



NOTICE OF PUBLIC HEARING

Date mailed: July 17, 2024

You are receiving this notice for a public hearing regarding an appeal of a land use application. The appeal requires review by the Milwaukie City Council at a public hearing. It also requires notice to all property owners and residents within 300 feet of the proposal, the property owner(s) and applicant, and the affected neighborhood district association(s). The proposal and information on how to respond to this notice are described below.

The Milwaukie City Council will hold a public hearing on the proposal at a meeting beginning at 6:00 p.m. on Tuesday, August 6, 2024, at Milwaukie City Hall, 10501 SE Main St.

File Number(s):	AP-2024-001
Location:	11932 SE 35 th Ave 11E36DB09500 <i>A map of the site is located on the last page of this notice.</i>
Proposal:	This hearing is an appeal of the Planning Commission's approval of Milwaukie Land Use File #VR-2024-003, which approved a proposed addition to an existing attached garage. The garage has an existing 0.5-ft side yard setback. The proposed one-story 13-ft addition would extend the non-conforming side yard setback. A variance was required.
Reason for Appeal by Appellant:	<p>The appellant seeks review of the Planning Commission denial of the application based on the following:</p> <ul style="list-style-type: none">• The decision incorrectly interprets or applies the Type III variance approval criteria. <p>The appellant seeks review of the Planning Commission approval of the project based on issues including:</p> <ul style="list-style-type: none">• the visual impacts related to the appearance of the existing garage wall and the request to extend it;• that the proposal does not have any public benefits; and• that the proposal does not respond to the existing built or natural environment in a creative or sensitive manner. <p>The appellant argues that the proposed addition will negatively impact the enjoyment of the adjacent property and that a 0.5-ft setback should not be extended and that the proposed fence to mitigate any visual impacts is not acceptable.</p> <p>MMC 19.1010 Appeals: https://ecode360.com/43873317</p>

Appellant Contact:	Barbara Allan 11974 SE 35 th Ave., Milwaukie, OR 97222 971-401-4317 / plantlassie@gmail.com Teresa Bresaw, Lake Road NDA 12744 SE Weedman Ct., Milwaukie, OR 97222 503-786-4690 / tbresaw50@gmail.com
Owner(s):	Kristina Fedorovskiy 11932 SE 35 th Ave
Staff contact:	Vera Kolas, Associate Planner City of Milwaukie Planning Department 10501 SE Main St Milwaukie, OR 97222 503-786-7653 koliasv@milwaukieoregon.gov
Neighborhood District Association(s):	Lake Road NDA, contact Debby Patten, 503-806-5860; lakeroadndachair@gmail.com Carla Bantz, lakeroadndacochair@gmail.com
Applicable Criteria:	<ul style="list-style-type: none"> • MMC 19.301 – Moderate Density Residential Zone • MMC 19.700 – Public Facility Improvements • MMC 19.804 – Nonconforming Uses and Development • MMC 19.911 – Variances • MMC 19.1006 – Type III Review Copies of these criteria are available upon request and can also be found at https://ecode360.com/MI4969

To learn more about a proposal: Call the staff contact assigned to the proposal or visit the project webpage at <https://www.milwaukieoregon.gov/planning/ap-2024-001> or you can access the webpage via this QR code:



The staff report on the proposal will also be available for public viewing after 8 a.m. on **Friday, August 2, 2024** at the following locations:

- City Hall, 10501 SE Main St (open weekdays 8:00 a.m. to 5:00 p.m.)
- City website, <http://www.milwaukieoregon.gov/meetings>

Copies of information in the file can be obtained for a reasonable fee. Copies of applicable City ordinances and the Comprehensive Plan are also available for review at the locations listed above.

NOTE: The City Council appeal hearing will be an on-the-record de novo hearing. New evidence is not allowed. New testimony and arguments are allowed. The City Council will evaluate the existing evidence and testimony that were presented to the Planning Commission. Council will also hear new testimony and arguments. Everyone is eligible to participate in the appeal hearing.

