



**MILWAUKIE PLANNING**  
 10501 SE Main St.  
 Milwaukie OR 97222  
 503-786-7630  
 planning@milwaukieoregon.gov

# Application for Land Use Action

Primary File #: **VR-2025-009**

Review type\*: ☐ I ☒ II ☐ III ☐ IV ☐ V

**CHECK ALL APPLICATION TYPES THAT APPLY:**

|   |   |   |
|---|---|---|
| <input type="checkbox"/> Amendment to Maps and/or<br><input type="checkbox"/> Comprehensive Plan Map Amendment<br><input type="checkbox"/> Zoning Text Amendment<br><input type="checkbox"/> Zoning Map Amendment<br><input type="checkbox"/> Code Interpretation<br><input type="checkbox"/> Community Service Use<br><input type="checkbox"/> Conditional Use<br><input type="checkbox"/> Development Review<br><input type="checkbox"/> Director Determination<br><input type="checkbox"/> Downtown Design Review<br><input type="checkbox"/> Extension to Expiring Approval<br><input type="checkbox"/> Historic Resource:<br><input type="checkbox"/> Alteration<br><input type="checkbox"/> Demolition<br><input type="checkbox"/> Status Designation<br><input type="checkbox"/> Status Deletion | <del><input checked="" type="checkbox"/> Land Division</del><br><input type="checkbox"/> Final Plat<br><input type="checkbox"/> Lot Consolidation<br><input type="checkbox"/> Partition<br><input type="checkbox"/> Property Line Adjustment<br><input type="checkbox"/> Replat<br><del><input checked="" type="checkbox"/> Subdivision</del><br><input type="checkbox"/> Mixed Use Overlay Review<br><input type="checkbox"/> Modification to Existing Approval<br><input type="checkbox"/> Natural Resource Review**<br><input type="checkbox"/> Nonconforming Use Alteration<br><input type="checkbox"/> Parking:<br><input type="checkbox"/> Quantity Determination<br><input type="checkbox"/> Quantity Modification<br><input type="checkbox"/> Shared Parking<br><input type="checkbox"/> Structured Parking | <input type="checkbox"/> Planned Development<br><input type="checkbox"/> Residential Dwelling<br><input type="checkbox"/> Manufactured Dwelling Park<br><input type="checkbox"/> Manufactured Dwelling<br><input type="checkbox"/> Temporary Dwelling Unit<br><input type="checkbox"/> Transportation Facilities Review**<br><input checked="" type="checkbox"/> Variance:<br><input checked="" type="checkbox"/> Use Exception<br><input checked="" type="checkbox"/> Variance<br><input type="checkbox"/> Willamette Greenway Review<br><input type="checkbox"/> Other: _____<br><b>Use separate application forms for:</b><br>Annexation and/or Boundary Change <ul style="list-style-type: none"> <li>• Compensation for Reduction in Property</li> <li>• Value (Measure 37)</li> <li>• Daily Display Sign</li> <li>• Appeal</li> </ul> |
|---|---|---|

**RESPONSIBLE PARTIES:**

**APPLICANT** (owner or other eligible applicant—see reverse): Ryanwood Consulting Group LLC - Curtis Gibson

Mailing address: 2050 SE Beaver Creek Rd. #338, Oregon City State/Zip: OR, 97045

Phone(s): Email: curtis.gibson333@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:**

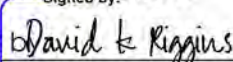
Address: 8933 SE 39th Ave Map & Tax Lot(s): 11E25AD03200

Comprehensive Plan Designation: MD Zoning: R-MD Size of property: 0.31 acres

**PROPOSAL (describe briefly):**

Type II variance for rear yard setback (reducing from 20 ft to 15 ft)

**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.

Signed by: Submitted 

Date: 4/25/2025 | 3:26 PM PDT

## 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<br><small>(after discount, if any)</small> | PERCENT DISCOUNT         | DISCOUNT TYPE  | DATE STAMP  |
|---------------------------------|---------------|---|--------------------------|--|---|
| Primary file                    | MHLD-2025-005 | \$ 2,000  |                          |  | Materials submitted 5/02/2025<br>MHLD invoice generated 6/02/2025<br><br>Payment submitted 6/26/2025 (for MHLD application)<br><br>VR invoice generated & payment submitted 7/07/2025 |
| Concurrent application files    | VR-2025-009   | \$ 750  | 25%                      | multiple applications  |   |
|                                 |               | \$  |                          |  |   |
|                                 |               | \$  |                          |  |   |
|                                 |               | \$  |                          |  |   |
| Deposit (NR/TFR only)           |               |   |                          | <input type="checkbox"/> Deposit Authorization Form received |   |
| TOTAL AMOUNT RECEIVED: \$ 2,750 |               |   | RECEIPT #: 30658 & 30722 |  | RCD BY: BK  |

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

**Neighborhood District Association(s):** Ardenwald-Johnson Creek

**Notes:** Type II variance for rear yard setback, in association with middle housing land division for detached quadplex (file #MHLD-2025-005). Permit #s 601-25-000703-STR-CC, -000704-STR-CC, -000705-STR-CC, -000706-STR-CC.





**MILWAUKIE PLANNING**

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# Preapplication Conference Waiver

I/We, Curtis Gibson (print), as applicant(s)/property owner(s) of 8933 SE 39th Ave (address of property), request to waive the requirement for a preapplication conference for the submission of a **Type II / III / IV / V** (circle one) land use application per MMC Subsection 19.1002.2 Applicability.

**Please provide an explanation for the waiver request:**

MMC Section 19.1002 Preapplication Conference is provided on the reverse

An informal pre-application meeting had been held earlier in the year for the site with extensive communication with city staff throughout the process. Multiple emails are available to support this.

