

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

# Application for Land Use Action

Master File #: \_\_\_\_\_

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 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 checked="" 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: |
| <input type="checkbox"/> Alteration                           | <input type="checkbox"/> Parking:                          | Annexation and/or Boundary Change                            |
| <input type="checkbox"/> Demolition                           | <input type="checkbox"/> Quantity Determination            | • Compensation for Reduction in Property                     |
| <input type="checkbox"/> Status Designation                   | <input type="checkbox"/> Quantity Modification             | • Value (Measure 37)   |
| <input type="checkbox"/> Status Deletion                      | <input type="checkbox"/> Shared Parking                    | Daily Display Sign   |
|   | <input type="checkbox"/> Structured Parking                | • Appeal   |
|   | <input type="checkbox"/> Planned Development               | • Appeal   |

**RESPONSIBLE PARTIES:**

**APPLICANT** (owner or other eligible applicant—see reverse): **Kyle Smith**

Mailing address: **3126 SE Washington St, Milwaukie** State/Zip: **OR/97222**

Phone(s): **503-720-7335** Email: **kylesmith737@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: \_\_\_\_\_ State/Zip: \_\_\_\_\_

Phone(s): \_\_\_\_\_ Email: \_\_\_\_\_

**SITE INFORMATION:**

Address: **3126 SE Washington St** Map & Tax Lot(s): \_\_\_\_\_

Comprehensive Plan Designation: \_\_\_\_\_ Zoning: \_\_\_\_\_ Size of property: **9,147 Sq Ft.**

**PROPOSAL (describe briefly):**

Want a variance to allow for a 5ft black cyclone fence on the north and east side of the front yard.

This will allow for more safety with children and pets in the front yard.

**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: **Kyle R Smith** Date: **06/02/2022**

**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-2022-004	\$ 500.00			Application materials received on 6/2/2022.
Concurrent application files		\$			
		\$			
		\$			Payment received on 6/3/2022.
		\$			
Deposit (NR only)				<input type="checkbox"/> Deposit Authorization Form received	
TOTAL AMOUNT RECEIVED: \$ 500.00			RECEIPT #: 23618	RCD BY: Ryan Dyar	
Associated application file #s (appeals, modifications, previous approvals, etc.):					
Neighborhood District Association(s): Lake Road					
Notes: Application to vary the maximum front yard fence height standard from 42 in to 60 in to install a black chain-link fence at 3126 SE Washington St.					

## **MMC 19.911.4 Approval Criteria**

### **A. Type II Variances**

An application for a Type II variance shall be approved when all of the following criteria have been met:

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.
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.
3. Where site improvements already exist, the proposed variance will sustain the integrity of, or enhance, an existing building or site design.
4. Impacts from the proposed variance will be mitigated to the extent practicable.

5 foot fence variance meeting criteria.


- A 5 foot fence will not be detrimental to surrounding property as there are no neighbors where the fence will be installed. I do not see any safety issues with having the taller fence. It will improve safety in our yard with having a larger separation between the yard and sidewalk.
- Fence variance will not affect any future improvements to public transportation or utilities as there is already a fence on the proposed area.
- Not aware of any site improvements that already exist.

# City of Milwaukie



5/10/2022, 4:01:01 PM

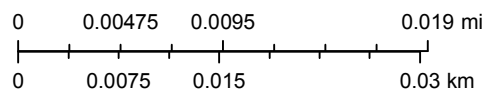
1:564

 Milwaukie City Limits

 Addresses

 Taxlots

Outside Milwaukie



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community  
City of Milwaukie GIS