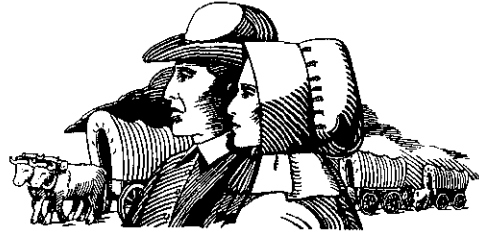


# CITY OF OREGON CITY

## PLANNING COMMISSION

320 WARNER MILNE ROAD  
TEL (503) 657-0891

OREGON CITY, OREGON 97045  
FAX (503) 657-7892



## AGENDA

City Commission Chambers - City Hall  
June 23, 2003 at 7:00 P.M.

The 2003 Planning Commission Agendas, including Staff Reports and Minutes, are available on the Oregon City Web Page ([www.oregoncity.org](http://www.oregoncity.org)) under PLANNING.

### PLANNING COMMISSION MEETING

7:00 p.m. 1. **CALL TO ORDER**

7:01 p.m. 2. **PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA**

7:02 p.m. 3. **APPROVAL OF MINUTES:** *No minutes available.*

7:05 p.m. 4. **OLD BUSINESS:**

Review and Adoption of Findings of Fact for Wal-Mart Application (PZ 02-01, PZ 02-02, ZC 02-01 ZC 02-02, SP 0209, WR 02-12)

7:25 p.m. 4. **HEARINGS:**

**VR 03-13 (*Quasi-Judicial Variance Hearing*)**, Richard and Cynthia Towle, Request for a Variance to allow: 1. A 24' x 24' garage, which exceeds the maximum square footage for an accessory building and encroaches into the corner and front yard setbacks 2. An addition to the rear of the residence, which encroaches into the rear yard setback on the property identified as 1506 10<sup>th</sup> Street; Clackamas County Map #2-2E-32BC, Tax Lot 2000

**VR 03-14 (*Quasi-Judicial Variance Hearing*)**, Kimberly Arlen, Request for a Variance to reduce the side yard setback from the required 5 feet to 0 feet in order to replace an existing carport with a garage on the property identified as 410 Jefferson Street; Clackamas County Map # 22-E-31AD Tax Lot 1300.

8:15 p.m. 6. **NEW BUSINESS:**

8:20 p.m. 7. **ADJOURN**

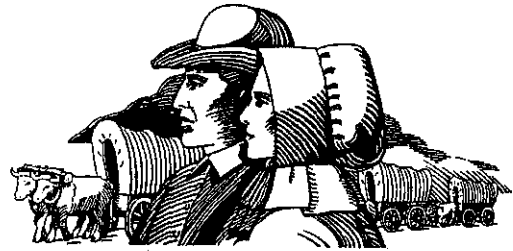
NOTE: HEARING TIMES AS NOTED ABOVE ARE TENTATIVE. FOR SPECIAL ASSISTANCE DUE TO DISABILITY, PLEASE CALL CITY HALL, 657-0891, 48 HOURS PRIOR TO MEETING DATE.

# CITY OF OREGON CITY

## PLANNING COMMISSION

320 WARNER MILNE ROAD  
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## AGENDA

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**VR 03-14 (*Quasi-Judicial Variance Hearing*)**, Oregon City School District, Request for a Variance to reduce the side yard setback from the required 5 feet to 0 feet in order to replace an existing carport with a garage on the property identified as 410 Jefferson Street; Clackamas County Map # 22-E-31AD Tax Lot 1300.

8:15 p.m. 6. **NEW BUSINESS:**

8:20 p.m. 7. **ADJOURN**

NOTE: HEARING TIMES AS NOTED ABOVE ARE TENTATIVE. FOR SPECIAL ASSISTANCE DUE TO DISABILITY, PLEASE CALL CITY HALL, 657-0891, 48 HOURS PRIOR TO MEETING DATE.



# CITY OF OREGON CITY

P.O. Box 3040  
320 Warner Milne Road  
Oregon City, OR 97045  
(503) 657-0891  
Fax (503) 657-7892

## MEMORANDUM

TO: Planning Commission  
CC:  
FROM: Christina Robertson-Gardiner, Associate Planner  
DATE: June 16, 2003  
SUBJECT: Findings of Fact: PZ 02-01, PZ 02-02, ZC 02-01, ZC 02-02

---

Dear Commissioners:

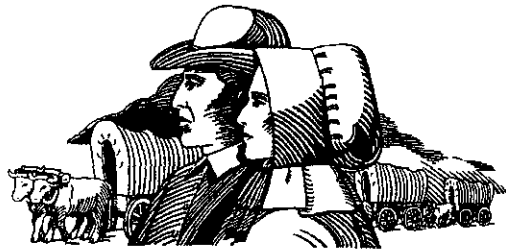
It is anticipated that the Planning Commission will review and adopt Findings of Fact for the Wal-Mart application (PZ 02-01, PZ 02-02, ZC 02-01, ZC 02-02, SP 02-09 WR 02-18) at the June 23, 2003 Planning Commission Meeting. A supplemental package will be sent out before the end of the week with a proposed draft of the Findings of Fact.

# CITY OF OREGON CITY

## Planning Division

320 WARNER MILNE ROAD  
TEL (503) 657-0891

OREGON CITY, OREGON 97045  
FAX (503) 722-3880



## STAFF REPORT VARIANCE

Date: June 16, 2003

**FILE NO.:** VR 03-14

**HEARING DATE:** Monday, June 23, 2003  
7:00 p.m., City Commission Chambers  
320 Warner Milne Road  
Oregon City, Oregon 97045

**APPLICANT/  
PROPERTY OWNER:** Kimberly Arlen  
410 Jefferson St.  
Oregon City, OR 97045

**LOCATION:** 410 Jefferson Street,  
Clackamas County Map # 22-E-31AD Tax Lot 1300

**REQUEST:** The applicant is seeking a Variance Hearing before the Oregon City Planning Commission to reduce the side yard setback from the required 5 feet to 0 feet in order to replace an existing carport with a garage.

**RECOMMENDATION:** Approval

**REVIEWERS:** Christina Robertson-Gardiner, Associate Planner

**SITE MAP:** Exhibit 1

**BACKGROUND:**

The applicant is requesting a Variance Hearing before the Oregon City Planning Commission to reduce the side yard setback from the required 5 feet to 0 feet in order to replace an existing carport with a garage. The subject property, which is located at 410 Jefferson Street and identified as Clackamas County Map 2-2e-31AD, Tax Lot 1300, is zoned "R-6" and is approximately 7,102 square feet (Exhibit 2).

The residence is a designated property in the McLoughlin Conservation District and identified on the Historic Resource Inventory Form as the Carl and Helen Joehnke Residence. The Twentieth Century Colonial styled house was built c. 1913 and is significant for its architecture and association with the Joehnke family.

The applicant is proposing to remove the existing carport and construct a 432 square foot detached accessory building on the existing foundation to serve as a garage (Exhibit 2). The Building and Planning Division have classified this proposal as new construction. All new construction must conform with the existing R-6 dimensional standards.

The applicant applied for and received a Certificate of Appropriateness from the Historic Review Board at the May 29, 2003 Public Hearing (Exhibit 3). At that meeting, the Historic Review Board approved only the building's design and building materials. The Historic Review Board does not have the authority to waive the dimensional standards of the R-6 zone. The applicant therefore, was required to apply for a Planning Commission Variance to the Side yard Setback from 5 feet to 0 feet.