Signed by: David L. Higgins  
A00142783379128  
Applicant/Property Owner

Approved: Lana Wigel  
Planning Director



VICINITY MAP  
NTS

# 8933 SE 39TH AVE

## SITE PLAN AND TENTATIVE PLAT

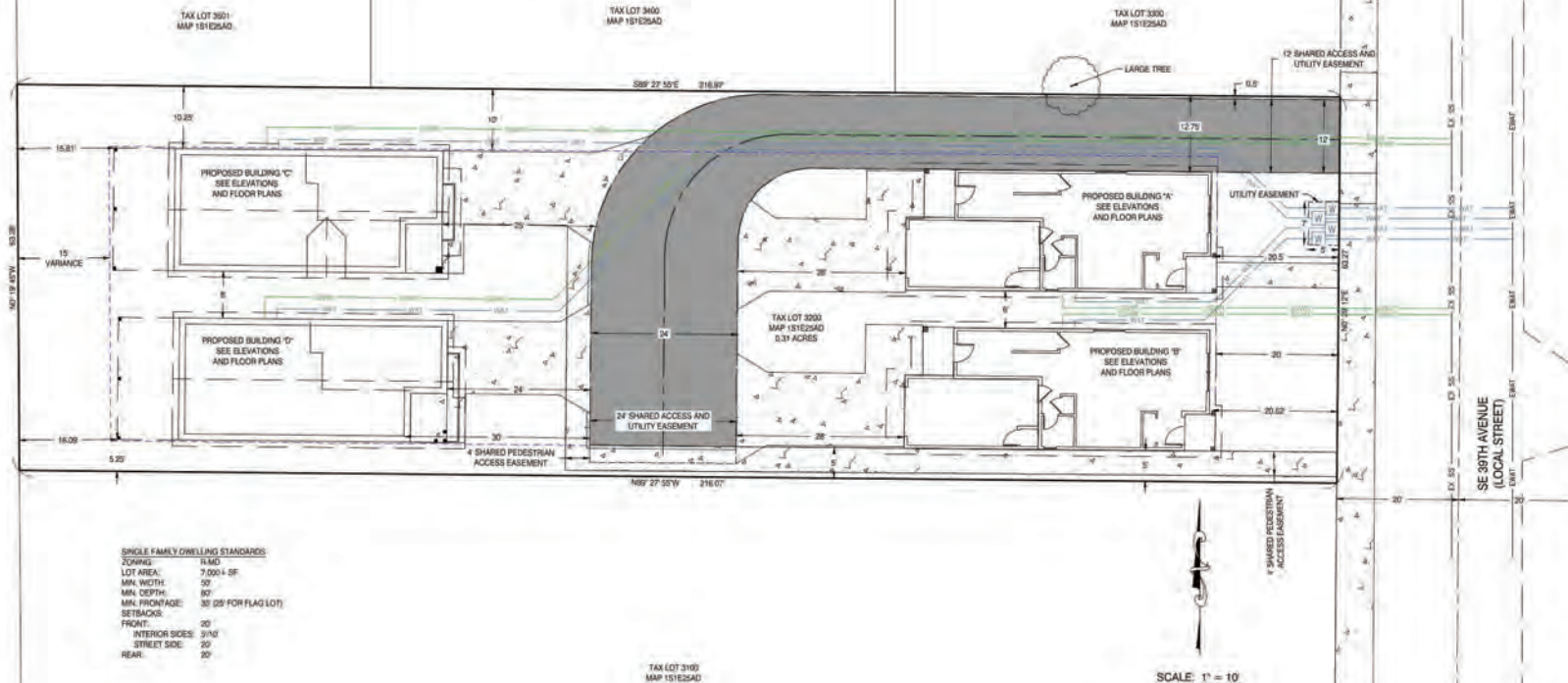
TAX LOT 3200 CLACKAMAS COUNTY  
TAX ASSESSOR'S MAP 11E25AD  
MILWAUKIE, OR  
APRIL, 2025

**SITE INFORMATION**  
TAX ASSESSOR'S MAP: TAX LOT 3200, MAP: 11E25AD  
PROPERTY SIZE: 0.28 ACRES  
ZONING: R-MD  
**PROPOSED USE**  
MIDDLE HOUSING LAND DIVISION  
**OWNER/APPLICANT**  
CURTIS GIBSON  
RYANWOOD CONSULTING GROUP INC.  
2050 SE BEAVERCREEK ROAD #338  
OREGON CITY, OR 97045

**CIVIL ENGINEER**  
H.A. MFCOY ENGINEERING & SURVEYING  
CONTACT: HAYES MFCOY  
1180 SW LAKE ROAD  
SUITE 201  
REDMOND, OR 97756  
PH: 541-923-7554

**SHEET INDEX**  
P1.0 COVER SHEET AND SITE PLAN  
P1.1 PRELIMINARY DRAINAGE PLAN  
P1.2 TENTATIVE PLAT

| LEGEND                          |                                 |
|---------------------------------|---------------------------------|
| EXISTING                        | PROPOSED                        |
| ECAL                            | EXISTING CABLE                  |
| EGAS                            | EXISTING GAS                    |
| ERIG                            | EXISTING IRRIGATION             |
| EPWR                            | EXISTING OVERHEAD LINES         |
| ESAN                            | EXISTING POWER                  |
| ESD                             | EXISTING SANITARY SEWER         |
| ESDRAIN                         | EXISTING STORM DRAIN            |
| ETEL                            | EXISTING TELECOMMUNICATIONS     |
| EWAT                            | EXISTING WATER                  |
| ECAL                            | NEW CABLE                       |
| EGAS                            | NEW GAS                         |
| ERIG                            | NEW IRRIGATION                  |
| EPWR                            | NEW POWER                       |
| ESAN                            | NEW SANITARY SEWER              |
| ESDRAIN                         | NEW STORM DRAIN                 |
| ETEL                            | NEW TELECOMMUNICATIONS          |
| EWAT                            | NEW WATER                       |
| FENCE                           | FENCE                           |
| EXISTING RIGHT-OF-WAY           | EXISTING RIGHT-OF-WAY           |
| EXISTING EDGE OF GRAVEL         | EXISTING EDGE OF GRAVEL         |
| EXISTING CURB                   | EXISTING CURB                   |
| NEW RIGHT-OF-WAY                | NEW RIGHT-OF-WAY                |
| NEW EDGE OF GRAVEL              | NEW EDGE OF GRAVEL              |
| NEW EDGE OF PAVEMENT            | NEW EDGE OF PAVEMENT            |
| NEW CURB                        | NEW CURB                        |
| EXISTING                        | PROPOSED                        |
| SANITARY SEWER MANHOLE          | SANITARY SEWER MANHOLE          |
| STORM DRAIN MANHOLE, DRYWELL    | STORM DRAIN MANHOLE, DRYWELL    |
| WATER VALVE, GAS VALVE          | WATER VALVE, GAS VALVE          |
| AIR RELEASE VALVE               | AIR RELEASE VALVE               |
| BACKFLOW PREVENTER              | BACKFLOW PREVENTER              |
| WATER METER, GAS METER          | WATER METER, GAS METER          |
| FIRE HYDRANT                    | FIRE HYDRANT                    |
| CATCH BASIN/CURB INLET          | CATCH BASIN/CURB INLET          |
| CLEAN OUT                       | CLEAN OUT                       |
| RAIN DRAIN                      | RAIN DRAIN                      |
| STREET LIGHT, PARKING LOT LIGHT | STREET LIGHT, PARKING LOT LIGHT |
| UTILITY POLE, GUY ANCHOR        | UTILITY POLE, GUY ANCHOR        |
| UTILITY VAULT                   | UTILITY VAULT                   |
| ELECTRICAL PEDESTAL             | ELECTRICAL PEDESTAL             |
| CABLE PEDESTAL                  | CABLE PEDESTAL                  |
| TELECOMMUNICATIONS PEDESTAL     | TELECOMMUNICATIONS PEDESTAL     |
| IRON ROD, IRON PIPE             | IRON ROD, IRON PIPE             |
| SIGN                            | SIGN                            |
| MAJOR                           | MAJOR                           |



