

CITY OF MILWAUKIE

NOTICE OF TYPE II LAND USE PROPOSAL

*** Re-Notice for Revised Proposal ***

Date mailed: January 14, 2019

You are receiving this notice because development has been proposed in your neighborhood. The proposed development requires notice to the property owner; applicant; and all property owners, residents, and neighborhood district association(s) within 300 feet of the subject property. A summary of the proposal and information on how to respond to this notice are described below.

The City will consider written comments on the proposal prior to issuing a decision.

To ensure that your comments are considered in the decision, please submit written comments to the staff contact listed below before 5:00 p.m. on Monday, January 28, 2019. After that date, there is no guarantee that comments will be incorporated into the decision.

The decision may be issued as early as 15 days from the date of this public notice.

Please include the land use file number for reference.

File Number(s):	VR-2018-013
Location:	9371 SE 42 nd Ave Tax Lot ID 1S1E25AD 09900 <i>A map of the site is located on the last page of this notice.</i>
Proposal:	The applicant has requested a 40% reduction in the side yard setback along the northern property boundary, from 10 ft to 6 ft. The applicant has proposed a home addition that would extend the north side of the existing detached garage and attach it to the existing house. The addition would also extend the south side of the existing house. *** The applicant has expanded the variance request to include a 10% reduction to the side yard setback along the southern property boundary, based on the results of a new survey (attached). The setback would be reduced from 5 ft to approximately 4.5 ft. ***
Applicant/Primary Contact Person:	Shannon Henley 9371 SE 42 nd Ave, Milwaukie, OR 97222 Tel. (971) 269-5995; e-mail shannon@henley8.com
Owner(s):	(same as above)
Staff contact:	Brett Kelter, Associate Planner City of Milwaukie Planning Department 6101 SE Johnson Creek Blvd Milwaukie, OR 97206 503-786-7657; kelverb@milwaukieoregon.gov
Neighborhood District Association(s):	Ardenwald-Johnson Creek NDA, contact Jeff Davis at 503-786-0457. Lewelling NDA, contact Stephan Lashbrook at 503-659-8620.
Applicable Criteria:	<ul style="list-style-type: none"> • MMC Subsection 19.301.4 Development Standards for Low Density Residential Zones (incl. R-7) • MMC Section 19.911 Variances • MMC Section 19.1005 Type II Review Copies of these criteria are available upon request and can also be found at www.qcode.us/codes/milwaukie/ .

To learn more about a proposal: Contact the staff contact assigned to the proposal or visit the project webpage at <http://www.milwaukieoregon.gov/planning/VR-2018-013>. The application materials and the applicable approval criteria and development standards are available for review at the Planning Department, Johnson Creek Facility, 6101 SE Johnson Creek Blvd. Please call the staff contact ahead of time to schedule a review of the application materials. Copies of this information can be obtained for a reasonable fee. The application and related materials can be accessed online at <http://www.milwaukieoregon.gov/planning/current-land-use-applications>.

To comment on a proposal: You are invited to submit comments in writing before the City issues a decision. Comments should be addressed to the staff contact listed above and be directed toward the applicable criteria. If you submit a written comment, you will be sent a copy of the decision. All written comments become part of the permanent record. City staff can discuss this proposal in person or via telephone. However, the City will consider only written comments when issuing the decision on this proposal.

Neighborhood District Association: The Neighborhood District Association (NDA), listed on the first page of this notice, may take a position on this proposal. The application materials have been referred to the NDA Chairperson and Land Use Committee members. The proposal may be discussed at an open meeting of the NDA. Please contact the person listed as the neighborhood contact to determine the status of the NDA's review and position on this proposal.

Decision: The Planning Director will consider any comments received and issue a decision to approve the proposal, approve the proposal with conditions, or deny the proposal. The earliest the decision would be issued is 14 days from the date of this public notice. The decision may be issued after that date depending upon the amount of comments received and complexity of the proposal.

A copy of the decision will be mailed only to persons that submit written comments prior to the issuance of a decision.

To appeal the decision: The Planning Director's decision may be appealed by any party that is aggrieved or adversely impacted by the decision, or that believes an error was made regarding the evaluation of the approval standards and criteria for the proposal. Appeals are heard by the Planning Commission, and must be filed within 15 days of the issuance of a decision. Notice of an appeal hearing will be sent to all parties that received this notice.

Appeals must be made in writing, use forms provided by the City, and include the fee for an appeal. The appeal process and requirements are explained in Milwaukie Municipal Code Section 19.1010 Appeals. Contact staff at 503-786-7630 for information about the appeal process.