1. The property is zoned "R-6" Single Family Dwelling District, (McLoughlin District Overlay), and the Comprehensive Plan designation is "LR" Low Density Residential. It is surrounded by a mix of Commercial, Single-Family and Multi-family uses.
2. The dimensional standards in the "R-6" Single Family Dwelling District and the dimensional standards for accessory buildings and their uses pursuant to OCMC 17.54.010 are listed as follows:

**R-6 Single Family Dwelling District:**

Minimum Lot Area:	6,000 square feet
Average Lot width:	60 feet
Average Lot Depth:	100 feet
Maximum Building Height:	Two and one half stories not to exceed 35 feet
Front yard	20 feet
Rear yard	20 feet
Int. Side yard	9/5 feet
Corner side yard	15 feet

**Accessory Buildings:**

Two Hundred One to Five Hundred Square Feet. The interior side and rear yard setbacks may be reduced to three feet for one accessory structure, and its projections,

within this category when located behind the front building line of the primary structure, provided the structure and its projections:

- a. Are detached and separated from other structures by at least four feet;
- b. Do not exceed a height of ten feet. The three foot setback requirement will be increased one foot for each foot of height over ten feet to a maximum of fifteen feet in height. This setback need not exceed the setback requirements required for the principal building. No accessory structure shall exceed one story;
- c. The accessory building must be constructed with the same exterior building materials as that of the primary structure, or an acceptable substitute to be approved by the planning division.

1. **Comments:** Notice of this proposal was sent to property owners within three hundred feet of the subject property and the McLoughlin Neighborhood Association. No comments were received.

#### **DECISION-MAKING CRITERIA:**

##### **Municipal Code Standards and Requirements**

**Title 17, Zoning:** Chapter 17.12, R-6 Single-Family Dwelling District  
Chapter 17.50, Administration and Procedures  
Chapter 17.54.010, Accessory Buildings and Uses  
Chapter 17.60, Variances

#### **ANALYSIS:**

Section 17.60.020 *Variances—Grounds* states that a variance may be granted if the applicant meets six approval criteria:

- A. That the literal application of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the surrounding area under the provisions of this title; or extraordinary circumstances apply to the property which do not apply to other properties in the surrounding area, but are unique to the applicant's site;**

The applicant states that the extraordinary circumstances applying to this site is the pre-existing carport and foundation. The existing carport, constructed out of found materials, has been on the site for over 20 years. It replaced an earlier garage whose foundation will be used for the proposed garage. As a designated building in the McLoughlin Conservation District, new construction is reviewed for its compatibility with the historic building. In this case, and for almost all historic residences, the only garage appropriate to the site would be a detached garage. Both Planning Staff and the Historic Review Board found that the existing location was the only location that did not adversely affect the historic significance of the Joehnke Residence

Therefore, the applicant satisfies this criterion.

- B. That the variance from the requirements is not likely to cause substantial damage to adjacent properties, by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;**

The proposed garage, located on the existing foundation, would not adversely affect the adjacent neighbors. Staff agrees with the applicant's contention that the proposed garage would be a benefit compared to the existing carport.

Therefore, the requested variance satisfies this criterion.

- C. The applicant's circumstances are not self-imposed or merely constitute a monetary hardship or inconvenience. A self-imposed difficulty will be found if the applicant knew or should have known of the restriction at the time the site was purchased;**

The applicant believed that her request to remodel/rebuild the carport would not be considered new construction and therefore would not require a Variance to the side yard setback. Staff finds this to be a reasonable assumption.

Therefore, the requested variance satisfies this criterion.

- D. No practical alternatives have been identified which would accomplish the same purposes and not require a variance;**

No practical alternatives have been identified by either the applicant or staff. If the Variance is denied, the applicant would not be able to build a garage on the property.

Therefore, the applicant satisfies this criterion.

- E. That the variance requested is the minimum variance which would alleviate the hardship;**

The pre-existing foundation and location of the historic residence on the property dictate the location of the proposed garage. Additionally, a car could not gain access to the garage if it met the five-foot side yard setback.

Therefore, the applicant satisfies this criterion.

- F. That the variance conforms to the comprehensive plan and the intent of the ordinance being varied.**

The Oregon City Comprehensive Plan Goal encourages the preservation and rehabilitation of homes and other buildings of historical and architectural significance. Appropriate and compatible accessory buildings can add monetary value to historic residences, which intern

increases the chances of the property being properly maintained. The proposed garage is a vast improvement over the incompatible non-historic car-port.

Therefore, the applicant satisfies the criterion.

**STAFF RECOMMENDATION:**

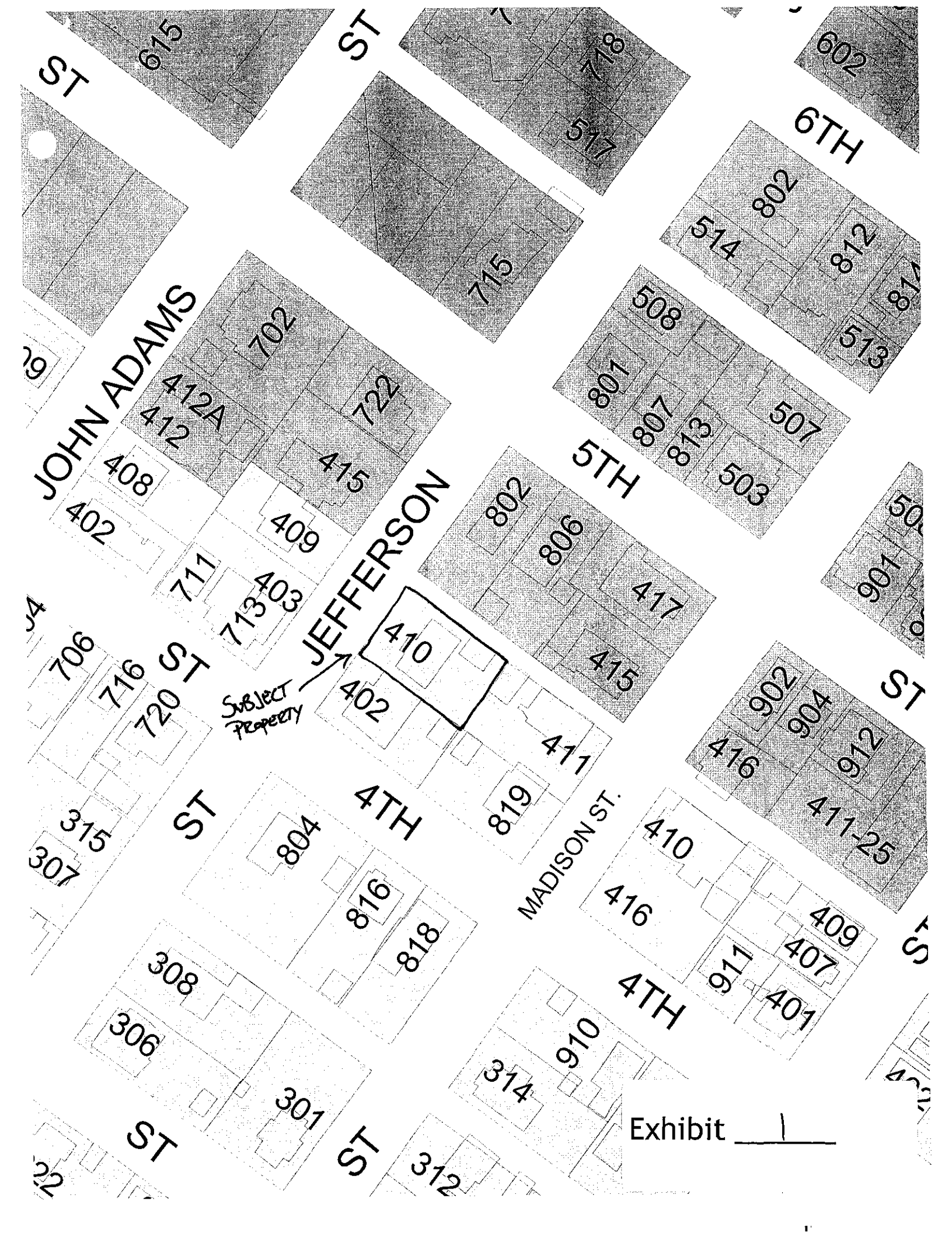
In conclusion, Staff has determined that the requested Variance before the Planning Commission, VR 03-14, from which the applicant is seeking a reduction of the side yard setback from 5 feet to 0 feet in order to construct a new accessory garage and can satisfy the Variance approval criteria in Chapter 17.60.

