



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

Application for Land Use Action

Primary File #: VR-2022-005

Review type*: I II III IV V

CHECK ALL APPLICATION TYPES THAT APPLY:

- | | | |
|---|--|--|
| <input type="checkbox"/> Amendment to Maps and/or
<input type="checkbox"/> Comprehensive Plan Map Amendment
<input type="checkbox"/> Zoning Text Amendment
<input type="checkbox"/> Zoning Map Amendment
<input type="checkbox"/> Code Interpretation
<input type="checkbox"/> Community Service Use
<input type="checkbox"/> Conditional Use
<input type="checkbox"/> Development Review
<input type="checkbox"/> Director Determination
<input type="checkbox"/> Downtown Design Review
<input type="checkbox"/> Extension to Expiring Approval
<input type="checkbox"/> Historic Resource:
<input type="checkbox"/> Alteration
<input type="checkbox"/> Demolition
<input type="checkbox"/> Status Designation
<input type="checkbox"/> Status Deletion | <input type="checkbox"/> Land Division:
<input type="checkbox"/> Partition
<input type="checkbox"/> Property Line Adjustment
<input type="checkbox"/> Replat
<input type="checkbox"/> Subdivision
<input type="checkbox"/> Miscellaneous:
<input type="checkbox"/> Barbed Wire Fencing
<input type="checkbox"/> Mixed Use Overlay Review
<input type="checkbox"/> Modification to Existing Approval
<input type="checkbox"/> Natural Resource Review**
<input type="checkbox"/> Nonconforming Use Alteration
<input type="checkbox"/> Parking:
<input type="checkbox"/> Quantity Determination
<input type="checkbox"/> Quantity Modification
<input type="checkbox"/> Shared Parking
<input type="checkbox"/> Structured Parking
<input type="checkbox"/> Planned Development | <input type="checkbox"/> Residential Dwelling:
<input type="checkbox"/> Manufactured Dwelling Park
<input type="checkbox"/> Temporary Dwelling Unit

<input type="checkbox"/> Transportation Facilities Review**
<input checked="" type="checkbox"/> Variance:
<input type="checkbox"/> Use Exception
<input checked="" type="checkbox"/> Variance
<input type="checkbox"/> Willamette Greenway Review
<input type="checkbox"/> Other: _____
Use separate application forms for: <ul style="list-style-type: none"> • Annexation and/or Boundary Change • Compensation for Reduction in Property Value (Measure 37) • Daily Display Sign • Appeal |
|---|--|--|

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse): Kevin D. Smith
 Mailing address: 2433 SE Dove Street Milwaukie state/zip: OR 97222
 Phone(s): 503-791-0123 cell Email: Kbuddydog@aol.com
 Please note: The information submitted in this application may be subject to public records law.

APPLICANT'S REPRESENTATIVE (if different than above): Same As Above
 Mailing address: N/A State/Zip: N/A
 Phone(s): N/A Email: N/A

SITE INFORMATION:

Address: 2433 SE Dove Street Map & Tax Lot(s): 2S1E01BB06700
 Comprehensive Plan Designation: LD Zoning: R-MD Size of property: 150x100

PROPOSAL (describe briefly): Application For Variances with regard to lot coverage and setbacks to allow for lot coverage and setbacks.

SIGNATURE: I attest that I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code 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: X [Signature] Date: X 6/16/22

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.
 ** Natural Resource and Transportation Review applications may require a refundable deposit.

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.

