

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

# Application for Land Use Action

Primary File #: VR-2022-008

Review type\*:  I  II  III  IV  V

**CHECK ALL APPLICATION TYPES THAT APPLY:**

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

**RESPONSIBLE PARTIES:**

**APPLICANT** (owner or other eligible applicant—see reverse): Tim + Margaret Nolan  
 Mailing address: 11925 SE 70th Ave. Milwaukie State/Zip: OR. 97222  
 Phone(s): 503-703-2262 Email: t-m.nolan@comcast.net  
 Please note: The information submitted in this application may be subject to public records law.

**APPLICANT'S REPRESENTATIVE** (if different than above):  
 Mailing address: 8564 SE 58th Ave State/Zip: Port. OR. 97206  
 Phone(s): 503-701-4787 Email: edpaget@comcast.net

**SITE INFORMATION:**

Address: 11925 SE 70th Ave Milw. OR Map & Tax Lot(s):  
 Comprehensive Plan Designation: Zoning: R-MD Size of property: 6989.02 sq. ft

**PROPOSAL (describe briefly):**

Addition of Patio cover over existing patio concrete slab connected to House

**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: Margaret Nolan & Thomas S. Nolan Date: 7-18-22

**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](http://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-2022-008	\$ 2,000			Application received July 19, 2022.  Payment received August 01, 2022.
Concurrent application files		\$			
		\$			
		\$			
		\$			
Deposit (NR/TFR only)				<input type="checkbox"/> Deposit Authorization Form received	
TOTAL AMOUNT RECEIVED: \$ 2,000			RECEIPT #: 24016	RCD BY: RCD	

Associated application file #s (appeals, modifications, previous approvals, etc.):

Neighborhood District Association(s): Linwood

**Notes:**

Applicant proposes to reduce rear yard setback from 20 ft to 10 ft to build unenclosed patio cover for existing patio slab.

Milwaukie Planning  
6101 SE Johnson Creek Blvd  
Milwaukie OR 97206



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JUL 27 2022

CITY OF MILWAUKIE  
PLANNING DEPARTMENT

Greetings,

My husband, Thomas Nolan, and I are applying for a variance to put a cover over our patio. The patio has been in place all along, so the footprint is there. We do not want to expand the cover all the way to the property line, only to cover the existing patio mostly for protection from the sun, but also for a place to go outside in inclement weather.

We are planning to add new greenery along the back fence to make it more pleasant, both visually and auditorily, for us and for our neighbors.

We have looked at various options:

1. A cover over half the patio (5 feet instead of 10) still does not meet the 20 foot setback requirement and would not provide the shade or the shelter we are seeking but would still be almost as costly.
2. A separate structure also would not provide the shade or shelter we are looking for and would still have setback issues as well as being costly.
3. A canvas awning might provide a limited amount of shade but could not be used for an outdoor shelter in winter weather and would not hold up over time. Also, there are concerns about how it would attach considering the siding we have on the house.

We have basically four main reasons for a patio cover, mostly having to do with changes in the natural environment but, also, changes in the social environment:

1. Climate change. With global temperatures rising and scientists predicting more heat extremes such as we had last summer, shade becomes one more critical tool. A bit of shade provides a measurably lower temperature. The large pine in the neighbor's yard that once provided much needed shade succumbed to pine beetles and had to be removed, leaving our patio (and us) more vulnerable to summer heat. I have spoken with the neighbors who had the pine and they have no objection at all to us covering our patio and even thought it was a very good idea.
2. Energy conservation. Our kitchen and the patio area are on the west side of our house. The summer sun beats in through the patio door and the windows. With the glass door and the windows shaded, and consequently somewhat cooled, less energy - and expense - will be needed to cool the house. That's better for us and better for the environment.
3. Personal health and comfort. We are both in our 70s and not as active as once were. However, being the Oregonians we are, we have spent our lifetime enjoying outdoor activity. Being very fair-skinned, I am now dealing with consequences of all that activity, including avoiding direct sunlight on my skin in order to avoid more cancerous spots. Yet we still want to be outdoors. A patio cover would make a great difference for us and for those who live here after us.
4. One additional thing: Winter family gatherings. Because of Covid, we were unable to gather with our family for the past couple of years in winter. That made life extremely difficult in many ways. With a patio cover, and perhaps an outdoor heat lamp, we could have had some time together. A patio cover will help us prepare for the next time such a medical emergency might occur.

Also, neighborhood gatherings: Many of our good neighbors are elderly retired folk, like us. Social gatherings are important for mental as well as physical health. A patio cover would make our back yard useful both in summer and winter as a space for us to meet, in spite of all the omicron variants that could mean serious illness for any of us if we are in an enclosed space.

