



PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206

PHONE: 503-786-7630
FAX: 503-774-8236
E-MAIL: planning@milwaukieoregon.gov

Application for Land Use Action

Master File #: VR-2017-013

Review type*: I II III IV V

<input type="checkbox"/> CHECK ALL APPLICATION TYPES THAT APPLY:		
<input type="checkbox"/> Amendment to Maps and/or Ordinances: <input type="checkbox"/> Comprehensive Plan Text Amendment <input type="checkbox"/> Comprehensive Plan Map Amendment <input type="checkbox"/> Zoning Text Amendment <input type="checkbox"/> Zoning Map Amendment <input type="checkbox"/> Code Interpretation <input type="checkbox"/> Community Service Use <input type="checkbox"/> Conditional Use <input type="checkbox"/> Development Review <input type="checkbox"/> Director Determination <input type="checkbox"/> Downtown Design Review <input type="checkbox"/> Extension to Expiring Approval <input type="checkbox"/> Historic Resource: <input type="checkbox"/> Alteration <input type="checkbox"/> Demolition <input type="checkbox"/> Status Designation <input type="checkbox"/> Status Deletion	<input type="checkbox"/> Land Division: <input type="checkbox"/> Final Plat <input type="checkbox"/> Lot Consolidation <input type="checkbox"/> Partition <input type="checkbox"/> Property Line Adjustment <input type="checkbox"/> Replat <input type="checkbox"/> Subdivision <input type="checkbox"/> Miscellaneous: <input type="checkbox"/> Barbed Wire Fencing <input type="checkbox"/> Modification to Existing Approval <input type="checkbox"/> Natural Resource Review <input type="checkbox"/> Nonconforming Use Alteration <input type="checkbox"/> Parking: <input type="checkbox"/> Quantity Determination <input type="checkbox"/> Quantity Modification <input type="checkbox"/> Shared Parking <input type="checkbox"/> Structured Parking <input type="checkbox"/> Planned Development <input type="checkbox"/> Preliminary Circulation Plan	<input type="checkbox"/> Residential Dwelling: <input type="checkbox"/> Accessory Dwelling Unit <input type="checkbox"/> Duplex <input type="checkbox"/> Manufactured Dwelling Park <input type="checkbox"/> Temporary Dwelling Unit <input type="checkbox"/> Sign Review <input type="checkbox"/> Transportation Facilities Review <input checked="" type="checkbox"/> Variance: <input type="checkbox"/> Building Height <input type="checkbox"/> Fence Height <input type="checkbox"/> Use Exception <input checked="" type="checkbox"/> Variance <input type="checkbox"/> Willamette Greenway Review Use separate application forms for: <input type="checkbox"/> Annexation and/or Boundary Change <input type="checkbox"/> Compensation for Reduction in Property Value (Measure 37) <input type="checkbox"/> Daily Display Sign <input type="checkbox"/> Appeal

RESPONSIBLE PARTIES:

APPLICANT (<u>owner</u>) or other eligible applicant — see reverse): <u>ANN AND BODO HEILGER</u>
Mailing address: <u>5047 SE JACKSON ST MILW</u> Zip: <u>97222</u>
Phone(s): <u>503 705 3458</u> E-mail: <u>DJJENSEN55@GMAIL.COM</u>
APPLICANT'S REPRESENTATIVE (if different than above): <u>Dan Jensen</u>
Mailing address: <u>14500 SW 150th Ave. Tigard</u> Zip: <u>97224</u>
Phone(s): <u>503-705-3458</u> E-mail: <u>djjensen55@gmail.com</u>

SITE INFORMATION:

Address: <u>5047 SE JACKSON ST</u> Map & Tax Lot(s): <u>12E31BA 01 000</u>
Comprehensive Plan Designation: _____ Zoning: <u>R5</u> Size of property: <u>6,250 SF</u>

PROPOSAL (describe briefly):

VARIANCE TO ALLOW 9' X 22' OFF STREET PARKING (EXISTING) TO ALLOW APPROX 11' TO EXTEND IN TO THE 15' FRONT YARD REQUIRED AREA

SIGNATURE: [Signature]

ATTEST: I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) 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: _____ Date: <u>12/12/17</u>
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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.

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.

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	FEE AMOUNT*	PERCENT DISCOUNT	DISCOUNT TYPE	DEPOSIT AMOUNT	DATE STAMP
Master file	VR 2017-003	\$ 2000			\$	RECEIVED DEC 12 2017 CITY OF MILWAUKIE PLANNING DEPARTMENT
Concurrent application files		\$			\$	
		\$			\$	
		\$			\$	
		\$			\$	
SUBTOTALS		\$			\$	
TOTAL AMOUNT RECEIVED: \$		2000	RECEIPT #: 13826		RCD BY: J. Mark	
Associated application file #s (appeals, modifications, previous approvals, etc.):						
Neighborhood District Association(s):						
Notes:						

*After discount (if any)



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6101 SE Johnson Creek Blvd
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For all Land Use Applications
(except Annexations and Development Review)

Submittal Requirements

All land use applications must be accompanied by a signed copy of this form (see reverse for signature block) and the information listed below. The information submitted must be sufficiently detailed and specific to the proposal to allow for adequate review. Failure to submit this information may result in the application being deemed incomplete per the Milwaukie Municipal Code (MMC) and Oregon Revised Statutes.