DEPOSITS:

Deposits require completion of a Deposit Authorization Form, found at www.milwaukieoregon.gov/building/deposit-authorization-form

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	AMOUNT <small>(after discount, if any)</small>	PERCENT DISCOUNT	DISCOUNT TYPE	DATE STAMP
Primary file	VR-2022-005	\$ 2000			RECEIVED JUN 16 2022 CITY OF MILWAUKIE COMMUNITY DEVELOPMENT
Concurrent application files		\$			
		\$			
		\$			
		\$			
Deposit (NR/TFR only)				<input type="checkbox"/> Deposit Authorization Form received	
TOTAL AMOUNT RECEIVED: \$		2000.00	RECEIPT #:	23730	RCD BY: WILL
Associated application file #s (appeals, modifications, previous approvals, etc.):					
Neighborhood District Association(s): ISLAND STATION					
Notes:					



2433 SE Dove Street Milwaukie Oregon 97222

06/07/2022

Kevin and Kristina Smith

Homeowners 2433 SE Dove Street

2433 SE Dove Street

Milwaukie, OR 97222

Overview

Owners: Kevin and Kristina Smith

2433 SE Dove Street

Milwaukie, Oregon 97222

Kbuddydgog@aol.com

503-791-0122 cell

Request:

1. Type II and Type III Variances from the City of Milwaukie allowing for exceptions as to lot coverage and rear yard setback for a proposed new carport.

Location:

2433 SE Dove Street, Milwaukie, Oregon 97222

Tax Lots:

2S1E01BB06700

Site Size:

150 ft x100 ft (15,000sqft) = .34 acres

Zoning:

R-MD (Moderate Density Residential)

Comprehensive Plan Designation:

MD (Moderate Density)

Summary:

The Applicant is proposing to Remove an existing (old) Carport (650 sq ft) as well as removing an existing outdoor kitchen BBQ deck area (approx. 726 sq ft, total of 1376 sq ft), and retain and permit (new) Carport (approx. 968 sqft) to accommodate our Motorhome and cars.

Existing Conditions:

Site Description:

The site is located on the corner of SE Dove Street and SE 25th Avenue, a corner lot in Milwaukie. Both 25th Avenue and Dove Street Provide Access to the property. The existing carport that is proposed to be removed is accessed on Dove Street. The New Carport is accessed from 25th Avenue; aside from the paved surface of 25th Avenue the Right of Way is otherwise unimproved and vegetated and remote (currently a dead-end street.). The new carport is set back 25 feet on the rv side and 45 feet on the car side from 25th Avenue and will be a set back 5 feet from the northern property line and the garage.

The site is currently developed with an approx. 2720-sq-ft single family home, with a detached Garage/Shop (approx. 1274 sq ft). The home is believed to have been built in the early 1950's as well as the shop; both were remodeled several times prior to our purchase in 2006.

The site is vegetated with grass, an herb garden, a vegetable garden, a flower garden, and several flower beds with various plants and mulch this makes up 5481 sqft of the property that is vegetation or approx 36%. There are no streams or groundwater present, and to the best of our knowledge the site is not located or mapped in any hazard or natural resource area.



The site consists of three tax lots that are 50 ft x100 ft (15,000 sq ft total)

The surrounding neighborhood is Developed with Single family homes and known as the "Island Station" neighborhood in the City of Milwaukie.

Some Background:


We contracted to purchase our home in 2005 and closed the transaction in February of 2006. The home is a Mid-Century Modern style built in the 1950's (Frank Lloyd Wright flare and design). When we purchased the property, the Fence was existing as well as the home, Shop/Garage, extra-large deck, very large swimming pool, and several other outbuildings and structures, both permanent and temporary. Since this time, we have reduced lot coverage and increased vegetation and continue to maintain the underdeveloped portion of 25th Avenue by keeping it mowed. Our hope simply is to obtain variances that will in turn allow us to obtain a permit for our new carport along 25th Avenue. We propose to remove our carport off Dove Street as well as the existing BBQ deck as part of this project.

Proposed Project:

The proposed project consists of removing the old carport, BBQ deck, and Patio to permit a newer carport. The project will remove 1376 sq ft of lot coverage and add 968 sq ft of lot coverage over an existing concrete driveway. We previously removed our large swimming pool and slate deck, reducing the lot coverage by 1600 sq ft. Thus, since we acquired the property, we have reduced the impervious surface on the lot and opened more space for landscaping.