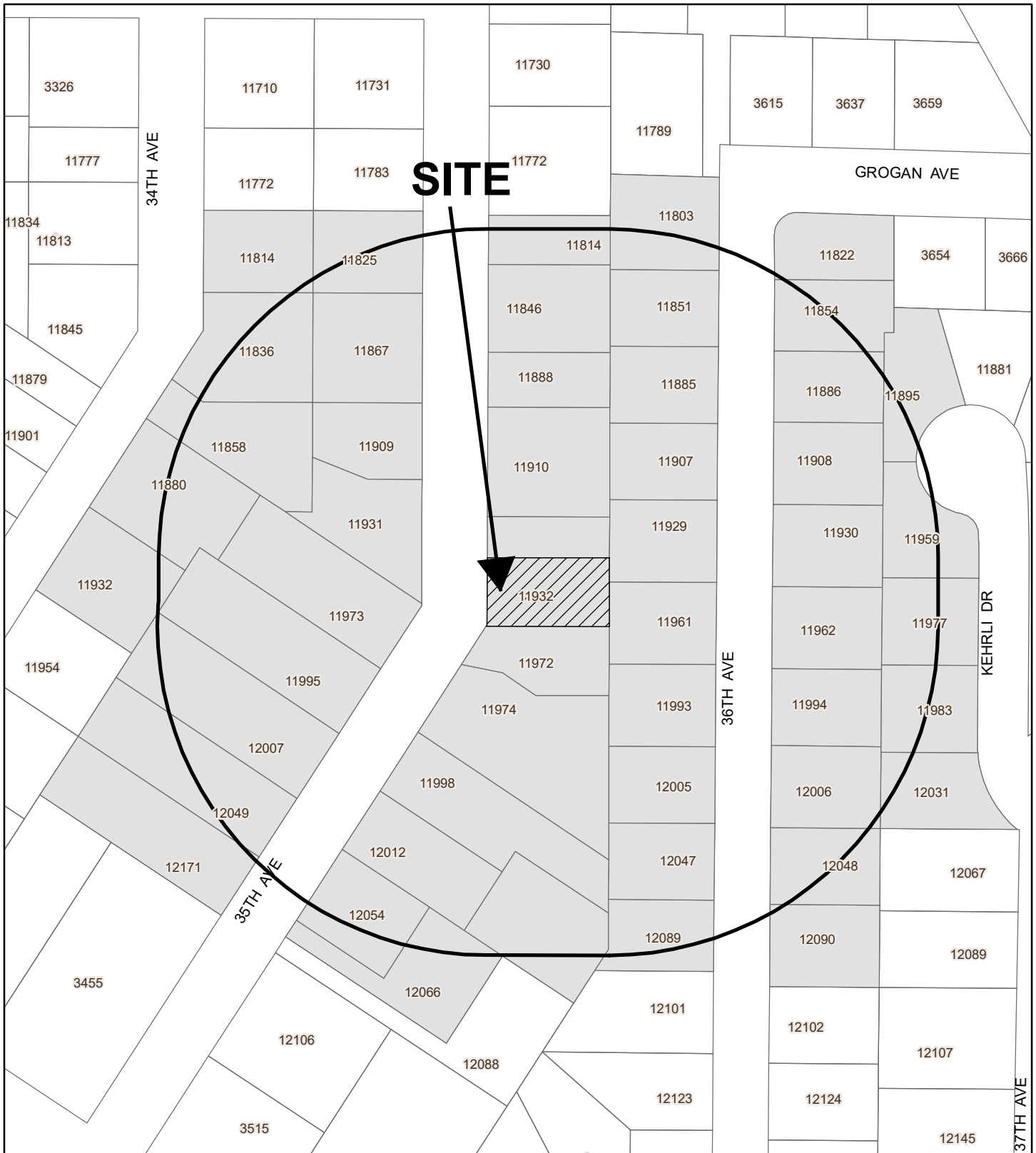
To comment on a proposal: You are invited to attend this hearing or submit comments in writing before the meeting time. You may send written comments in advance to the staff contact listed above, or you may submit your comments in person at the hearing. If you want to present verbal testimony, either pro, con, or to raise questions, you will be invited to speak following the applicant's testimony. Testimony and comments at this hearing must be directed towards the criteria identified. If you submit a written comment or comment in person at the hearing, you will be sent a copy of the decision or recommendation. All written and verbal comments become part of the permanent record.

To appeal a decision: The City Council's decision may be further appealed by a person with standing. In order to establish standing, you must do at least one of the following: submit written comments to the staff contact before the hearing date; attend the hearing and sign in; or attend the hearing, sign in, and make a verbal comment. Any issue that is intended to provide a basis for appeal must be raised in writing on or before the hearing date with sufficient specificity to afford the responsible parties an opportunity to respond to the issue. Failure to raise an issue with sufficient specificity, and accompanied by statements or evidence sufficient to afford the responsible parties an opportunity to respond to the issue, will preclude any appeal on that issue to the Land Use Board of Appeals (LUBA).

The City of Milwaukie is committed to providing equal access to information and public meetings per the Americans with Disabilities Act (ADA). If you need special accommodations, please call 503-786-7600 at least 48 hours prior to the meeting.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER:





THE MILWAUKIE MUNICIPAL CODE REQUIRES THAT IF YOU RECEIVE THIS NOTICE IT SHALL BE PROMPTLY FORWARDED TO THE PURCHASER.



Site Map
11932 SE 35th Ave
(11E36DB09500)
File# AP-2024-001



Legend

-  AP-2024-001 property
-  Properties receiving notice
-  300-ft buffer
-  Tax Lots