Contact Milwaukie Planning staff at 503-786-7630 or planning@milwaukieoregon.gov for assistance with Milwaukie's land use application requirements.

1. **All required land use application forms and fees**, including any deposits.
Applications without the required application forms and fees will not be accepted.
2. **Proof of ownership or eligibility to initiate application** per MMC Subsection 19.1001.6.A.
Where written authorization is required, applications without written authorization will not be accepted.
3. **Detailed and comprehensive description** of all existing and proposed uses and structures, including a summary of all information contained in any site plans.
Depending upon the development being proposed, the description may need to include both a written and graphic component such as elevation drawings, 3-D models, photo simulations, etc. Where subjective aspects of the height and mass of the proposed development will be evaluated at a public hearing, temporary on-site "story pole" installations, and photographic representations thereof, may be required at the time of application submittal or prior to the public hearing.
4. **Detailed statement** that demonstrates how the proposal meets the following:
 - A. All applicable development standards (listed below):
 1. **Base zone standards** in Chapter 19.300.
 2. **Overlay zone standards** in Chapter 19.400.
 3. **Supplementary development regulations** in Chapter 19.500.
 4. **Off-street parking and loading standards and requirements** in Chapter 19.600.
 5. **Public facility standards and requirements**, including any required street improvements, in Chapter 19.700.
 - B. All applicable application-specific approval criteria (check with staff).
These standards can be found in the MMC, here: www.qcode.us/codes/milwaukie/
5. **Site plan(s), preliminary plat, or final plat** as appropriate.
See Site Plan, Preliminary Plat, and Final Plat Requirements for guidance.
6. **Copy of valid preapplication conference report**, when a conference was required.

APPLICATION PREPARATION REQUIREMENTS:

- Five hard copies of all application materials are required at the time of submittal (unless submitted electronically). Staff will determine how many additional hard copies are required, if any, once the application has been reviewed for completeness.
- All hard copy application materials larger than 8½ x 11 in. must be folded and be able to fit into a 10- x 13-in. or 12- x 16-in. mailing envelope.
- All hard copy application materials must be collated, including large format plans or graphics.

ADDITIONAL INFORMATION:

- Neighborhood District Associations (NDAs) and their associated Land Use Committees (LUCs) are important parts of Milwaukie's land use process. The City will provide a review copy of your application to the LUC for the subject property. They may contact you or you may wish to contact them. Applicants are strongly encouraged to present their proposal to all applicable NDAs prior to the submittal of a land use application and, where presented, to submit minutes from all such meetings. NDA information: www.milwaukieoregon.gov/citymanager/what-neighborhood-district-association.
- Submittal of a full or partial electronic copy of all application materials is strongly encouraged.

As the authorized applicant I, (print name) Ann Heiliger, attest that all required application materials have been submitted in accordance with City of Milwaukie requirements. I understand that any omission of required items or lack of sufficient detail may constitute grounds for a determination that the application is incomplete per MMC Subsection 19.1003.3 and Oregon Revised Statutes 227.178. I understand that review of the application may be delayed if it is deemed incomplete.

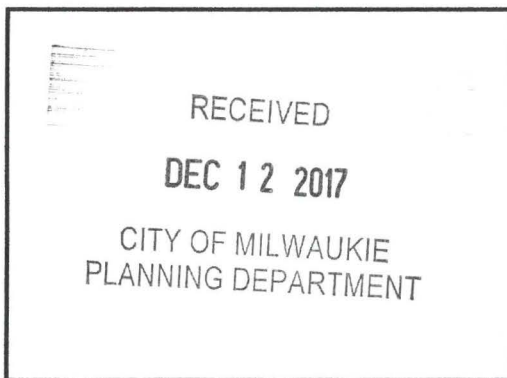
Furthermore, I understand that, if the application triggers the City's sign-posting requirements, I will be required to post signs on the site for a specified period of time. I also understand that I will be required to provide the City with an affidavit of posting prior to issuance of any decision on this application.

Applicant Signature: *Ann Heiliger*

Date: 12/6/17

Official Use Only

Date Received (date stamp below):



RECEIVED

DEC 12 2017

CITY OF MILWAUKIE
PLANNING DEPARTMENT

December 6, 2017

To: City of Milwaukie Planning Dept

From: Ann and Bodo Hieliger
5047 SE Jackson St
Milwaukie, Oregon

Re: Type III Variance, Applicant Alternatives Analysis, off street parking

Note: There are 2 attached drawings, one site and one sketch showing proposed parking location and city mandated parking space.