Approval Criteria:

The approval criteria for a Type III variance are found in Section 19.911.4 of the Milwaukie Municipal Code (MMC). A Type III variance shall be approved when all of the criteria in



either MMC Subsection 19.911.4.B.1 or 2 have been met. For this proposal the applicant has chosen to meet the criteria of Subsection B-1 - Discretionary Relief Criteria as addressed below:

- 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.

Response: Since the acquisition of our home in 2006, the lot coverage requirements have changed, most recently on June 3, 2022. The previous standard for maximum lot coverage was 35%; for lot over 7000 sq ft like ours, it is now 30%. Our new proposed lot coverage is approximately 33% and will remain at that figure once we remove the structures noted above and add the proposed new carport. The proposed variance will essentially preserve the status quo for lot coverage on our site.

One benefit of granting the lot coverage variance is that it will facilitate the removal of the old carport off Dove Street, allowing for more separation from the home next door. Although the new carport will not meet the required 20-ft rear yard setback for an accessory structure of its size, it will be 5 ft from the rear lot line and so provides some separation from the neighboring property to the north. The reduced setback will also keep the new carport aligned with the existing driveway on 25th Avenue.

The proposed variances will be of no impact to the surrounding neighborhood or adjacent properties, as the site is on a dead-end street and the carport is set back far from the rarely traveled roadway. No existing vegetation would be removed for the new carport, as it would be constructed over the existing driveway and parking area in that part of the site. Due to the property being a corner lot with a driveway accessing 25th Avenue, the rear lot line functions much like an interior side lot line, where a 5-ft setback is appropriate.

- b. A proposed variance is determined by the planning Commission To be both reasonable and appropriate and it meets on of the following criteria:

- (1) The proposed variance avoids or minimizes impacts to surrounding properties.
- (2) The proposed variance has desirable public benefits.
- (3) The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.

Response: As described above, the proposed variances will have no significant impacts on the surrounding properties due to the following:


1. The carport is accessed from a dead-end underdeveloped street.
2. The carport sits back 45feet and 25 feet from the public right-of-way.
3. The carport helps provide a visual transition from the front flat of the shop to the main home's overhangs; it ties the two structures together visually.

The proposed Variance also responds to the existing built or natural environment in a creative and sensitive manner by providing cover for an RV and Vehicle(s) in an existing driveway, as well as improving a very box-like and plain-looking shop and making it match a mid-century modern home by showcasing large overhangs from this 1950s mid-century modern design.

The Proposed variances are reasonable and appropriate due to the fact that the site already has space to park and RV and this would allow it to be covered. In addition no vegetation would be removed for the project as there is an existing driveway/parking area that would simply be covered by the Carport. The 5-ft setback allows the carport to stay aligned with the driveway on 25th Ave, where a 20ft setback would push it so far South that the two would not be aligned and the Northern boundary functions more like a side property line than a rear one with the driveway onto 25th Ave. In summary, the new carport represents an overall reduction in lot coverage. Once the other structures are removed.

- c. Impacts from the proposed variances will be mitigated to the extent practicable.

Response: Do to the fact we are removing lot coverage and this project upon conclusion has less coverage than currently exists on the site currently. . It will also increase the vegetation. The property is completely fenced and has been for many years. and sits on a