We appreciate your consideration of our concerns and needs. Thank you!

Sincerely,

*Thomas A. Nolan*  
*Margaret W. Nolan*

Margaret and Thomas Nolan  
11925 SE 70th Avenue  
Milwaukie, OR 97222

503-654-9375



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JUL 27 2022

CITY OF MILWAUKIE  
PLANNING DEPARTMENT





**MILWAUKIE PLANNING**  
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**Residential Building Permit  
 Zoning Worksheet**

**R-MD Zone**

Building Permit # 601-22-000557-STR

**Note to Applicants — See back of form for useful information**

This form must be submitted with your building permit application. The building permit will not be issued if the form is illegible, incomplete, or if inaccurate information is provided.  
 Please contact the Planning Department at 503-786-7630 if you have any questions or comments.

**SITE INFORMATION:**

Address: 11925 SE 70th Ave Milw. OR. 97222 Map & Tax Lot(s):  
 Applicant Name: Margaret + Tim Nolan  
 Mailing address: 11925 SE 70th Ave. Milwaukie State/Zip OR. 97222  
 Phone(s): 503-703-2262 Email: t-m.nolan@comcast.net

**PROJECT INFORMATION:**

**Type:**

- New Frame House or Middle Housing
- New Manufactured House
- House Remodel or Addition/Alteration
- Other (describe): Patio Cover over existing concrete patio slab
- Deck or Patio
- Accessory Structure (i.e., garage, shed)
- Accessory Dwelling Unit – use separate worksheet

**Special Zones** (if applicable): Please check the Milwaukie Zoning Map or contact Planning at 786-7630.

- Water Quality Resource or Habitat Conservation Area
- Willamette Greenway Overlay
- Historic Preservation Overlay
- Flex Space Overlay
- Floodplain

**Land Use Approval:** Are there conditions of an approved subdivision, land partition, conditional use, variance, or other land use approval that apply?

- Yes      If yes, Land Use File #(s): \_\_\_\_\_       No

Applicable Conditions (or attach Notice of Decision):

Lot Area: 6 989.02 sq ft      Source of lot area: Milwaukie Maps

Acceptable sources are Clackamas County Assessor Records or a survey prepared by a Registered Land Surveyor.

**Property Line Location:** Indicate how the property lines shown on the site plan submitted with the building permit application were determined.

- By a registered land surveyor (submit survey)
- Pins or monuments at property corners
- Fence lines or other structure
- Other (describe): \_\_\_\_\_

**DEVELOPMENT STANDARDS FOR NEW HOUSE CONSTRUCTION, ADDITIONS, & REMODELING**

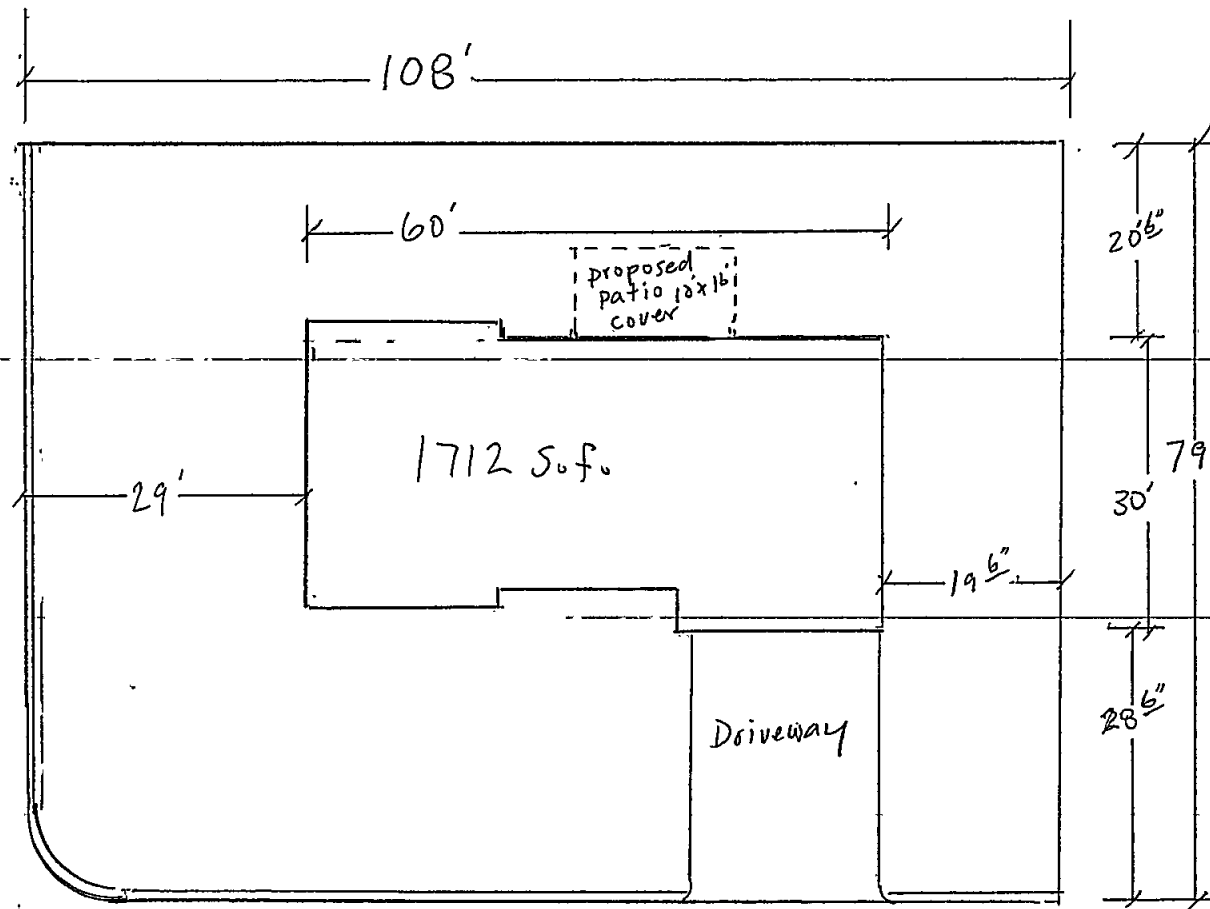
See [Milwaukie Municipal Code \(MMC\)](#) Table 19.301.4 for Moderate Density Residential Development Standards

