



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-2018-004

Review type*: I II III IV V

CHOOSE APPLICATION TYPE(S):

Variance: Variance

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Use separate application forms for:

- Annexation and/or Boundary Change
- Compensation for Reduction in Property Value (Measure 37)
- Daily Display Sign
- Appeal

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse): Jake & Laura Autry

Mailing address: 18505 Columbia Ave Zip: 97027

Phone(s): 503-653-1152 E-mail: lauraautry@yahoo.com

APPLICANT'S REPRESENTATIVE (if different than above):

Mailing address: Zip:

Phone(s): E-mail:

SITE INFORMATION: 9499 SE 44th Ct

Address: ~~9449~~ SE 44th Ct. Milwaukie Or 97222 Map & Tax Lot(s): 12E30CB00701

Comprehensive Plan Designation: LD Zoning: R-7 Size of property: 9,887.00 Sq Ft

PROPOSAL (describe briefly):

Type II Variance to reduce front & rear yards to 15 ft depth

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: *Laura Autry* Date: April 12, 2018

IMPORTANT INFORMATION ON REVERSE SIDE

RESET

*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-2018-004	\$ 1,000			\$	RECEIVED APR 12 2018 CITY OF MILWAUKIE PLANNING DEPARTMENT
Concurrent application files		\$			\$	
		\$			\$	
		\$			\$	
		\$			\$	
SUBTOTALS		\$ 1,000			\$	

TOTAL AMOUNT RECEIVED: \$ _____ **RECEIPT #:** _____ **RCD BY:** _____

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

Neighborhood District Association(s):

Notes:

*After discount (if any)



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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 all applicable application-specific approval criteria (check with staff) and all applicable development standards (listed below):
 - a. **Base zone standards** in Chapter 19.300.
 - b. **Overlay zone standards** in Chapter 19.400.
 - c. **Supplementary development regulations** in Chapter 19.500.
 - d. **Off-street parking and loading standards and requirements** in Chapter 19.600.
 - e. **Public facility standards and requirements**, including any required street improvements, in Chapter 19.700.
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.



www.milwaukieoregon.gov

Transaction Receipt

601-18-000037-PLNG

Receipt Number: 14485

Receipt Date: 4/12/18

Milwaukie Planning Department

6101 SE Johnson Creek Blvd

Milwaukie, OR 97206

503-786-7630

Fax: 503-774-8236

planning@milwaukieoregon.gov

Worksite address: 9499 SE 44TH CT, MILWAUKIE, OR 97222

Parcel: 12E30CB00701

Fees Paid

Transaction date	Units	Description	Account code	Fee amount	Paid amount
4/12/18	1,000.00	Amount Type II Administrative Review Fee Notes: VR-2018-004.	110-000-4480	\$1,000.00	\$1,000.00

Payment Method: Check number: 1003	Payer: LAURA AUTRY	Payment Amount:	\$1,000.00
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Cashier: Riley Gill

Receipt Total: \$1,000.00



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Preapplication Conference Waiver

I/We, Jake & Laura Autry (print), as applicant(s)/property owner(s) of 9449 SE 44th ct. Milwaukie, OR 97222 (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

Communication about requirements for our application have been discussed during counter hours.

Signed: _____

J. Autry
Applicant/Property Owner

Approved: _____

[Signature]
Planning Director

April 12th, 2018

City of Milwaukie Planning Department

Proposal Re: Type II Variance Request at 9449 SE 44th Ct. Milwaukie, OR 97222

Attached: Potential home plan options if variance is approved

We are requesting a Type II variance to reduce the front and rear yard setbacks at our property to 15 ft from the currently required 20 ft. The original decision to partition the lot at 4401 SE Rockwood St. was approved for a variance to standard lot depth (80ft standard to 68.5 depth) and in our first conversation with the city planning department a type II variance was mentioned as a possible course of action to make building a new home more approachable on this lot. After consulting our builder and considering multiple house plans in our price range we have decided we will need to increase the buildable area by reducing the front and rear yard depth to 15 ft. to meet our needs for building a new home on this lot.

Our current considered plan is to set the house at 5 ft from the property line at the south and then 15 ft front and back yards with a very large side yard on the north side of the property at 99 ft wide that we intend to use as our backyard living area. This will also place the house along the portion of the property that faces the court to give a natural look to a new home in the court.

We appreciate your consideration of this variance and are hopeful it will be approved so we can take the next steps to making our dream of building a new home in the Lewelling neighborhood a reality.