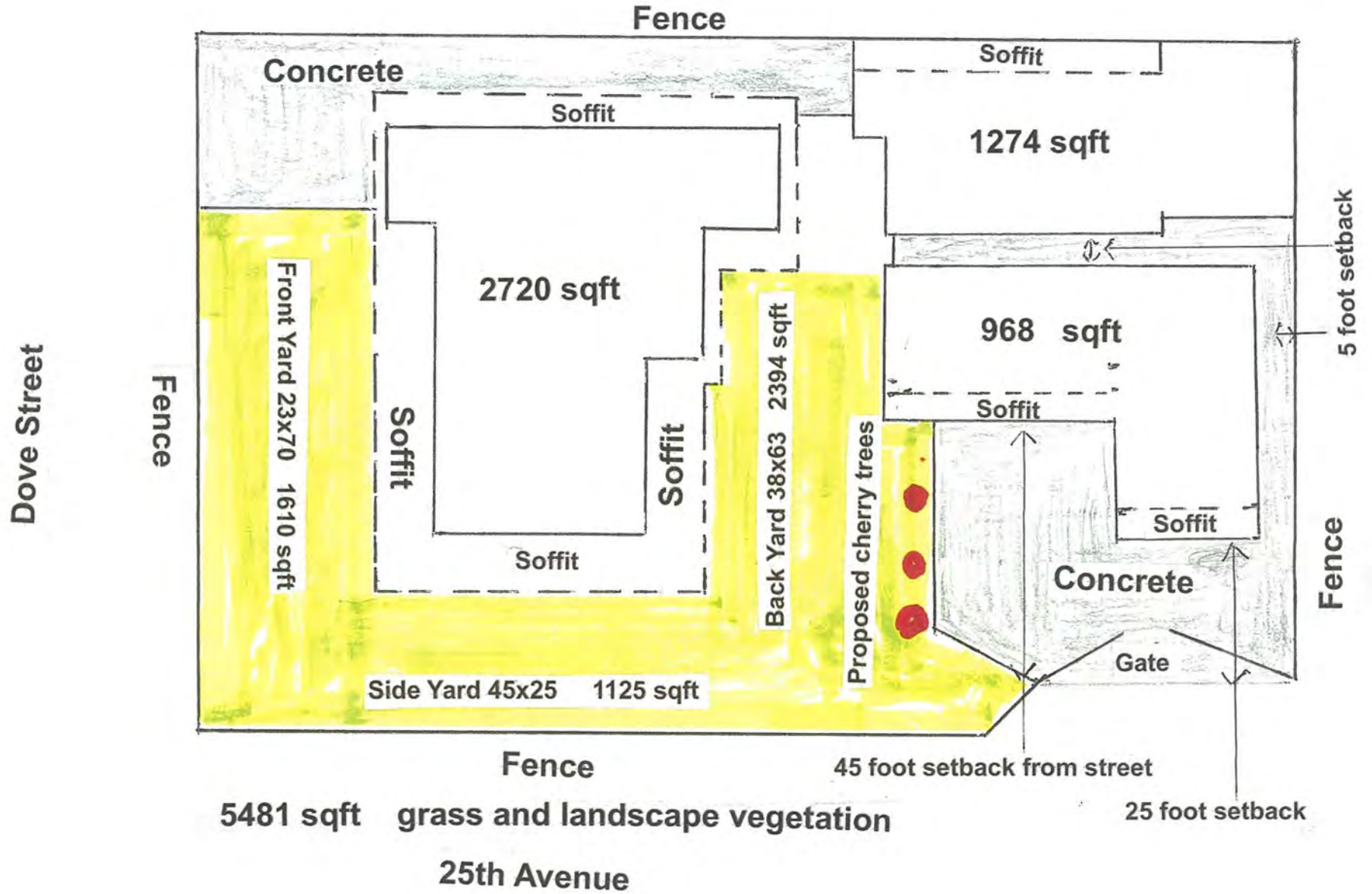


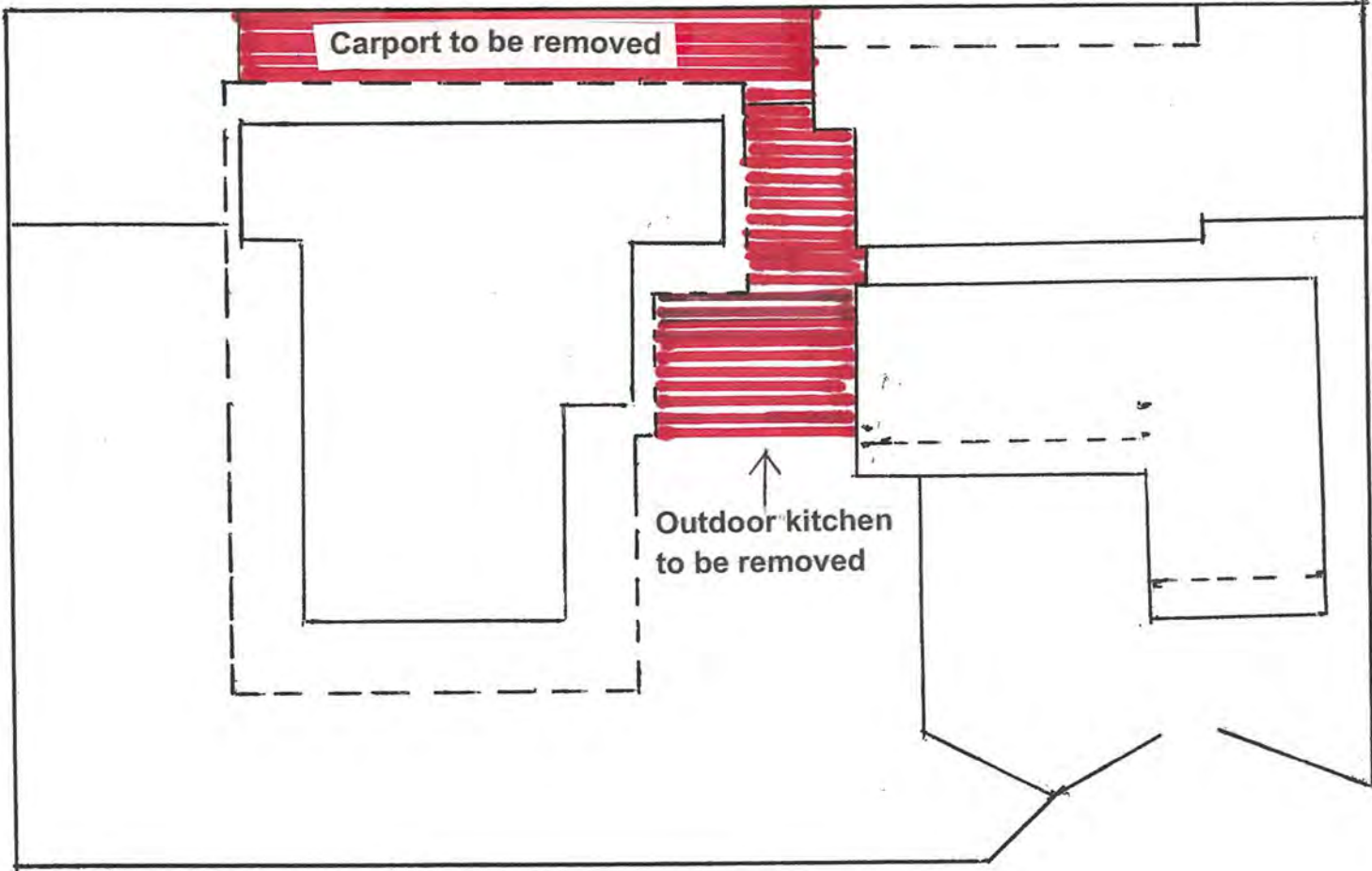
quiet untraveled roadway given that the project will have little impact and only improve the look of the property as the carport ties together the large overhangs on the existing home structure. We would be willing to plant 3 Cherry Blossom along the interior side of the drive.

In Closing:

The proposed carport is designed to match the character of the home while addressing the challenges posed by the size. The proposed variance would result in no significant impacts on the surrounding neighborhood due to the fact that when we purchased the home the lot coverage was at 6900 sq ft. With the lot coverage variance, the benefits would be that the lot coverage would be 4962 sq ft, a large reduction of sqft since our purchase in 2006 the variances would make the home whole by tying the existing house and shop structures together, as the carport mimics the large overhangs of the home. The carport is located on an underdeveloped street without through access, Therefore it is tucked away from the surrounding neighborhood and sits far off the street. The variances should be approved.