**SINGLE FAMILY DWELLING STANDARDS**  
ZONING: R-MD  
LOT AREA: 7,000 ± SF  
MIN. WIDTH: 50'  
MIN. DEPTH: 80'  
MIN. FRONTAGE: 35' (IF FOR FLAG LOT)  
SETBACKS:  
FRONT: 30'  
INTERIOR SIDES: 5'±  
STREET SIDE: 20'  
REAR: 20'

SCALE: 1" = 10'



COVER SHEET AND SITE PLAN



| DATE:    | REVISION: |
|----------|-----------|
| 04/15/25 |           |
| DATE:    | REVISION: |
| 04/15/25 |           |
| DATE:    | REVISION: |
| 04/15/25 |           |
| DATE:    | REVISION: |
| 04/15/25 |           |



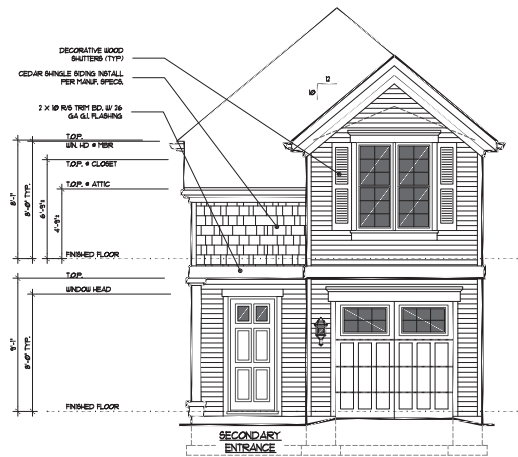
**PROJECT:**  
8933 SE 39TH AVENUE  
**PROJECT LOCATION:**  
MILWAUKIE, OR  
**CLIENT:**  
CURTIS GIBSON

**SHEET TITLE:**  
COVER SHEET AND  
SITE PLAN

**JOB NO.:** 24-008  
**DRAWN BY:** CPF  
**DRAWING:**  
**P1.0**

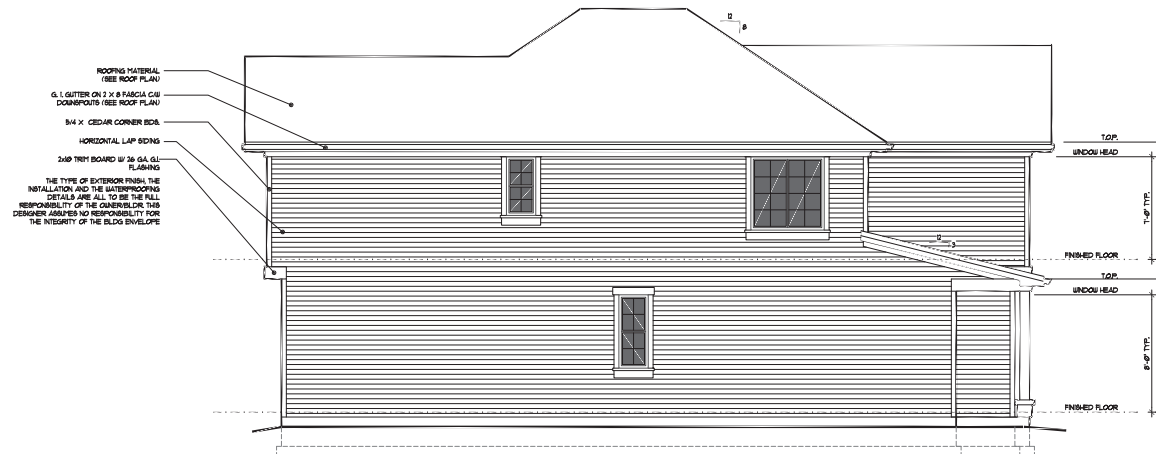
 COMPLES

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WEST ELEVATION

SCALE: 1/4" = 1'-0"



SOUTH SIDE ELEVATION

SCALE: 1/4" = 1'-0"

THE CONTRACTOR ASSUMES FULL RESPONSIBILITY FOR THE CORRECT INSTALLATION OF ALL EXTERIOR FINISHES AND WEATHERPROOFING.

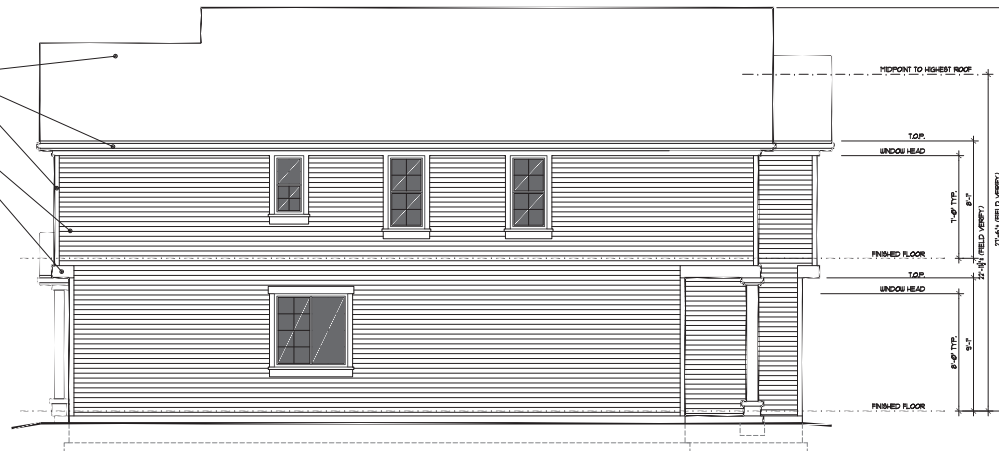
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RESIDENCE BT.  
**RYANWOOD CONSULTING GROUP INC.**  
 23152  
 2

4400 S.W. 10TH AVE. SUITE 100  
 MIAMI, FL 33155  
 TEL: 305.555.1234  
 FAX: 305.555.1235  
 WWW.RYANWOODGROUP.COM

PROJECT: 23152 BT. 23152 BT. 23152 BT.  
 DRAWN: 04/16/25  
 P. 28





**NORTH ELEVATION**

SCALE: 1/4" = 1'-0"



