource:<br><input type="checkbox"/> Alteration<br><input type="checkbox"/> Demolition<br><input type="checkbox"/> Status Designation<br><input type="checkbox"/> Status Deletion | <input type="checkbox"/> Land Division:<br><input type="checkbox"/> Final Plat<br><input type="checkbox"/> Lot Consolidation<br><input type="checkbox"/> Partition<br><input type="checkbox"/> Property Line Adjustment<br><input type="checkbox"/> Replat<br><input type="checkbox"/> Subdivision<br><input type="checkbox"/> Miscellaneous:<br><input type="checkbox"/> Barbed Wire Fencing<br><input type="checkbox"/> Mixed Use Overlay Review<br><input type="checkbox"/> Modification to Existing Approval<br><input type="checkbox"/> Natural Resource Review**<br><input type="checkbox"/> Nonconforming Use Alteration<br><input type="checkbox"/> Parking:<br><input type="checkbox"/> Quantity Determination<br><input type="checkbox"/> Quantity Modification<br><input type="checkbox"/> Shared Parking<br><input type="checkbox"/> Structured Parking<br><input type="checkbox"/> Planned Development | <input type="checkbox"/> Residential Dwelling:<br><input type="checkbox"/> Accessory Dwelling Unit<br><input type="checkbox"/> Duplex<br><input type="checkbox"/> Manufactured Dwelling Park<br><input type="checkbox"/> Temporary Dwelling Unit<br><input type="checkbox"/> Sign Review<br><input type="checkbox"/> Transportation Facilities Review<br><input checked="" type="checkbox"/> Variance:<br><input type="checkbox"/> Use Exception<br><input type="checkbox"/> Variance<br><input type="checkbox"/> Willamette Greenway Review<br><input type="checkbox"/> Other: _____<br><input type="checkbox"/> Use separate application forms for:<br>Annexation and/or Boundary Change <ul style="list-style-type: none"> <li>• Compensation for Reduction in Property Value (Measure 37)</li> <li>• Daily Display Sign</li> <li>• Appeal</li> <li>• Appeal</li> </ul> |
|---|---|--|

**RESPONSIBLE PARTIES:**

**APPLICANT** (owner or other eligible applicant—see reverse): DAVE SPIZER  
 Mailing address: 2325 NE KIM AVE PORTLAND State/Zip: OR 97212  
 Phone(s): 503 335 9040 Email: DAVE@DMSAZMITECH.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: \_\_\_\_\_ State/Zip: \_\_\_\_\_  
 Phone(s): \_\_\_\_\_ Email: \_\_\_\_\_

**SITE INFORMATION:**

Address: 12101 SE 70TH Map & Tax Lot(s): \_\_\_\_\_  
 Comprehensive Plan Designation: \_\_\_\_\_ Zoning: \_\_\_\_\_ Size of property: \_\_\_\_\_

**PROPOSAL (describe briefly):**

AT REDUCE FRONT YARD SETBACK FROM 20' TO 17' MIN.

**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: DAVE SPIZER Date: 1.28.22

**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:**

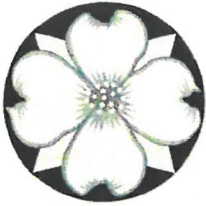
This application will be processed per the assigned review type, as described in the following sections of the Milwaukie Municipal Code:

- 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

**\*\*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 <small>(after discount, if any)</small>	PERCENT DISCOUNT	DISCOUNT TYPE	DATE STAMP
Master file	VR-2022-002	\$ 1,000.00			Materials received January 31, 2022; payment received February 3, 2022.
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): <b>Linwood</b>					
Notes:					



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# PREAPPLICATION CONFERENCE WAIVER

I/We, DAVE SPITZER (print), as applicant(s)/property owner(s) of 12101 SE 70TH AVE MILWAUKIE (address of property), request to waive the requirement for a preapplication conference for the submission of a **Type II / III / IV / V** (circle one) land use application per MMC Subsection 19.1002.2 Applicability.