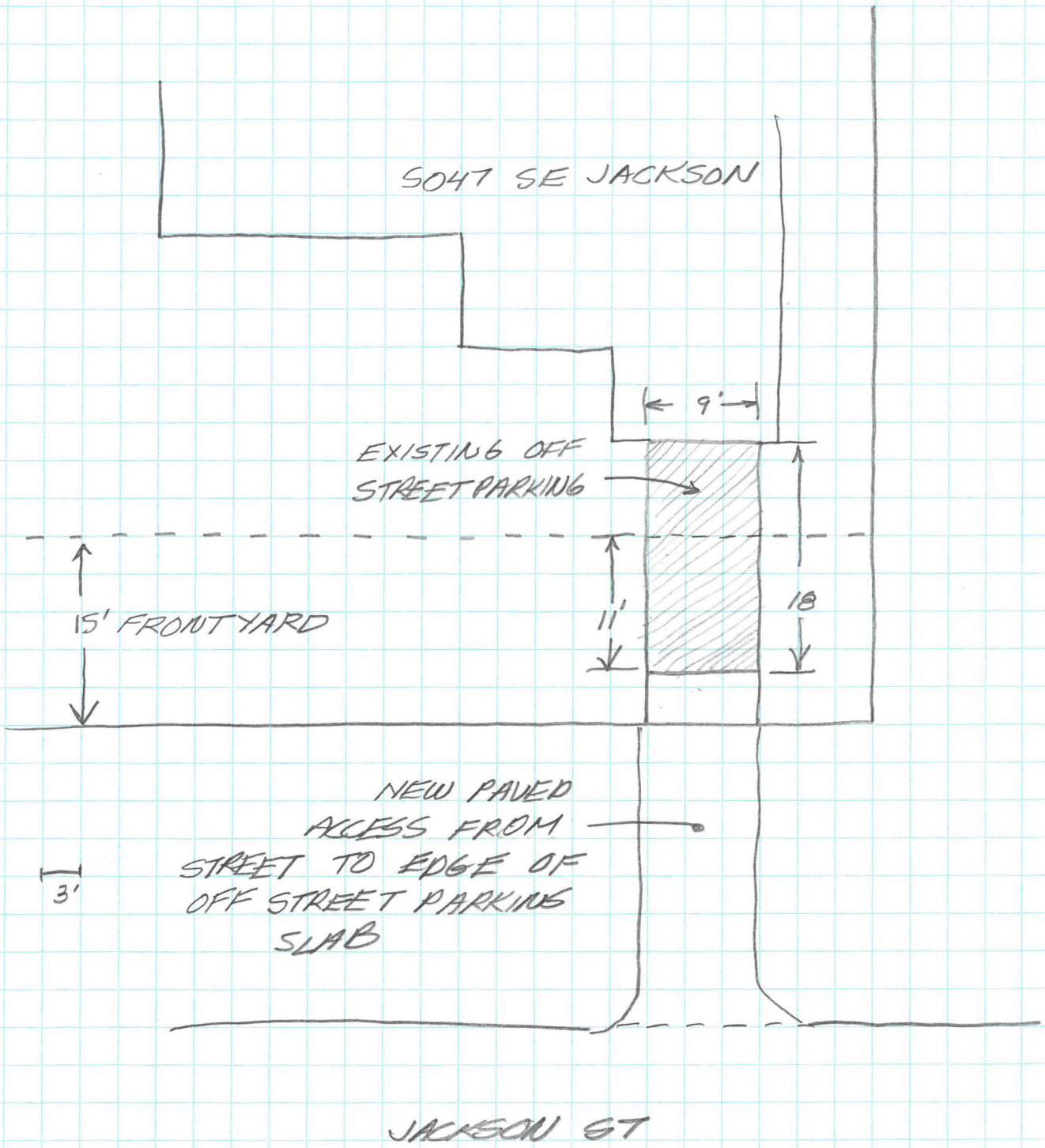
The mandated parking space with required setbacks would take up a substantial part of the front yard to our house. Also it cannot be situated with required setbacks without imposing on the corner of the house. In addition the esthetic appearance would be terrible and the street appeal and value of our home from a resale standpoint would be substantially reduced.

The proposed variance utilizes the existing paved parking space in front of the converted garage which is 9 x22. We will as the city has directed pave the portion of the approach from the edge of the street to the beginning of the parking slab. This does not have any impact on surrounding properties. The only issue is that the lower 11 feet of the parking slab will be within the 15 foot front yard area. This still provides a required parking space completely on the property.

The garage was converted by a previous owner without a permit. We drew permits and completely remodeled the area and have had all inspections done and approved with exception of right a way. The cost of the variance and paving approach (4000-4500) was not anticipated however approval of this variance will lessen the financial hardship for our family.

Thank you for your time and consideration .