Therefore, Staff would recommend approval of file VR 03-14 by the Planning Commission for the property located at 410 Jefferson Street, Clackamas County Map # 22-E-31AD Tax Lot 1300

**EXHIBITS:**

1. Site Map
2. Applicant's Submittal
3. May 30, 2003 Certificate of Appropriateness
4. Historic Resources Inventory form.





ST

615

ST

718

517

602

6TH

802

514

812

513

508

807

807

813

507

503

5TH

802

806

417

415

JOHN ADAMS

408

402

702

722

415

409

711

713

403

JEFFERSON

410

402

SUBJECT  
PROPERTY

720 ST

716

706

ST

4TH

819

411

MADISON ST.

410

416

4TH

917

407

401

409

411-25

ST

901

501

501

ST

ST

ST

Exhibit 1

# CITY OF OREGON CITY

Community Development Department, 320 Warner Milne Road,  
P.O. Box 3040, Oregon City, OR 97045, (503) 657-0891 Fax: (503) 657-7892  
www.ci.oregon-city.or.us

## LAND USE APPLICATION FORM

### REQUEST:

- | Type II  | Type III                                     | Type III / IV                           |
|--|--|---|
| <input type="checkbox"/> Partition               | <input type="checkbox"/> Conditional Use     | <input type="checkbox"/> Annexation     |
| <input type="checkbox"/> Site Plan/Design Review | <input checked="" type="checkbox"/> Variance | <input type="checkbox"/> Plan Amendment |
| <input type="checkbox"/> Subdivision             | <input type="checkbox"/> Planned Development | <input type="checkbox"/> Zone Change    |
| <input type="checkbox"/> Extension               | <input type="checkbox"/> Modification        |   |
| <input type="checkbox"/> Modification            |  |   |

OVERLAY ZONES: ☐ Water Resources ☐ Unstable Slopes/Hillside Constraint

Please *print or type* the following information to summarize your application request:

APPLICATION # VR 03-14 (Please use this file # when contacting the Planning Division)

APPLICANT'S NAME: Kimberly Arlen

PROPERTY OWNER (if different): \_\_\_\_\_

PHYSICAL ADDRESS OF PROPERTY: 410 Jefferson St., Oregon City OR

DESCRIPTION: TOWNSHIP: \_\_\_\_\_ RANGE: \_\_\_\_\_ SECTION: \_\_\_\_\_ TAX LOT(S): \_\_\_\_\_

PRESENT USE OF PROPERTY: Carport + Single Home

PROPOSED LAND USE OR ACTIVITY:

Replace Carport with Garage

DISTANCE AND DIRECTION TO INTERSECTION:

CLOSEST INTERSECTION: \_\_\_\_\_

PRESENT ZONING: \_\_\_\_\_

TOTAL AREA OF PROPERTY: \_\_\_\_\_

### Land Divisions

PROJECT NAME: \_\_\_\_\_

NUMBER OF LOTS PROPOSED: \_\_\_\_\_

MINIMUM LOT SIZE PROPOSED: \_\_\_\_\_

MINIMUM LOT DEPTH PROPOSED: \_\_\_\_\_

MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER: ORS  
CHAPTER 227 REQUIRES THAT IF YOU RECEIVE THIS  
NOTICE, IT MUST BE PROMPTLY FORWARDED TO  
PURCHASER

### VICINITY MAP

*To be provided by the APPLICANT  
at the time application is submitted*

Exhibit 2

Variance Type III  
Kimberly Arlen  
410 Jefferson Street  
Oregon City

- A. The house is located in the historic district. Neighbors in the surrounding area have set-backs. The current property already contains a carport in bad condition. Because of the location of the house, not receiving approval of the variance will prevent me from building a garage because moving the wall by 5 feet will not enable me to drive a car into the space currently available.
- B. Since a carport already exists, I do not believe there would be any damage to adjacent properties. On the contrary, I believe they will benefit since the existing structure is an eye soar.
- C. This was the first house that we have purchased let alone a historic one. I believed when the home was purchased that we would be able to at minimum continue to utilize the space in the same manner in which it is currently used.
- D. I wish there was a better alternative. I would have gladly moved the garage in 5 feet if the house location was not an obstacle. In addition, I contacted the City department to determine if the alley could be further vacated as an alternative. It appears that this is the most appropriate course of action since it has no foreseen negative impact.
- E. I would like to build the garage farther into the alley but recognize that this is not an option. I am only looking to replace what currently exists.