**39TH AVE (UNIT 'B')  
EAST ELEVATION**

SCALE: 1/4" = 1'-0"

## 19.505.1 ONE-TO-FOUR-UNIT RESIDENTIAL DEVELOPMENT

### 1. ARTICULATION (2 MINIMUM PER STREET FRONTAGE)

- ☒ A. A PORCH AT LEAST 9' DEEP
- ☒ B. A BALCONY AT LEAST 2' DEEP AND IS ACCESSIBLE FROM AN INTERIOR ROOM
- ☒ C. A BAY WINDOW THAT EXTENDS AT LEAST 2' SIDE
- ☒ D. A SECTION OF THE FACADE THAT IS RECESSED BY AT LEAST 2' DEEP AND 6' LONG
- ☒ E. A GABLED DORMER

### ☒ COMPLETS

### 2. EYES ON THE STREET (5% MINIMUM WINDOWS OR ENTRANCE DOORS ON STREET-FACING FACADE)

TOTAL WALL AREA: 431 SF.

X.B. GLAZING REQ'D: 65.6 SF.

GLAZING:

ENTRY DOOR: 24.00 SF.

ENTRY DOORLIGHT: 9.33 SF.

LIVING ROOM: 24.00 SF.

BEDROOM 1: 8.00 SF.

BEDROOM 2: 20.00 SF.

TOTAL GLAZING: 105.33 SF.

### ☒ COMPLETS

### 3. MAIN ENTRANCE:

- ☒ 1. BE NO FURTHER THAN 8' BEHIND THE LONGEST STREET-FACING WALL OF THE BUILDING
- ☒ 2. FACE THE STREET, BE AT AN ANGLE OF UP TO 45 DEGREES FROM THE STREET, OR OPEN ONTO A PORCH
- ☒ F. THE ENTRANCE OPENS ONTO A PORCH, THE PORCH SHALL MEET ALL OF THE ADDITIONAL STANDARDS:

- ☒ A. BE AT LEAST 25 SF. IN AREA WITH A MINIMUM 4' DEPTH
- ☒ B. HAVE AT LEAST ONE PORCH ENTRY FACING THE STREET
- ☒ C. HAVE A ROOF THAT IS NO MORE THAN 5' ABOVE THE FLOOR OF THE PORCH
- ☒ D. HAVE A ROOF THAT COVERS AT LEAST 50% OF THE PORCH

### ☒ COMPLETS

### 4. DETAILED DESIGN (7 REQUIRED PER GARAGE DOOR WIDTH BETWEEN 40%-50% OF STREET-FACING FACADE)

- ☒ A. COVERED PORCH AT LEAST 9' DEEP, AS MEASURED HORIZONTALLY FROM THE FACE OF THE MAIN BUILDING FACADE TO THE EDGE OF THE DECK, AND AT LEAST 9' WIDE
- ☒ B. RECESSED ENTRY AREA AT LEAST 2' DEEP, AS MEASURED HORIZONTALLY FROM THE FACE OF THE MAIN BUILDING FACADE, AND AT LEAST 9' WIDE
- ☒ C. PORCH ON THE BUILDING FACE OF AT LEAST 6' FROM ONE EXTERIOR WALL, SURFACE TO THE OTHER
- ☒ D. DORMER THAT IS AT LEAST 4' WIDE AND INTEGRATED INTO THE ROOF FORM
- ☒ E. ROOF EAVES WITH A MINIMUM PROJECTION OF 12" FROM THE INTERSECTION OF THE ROOF AND THE EXTERIOR WALLS
- ☒ F. ROOF LINE OFFSETS OF AT LEAST 2" FROM THE TOP SURFACE OF ONE ROOF TO THE TOP SURFACE OF THE OTHER
- ☒ G. CLAY TILE, SLATE, OR WOOD SHINGLES
- ☒ H. HORIZONTAL LAP SIDING 3/4" WIDE (WOOD, FIBER-CEMENT, OR VINYL)
- ☒ I. BRICK, CEDAR SHINGLES, STUCCO, OR OTHER SIMILAR DECORATIVE MATERIAL COVERING AT LEAST 40% OF THE STREET-FACING FACADE
- ☒ J. GABLE ROOF, HIP ROOF, OR GAMBREL ROOF DESIGN
- ☒ K. WINDOW TREATMENT: ALL WINDOWS AT LEAST 9' WIDE AND 3/4" DEEP
- ☒ L. WINDOW RECESSES, IN ALL WINDOWS, OF AT LEAST 3" AS MEASURED HORIZONTALLY FROM THE FACE OF THE BUILDING FACADE
- ☒ M. BALCONY THAT IS AT LEAST 2' DEEP, 9' WIDE, AND ACCESSIBLE FROM AN INTERIOR ROOM
- ☒ N. ONE ROOF PITCH OF AT LEAST 50% IN AREA THAT IS SLOPED TO FACE THE SOUTHERN ROOF AND HAS ITS RAISE LINE ORIENTED WITHIN 30 DEGREES OF THE TRUE NORTHEAST AXIS
- ☒ O. BAY WINDOW AT LEAST 2' DEEP AND 9' WIDE
- ☒ P. ATTACHED GARAGE WITH, AS MEASURED BETWEEN THE INSIDE OF THE GARAGE DOOR FRAME, OF 30% OR LESS OF THE LENGTH OF THE STREET-FACING FACADE
- ☒ Q. UNIVERSAL ACCESS

### ☒ COMPLETS

THE CONTRACTOR ASSUMES FULL RESPONSIBILITY FOR THE CORRECT INSTALLATION OF ALL EXTERIOR FINISHES AND WEATHERPROOFING.

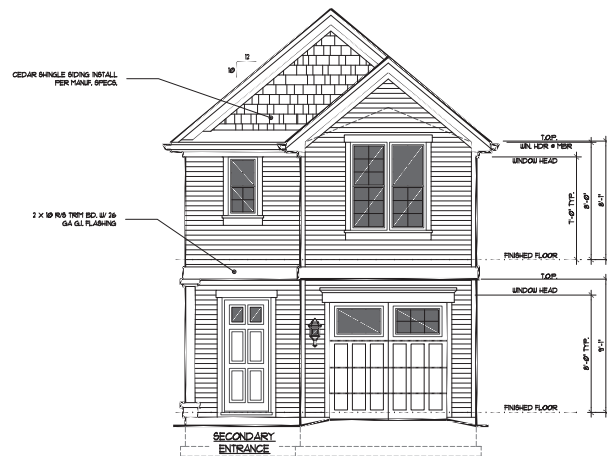
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PROPOSED 2025-26 39TH AVE UNIT 'B' 1-10-25  
PROJECT: 39TH AVE UNIT 'B' 1-10-25  
DRAWN: 04/16/25 J.B.