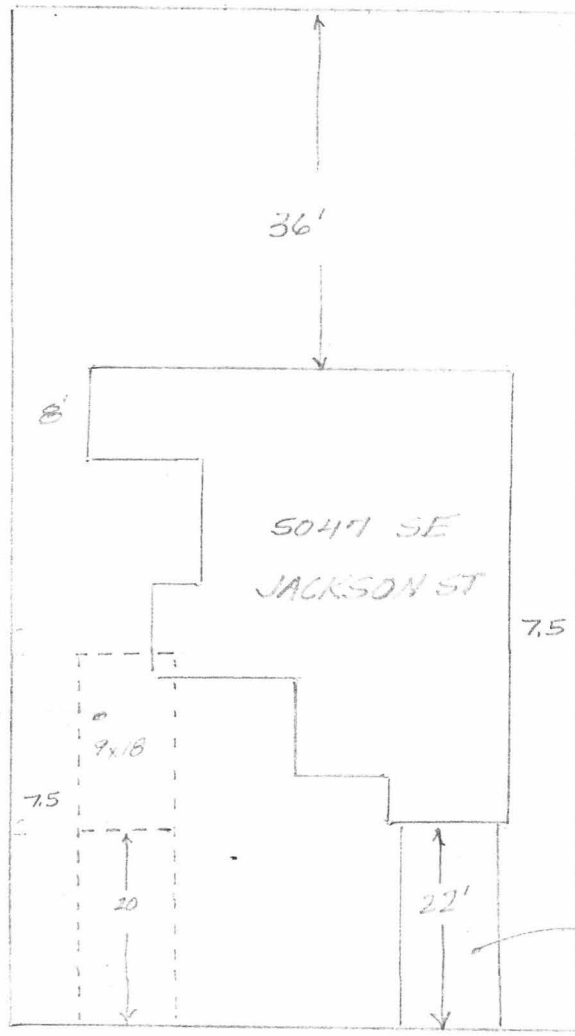
Ann and Bodo Heiliger



SITE PLAN



SCALE 3/4" = 10'



CURRENT CODE
PROPOSED

100'

5047 SE
JACKSON ST

36'

62.5'

7.5

7.5

9x18

20

22'

9'x22' CONCRETE
PARKING AREA
EXISTING

62.5' k-9'-2

ANNY BODO HEILIGER
5047 SE JACKSON ST
MILWAUKEE OR 97102

CITY OF MILWAUKIE

PreApp Project ID #: 17-016PA

PRE-APPLICATION CONFERENCE REPORT

This report is provided as a follow-up to a meeting that was held on **8/3/2017** at **10:00am**

Applicant Name: Ann & Bodo Heiliger

Company:

Applicant 'Role': Owner

Address Line 1: 5047 SE Jackson St

Address Line 2:

City, State Zip: Milwaukie OR 97222

Project Name: Jackson St Parking Variance

Description: Variance for setback requirement of off-street parking.

ProjectAddress: 5047 SE Jackson St

Zone: R-5

Occupancy Group:

ConstructionType:

Use: Single-family residential – Low Density

Occupant Load:

AppsPresent: Bodo Heiliger, Dan Jensen

Staff Attendance: Denny Egner, Vera Koliass, Alex Roller

BUILDING ISSUES

ADA:

Structural:

Mechanical:

Plumbing:

Plumb Site Utilities:

Electrical:

Notes: No comment.

Please note all drawings must be individually rolled. If the drawings are small enough to fold they must be individually folded.

FIRE MARSHAL ISSUES

- Fire Sprinklers:**
- Fire Alarms:**
- Fire Hydrants:**
- Turn Arounds:**
- Addressing:**
- Fire Protection:**
- Fire Access:**
- Hazardous Mat.:**
- Fire Marshal Notes:** No comment.

PUBLIC WORKS ISSUES

- Water:** n/a
- Sewer:** n/a
- Storm:** n/a
- Street:** Property fronts the north side of SE Jackson Street, a neighborhood route. The portion of SE Jackson Street fronting the proposed development has a right-of-way width of 60 feet and a paved width of approximately 20 feet with no improvements on either side of the street.
- Frontage:** Chapter 19.700 of the Milwaukie Municipal Code, hereafter referred to as “Code”, applies to partitions, subdivisions, and new construction.

Frontage improvements would be limited to the construction of an asphalt driveway approach between 9 and 20 feet wide.
- Right of Way:** The existing right-of-way on SE Jackson Street fronting the proposed development is of adequate width and no right-of-way dedication is required.
- Driveways:** Code Section 12.16.040.A states that access to private property shall be permitted with the use of driveway curb cuts and driveways shall meet all applicable guidelines of the Americans with Disabilities Act (ADA). Driveway approaches shall be improved to meet the requirements of Milwaukie’s Public Works Standards. Current site does not have an approach, which is an existing non-conforming condition. To bring site closer to conformance with planning requirements for a durable and dust-free hard surface for vehicle maneuvering areas within the front yard, the construction of an approved asphalt driveway approach will be required. This work will be completed under a right-of-way construction permit.

*proposed asphalt approach < 500 SF
NO EROSION CONTROL*

Erosion Control: Per Code Section 16.28.020(C), an erosion control permit is required prior to placement of fill, site clearing, or land disturbances, including but not limited to grubbing, clearing or removal of ground vegetation, grading, excavation, or other activities, any of which results in the disturbance or exposure of soils exceeding five hundred square feet.

Code Section 16.28.020(E) states that an erosion control permit is required prior to issuance of building permits or approval of construction plans. Also, Section 16.28.020(B) states that an erosion control plan that meets the requirements of Section 16.28.030 is required prior to any approval of an erosion control permit.

Traffic Impact Study: n/a

PW Notes: Applicant has expressed interest in applying for a variance to the public works standard of a driveway requirement. Engineering would not support the variance for this requirement. It is Engineering's view that they would be requesting a variance to waive their permitted access to the right-of-way. If public improvements are constructed, this property would not be provided a driveway approach. This may be the desire for the current property owner, but will likely not be the case for subsequent owners.

