

SEP 16 2014

CITY OF MILWAUKIE  
PLANNING DEPARTMENT

***Bell's Drafting & Construction Inc.***  
***6400 S.E. Lake Rd Suite #200***  
***Portland, Or 97222***

503-313-9228

Lic #77165

15-September-2014

**Summary**

Re: 4530 S.E. Brookside Drive, Milwaukie, Or. 97222

Zone: R-7

Land use review requested: Type 11 variance 25% reduction to street side yard and front yard setbacks

Allowed: 20' front and street side yard setbacks

Proposed: 15'-0" front yard and 15'-6" street side yard

**Description:**

The home is a two storey structure that climbs up the slope at the corner of Johnson Creek Blvd. and S.E. Brookside drive. The property is a very irregular shaped corner lot that puts constraints on enhancement and enjoyment of home.

**Proposal:**

The home has an elevated rear deck that protrudes straight out from the rear of the home. Because of the irregular and angling street side yard property line, the outermost corner of the cantilevered home floor joists, the outermost deck support post and a portion of the 2'-0" cantilevered deck falls into the street side yard setback.

The height of the front door to the home due to the slope of the lot requires a wood staircase and landing constructed to gain access to the front door. The landing and lowest portion of the wood staircase falls into the front yard setback guidelines.

1. Zoning section 19.911 Variances of the Municipal Code – Section 19.911.1 Purpose: allows specific code provisions to provide some flexibility while ensuring that intent of development standard is met. As well, allowing creative infill development.
2. Zoning Section 19.911 Variance of the Municipal Code – Section 19.911.3 Section B-2 includes a reduction of the street side yard setback width of 25% thus taking our minimum side yard setback to 15'-0". This would cover our cantilevered upper floor joist of the home that sits at 18'-0" and cover the outermost support post of the deck that sits at 15'-6". This reduction should not adversely affect how this home looks from the street. Where the setback reduction is proposed, the property line does not run parallel with the street; the street veers away from the property. Also, at this point there is another pie shaped property between ours and the main street thus our setback reduction point feels further from the street.
3. Zoning Section 19.911 Variance of the Municipal Code – Section 19.911.3 Section B-2 includes a reduction of the front yard setback width of 25% thus taking our minimum front yard setback to 15'-0". This would cover our stair landing and lower wood steps. This reduction should not adversely affect how the home feels from the street. The landing and steps can be easily worked into the landscaping design allowing the steps to feel natural up to the front door.
4. Zoning Section 19.501 Variances of the Municipal Code- Section 19.501.2 Section B allows architectural features an additional 24 inches into required street side yard thus allowing the corner of the cantilevered deck to sit at a setback of 13'6". This section also allows an additional 36" into front yard setbacks, thus allowing the wood landing and wood steps to sit at a setback of 12'-0".
5. Zoning Section 19.501 Variances of the Municipal Code – Section 19.501.2 Section "A" discusses an additional 30' setback from the centerline of Johnson Creek Blvd. We maintain this setback. The side wall of the home facing Johnson creek is set 50' from centerline and runs parallel to the centerline. The deck protrudes in a straight line from the rear of the home and maintains the 50' setback.

**Approval Criteria for Type II Variances:**

Zoning section 19.911.4.A Type II Variances

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. Being a corner lot both the front yard and street side yard proposed variances border public streets. The nearest neighbor is to the south and behind the home and is considerably elevated to our existing structure. Both variances maintain an attractive, comfortable and safe distance from any foot or vehicular traffic. Any and all natural resources present remain intact.
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 transportation system plan or water master plan. Upon review it was confirmed with the Engineering Department that no further dedication is deemed necessary for the foreseeable future.
3. Where site improvements already exist, the proposed variance will sustain the integrity of, or enhance, an existing building or site design. The proposed front yard variance brings the front door and deck to the forefront so that the entrance is highlighted. It also breaks up the long narrow yard area above the 4' street facing retaining wall and helps enhance the landscaping ideas. The proposed street side yard variance allows for the sloping back corner of the yard to be utilized that otherwise has no viable use. In addition allows for peaceful enjoyment of the outdoors.
4. Impacts from the proposed variance will be mitigated to the extent practicable. The front yard variance is mitigated in that it allows a comfortable rise and run up to the front porch deck. The lowest steps are allowed to be comfortably entered from the driveway and climb up the slope without being crammed against the structure. The beginning steps are out of blocks so as to blend in with the landscape until such a height that deems wood steps to be necessary. The steps and landing are above an existing street facing 4' retaining wall which makes it feel further from the street than it really measures. The street side yard variance is mitigated in that it maintains the 50' distance requirements from the center line of Johnson Creek Blvd. as per Zoning Section 19.501.2.A. In addition, where the variance is proposed; there is a property in between the street and reduced setbacks. This helps maintain a distance well over 20' to the nearest sidewalk, bike path or edge of street.