Total 4962 sqft





Carport to be removed

↑
Outdoor kitchen
to be removed



carport

looking south along
25th Ave frontage

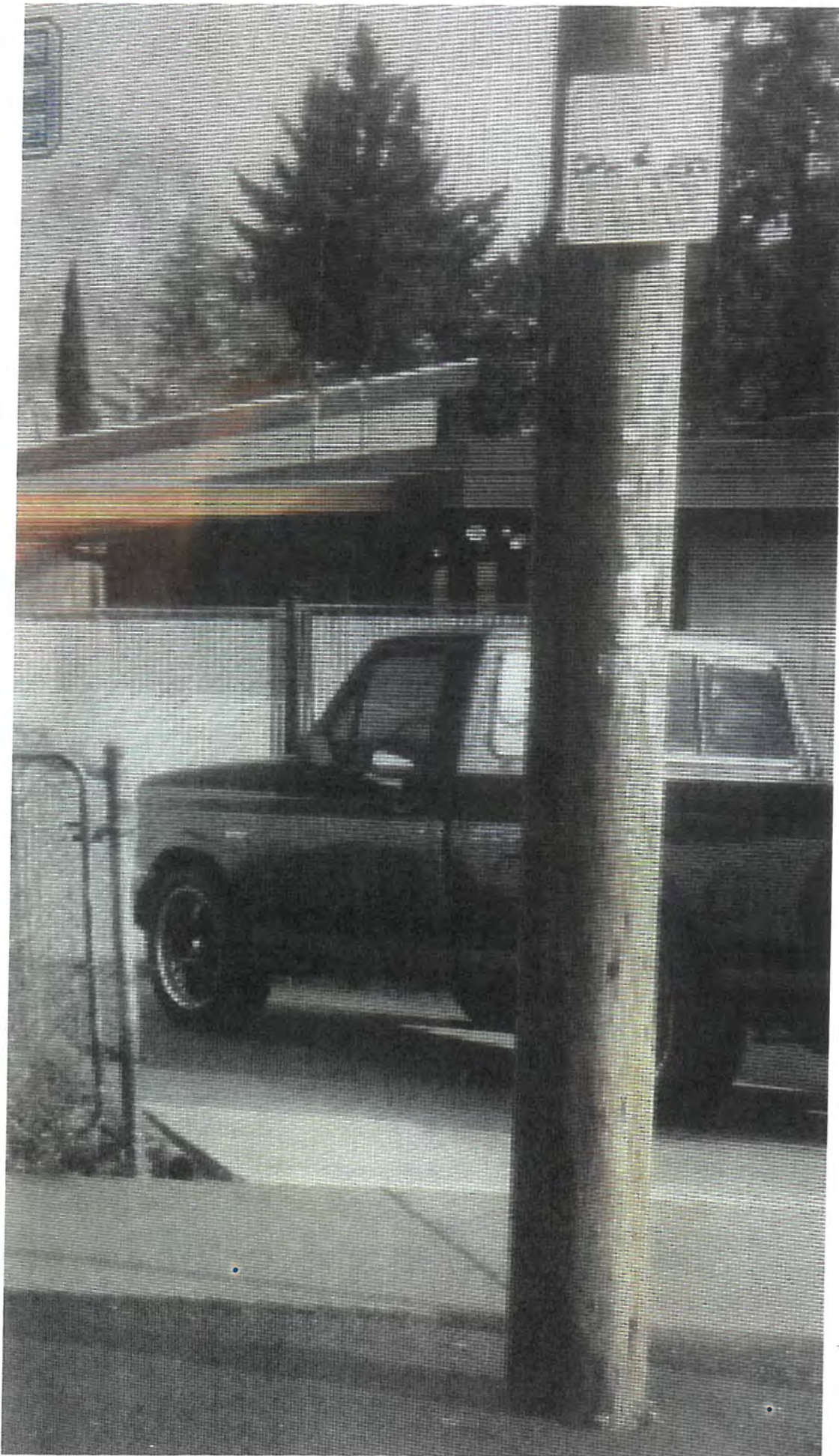




**looking north along eastern
property line (25th Ave side)**



Front Yard



Carport on
Drive st
Remove



**outdoor kitchen area
(to be removed)**



Remove



**outdoor kitchen area
(to be removed)**



Remove