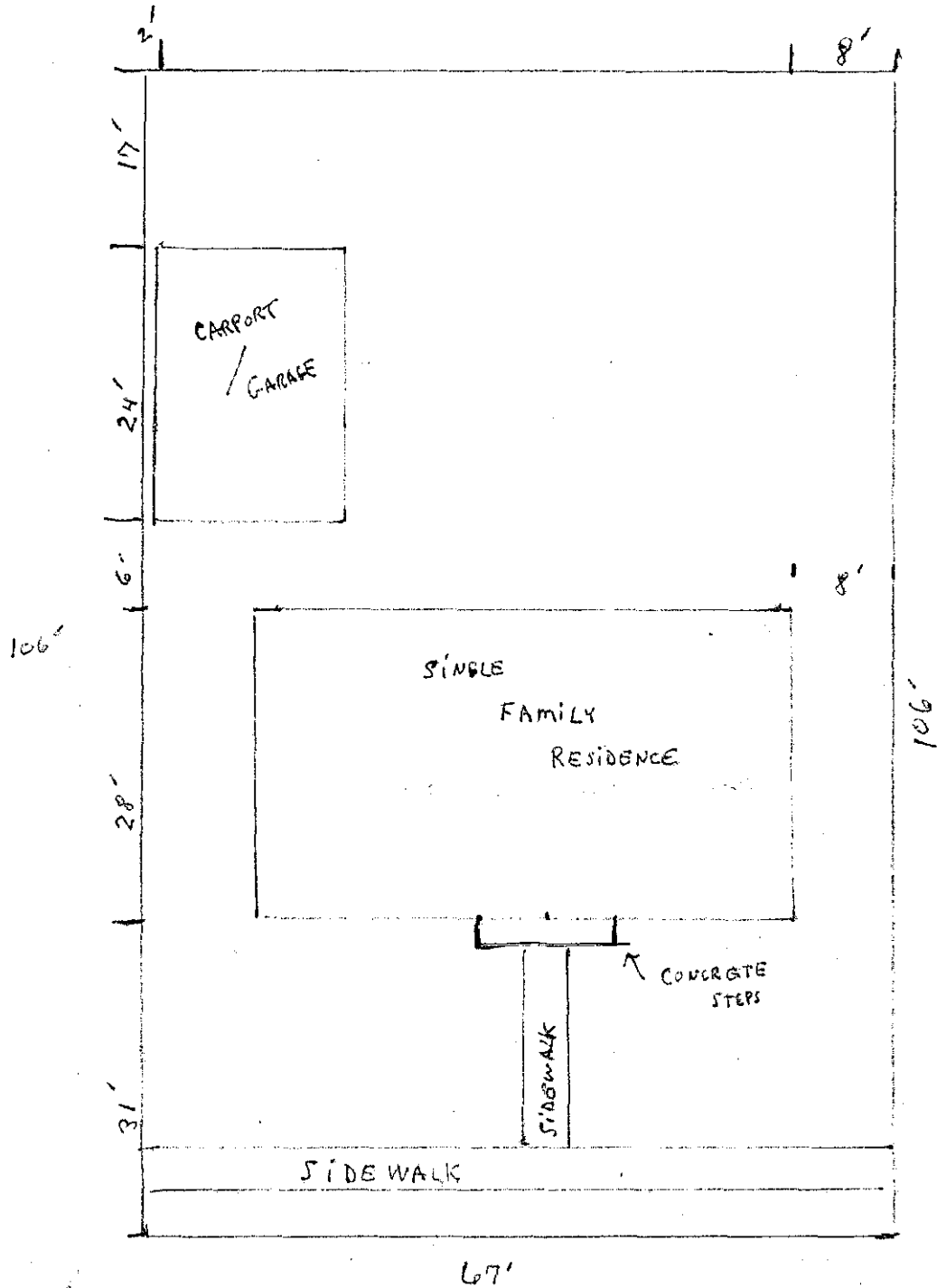
## FLATWORK AREA

SIDEWALK 255 sf  
DRIVEWAY \_\_\_\_\_  
PORCH 30 sf  
PATIO \_\_\_\_\_  
TOTAL \_\_\_\_\_

## LOT COVERAGE

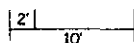
LOT AREA 7102  
BLDG AREA 1776  
(INCLUDING OVERHANG)  
(bldg area) ÷ (lot area) = %  
LOT COVERAGE 25%

## NOTES



## SITE PLAN

SCALE: 1" = 10'