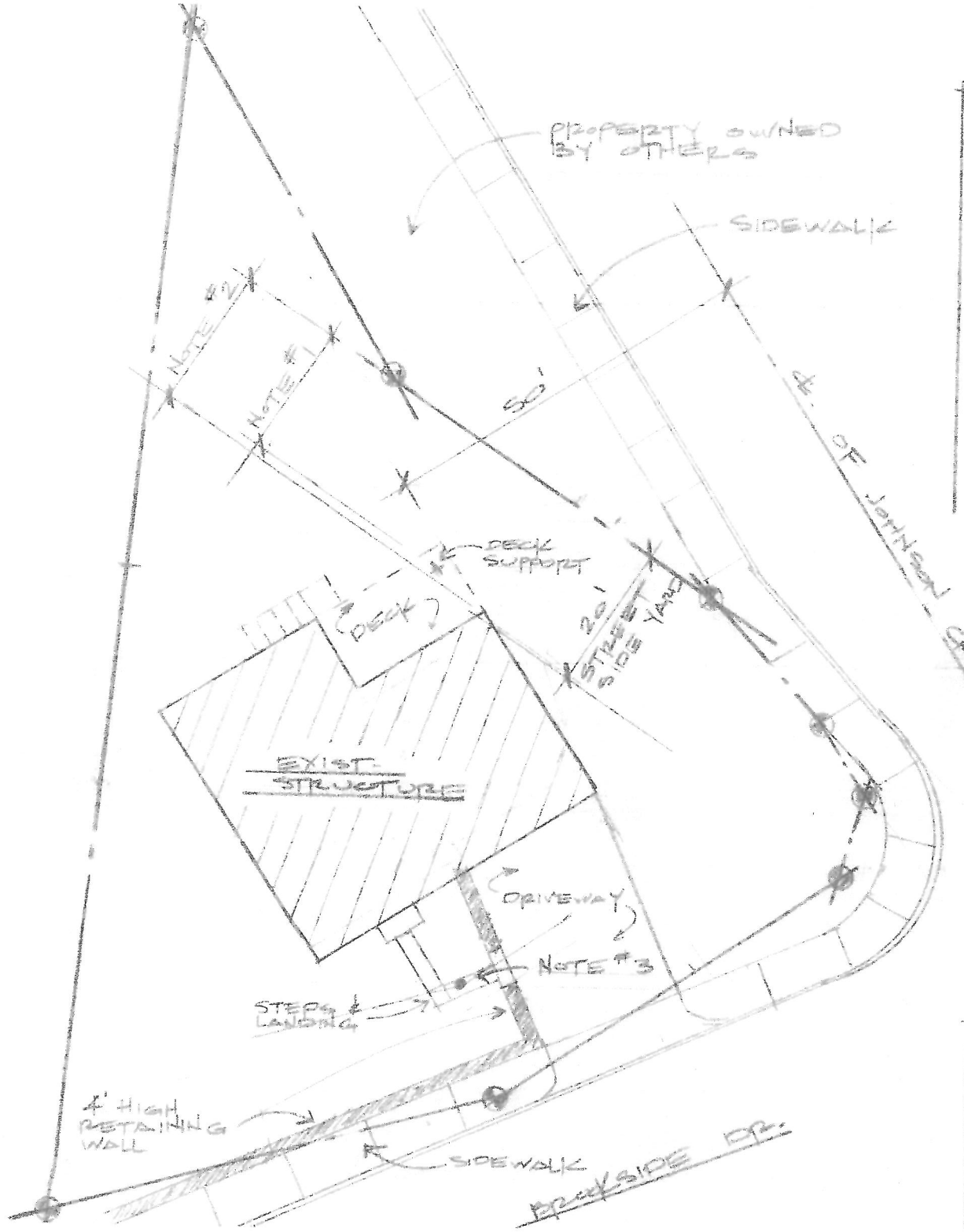
**Development standards:**

This projects complies with all base zone standards with the exceptions of 6 and 8.

1. Single family
2. Minimum lot size – 7000 sq. ft.
3. Minimum lot width 60' – width varies
4. Minimum lot depth 80' – depth varies
5. Minimum street frontage 35'
6. Front yard setback 20' – 15' proposed
7. Side yard setback 5'
8. Street side yard setback 20' – 15' proposed
9. Rear yard setback 20'
10. Maximum building height
11. Maximum lot coverage 30%
12. Minimum vegetation 30%

**Overlay Zones and Special Areas:**

Not applicable



NOTES:

1. 15'-6" TO DECK SUPPORT POST.
2. 18'-0" TO CANTILEVERED FLOOR JOISTS.
3. POINT WHERE 15' SET-BACKS COME TOGETHER

FOR: BELLS CONSTRUCTION  
 DATE: 15-SEPT-2014  
 ADDRESS: 4530 SE BRACKSIDE  
 SCALE: 1" = 20'