**Please provide an explanation for the waiver request:**

MMC Section 19.1002 Preapplication Conference is provided on the reverse

VARIANCE IS FOR REDUCING FRONT YARD SETBACK.  
 IT IS A SIMPLE ENOUGH PROCESS THAT WE  
 DONT THINK WE NEED A PRE-APP CONFERENCE

Signed: DAVE SPITZER  
 Applicant/Property Owner

Approved: Lana Wigel  
 Planning Director

DATE: 1-28-22  
TO: City of Milwaukie  
FROM: Dave Spitzer  
SUBJECT: 12101 SE 70<sup>th</sup> – Adjustment to front yard setback – type II variance.

Response to approval criteria 19.911.4

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

This variance is for reducing the front yard setback from 20' to no less than 17' (final survey will give exact but 3' extension into setback would be our maximum). This brings the front of the house 3' closer to the street. This lot is on the inside corner of a curve – so the direct relationship to the adjacent neighbors front setback is never really seen. In addition – it is just about 1/3 of the front of our house that will be bought forward – and only the north corner of our addition will be encroaching into the setback due to the curved nature of our front property line.

2. *The proposed variance will not interfere with planned future improvements to any public transportation facility or utility identified in an officially adopted plan such as the Transportation System Plan or Water Master Plan.*

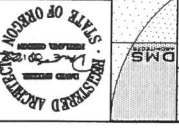
The front of our house will still be 17'+ from the front property line – well away from the right of way.

3. *Where site improvements already exist, the proposed variance will sustain the integrity of, or enhance, an existing building or site design.*

This modest house has a main gable with adjacent eaves facing the street. The portion that we'd be bringing into the setback would be the main gable portion – further emphasizing the entry and living room of the house.

4. *Impacts from the proposed variance will be mitigated to the extent practicable.*

There is no mitigation proposed. A small tree or shrub could be planted Infront/adjacent to the addition if required.



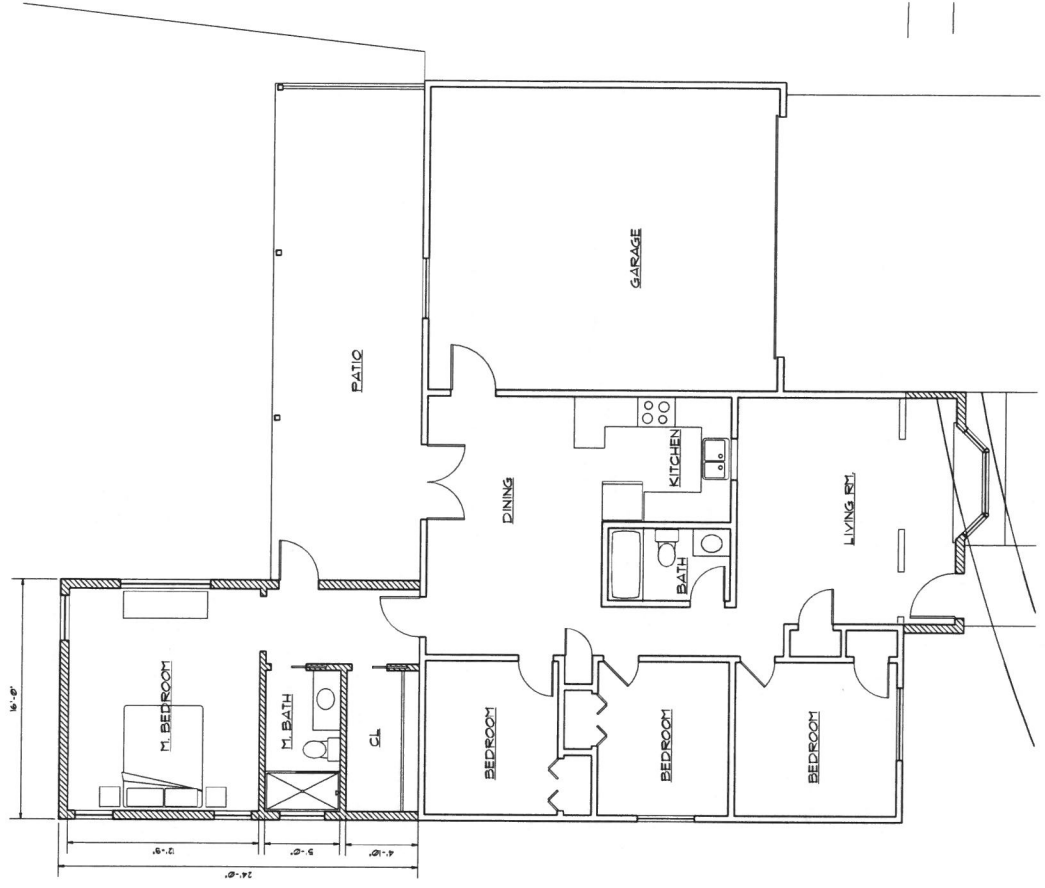
3225 NE 19TH AVE  
PORTLAND, OR 97213  
503.281.4444  
DMS ARCHITECTS  
3225 NE 19TH AVE  
PORTLAND, OR 97213  
503.281.4444