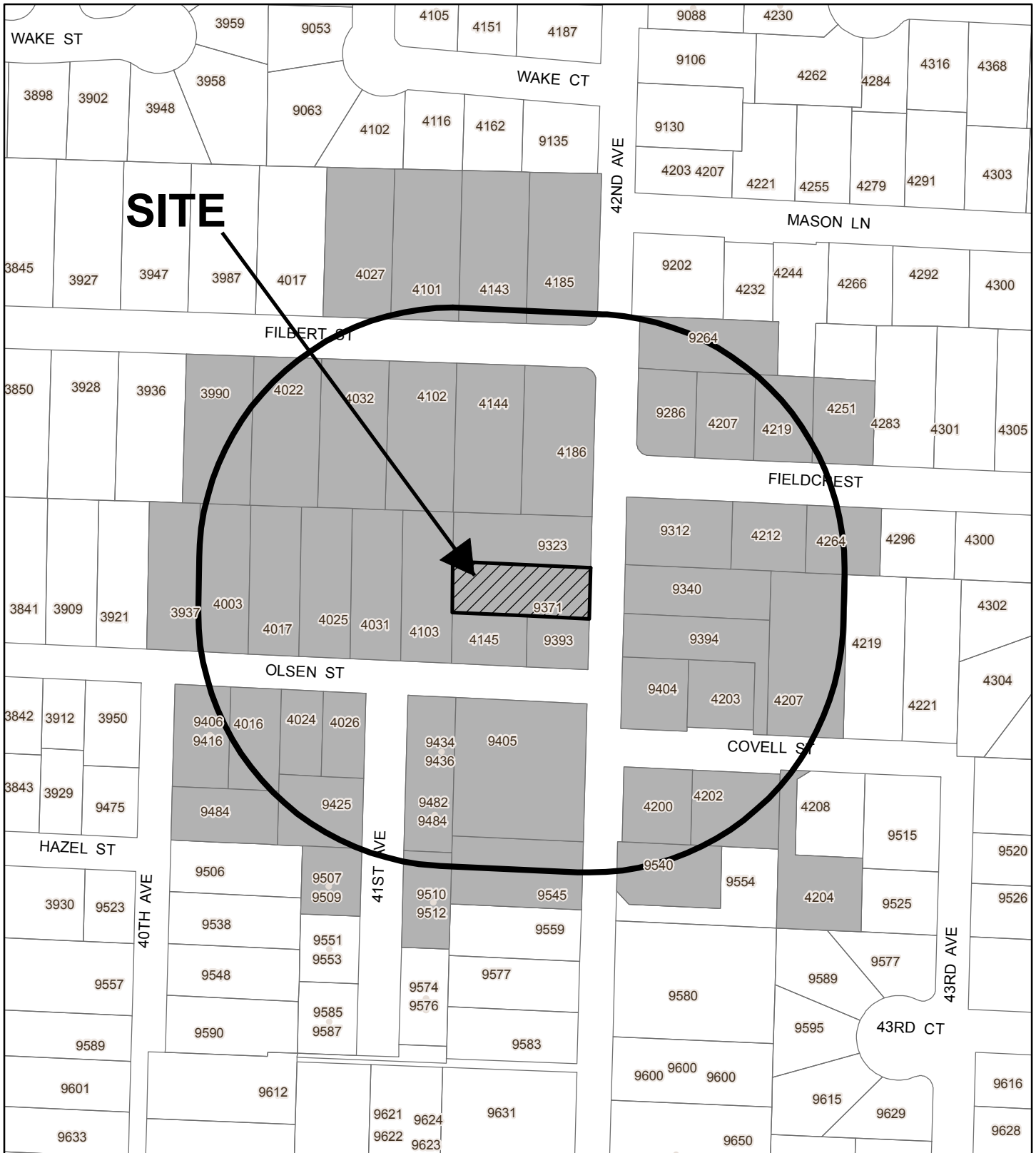
After an appeal hearing, the Planning Commission's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA), 550 Capitol St SE, Suite 235, Salem, OR 97301 (503-373-1265). Any issue that is intended to provide a basis for appeal to LUBA must be raised prior to the issuance of the Planning Director's decision or prior to the conclusion of the Planning Commission's appeal hearing. 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 LUBA.

Enclosures:

- Location map
- Site plan
- Property survey (obtained Dec 2018)





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
9371 SE 42nd Ave
(Tax Lot 1S1E25AD 09900)
File #VR-2018-013

Legend

-  Subject Property
-  300-ft notice boundary
-  Properties receiving notice
-  Other tax lots





OVERHANG

57.5'

SE Olson St.