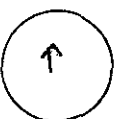


## PROJECT LEGAL

TAX LOT 2-2E-31AD-13000  
Block 109 Lot 6  
OREGON CITY OR

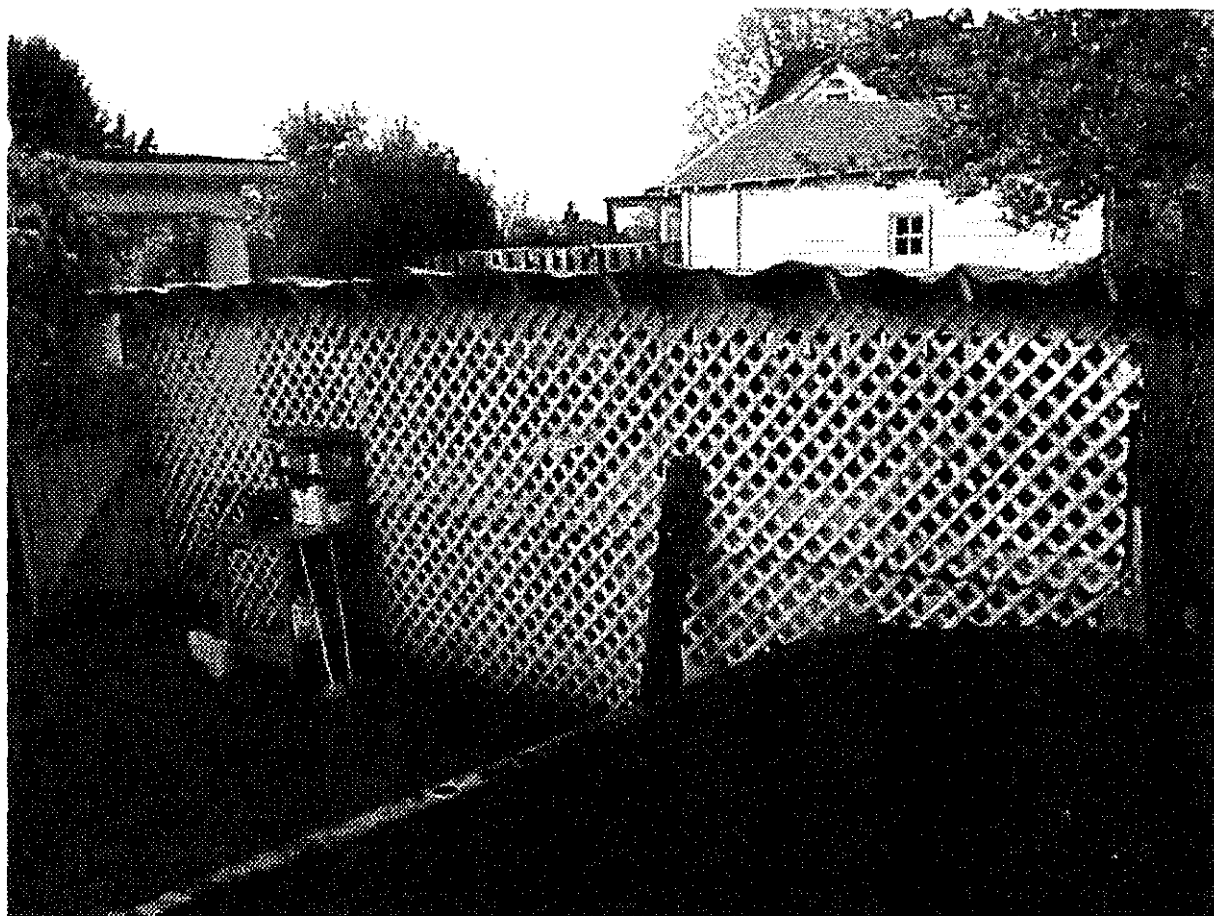
## PROJECT ADDRESS

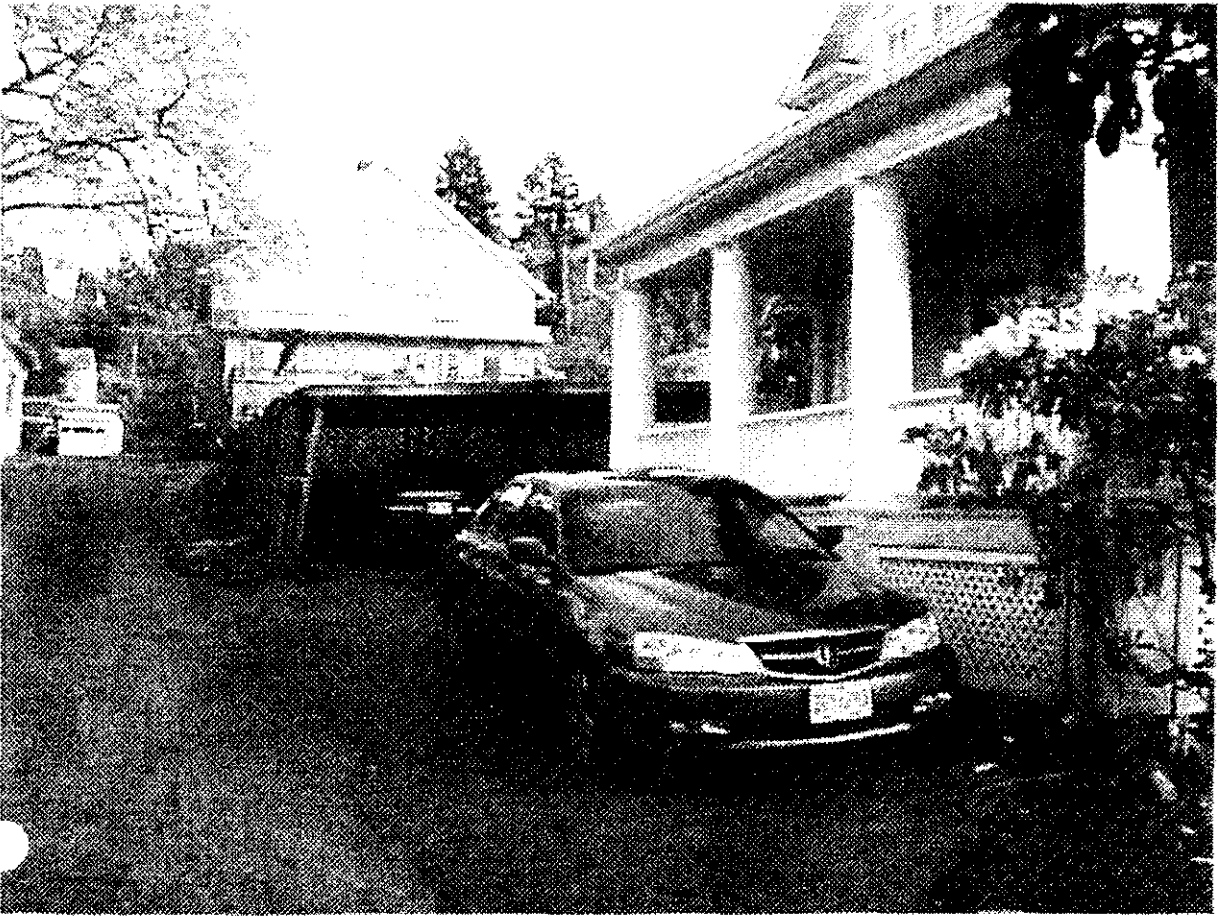
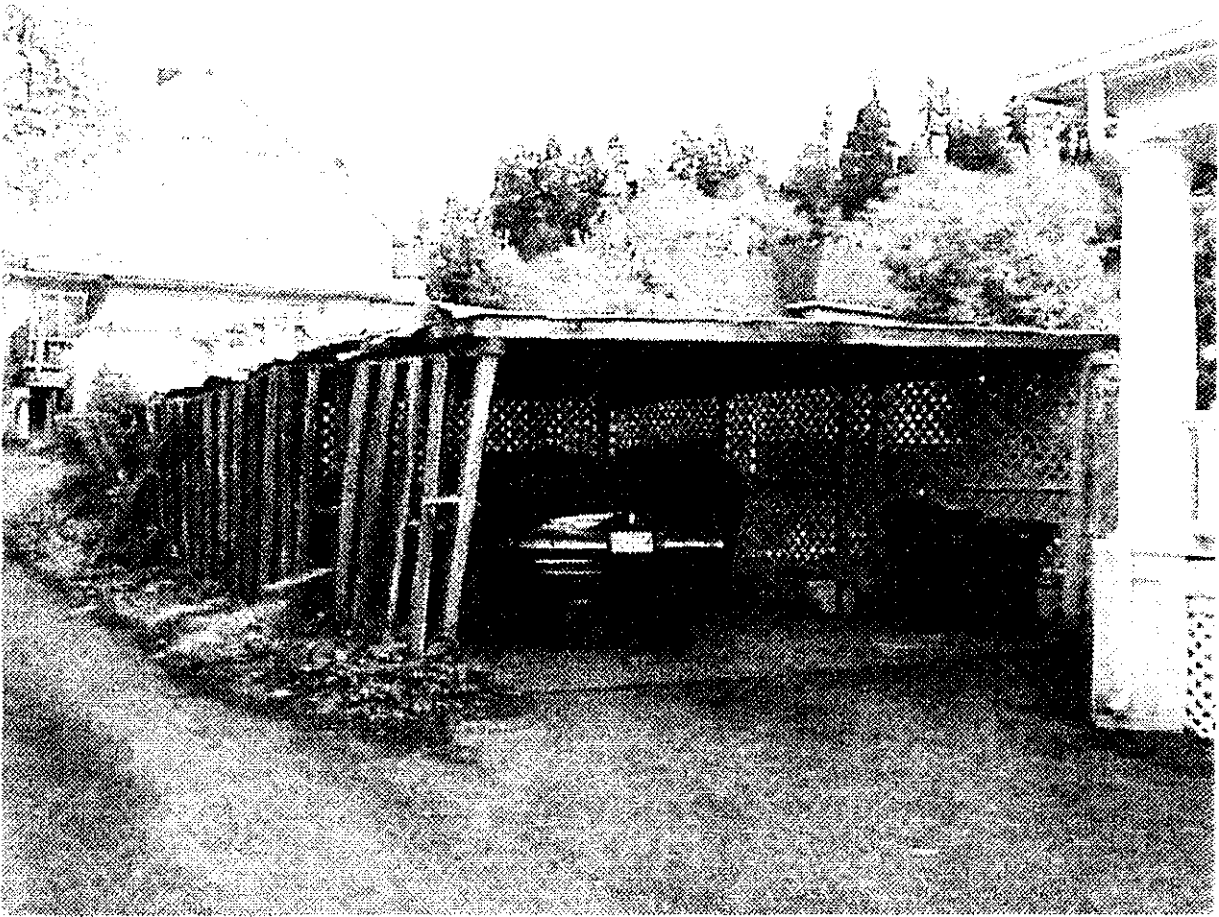
410 Jefferson  
OREGON CITY



NORTH



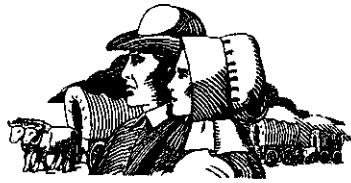












# CITY OF OREGON CITY

INCORPORATED 1844

Community Development Department

Planning Division

P.O. Box 3040 - 320 Warner Milne Road - Oregon City, OR 97045

Phone: (503) 657-0891 Fax: (503) 722-3880

## NOTICE OF DECISION & Certificate of Appropriateness OREGON CITY HISTORIC REVIEW BOARD

**DATE:** May 30, 2003

**FILE NO:** HR 03-06

**APPLICANT:** Kimberly Arlen

**PROPERTY OWNER:** Same

**LOCATION:** 410 Jefferson Street,

**LEGAL DESCRIPTION:** Clackamas County Map # 22-E-31AD Tax Lot

**PRESENT ZONING** The property is zoned "R-6" Single Family Dwelling District, (McLoughlin District Overlay), and the Comprehensive Plan designation is "LR" Low Density

**PROPOSAL:** New construction of an accessory structure (Garage) on a Designated Structure in the McLoughlin Conservation District

**DECISION OF THE HISTORIC REVIEW BOARD:** Following a public hearing on May 29, 2003, the Historic Review Board approved the applicant's proposal as consistent with the Secretary of Interior Standards for Rehabilitation.

IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT 657-0891.

cc: Guy Sperb, Building Official

Exhibit 3

## **CONDITIONS OF APPROVAL**

It is found that the plans for the proposed rehabilitation can be approved as modified in the conditions listed below

1. That all setbacks in the "R-6" zone shall apply to the request.
2. The Applicant shall apply for and receive a Planning Commission Variance Approval for reduction in the side yard setback from 15 feet to 0 feet.
3. All applicable building code requirements shall apply to the request
4. Cooking facilities shall not be allowed for this building.
5. Incised lumber shall not be used on any visible surfaces.
6. Window and door casings shall be included and shall be a minimum of 4 inches wide to be compatible with the existing house. The window casings shall have beveled ends at the top and bottom.
7. Prior to receiving building permits, the applicant shall provide Planning Staff photos of the proposed windows and doors to be used in the accessory building.
8. The applicant shall provide staff with a drawing showing the accessory building meeting the 10 foot height limit and being as close to a 5/12 pitch as possible.
9. A window shall be located above the garage door on the west elevation to better break up the massing. It shall be approved by staff before installation.
10. The front and rear gable design shall match that of the historic building.