R-MD Zone	Allowed by Code	Existing	Proposed	Comments Staff Use Only
# of Units per lot	single or multiple			No change.
Setback from Front Property Line <sup>1</sup>	frontage lot = 20 ft minimum Flag/back lot = 30 ft minimum/20 ft for middle housing			No change.
Setback from Side Property Lines <sup>2</sup>	Frontage lot = 5 ft or 5 ft/10 ft Corner lot = 15 ft or 20 ft Flag/back lot = 10 ft minimum			No change.
Setback from Rear Property Line <sup>3</sup>	15 ft/20 ft minimum Flag/back lot = 30 ft minimum/20 ft for middle housing	20 ft	10 ft	Subject of variance.
Building Height	35 feet			Proposed cover is 11' 6" at peak.
Side Yard Height Plane Limit See page 4 of this handout	20 feet/45 degrees of side yard setback			Proposed cover is 8 ft nearest to rear property line.
* Maximum Lot Coverage <sup>4</sup> (including all structures)	Lot size of: 2,999 sq ft or less = 45% of lot area 3,000 sq ft – 6,999 sq ft = 35% of lot area 7,000 sq ft and up = 30% of lot area (lot size x .45 or .35 or .30)	1840 s.f.	2010 s.f.	6989.2 * .35 = 2,446.22 Allowed.
Minimum Vegetation Area <sup>4</sup>	Lot size of: 2,999 sq ft or less = 15% of lot area 3,000 sq ft – 6,999 sq ft = 25% of lot area 7,000 sq ft and up = 30% of lot area (lot size x .15 or .25 or .30)	4279 s.f.	4279 s.f.	No change. Patio slab is pre-existing. 6989.2 * .25 = 1,747.3 required.
Front Yard Minimum Vegetation <sup>5</sup>	40% of front yard area			No change.

- A covered porch on a single detached dwelling or middle housing dwelling may extend up to 6 ft into a required front yard if the following requirements are met:
  - The porch is not enclosed on any side other than what is enclosed by the exterior walls of the dwelling (does not include columns, retractable sunshades, netting, railings, or other projections that do not extend more than 3 feet above the surface of the porch).
  - The surface of the porch does not exceed 18 in high above the existing grade.
  - The porch is at least 5 ft from the front lot line.
- For frontage lots, if the lot is 7,000 sq ft or larger one side yard setback is 5 ft and the other is 10 ft.  
For corner lots, the setback for the yard facing the side street is 15 or 20 ft depending on lot size—if the lot is 7,000 sq ft or larger, the setback is 20 ft; otherwise, the setback is 15 ft.  
See MMC Section 19.201 Definitions for description of how yards are determined.
- If the lot is 1,500 sq ft or less, the rear yard setback is 15 ft; for lots larger than 1,500 sq ft, the rear yard setback is 20 ft.
- On a separate sheet, show how area was calculated. (See "How to measure lot coverage and landscaped area" on page 3 of this handout.) In some cases, the maximum lot coverage can be increased or decreased. See MMC Subsection 19.301.5 for additional information.
- A property may provide less than the 40% of the front yard vegetation requirement if it is necessary to provide a turnaround area so that vehicles can enter a collector or arterial street in a forward motion.