PLANNING ISSUES


Setbacks: Residential zone R-5: front yard 20 ft; side yard 5 ft; rear yard 20 ft. Accessory structures (sheds, detached garages, etc.) cannot be located in the required front yard or street side yard. Cornices, eaves, canopies, sunshades, gutters, steps, unroofed landings, and flues may project up to 24 inches into a required side yard and up to 36 inches into a required front or rear yard. Maximum lot coverage is 35%.

The existing home has a front yard setback of approximately 22 feet, according the applicant's materials.

Landscape: The R-5 zone requires that 25% of the total area of the lot be left or planted in trees, grass, shrubs, planting beds, etc. No more than 20% of the required vegetation area shall be covered in mulch or bark dust.

At least 40% of the front yard shall be vegetated. The front yard vegetation area required by this subsection counts toward the minimum required vegetation for the lot. 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.

Parking: Single family homes are required to provide a minimum of 1 off-street parking space. Per MMC 19.607, a required off-street parking space cannot be located within the required front yard or within 15 ft of the front lot line. Required spaces cannot be located in a required front or street side yard. Parking and maneuvering areas must be paved or otherwise hard, durable, dust-free surfaces. The use of pervious materials is allowed and encouraged.

 The property currently contains a garage that was converted into living space and a paved driveway that is 9 ft wide and 22 ft long that is entirely within the front yard setback. The existing site does not meet the minimum off-street parking requirements for a primary structure.

Transportation Review: The City's transportation requirements are located in MMC 19.700. Please review the Public Works section for requirements for this project.

Application Procedures: The applicant is interested in legalizing the existing converted garage and existing driveway as is, rather than construct an off-street parking space that would meet the standards of MMC 19.607. The applicant also seeks relief from the requirement for a paved approach to the driveway from the public right-of-way (MMC 12.16.040).

The applicant is requesting a variance to the off-street parking standards for residential areas to allow the property to remain in its current configuration relative to parking and driveway location and from the Public Works Standards requiring a paved approach. These requests would be subject to Type III Variance review.

Applicant is encouraged to review the variance approval criteria to be sure that the application can meet the discretionary criteria in MMC 19.911.4.B, particularly the requirement for an alternatives analysis, as the site can accommodate the required off-street parking space on the west side of the property.

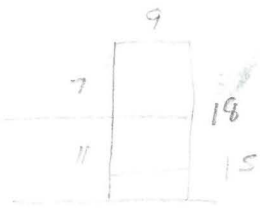
Application procedures are described below.

Variance Review (Type III): The application is reviewed through a Type III review per MMC 19.1006, and the application fee is \$2,000. Each Variance Review application can include 3 variance requests. The submitted narrative should address the following sections of the Milwaukee Municipal Code: 19.911 Variances; 19.301 Low-Density Residential Zones; MMC 19.607 Off-Street Parking Standards for Residential Areas; MMC 12.16.040.A Access Requirements and Standards - Access.

9x18 MIN

Application fees are based on the current fee schedule. Fees are typically updated on July 1st of each year.

For multiple applications, the most expensive fee is collected in full, with a 25-percent discount for each additional application. For the current fiscal year (until June 30, 2018), the following fees are in effect for the various levels of land use application review: Type I (\$200), Type II (\$1,000), Type III (\$2,000), and Type V (\$5,000). Application fees are based on the current fee schedule. Fees are typically updated on July 1st of each year.



For the City's initial review, the applicant should submit 5 complete copies of the application, including all required forms and checklists. A determination of the application's completeness will be issued within 30 days. If deemed incomplete, additional information will be requested. If deemed complete, additional copies of the application will be required for referral to other departments, the Neighborhood District Association (NDA), and other relevant parties and agencies. City staff will inform the applicant of the total number of copies needed.

Land use application submission materials are listed below for your convenience. Please refer to the handouts distributed at the pre-application conference for more detailed information.

1. All applicable land use applications forms with signatures of property owners.
2. All applicable land use application fees.
3. Completed and signed "Submittal Requirements" and "Preliminary Plat Checklist and Procedures" or "Final Plat Checklist and Procedures" forms.
4. 5 copies of an existing conditions and a proposed conditions site plan, both to scale. These two site plans can be combined onto one site plan. Once the application is deemed complete, additional copies will be requested for distribution to City departments, applicable governmental agencies, and the neighborhood district association for review.

Type III applications are quasi-judicial in nature and are decided by the Planning Commission at a

public hearing. The Planning Commission hears land use applications on the second and fourth Tuesdays of every month, and completed applications need to be submitted to the Planning Department no later than 45 days prior to the target Planning Commission hearing. In general, staff recommends that applications be submitted one to two weeks before the 45-day deadline in order to ensure that there is time to make the applications complete if they are initially deemed incomplete. Once the Planning Commission renders a decision, there is a fifteen calendar-day appeal period. Building permits will be accepted for review only after the appeal period for all land use decisions has expired.

Natural Resource Review: The property does not contain any mapped natural resource areas.

Lot Geography: The site is rectilinear in shape.

Planning Notes:

1. The preapplication conference is valid for purposes of submitting future land use applications as described in MMC 19.1002.4. A preapplication conference is valid for 2 years.
2. The site is in the Hector Campbell Neighborhood District Association (NDA) boundary. Staff strongly encourages the applicant to present any proposed variance application to the NDA and/or its Land Use Committee, as well as to the immediate property owners.