RESIDENCE BY:  
**RYANWOOD CONSULTING GROUP INC.**  
25# SNOW LOAD  
MAX. 500 SF.  
MIN. 500 SF.  
SUB-TOTAL: 1000 SF.  
GARAGE AREA: 250 SF.  
TOTAL: 1250 SF.

**21152**  
**1**



WEST ELEVATION

SCALE: 1/4" = 1'-0"



SOUTH SIDE ELEVATION

SCALE: 1/4" = 1'-0"

RESIDENCE BT.

**RYANWOOD CONSULTING GROUP INC.**

25 # SNOW LOAD

MAX SQ. FT. 1485 SQ. FT.

MIN. TOTAL 1485 SQ. FT.

CHANGE AREA 1485 SQ. FT.

21152

2

THE CONTRACTOR ASSUMES FULL RESPONSIBILITY FOR THE CORRECT INSTALLATION OF ALL EXTERIOR FINISHES AND WATERPROOFING.

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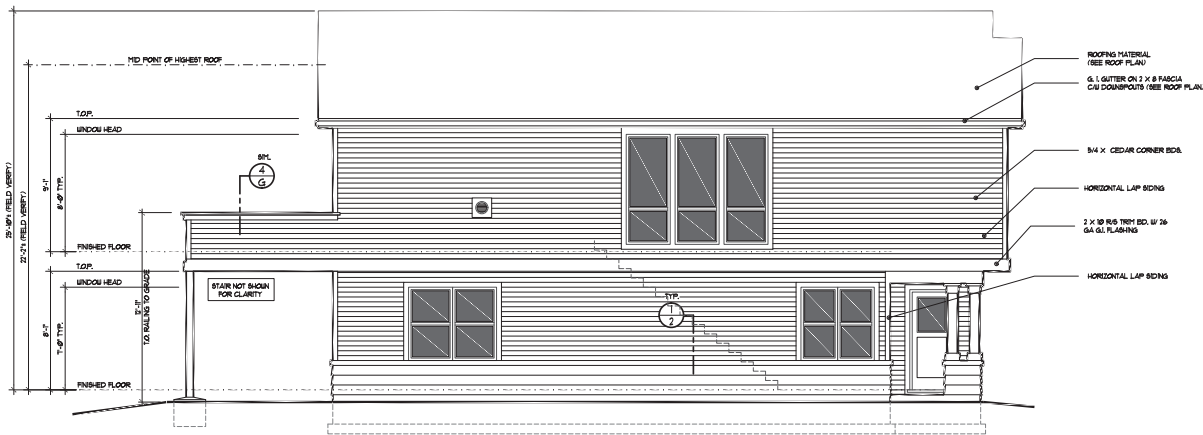




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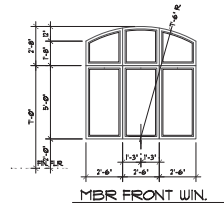


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SOUTH ELEVATION

SCALE: 1/4" = 1'-0"



MBR FRONT WIN.



39TH AVE (UNIT 'D')  
EAST ELEVATION

SCALE: 1/4" = 1'-0"

## 19.505.1 ONE-TO-FOUR-UNIT RESIDENTIAL DEVELOPMENT

### 1. ARTICULATION (2 MINIMUM PER STREET FRONTAGE)

- ☒ A. A PORCH AT LEAST 3' DEEP
- ☒ B. A BALCONY AT LEAST 2' DEEP AND IS ACCESSIBLE FROM AN INTERIOR ROOM
- ☒ C. A BAY WINDOW THAT EXTENDS AT LEAST 2' WIDE
- ☒ D. A SECTION OF THE FACADE THAT IS RECEIVED BY AT LEAST 2' DEEP AND 6' LONG
- ☒ E. A GABLED DORMER

### 2. EYES ON THE STREET (5% MINIMUM WINDOWS OR ENTRANCE DOORS ON STREET-FACING FACADE)

|                           |           |
|---------------------------|-----------|
| TOTAL WALL AREA           | 443 SF.   |
| X.B.                      |           |
| GLAZING REQ'D:            | 66-45 SF. |
| GLAZING:                  |           |
| ENTRY DOOR                | 30-00 SF. |
| ENTRY DOORLIGHT           | 8-64 SF.  |
| GARAGE DOOR (1% OF TOTAL) | 35-00 SF. |
| WIND.                     | 30-00 SF. |
| TOTAL GLAZING             | 83-36 SF. |

### 3. MAIN ENTRANCE:

- ☒ 1. BE NO FURTHER THAN 8' BEHIND THE LONGEST STREET-FACING WALL OF THE BUILDING
- ☒ 2. FACE THE STREET, BE AT AN ANGLE OF UP TO 45 DEGREES FROM THE STREET, OR OPEN ONTO A PORCH
- ☒ F. THE ENTRANCE OPENING ONTO A PORCH, THE PORCH SHALL MEET ALL OF THE ADDITIONAL STANDARDS:

- ☒ A. BE AT LEAST 75 SF. IN AREA WITH A MINIMUM 4' DEPTH
- ☒ B. HAVE AT LEAST ONE PORCH ENTRY FACING THE STREET
- ☒ C. HAVE A ROOF THAT IS NO MORE THAN 5' ABOVE THE FLOOR OF THE PORCH
- ☒ D. HAVE A ROOF THAT COVERS AT LEAST 50% OF THE PORCH

