

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

# Application for Land Use Action

Primary File #: VR-2023-002

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

**RESPONSIBLE PARTIES:**

**APPLICANT** (owner or other eligible applicant—see reverse): Jensen Construction

Mailing address: 5190 Kelo St NE Salem OR State/Zip: 97305

Phone(s): 503-932-2255 Email: dm.jensen@jensencollective.com

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

**APPLICANT'S REPRESENTATIVE** (if different than above): Jensen Consulting & Dev. LLC

Mailing address: 5190 Kelo St NE Salem, OR State/Zip: 97305

Phone(s): 503-932-2255 Email: dm.jensen@jensencollective.com

**SITE INFORMATION:**

Address: 11523 SE 44th Ave Map & Tax Lot(s): 12E31BC 12E31BC12130

Comprehensive Plan Designation: LD Zoning: R-MD Size of property: 5347 ±

**PROPOSAL (describe briefly):**

15' section of fence that is 6' tall to remain to give the home a fully enclosed, secure back yard. \* see enclosed pictures and not 42" for that section.

**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: [Signature] Date: 10/10/2023

**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-2023-002	\$ 500.00			
Concurrent application files		\$			
		\$			
		\$			
		\$			
Deposit (NR/TFR 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): Hector Campbell

Notes:

January 10, 2023

RE: 11523 SE 44<sup>th</sup> Ave Milwaukie, OR 97322

Proposal. We would like a variance to leave the fence height at 6' for the small section that is facing 44<sup>th</sup> Ave that completes the back yard for this new single family residence.

#### **9.911.4 Approval Criteria**

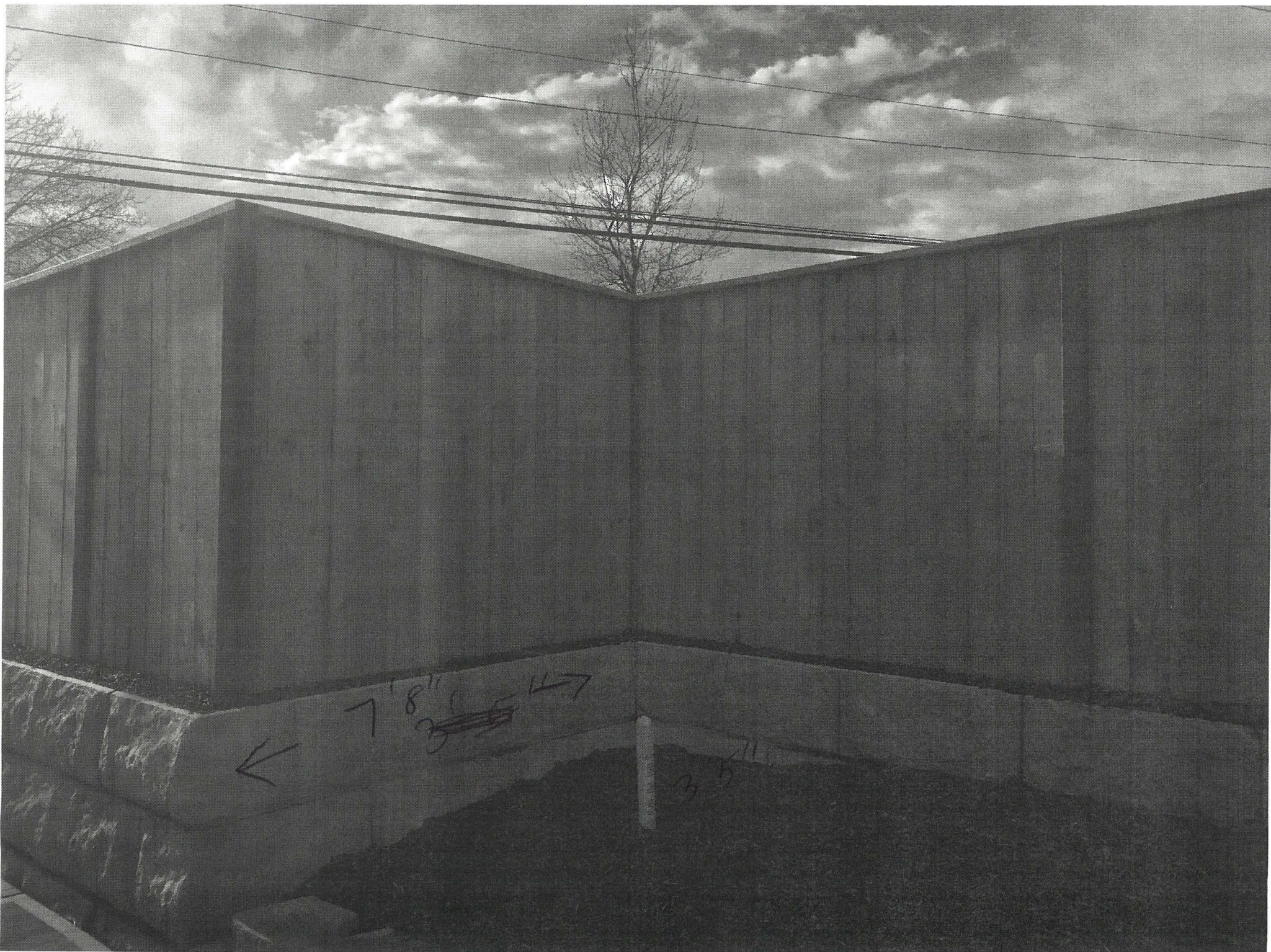
##### **A. Type II Variances**

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.
  - a. This variance would negatively affect any of the surrounding properties, natural resources 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.
  - a. This variance wouldn't interfere with any planned future improvements to public transportation, or water master plans.
3. Where site improvements already exist, the proposed variance will sustain the integrity of, or enhance, an existing building or site design.
  - a. The existing fence provides safety for the property and enhances the current neighborhood.
4. Impacts from the proposed variance will be mitigated to the extent practicable.
  - a. The existing fence has no impact on any of the neighboring properties and or regional area.
5. The proposed variance would allow the development to preserve a priority tree or trees, or provide more opportunity to plant new trees to achieve 40% canopy, as required by Chapter 16.32.
  - a. This variance would not affect any future or current tree canopy for the area.



15' 10"



← 7' 8" 3' 11" 3' 5" →

3' 5"



STOP

*Dreamline*  
**PROPERTY**  
*GROUP*

EILEEN HUTCHINSON  
303.720.1146

DEAN DORRIGHERS  
303.658.7159

← 7'8" →

← 7'6" →