OREGON INVENTORY OF HISTORIC PROPERTIES  
HISTORIC RESOURCE INVENTORY FORM

STORIC NAME: Carl and Helen Joehnke Residence DATE OF CONSTRUCTION: c. 1913  
MMC NAME: \_\_\_\_\_ ORIGINAL USE: Single-Family  
DRESS: 410 Jefferson Street PRESENT USE: Single-Family  
NER: Adrian and Barbara Percival ARCH./BLDR.: Unknown  
0 Jefferson Street, Oregon City STYLE: 20th Century Colonial  
R/S: 2-2E-31AD TAX LOT: 13000 BLDG. STRUC. DIST. SITE OBJ. (CIRCLE)  
DITION: Plat of Oregon City THEME: Architecture - 20th Century  
T: 6 BLOCK: 109 QUAD: Oregon City

AN TYPE/SHAPE: Rectangular NO. OF STORIES: 2  
UNDATION MATERIAL: Concrete BASEMENT (Y/N): Yes  
OF FORM & MATERIALS: Gable. Composition.  
LL CONSTRUCTION: Stud STRUCTURAL FRAME: Wood  
IMARY WINDOW TYPE: Nine-over-one double-hung.  
IRFACING MATERIALS: Bevel.  
ECORATIVE FEATURES: Monumental paired Tuscan columns form entry. Beveled glass sidelights  
HER: (cont.) at entry door.  
NDITION: EXCELLENT \_\_\_\_\_ GOOD X FAIR \_\_\_\_\_ DETERIORATED \_\_\_\_\_ MOVED \_\_\_\_\_ (date)  
(TEI & ALTERATIONS/ADDITIONS (dated): Wrought iron balustrades leading to front door,  
d.  
TEWORTHY LANDSCAPE FEATURES: Large trees in parking strip (Black Locust).  
SOCIATED STRUCTURES: Carport.  
OWN ARCHAEOLOGICAL FEATURES: None.

EOGRAPHIC SETTING: Located between 4th and 5th Streets on Jefferson Street, a quiet  
nd entirely residential street. The house is situated in a block in which only one  
ouse is not a designated structure. Across the street at 415 Jefferson Street is the  
374 McCown House.

TATEMENT OF SIGNIFICANCE: This was originally the home of Carl W. Joehnke (1881-1969),  
nd his wife, Helen Riggs Joehnke. A native of Oregon City, Joehnke was a post office  
lark and owned a farm in the Canby area. He organized the first Boy Scout troop in Oregon  
ity and was an active supporter of local 4-H chapters and the Clackamas County Fair.  
oehnke was a veteran of the Phillipines campaign of the Spanish-American War.

OURCES: Pioneer National Title Company Records, Oregon City. Oregon City City Directory,  
916. "The Oregonian", 15 December 1969, Section 2, p. 16.

EGATIVE NO: Roll 2, #4 RECORDED BY: Pat Erigero  
LIDE NO: \_\_\_\_\_ DATE: 7 May 1982

SHPO INVENTORY NO.: \_\_\_\_\_

Exhibit 4

OREGON INVENTORY OF HISTORIC PROPERTIES  
HISTORIC RESOURCE INVENTORY FORM - TWO

NAME: Carl and Helen Joehne Residence

T/R/S: 2-2E-31AD TAX LOT 13000

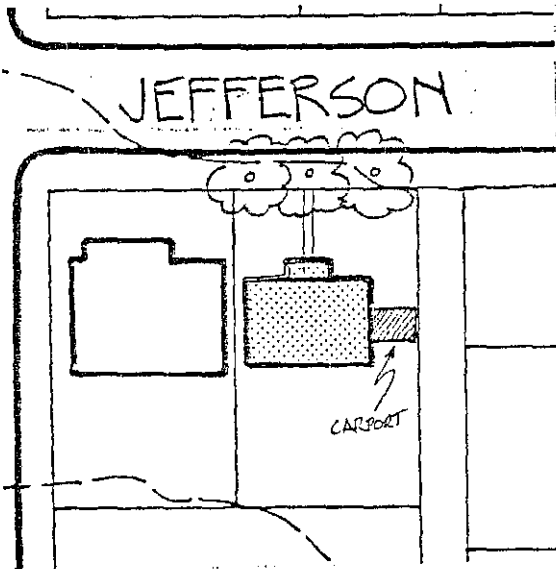
ADDRESS: 410 Jefferson Street

QUADRANGLE: Oregon City



NEGATIVE NO. Roll 2, #4

SLIDE NO. \_\_\_\_\_



GRAPHIC AND PHOTO SOURCES: Base Map of McLoughlin Neighborhood, 1985  
Jennis Egner Photograph, 1985.

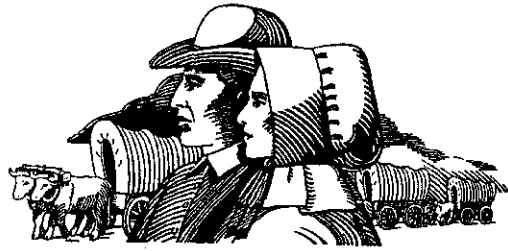
SHPO INVENTORY NO.: \_\_\_\_\_

# CITY OF OREGON CITY

## Planning Division

320 WARNER MILNE ROAD  
TEL (503) 657-0891

OREGON CITY, OREGON 97045  
FAX (503) 722-3880



## STAFF REPORT

### VARIANCE

Date: June 16, 2003

**FILE NO.:** VR 03-13

**HEARING DATE:** Monday, June 23, 2003  
7:00 p.m., City Commission Chambers  
320 Warner Milne Road  
Oregon City, Oregon 97045

**APPLICANT:** Richard and Cynthia Towle  
1506 10<sup>th</sup> Street  
Oregon City, Oregon 97045

**REQUEST:** The applicant is requesting to allow: 1. A 24' x 24' garage, which exceeds the maximum square footage for an accessory building and encroaches into the corner and front yard setbacks 2. An addition to the rear of the residence, which encroaches into the rear yard setback.

**LOCATION:** 1506 10<sup>th</sup> Street ; Tax Lot 2000, Clackamas County Map #2-2E-32BC

**RECOMMENDATION:** Approval

**REVIEWERS:** Christina Robertson-Gardiner, Associate Planner

**SITE MAP:** Exhibit 1

## **BACKGROUND:**

The applicant is requesting a Variance Hearing before the Oregon City Planning Commission to reduce the front (18') and corner yard (11'8) setbacks and allow a 576 square foot accessory garage as well as reduce the rear yard setback (14') for a kitchen addition.

The property is located at the intersection of 10<sup>th</sup> and Polk Streets, Clackamas County, Tax Lot 2001, Map 2-2E-32BC. Lot 3 & 4 Block 4 of the Beattie Addition, is zoned "R-6" and is approximately 6,534 square feet (Exhibit 2). The applicant additionally owns the vacant Tax Lot 2000 to the rear of the residence.

The house and property is on the Inventory of Historic Places and is designated a Landmark. Per OCMC Chapter 17.40 (Historic Overlay), all exterior alterations and new construction require review by the City's Historic Review Board.

A simple rectangular Bungalow Style house with prominent front elevation gabled dormer occupies the property. The Historic Inventory indicates that the building was built by Edgar and Grace Ingram c.1916. The house was purchased in 1919 by John and Mary Turnshek, who lived in the house for 66 years. The house is significant for its age, retaining much integrity of form and material.