### 4. DETAILED DESIGN (5 REQUIRED)

- ☒ A. COVERED PORCH AT LEAST 3' DEEP, AS MEASURED HORIZONTALLY FROM THE FACE OF THE MAIN BUILDING FACADE TO THE EDGE OF THE DECK, AND AT LEAST 3' WIDE
- ☒ B. RECEIVED ENTRY AREA AT LEAST 2' DEEP, AS MEASURED HORIZONTALLY FROM THE FACE OF THE MAIN BUILDING FACADE, AND AT LEAST 3' WIDE
- ☒ C. ORIENT ON THE BUILDING FACE OF AT LEAST 8' FROM ONE EXTERIOR WALL, SURFACE TO THE OTHER
- ☒ D. DORMER THAT IS AT LEAST 4' WIDE AND INTEGRATED INTO THE ROOF FRONT
- ☒ E. ROOF EAVES WITH A MINIMUM PROJECTION OF 1" FROM THE INTERSECTION OF THE ROOF AND THE EXTERIOR WALLS
- ☒ F. ROOF LINE OFFSETS OF AT LEAST 2" FROM THE TOP SURFACE OF ONE ROOF TO THE TOP SURFACE OF THE OTHER
- ☒ G. CLAY TILE, SLATE, OR WOOD SHINGLES
- ☒ H. HORIZONTAL LAP SIDING 3"-6" WIDE (WOOD, FIBER-CEMENT, OR VINYL)
- ☒ I. BRICK, CEDAR SHINGLES, STUCCO, OR OTHER SIMILAR DECORATIVE MATERIAL COVERING AT LEAST 40% OF THE STREET-FACING FACADE
- ☒ J. GABLE ROOF, HIP ROOF, OR GAMBREL ROOF DESIGN
- ☒ K. WINDOW TRIM AROUND ALL WINDOWS AT LEAST 3' WIDE AND 3'-0" DEEP
- ☒ L. WINDOW RECEASES, IN ALL WINDOWS, OF AT LEAST 3" AS MEASURED HORIZONTALLY FROM THE FACE OF THE BUILDING FACADE
- ☒ M. BALCONY THAT IS AT LEAST 3' DEEP, 3' WIDE, AND ACCESSIBLE FROM AN INTERIOR ROOM
- ☒ N. ONE ROOF PITCH OF AT LEAST 50% IN AREA THAT IS SLOPED TO FACE THE SOUTHERN ROOF AND HAS ITS RAISE LINE ORIENTED WITHIN 30 DEGREES OF THE TRUE NORTH/SOUTH AXIS
- ☒ O. BAY WINDOW AT LEAST 2' DEEP AND 3' WIDE
- ☒ P. ATTACHED GARAGE WITH, AS MEASURED BETWEEN THE INSIDE OF THE GARAGE DOOR FRAME, OF 30% OR LESS OF THE LENGTH OF THE STREET-FACING FACADE
- ☒ Q. UNIVERSAL ACCESS

### 5. COMPLIES

**RYANWOOD CONSULTING GROUP INC.**

RESIDENCE B.T.

25' S NOW LOAD

39TH AVE (UNIT 'D')

2178A

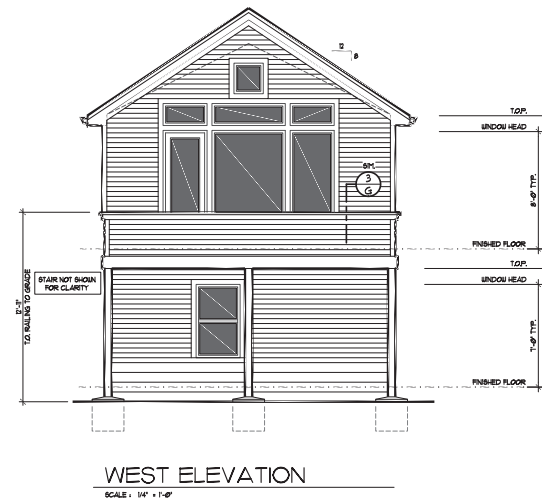
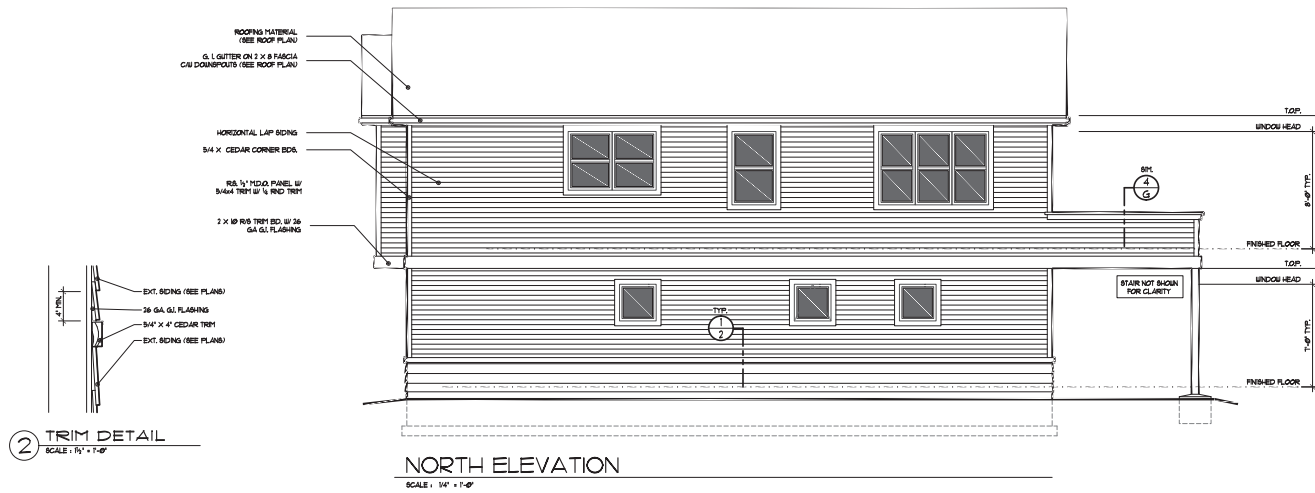
1

RYANWOOD CONSULTING GROUP INC. 10000 10TH AVE. SUITE 100, BELLINGHAM, WA 98226-1000  
 TEL: 360-735-1000 FAX: 360-735-1001  
 WWW.RYANWOODCONSULTING.COM

RYANWOOD CONSULTING GROUP INC. 10000 10TH AVE. SUITE 100, BELLINGHAM, WA 98226-1000  
 TEL: 360-735-1000 FAX: 360-735-1001  
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THE CONTRACTOR ASSUMES FULL RESPONSIBILITY  
FOR THE CORRECT INSTALLATION OF ALL  
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**Record**

RESIDENCE: 2178A  
23# SNOW LOAD

RYANWOOD CONSULTING GROUP INC.  
8033 7<sup>th</sup> SOUTH AVE  
MILWAUKEE, WISCONSIN 53214

DATE: 04/16/25  
DRAWN: P.J.B.