SE Plum st



SE 70th Ave

Margaret + Tim Nolan Residence

11925 SE 70th Ave, Milw. OR. 97222

PLOT

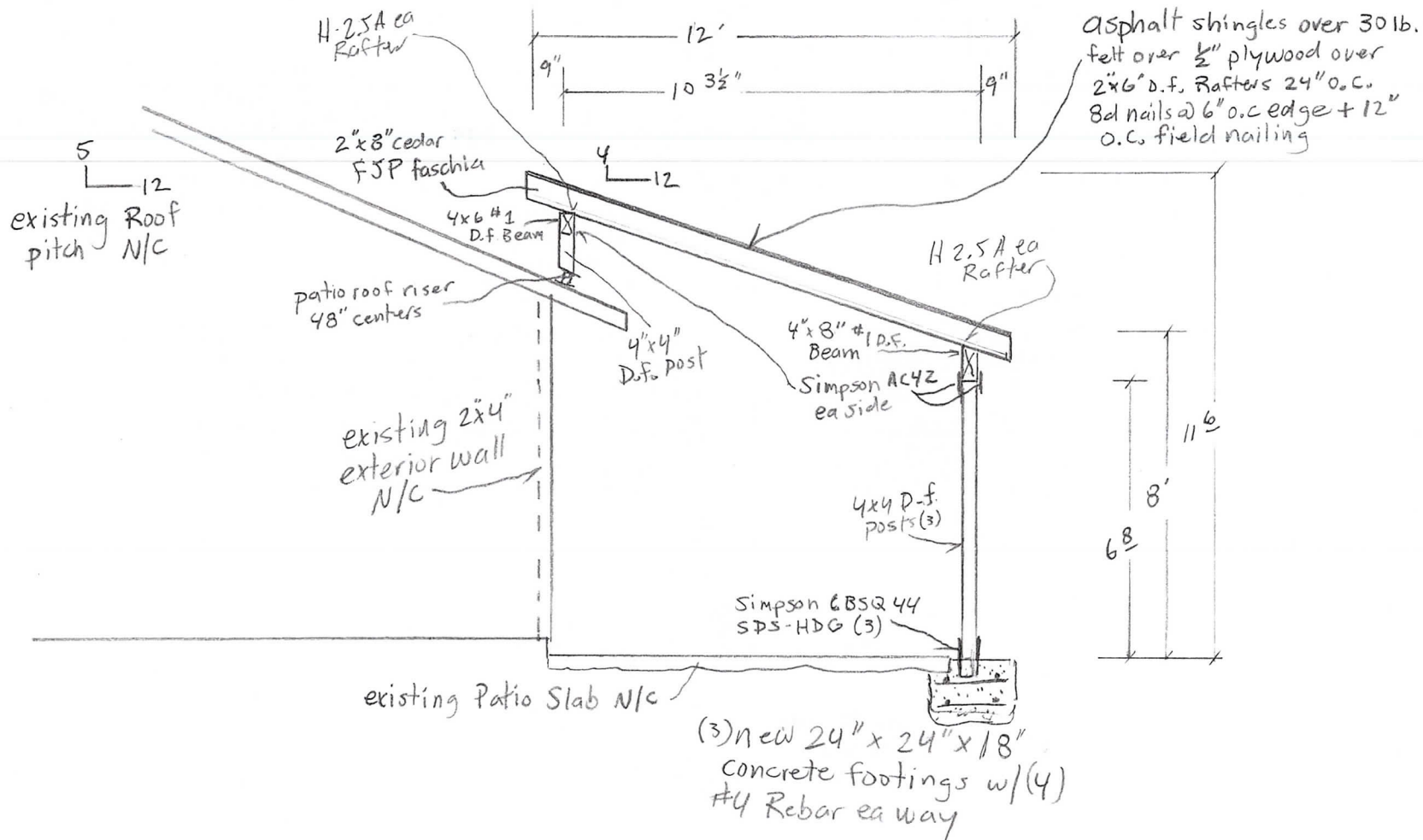
Date: 6/10/2022


Drawn by: ED PAGET

Scale : 1" inch = 20 feet

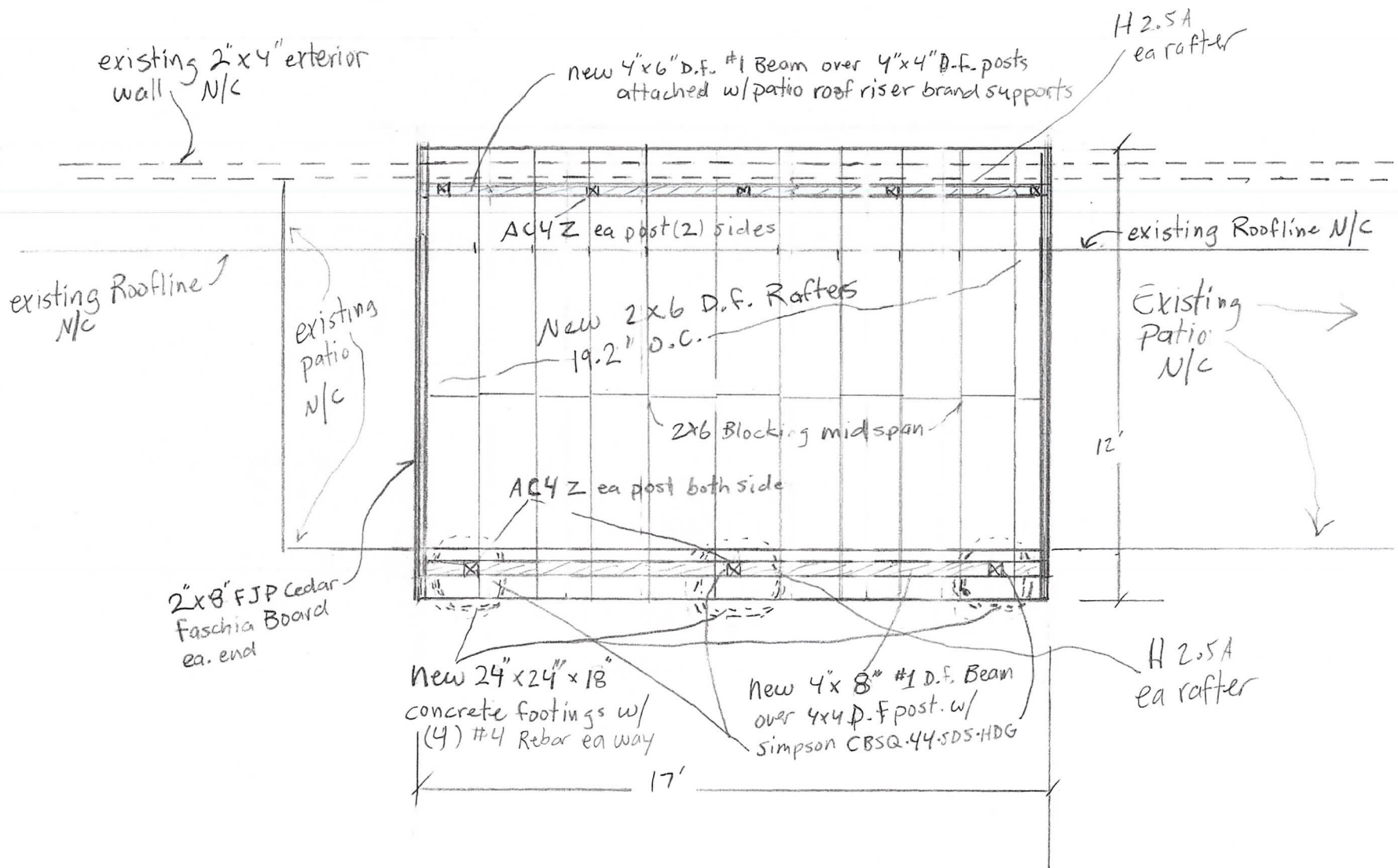
Lot sq. footage 8,532 s.f.

House sq. footage 1712 s.f.



Key	Wall Beyond	-----	Margaret + Tim Nolan Patio Cover
	Beam end	⊠	11925 SE 70th Ave. Milwaukie, OR. 97222
	Concrete footings	 w/(4) #4 Rebar ea way	Date: 4/19/2022 Drawn by: Ed Paget
	no change	N/C	Elevation
			Scale: 1/4" = 1'0"





Key	existing wall below	-----	Margaret + Tim Nolan Patio Cover	
	post	⊗	11925 SE 70th Ave. Milwaukie, OR. 97222	
	concrete footing	○	Date: 4/19/2022	Drawn by: Ed Paget
	no change	N/C	Floor Plan	Roof Plan
	Wood Beam	////	Scale: 1/4" = 1'0"	