MEEHAN RESIDENCE  
12101 SE 70TH AVE  
PORTLAND, OREGON 97223

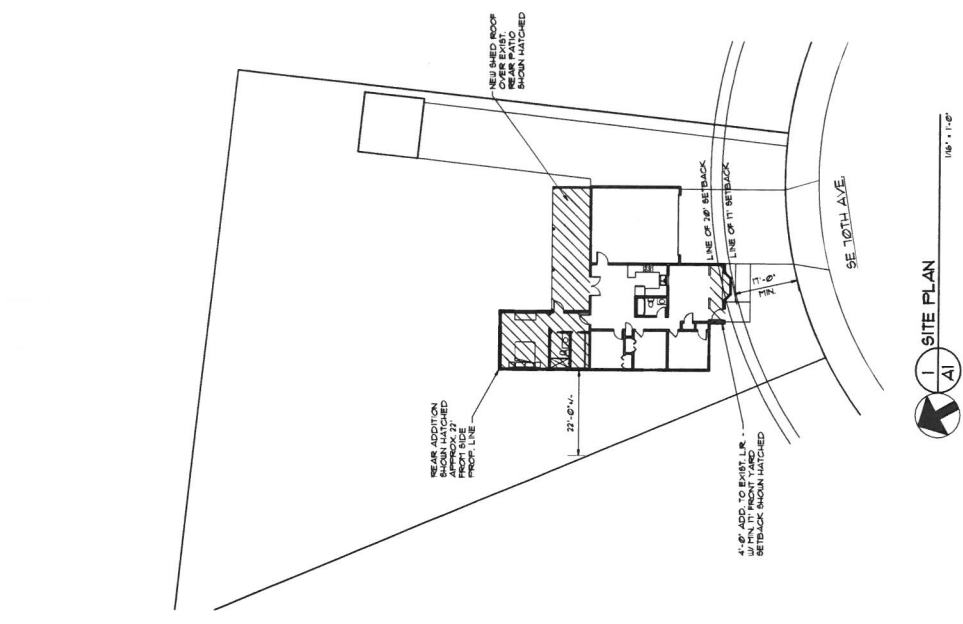
SHEET CONTENT  
SITE PLAN  
FLOOR PLAN  
NOTES AND SCHEDULES

JOB NO.	0000016
DRAWN	DMS
CHECKED	
DATE	1-31-22
REVISIONS	

SHEET  
A1 of 2

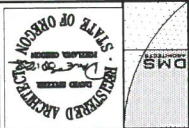


2 GROUND FLOOR PLAN  
1/4" = 1'-0"



1 SITE PLAN  
1/8" = 1'-0"



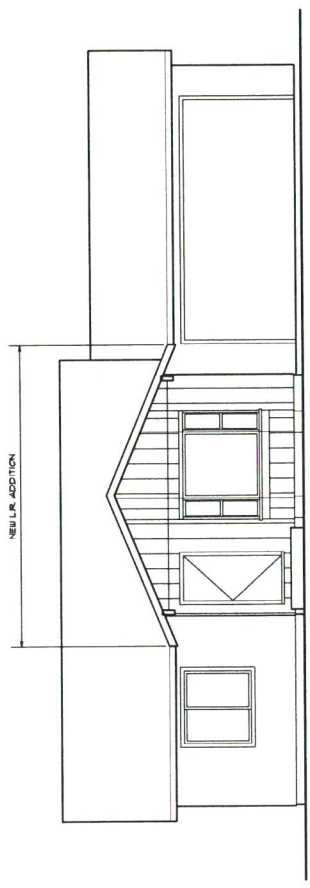


2225 NE 17TH AVE  
PORTLAND, OR 97213  