Thank you,

Jake and Laura Autry



RECEIVED

APR 12 2018

CITY OF MILWAUKIE
PLANNING DEPARTMENT

Type II Variance Approval Criteria – 9449 SE 44th Ct. Autry

A.

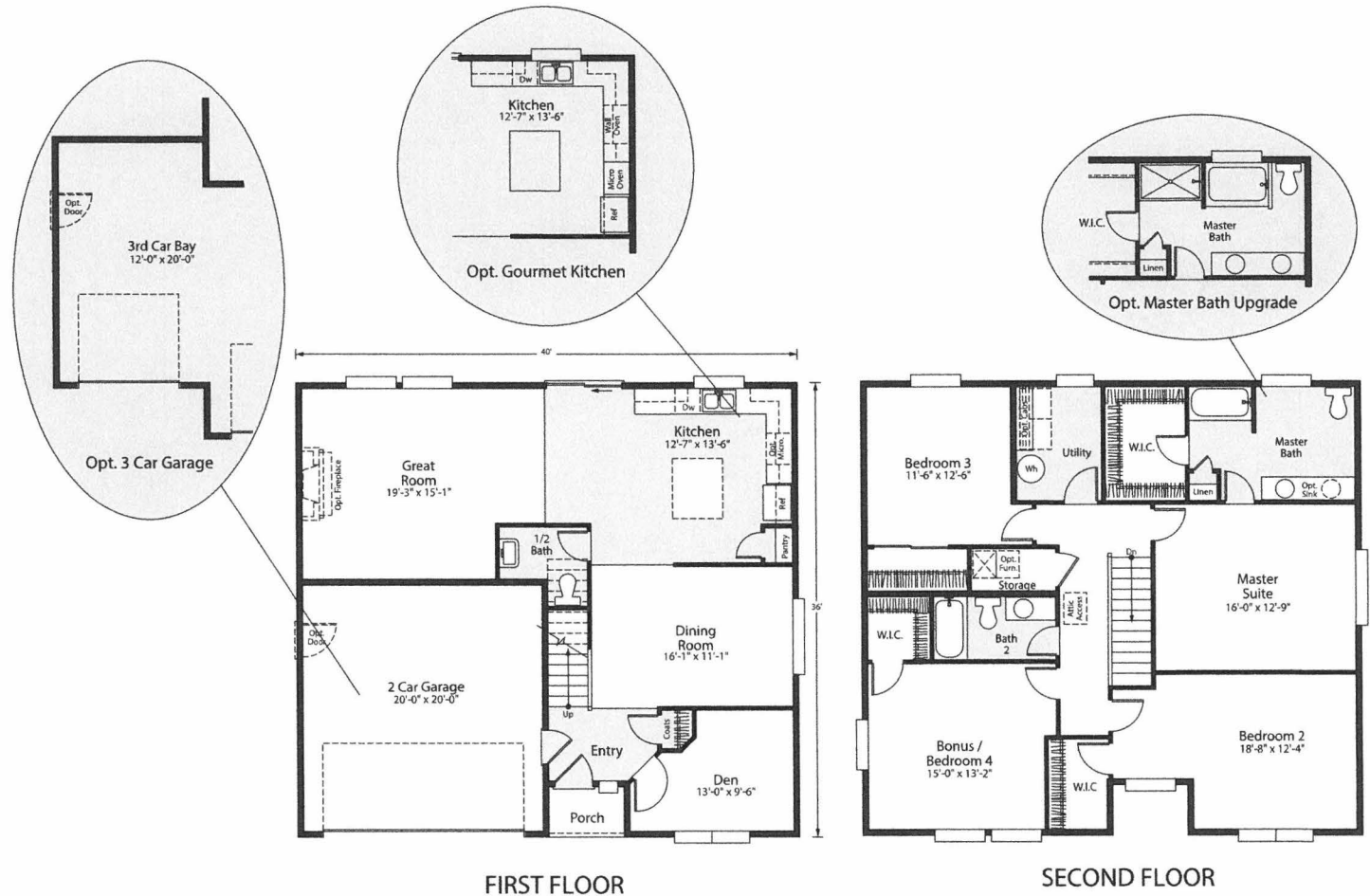
1. The proposed variance to reduce front & rear yards to 15 ft depth will not be detrimental to surrounding properties, natural resource areas, or public health, safety or welfare. The lot is situated at the end of a dead-end street, so a reduction in the front yard setback will not directly impact any residential neighbors. The property to the rear of our property has a covered back porch that appears to match the proposed rear yard on our property. The future home is proposed to be located such that it will have a very large side yard (to serve as a back yard), which will result in the neighbors to the northeast and northwest not having a structure directly beside or behind their properties.
2. The proposed variance to reduce front & rear yards to 15 ft depth 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.
3. No site improvements currently at the lot so this is N/A
4. Impacts of the proposed variance to reduce front & rear yards to 15 ft will be minimal to none. Our property is over 9,800 square feet in area, well over the minimum size of 7,000 square feet. The subject property has only 1 neighbor to the rear and the proposed rear yard setback of 15 ft is not significantly less than the setback on that property. All other development standards on the property will be met.