The NDA's webpage is on-line at <https://www.milwaukieoregon.gov/citymanager/hector-campbell-nda>. Their meetings are held at 6:30pm on the fourth Monday of the month at the Public Safety Building at 3200 SE Harrison St. The NDA Chairperson is David Aschenbrenner (503-804-3837; 2dasch@gmail.com). Please contact the Chair to coordinate a meeting to discuss the proposal.

3. The Milwaukie Municipal Code is available online at <http://www.qcode.us/codes/milwaukie/view.php?topic=19&frames=off>. Land use application forms are available online at <http://www.milwaukieoregon.gov/planning/land-use-application>.

ADDITIONAL NOTES AND ISSUES

County Health Notes:

Other Notes:

This is only preliminary preapplication conference information based on the applicant's proposal and does not cover all possible development scenarios. Other requirements may be added after an applicant submits land use applications or building permits. City policies and code requirements are subject to change. If you have any questions, please contact the City staff that attended the conference (listed on Page 1). Contact numbers for these staff are City staff listed at the end of the report.

Sincerely,

City of Milwaukie Development Review Team

BUILDING DEPARTMENT

Samantha Vandagriff - Building Official - 503-786-7611
Bonnie Lanz - Permit Specialist - 503-786-7613

ENGINEERING DEPARTMENT

Chuck Eaton - Engineering Director - 503-786-7605
Richard Nasiombe - Associate Engineer - 503-786-7694
Alex Roller - Engineering Tech II - 503-786-7695

COMMUNITY DEVELOPMENT DEPARTMENT

Alma Flores - Comm. Dev. Director - 503-786-7652
Alicia Martin - Admin Specialist - 503-786-7600

PLANNING DEPARTMENT

Dennis Egner - Planning Director - 503-786-7654
David Levitan - Senior Planner - 503-786-7627
Brett Kelper - Associate Planner - 503-786-7657
Vera Koliass - Associate Planner - 503-786-7653
Mary Heberling - Assistant Planner - 503-786-7658

CLACKAMAS FIRE DISTRICT

Mike Boumann - Lieutenant Deputy Fire Marshal - 503-742-2673
Matt Amos - Fire Inspector - 503-742-2661