PROPOSED NEW BUILD w/VARIANCE

10'

6.36'

164.1'

EXISTING GARAGE

6.36'

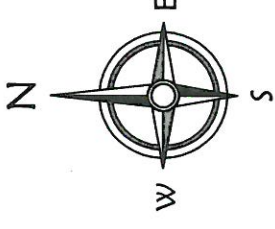
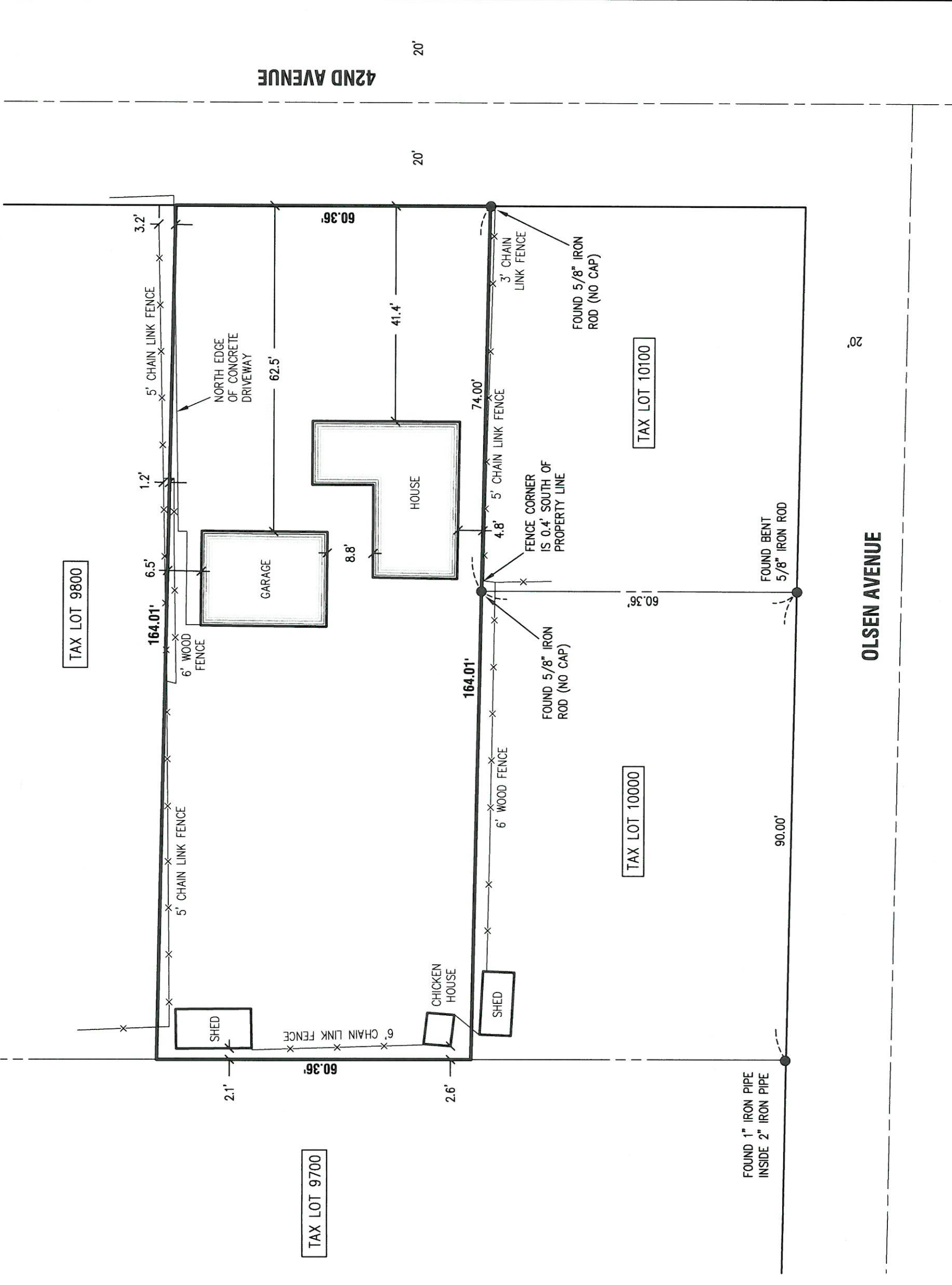
EXISTING HOUSE

5'

● = LOCATED PINS

60.36'
SE 42nd Ave

5' 3"



Scale: 1" = 20'



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael A. Raademacher

OREGON
JULY 16, 1987
MICHAEL A. RADEMACHER
2303

DATE OF SIGNATURE: 1-2-19
EXPIRES: 12/31/2020

SITE MAP

DRAWN	MMM	CHECK	MAR
SCALE	1" = 20'	DATE	12/28/2018
PLAN	8171 Site.dwg		

COMPASS Land Surveyors
4107 SE International Way, Suite 705
Milwaukie, Oregon 97222 503-653-9093

SHANNON HENLEY
9371 SE 42ND AVENUE
MILWAUKIE, OREGON 97222

9371 SE 42ND AVENUE
TAX LOT 9900, MAP 1-1E-25AD
CITY OF MILWAUKIE
CLACKAMAS COUNTY, OREGON