the MARION

2,432 SF | 4 BED | 2.5 BATH | DEN

- Upstairs Utility Room
- Open Concept Kitchen
- Main Level Den
- Covered Front Porch
- Formal Dining Room
- Optional 3 Car Garage
- Optional Shake Exterior
- Optional Rock Exterior

EXTERIOR ELEVATION OPTIONS



www.ADAIRHOMES.com

View all elevation options at www.AdairHomes.com



Submittal Requirements for Type II Variance 9449 SE 44th Ct. Milwaukie, OR 97222 - Autry

Section 4

A.

1. Base Zone Standards

Standard	Required	Parcel 2 (actual & proposed)
Lot Area	7,000 Sq ft for single-family detached; 14,000 for duplex	9,887 sq ft
Lot Width	60 ft	144 ft
Lot Depth	80 ft	68.5 ft *
Public Street Frontage	35 ft (for standard lot)	41ft
Front Yard	20 ft	15 ft
Side Yard	5 ft/ 10 ft	5 ft/ 99 ft
Rear Yard	20 ft	15 ft
Building Height	2.5 Stories or 35 ft	2 stories
Maximum Lot Coverage	30%	n/a
Minimum Vegetation	30%	n/a
Residential Density	Minimum: 5.0 units/acre For Overall Site = 2 units Maximum: 6.2 units/acre For overall site = 3 units	Large enough for 1 unit

*A variance has been requested for the lot depth standard for Parcel 2, as addressed in Finding 14

2. Overlay Zone Standards – None

3. Supplementary development regulations – Will meet these requirements through permitting

4. Off-Street Parking and loading standards and requirements - Proposed house plans include a garage for off-street parking

5. Public Facility standards and requirements – Addressed with permits

B. Communicated with planning staff and are submitting as counseled.

Section 5

Final Plat FP-2016-003

Section 6

Pre-App conference waived as counseled by planning committee. Form submitted.



Sale Agreement # Autry 9499 SE 44th Ct.
Addendum # A

ADDENDUM TO REAL ESTATE SALE AGREEMENT

1 This is an Addendum to: Real Estate Sale Agreement Seller's Counter Offer Buyer's Counter Offer

2 Buyer: Jacob Autry, Laura Autry

3 Seller: Louis Bomotti, Debra Bomotti

4 The real property described as: 9499 SE 44th Ct., Milwaukie, OR 97222,

5 **SELLER AND BUYER HEREBY AGREE THE FOLLOWING SHALL BE A PART OF THE REAL ESTATE SALE AGREEMENT REFERENCED ABOVE.**

6 **1. Closing date to be on or before June 1, 2018.**

7 **2. Buyers to file variance with city of Milwaukie within 5 business days of signing this addendum and supply verification**
8 **to sellers.**

9 **2. All other terms & conditions remain the same.**

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29 Buyer Signature Jacob Autry  Date ^{04/09/2018 08:16 PM GMT} _____, _____ a.m. ___ p.m. ←

30 Buyer Signature Laura Autry  Date ^{04/09/2018 08:21 PM GMT} _____, _____ a.m. ___ p.m. ←

31 Seller Signature Louis Bomotti  Date 04/01/2018 17:51:22, _____ a.m. ___ p.m. ←

32 Seller Signature Debra Bomotti  Date 04/01/2018 17:53:27, _____ a.m. ___ p.m. ←

33 Buyer's Agent Howard Andrews Seller's Agent Luanne Myers

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LINES WITH THIS SYMBOL ← REQUIRE A SIGNATURE AND DATE

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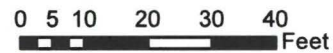
OREF 002



Site Map

Milwaukee Planning Dept.
 Data: City of Milwaukee GIS;
 Metro RLIS
 Date: 4/11/2018
 Author: Planning Staff

1 inch = 30 feet



The information depicted on this map is for general reference only. The City of Milwaukee does not accept any responsibility for errors, omissions or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product.