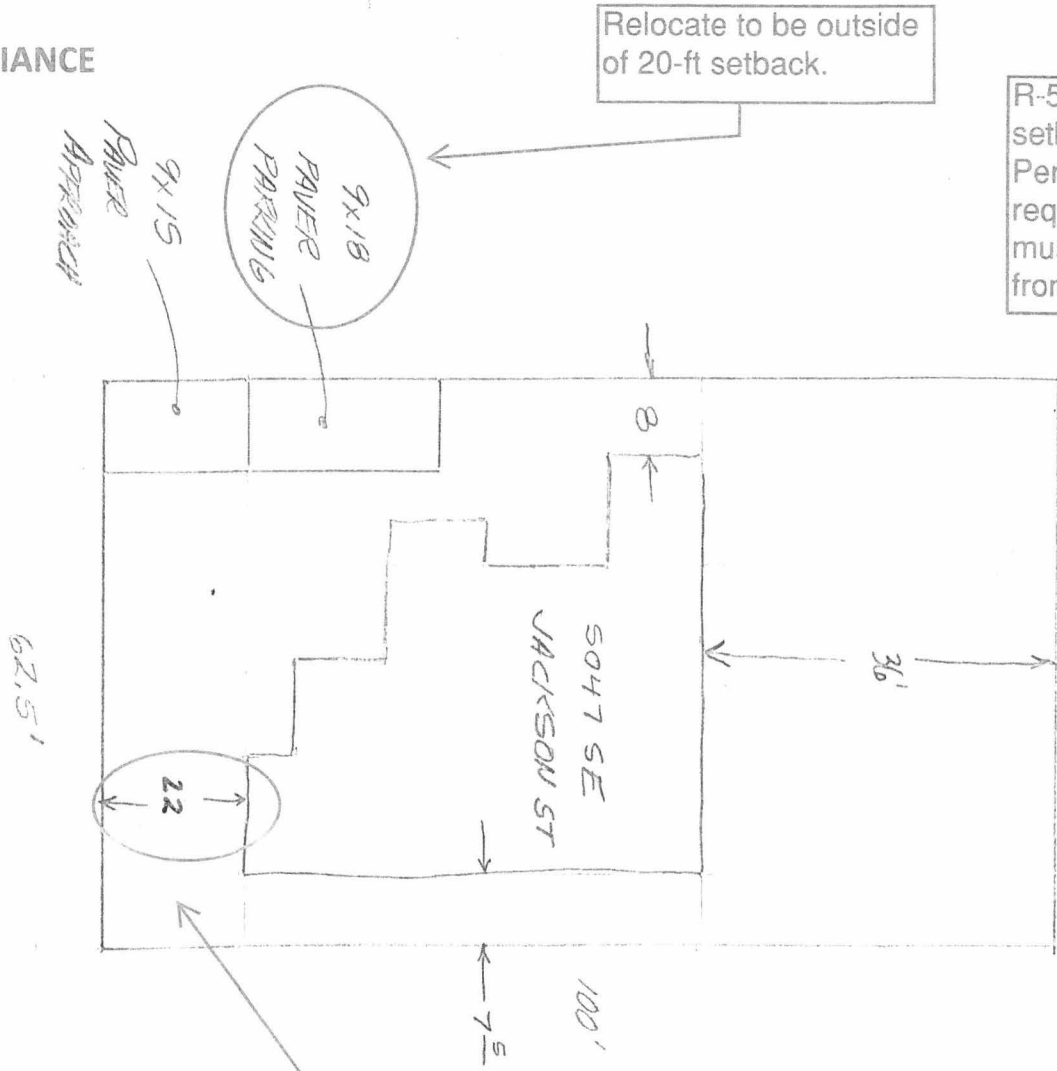
APPROVED
REVIEWED FOR CODE COMPLIANCE

Samantha Vandagriff
City of Milwaukee



Feb 09, 2017
601-17-000134-STR

HELLIGER RESUBMITS
5047 SE JACKSON ST
MILWAUKEE OR 53222
FEB 2017

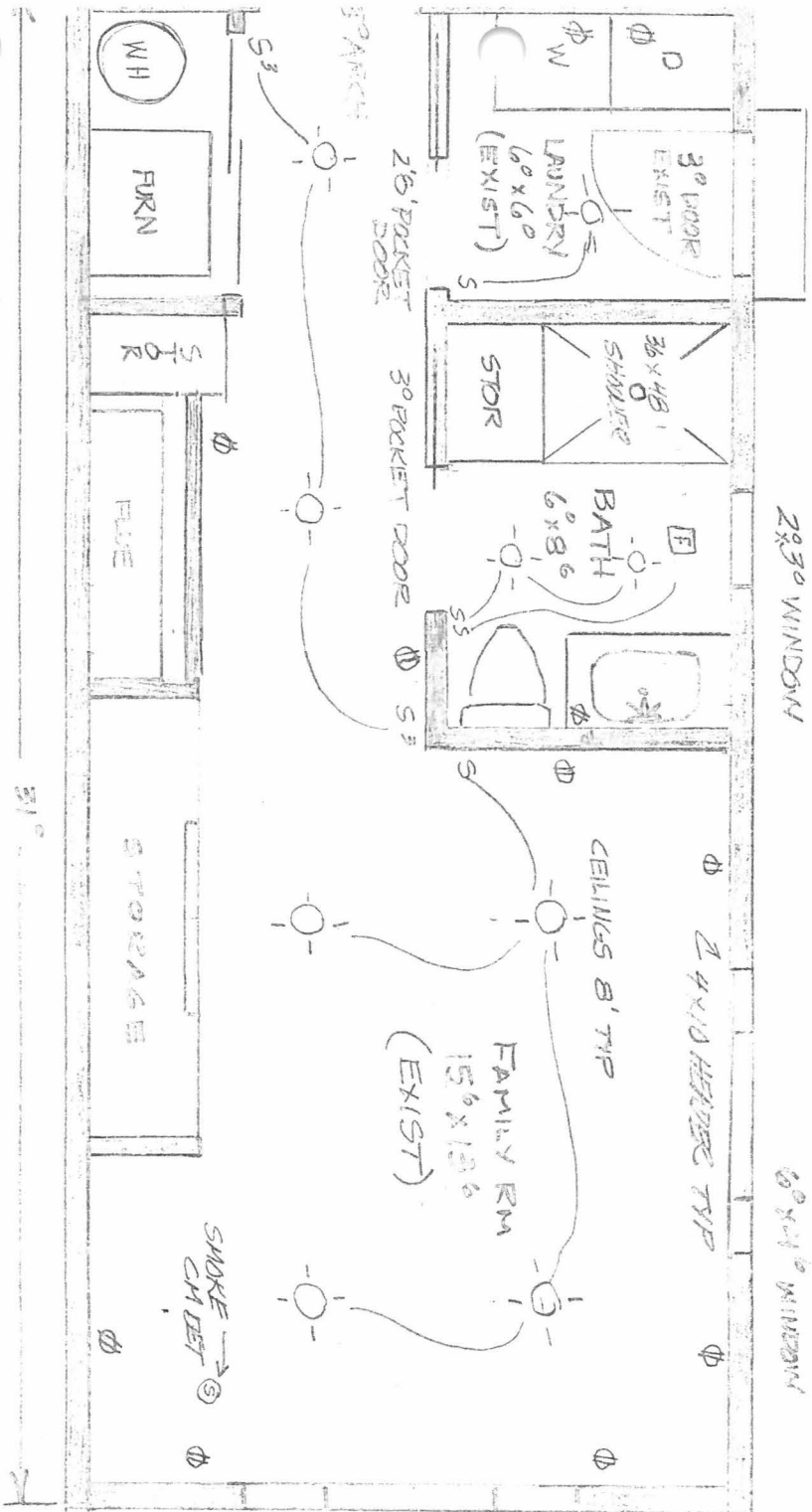


Relocate to be outside of 20-ft setback.

R-5 zone. Min. front yard setback = 20 ft.
Per MMC 19.607.1.B, the required off-street parking space must be outside the minimum front yard setback.

Structure built in 1957 - pre-existing, non-conforming.