PHONE 503 233 3000  
DMS@DAVIDSMITHARCH.COM

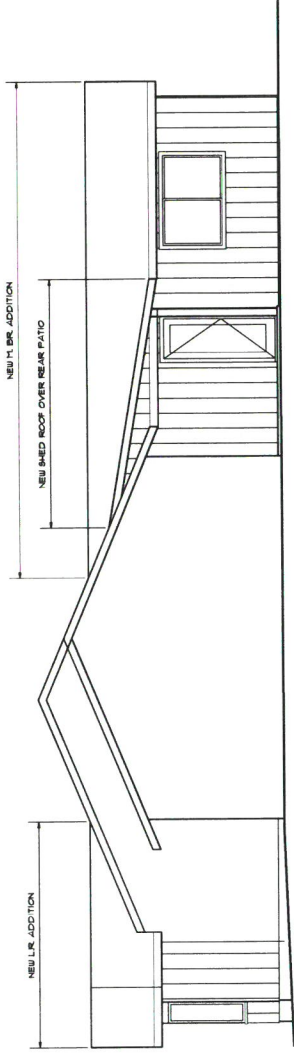
MEEHAN RESIDENCE  
12101 SE 20TH AVE  
PORTLAND, OREGON 97223

SHEET CONTENT  
EXTERIOR ELEVATIONS  
JOB No. 0000016  
DRAWN DMS  
DATE 1-31-22  
CHECKED  
REVISIONS

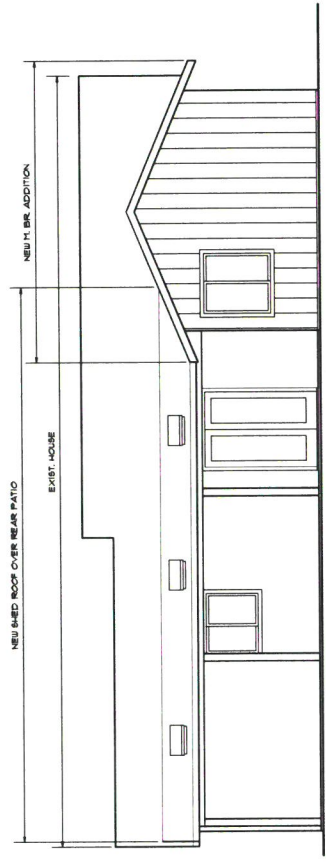
SHEET  
A2 of 2



1 SOUTH (FRONT) ELEVATION  
1/4" = 1'-0"



2 EAST (SIDE) ELEVATION  
1/4" = 1'-0"



3 NORTH (REAR) ELEVATION  
1/4" = 1'-0"