2178A  
2

**MIDDLE HOUSING LAND DIVISION AND VARIANCE BURDEN OF PROOF  
8933 SW 39TH AVE MILWAUKIE QUADPLEX**

**APPLICANT/  
OWNER:**

Curtis Gibson  
Ryanwood Consulting Group Inc.  
2050 SE Beavercreek Road #338  
Oregon City, OR 97045

**SUBJECT  
PROPERTY:**

The subject property is identified as Tax Lot 3200 on the Clackamas County Tax Assessor's Map 11E25AD and as 8933 SE 39<sup>th</sup> Avenue, Milwaukie, OR 97222

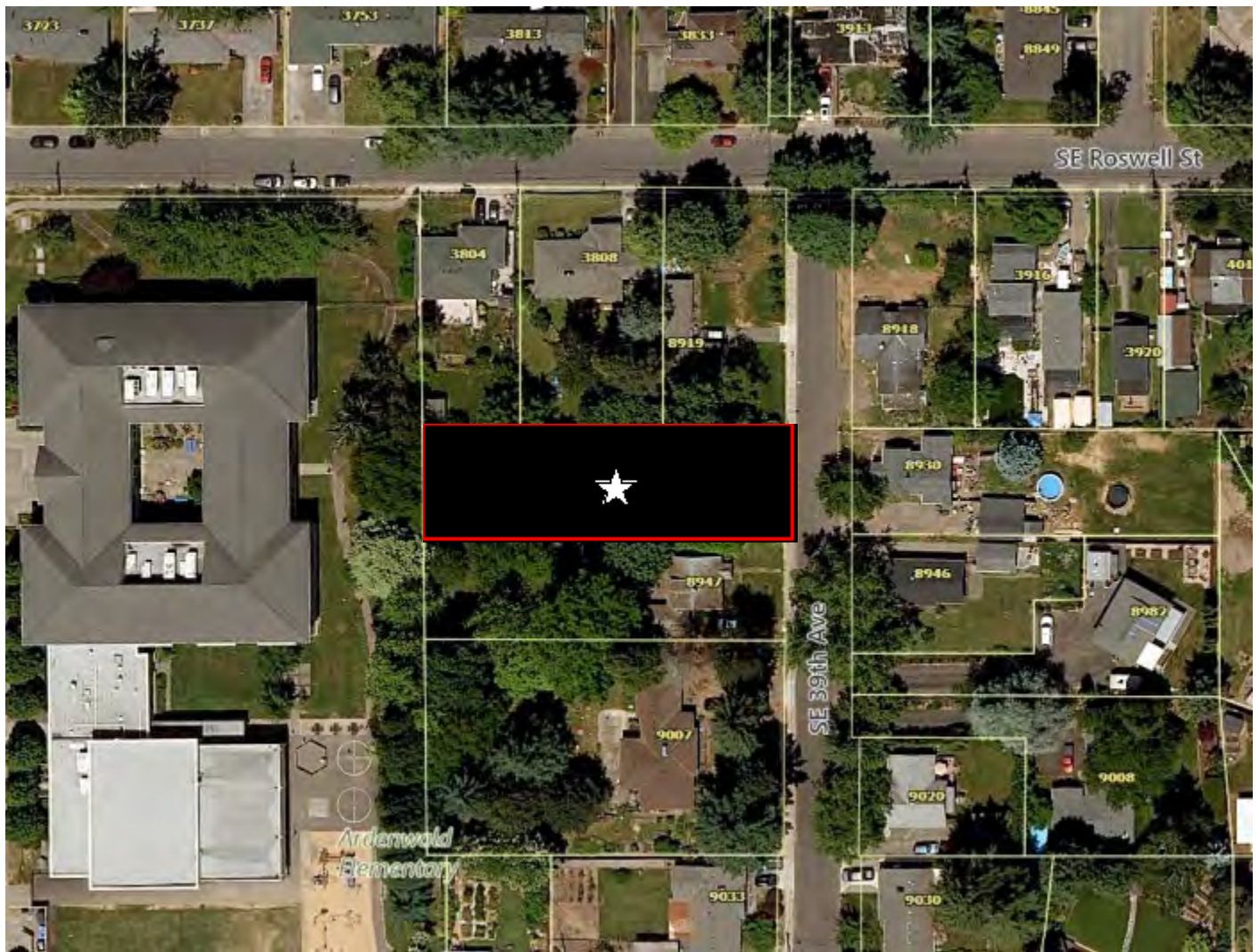
**ZONING:**

The subject properties are zoned and planned R-MD (Moderate Density Residential Zone) on the City of Milwaukie Zoning map.

**REQUEST:**

The applicant is proposing four middle housing dwelling units (quadplex – detached) with a middle housing land division.

**Aerial**



#### **FINDINGS OF FACT:**

1. **PROPERTY LOCATION:**

The subject property is identified as Tax Lot 3200 on the Clackamas County Tax Assessor's Map 11E25AD and as 8933 SE 39<sup>th</sup> Avenue, Milwaukie, OR 97222

2. **ZONING AND COMPREHENSIVE PLAN DESIGNATION:**

The subject properties are zoned and planned R-MD (Moderate Density Residential Zone) on the City of Milwaukie Zoning map.

3. **SITE DESCRIPTION AND SURROUNDING USES:**

The parcel area generally level and the surrounding properties are developed residential.

4. **PURPOSE:**

The applicant is proposing four middle housing dwelling units (quadplex – detached) with a middle housing land division.

#### **Applicable Criteria:**

**Milwaukie Code, Title 17, Land Division:**

**Ch. 17.26.010 Middle Housing Land Divisions**

**Milwaukie Code, Title 19, Zoning:**



The Type II variance application does not depend on the associated middle housing land division application (file #MHLD-2025-005), so the pages related to the MHLD file have been removed for the sake of focusing the review of VR-2025-009. (note by Milwaukie Planning Staff)

#### 17.26.010 MIDDLE HOUSING LAND DIVISIONS.

- A.** A middle housing land division is a partition or subdivision of a lot or parcel on which a middle housing project has been developed or approved for development under the provisions of this code and ORS 197.758. Middle housing land divisions are regulated by this code and ORS Chapter 92. Townhouses, by definition, are already on their own lots, so a middle housing land division is not applicable to townhouse developments. Following the land division, the units of land created in a middle housing land division, the sublots or subparcels, will be collectively considered a single lot or parcel for all but platting and property transfer purposes under City code and state rules and statutes, including:
1. Lot standards such as size, setback, lot coverage, and lot width and depth;
  2. Definition of unit types (e.g., a detached quadplex development where each unit is on its own lot through a middle housing land division would still be considered a detached quadplex development rather than four lots with single detached units);
  3. Allowed number of dwelling units and accessory dwelling units; and
  4. Compliance with middle housing rules and statutes in ORS 197 and OAR 660-046.

**Response:** This document serves to demonstrate compliance with lot standards, allowed use, allowed number of units, and middle housing rules.

**Response: The roof pitches do not preclude utilization of solar panels. Operatable windows are provided and shading shall be provided.**

**5. Recycling Areas**

A recycling area or recycling areas within a plex development must meet the following standards:

- a.** The recycling collection area must provide containers to accept the following recyclable materials: glass, newspaper, corrugated cardboard, tin, and aluminum.
- b.** The recycling collection area must be located at least as close to the Dwelling units as the closest garbage collection/container area.
- c.** Recycling containers must be covered by either a roof or weatherproof lids.
- d.** The recycling collection area must have a collection capacity of at least 100 cu ft in size for every 10 dwelling units or portion thereof.
- e.** The recycling collection area must be accessible to collection service personnel between the hours of 6:00 a.m. and 6:00 p.m.
- f.** The recycling collection area and containers must be labeled, to indicate the type and location of materials accepted, and properly maintained to ensure continued use by tenants.
- g.** Fire Department approval will be required for the recycling collection area.
- h.** Review and comment for the recycling collection area will be required from the appropriate franchise collection service.