APPROVED
CITY OF MILWAUKEE
As Conditioned
BY Vera Kolias DATE 2/1/17
PLANNING DEPARTMENT



20'30" WINDOW

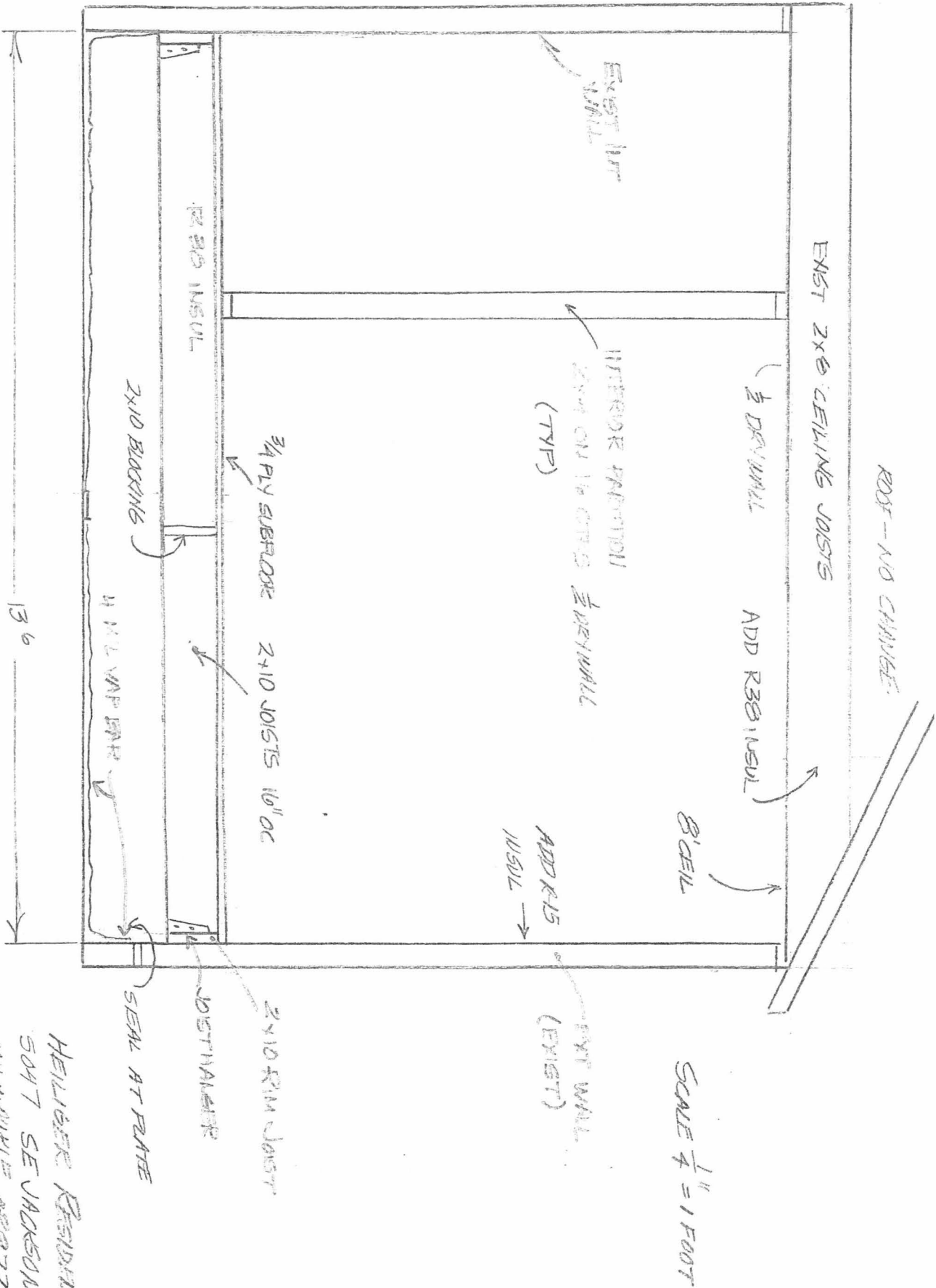
6'0" x 4'6" WINDOW

SCALE 1/4" = 1 FOOT



BATH/FAMILY RM RENOVATION

HEUGER RESIDENCE
 5047 SE JACKSON ST
 MILWAUKEE OR 97222
 FEB 2017



HEILGER RESIDENCE
 5047 SE JACKSON ST
 MILWAUKEE OR 97222
 FEB 2017

Clackamas County Fire District #1 Fire Prevention Office



E-mail Memorandum

To: City of Milwaukie Planning Department
From: Matt Amos, Fire Inspector, Clackamas Fire District #1
Date: 8/17/2017
Re: 5047 SE Jackson St. 17-016PA

This review is based upon the current version of the Oregon Fire Code (OFC), as adopted by the Oregon State Fire Marshal's Office. The scope of review is typically limited to fire apparatus access and water supply, although the applicant must comply with all applicable OFC requirements. When buildings are completely protected with an approved automatic fire sprinkler system, the requirements for fire apparatus access and water supply may be modified as approved by the fire code official. The following items should be addressed by the applicant:

The Fire District has no comments for this proposal.