The applicant applied for and received a Certificate of Appropriateness from the Historic Review Board at the March 27, 2003 Public Hearing (Exhibit 3). At that meeting, the Historic Review Board approved only the design and building materials. The Historic Review Board does not have the authority to waive the dimensional standards of the R-6 zone or Chapter 17.54.0100 Accessory Building and Uses. The applicant therefore, was required to apply for Planning Commission Variances to front, rear and corner setbacks and maximum square footage of an accessory building.

The dimensional standards in the "R-6" Single Family Dwelling District and the dimensional standards for accessory buildings and their uses pursuant to OCMC 17.54.010 are listed as follows:

### ***R-6 Single Family Dwelling District:***

Minimum Lot Area:	6,000 square feet
Average Lot width:	60 feet
Average Lot Depth:	100 feet
Maximum Building Height:	Two and one half stories not to exceed 35 feet
Front yard	20 feet
Rear yard	20 feet
Int. Side yard	9/5 feet
Corner side yard	15 feet

### ***Accessory Buildings:***

Two Hundred One to Five Hundred Square Feet. The interior side and rear yard setbacks may be reduced to three feet for one accessory structure, and its projections, within this category when located behind the front building line of the primary structure, provided the structure and its projections:

- a. Are detached and separated from other structures by at least four feet;
- b. Do not exceed a height of ten feet. The three foot setback requirement will be increased one foot for each foot of height over ten feet to a maximum of fifteen feet in height. This setback need not exceed the setback requirements required for the principal building. No accessory structure shall exceed one story;
- c. The accessory building must be constructed with the same exterior building materials as that of the primary structure, or an acceptable substitute to be approved by the planning division.

**Comments:** Notice of this proposal was sent to property owners within three hundred feet of the subject property and the McLoughlin Neighborhood Association. No comments were received.

## **DECISION-MAKING CRITERIA:**

### **Municipal Code Standards and Requirements**

**Title 17, Zoning:** Chapter 17.12, R-6 Single-Family Dwelling District  
 Chapter 17.50, Administration and Procedures  
 Chapter 17.54.010, Accessory Buildings and Uses  
 Chapter 17.60, Variances

### **ANALYSIS:**

Section 17.60.020 *Variances—Grounds* states that a variance may be granted if the applicant meets six approval criteria:

- A. That the literal application of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the surrounding area under the provisions of this title; or extraordinary circumstances apply to the property which do not apply to other properties in the surrounding area, but are unique to the applicant's site;**

The applicant states that the extraordinary circumstances applying to this site is the pre-existing historic residence. As a designated Landmark, all new construction is reviewed by the Historic Review Board for its compatibility with the historic building. In this case, and for almost all historic residences, the only garage appropriate to the site would be a detached garage with separated single-car garage doors. Both Planning Staff and the Historic Review Board found that the existing location was the only location that did not adversely affect the historic significance of the Ingram Residence. The Historic Review Board approved the rear kitchen addition and found the dimensions to be compatible and proportional to the historic residence. Any changes to the design would require additional review by the Historic Review Board.

Therefore, the applicant satisfies this criterion.

- B. That the variance from the requirements is not likely to cause substantial damage to adjacent properties, by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;**

Staff agrees with the applicant's contention that none of the setback variances will cause any damage, substantial or otherwise, to adjacent properties. Polk Street is a dead end. The reduction of the side yard setback will not affect traffic movement. The reduction of the front yard setback is for alignment with the primary dwelling and is still deep enough to park a car on the driveway. The reduction in the rear yard setback appears to only affect any future development on the rear Tax Lot. A 14 foot rear yard setback still would allow ample separation from the interior side yard of the adjacent lot. Finally, the additional square footage of the garage will be hidden from public view by the slope of the lot.

Therefore, the requested variance satisfies this criterion.

- C. The applicant's circumstances are not self-imposed or merely constitute a monetary hardship or inconvenience. A self-imposed difficulty will be found if the applicant knew or should have known of the restriction at the time the site was purchased;**

The applicant did not know what would be required by the Historic Review Board until they were formally reviewed. Staff finds this to be a reasonable assumption.

Therefore, the requested variance satisfies this criterion.

- D. No practical alternatives have been identified which would accomplish the same purposes and not require a variance;**

No practical alternatives have been identified by either the applicant or staff. If the Variance is denied, the applicant would be required to resubmit to the Historic Review Board for a revised rear addition and a single car garage.

Therefore, the applicant satisfies this criterion.

- E. That the variance requested is the minimum variance which would alleviate the hardship;**

As described above, if the Variance is denied, the applicant would be required to resubmit to the Historic Review Board for a revised rear addition and a single car garage.

Therefore, the applicant satisfies this criterion.

- F. That the variance conforms to the comprehensive plan and the intent of the ordinance being varied.**

The Oregon City Comprehensive Plan Goal encourages the preservation and rehabilitation of homes and other buildings of historical and architectural significance. Appropriate and compatible accessory buildings and additions can add monetary value to historic residences, which in turn increases the chances of the property being properly maintained.

Therefore, the applicant satisfies the criterion.



**STAFF RECOMMENDATION:**

In conclusion, Staff has determined that the requested Variance before the Planning Commission, VR 03-13, from which the applicant is seeking to reduce the front (18') and corner yard (11'8) setbacks and allow a 576 square foot accessory garage as well as reduce the rear yard setback (14') for a kitchen addition can satisfy the Variance approval criteria in Chapter 17.60.

Therefore, Staff would recommend approval of file VR 03-13 by the Planning Commission for the property located at 1506 10<sup>th</sup> Street ; Tax Lot 2000, Clackamas County Map #2-2E-32BC

**EXHIBITS:**

1. Site Map
2. Applicant's Submittal
3. May 30, 2003 Certificate of Appropriateness

[illegible]

**Planning Commission  
Request for Variance**

This applicant requests to allow a 24' x 24' garage to be built on property located at 1506 10<sup>th</sup> St., Oregon City, a variance of 76 sq. feet. Additional setback variances are: 3'4" on corner side yard (actual setback 11'8"), a 2' variance on front yard (actual setback 18'), and a 6 ft. variance in rear yard (actual setback 14')

In order to fully comply with OCMC 17.60.020, each of the following points will be responded to sequentially:

- A. That the literal application of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the surrounding area under the provisions of this title; or extraordinary circumstances apply to the property, which do not apply to other properties in the surrounding area, but are unique to the applicant's site;

*Because this is a historically designated property, building a garage, which attaches to this house, relieving its designation as an "outbuilding" subject to square footage restrictions, is prohibited. This garage is subject to a limit of 500 square feet. Standard garage size is 24' x 20' (480 sq. ft) allowing the 24' to facilitate the depth of the garage. They are positioned this way to allow the average car (17' – 18' in length) to fit inside the garage comfortably, with room to get around both ends of the car.*

*Because this is a historically designated property, any structures added to the premises must be historically accurate. The design of this garage incorporates (2) carriage doors (each door is 7' H x 9' W), in lieu of a single garage door, expressly for this purpose. Therefore, 24' must be used in the width of this garage to support these doors, allowing 2 feet on each edge of each door. Keeping within the restrictions of 500 square feet would constrict the depth of this garage to 20', which would not allow an average vehicle to fit into the garage for parking.*