**Response: The proposal is for a Middle Housing Land Division. Each unit will have individual trash and recycling collection through roll out carts.**

**19.911 Variances**

**19.911.1 Purpose.**

Variances provide relief from specific code provisions that have the unintended effect of preventing reasonable development or imposing undue hardship. Variances are intended to provide some flexibility while ensuring that the intent of each development standard is met. Variances may be granted for the purpose of fostering reinvestment in existing buildings, allowing for creative infill development solutions, avoiding environmental impacts, and/or precluding an economic taking of property. Variances shall not be granted that would be detrimental to public health, safety, or welfare.

**19.911.2 Applicability.**

**A. Eligible Variances**

Except for situations described in Subsection 19.911.2.B, a variance may be requested to any standard or regulation in Titles **17** or **19** of the Milwaukie Municipal Code, or any other portion of the Milwaukie Municipal Code that constitutes a land use regulation per ORS 197.015.

**Response: A Variance to reduce the rear setback to 15 feet form 20 feet is requested.**

**B. Ineligible Variances**

A variance may not be requested for the following purposes:

1. To eliminate restrictions on uses or development that contain the word "prohibited."
2. To change a required review type.
3. To change or omit the steps of a procedure.
4. To change a definition.
5. To increase, or have the same effect as increasing, the maximum permitted density for a residential zone.
6. To justify or allow a Building Code violation.
7. To allow a use that is not allowed outright by the base zone. Requests of this nature may be allowed through the use exception provisions in Subsection 19.911.5, nonconforming use replacement provisions in Subsection 19.804.1.B.2, conditional use provisions in Section 19.905, or community service use provisions in Section 19.904.

**Response: The request for a variance to setback and is expressly available through a Type II variance. No ineligible variances are requested.**

**C. Exceptions**

A variance application is not required where other sections of the municipal code specifically provide for exceptions, adjustments, or modifications to standards either "by right" or as part of a specific land use application review process.

**19.911.3 Review Process.**

**A. General Provisions**

1. Variance applications shall be evaluated through either a Type II or III review, depending on the nature and scope of the variance request and the discretion involved in the decision-making process.
2. Variance applications may be combined with, and reviewed concurrently with, other land use applications.
3. One variance application may include up to three variance requests. Each variance request must be addressed separately in the application. If all of the variance requests are Type II, the application will be processed through a Type II review. If one or more of the variance requests is Type III, the application will be processed through a Type III review. Additional variance requests must be made on a separate variance application.

**Response: A single Type II Variance is requested concurrently with the submitted Middle Housing Land Division application.**

**B. Type II Variances**

Type II variances allow for limited variations to numerical standards. The following types of variance requests shall be evaluated through a Type II review per Section 19.1005:



1. A variance of up to 40% to a side yard width standard.
2. A variance of up to 25% to a front, rear, or street side yard width standard. A front yard width may not be reduced to less than 15 ft through a Type II review.
3. A variance of up to 10% to lot coverage or minimum vegetation standards.
4. A variance of up to 10% to lot width or depth standards.
5. A variance of up to 10% to a lot frontage standard.
6. A variance to compliance with Subsection 19.505.1.C.4 Detailed Design, or with SubSection 19.901.1.E.4.c.(1) in cases where a unique and creative housing design merits flexibility from the requirements of that subsection.
7. A variance to compliance with Subsection 19.505.7.C Building Design Standards in cases where a unique design merits flexibility from the requirements of that subsection.
8. A variance to fence height to allow up to a maximum of 6 ft for front yard fences and 8 ft for side yard, street side yard, and rear yard fences. Fences shall meet clear vision standards provided in Chapter 12.24.
9. A variance of up to a 25% increase in the size of an Accessory Dwelling Unit as identified in Subsection 19.910.1.E.4.
10. A variance to interior height of a garage in a cottage cluster to allow up to a maximum of 15 ft for cases that would use space saving parking technology (e.g., interior car stacking) that might require additional interior height.
11. For any middle housing development, except townhouses and cottage clusters, that includes at least one dwelling unit that is affordable that meets the exemption standards as defined in Section 3.60.050, the minimum setbacks in Table 19.301.4 may be reduced to the following:
  - a. Front yard: 10 ft
  - b. Rear yard: 10 ft
  - c. Side yard: 5 ft
  - d. Street side yard: 10 ft

**Response: Per section 11.b. above, the rear yard for a middle housing development, except townhouses and cottage clusters, may be reduced to 10 feet. The applicant is requesting a reduction to 15 feet for improved vehicle access.**

**C. Type III Variances**

Type III variances allow for larger or more complex variations to standards that require additional discretion and warrant a public hearing consistent with the Type III review process. Any variance request that is not specifically listed as a Type II variance per Subsection 19.911.3.B shall be evaluated through a Type III review per Section 19.1006.

**Response: A Type III variance is not requested.**

**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.

**Response: The proposed variance has no impact on surrounding properties, and no natural resource areas exist on or adjacent to the subject property.**

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.

**Response: The proposed variance is for the rear setback and has no impact on the TSP or WMP.**

3. Where site improvements already exist, the proposed variance will sustain the integrity of, or enhance, an existing building or site design.

**Response: The proposal is for a new development.**

4. Impacts from the proposed variance will be mitigated to the extent practicable.

**Response: While a reduction to 10 feet is allowed, a reduction to only 15 feet is requested to mitigate impacts the the greatest extent practical.**

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 (when applicable).

**Response: The requested variance allows for adequate space in the rear setback to address applicable sections of chapter 16.32.042.**

## B. Type III Variances

An application for a Type III variance shall be approved when all of the criteria in either Subsection 19.911.4.B.1 or 2 have been met. An applicant may choose which set of criteria to meet based upon the nature of the variance request, the nature of the development proposal, and the existing site conditions.

### 1. Discretionary Relief Criteria

- 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.
- b. The proposed variance is determined by the Planning Commission to be both reasonable and appropriate, and it meets one or more 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.

- (4) 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.

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

2. Economic Hardship Criteria

- a. Due to unusual site characteristics and/or other physical conditions on or near the site, the variance is necessary to allow reasonable economic use of the property comparable with other properties in the same area and zoning district.

- b. The proposed variance is the minimum variance necessary to allow for reasonable economic use of the property.

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

**Response: A Type III variance is not requested.**