*Because the front and side setback variances are 2' and 3'4", they are negligible to this point. However, the rear variance of 6' is important because if not granted, a lot line adjustment of 6' would have to be done by a land surveyor and recorded by the County of Clackamas. The back porch, which is an original part of the house, will be eliminated and additional floor space to the kitchen will take up that area. The porch extends 6 ft. from the house with a 2' overhang. The addition will extend exactly 4 ft. beyond this original porch. Therefore, the new construction is adding exactly 4 feet to the original footprint of the house, which was not 20 feet from the property line in the first place. It was only 18 feet.*

*If the Planning Commission feels a lot line adjustment is necessary for 6 ft. and since applicant owns both lots in question, applicant requests that the lot line adjustment be obtained and recorded at the time of sale of either property, if sold separately.*

- B. That the variance from the requirements is not likely to cause substantial damage to adjacent properties, by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;

*The 4 feet requested will be on the back side of this garage and will be part of a retaining wall backed by a sloped hill and will not be visible from any position on the street.*

*None of the setback variances will cause any damage, substantial or otherwise, to adjacent properties.*

- C. The applicant's circumstances are not self-imposed or merely constitute a monetary hardship or inconvenience. A self-imposed difficulty will be found if the applicant knew or should have known of the restriction at the time the site was purchased;

*This property was purchased eleven years ago, with the intent to "someday" build a garage. Serious inquiries into planning and restrictions have only recently been done.*

- D. No practical alternatives have been identified which would accomplish the same purposes and not require a variance;

*Any practical alternatives would not be compatible with historical architecture and the 6' rear variance is addressed in Item A.*

- E. That the variance requested is the minimum variance, which would alleviate the hardship;

*These are the minimum variances that would alleviate the hardship.*

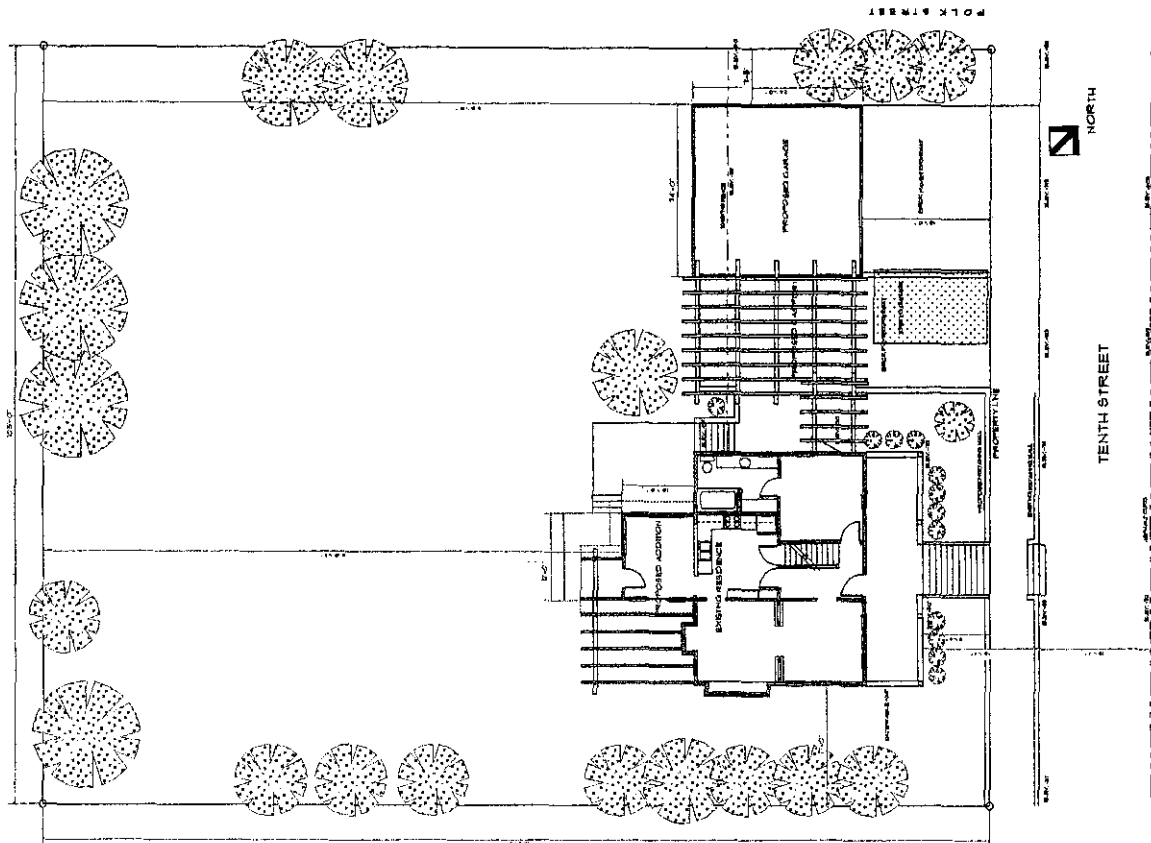
- F. That the variance conforms to the comprehensive plan and the intent of the ordinance being varied.

*The 2-foot variance in the front yard will allow the garage to be constructed evenly with the house and thereby conform architecturally. The 3'4" corner side yard variance will allow for landscaping between the garage and Polk St., while affording enough room for a pergola carport between garage and house. The 6' variance would allow the small*

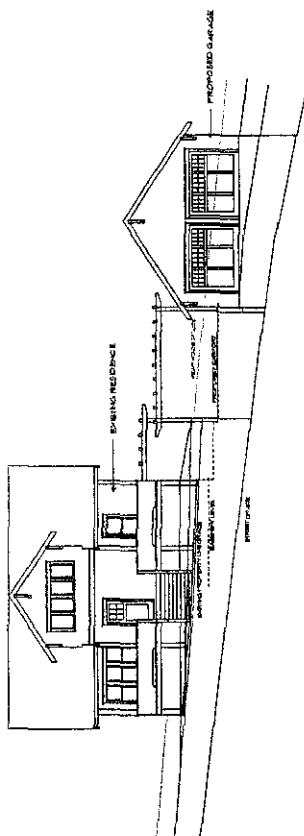
*addition of a 10' x 10' breakfast room added to the kitchen on the back of the house.*

*By reviewing the site plan for additional square feet and garage, it is clear that it completes the look of the original house by enhancing craftsman style elements, which the original architecture evoked.*

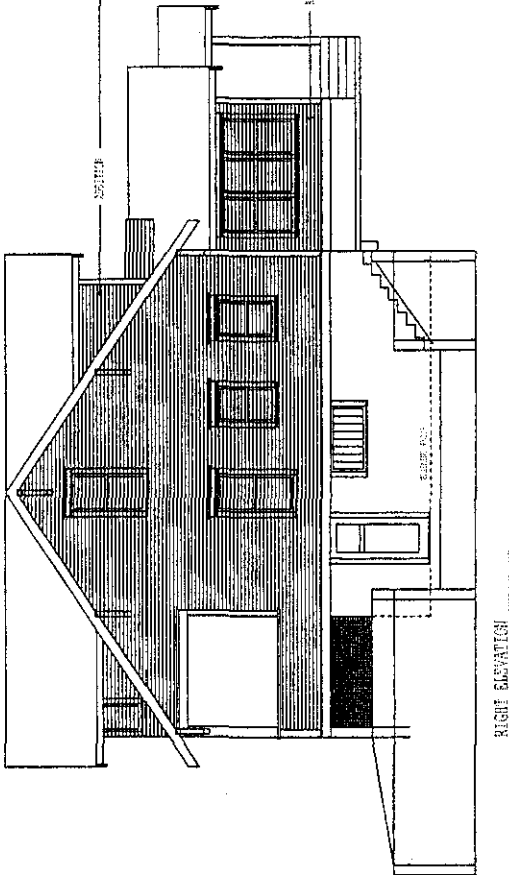
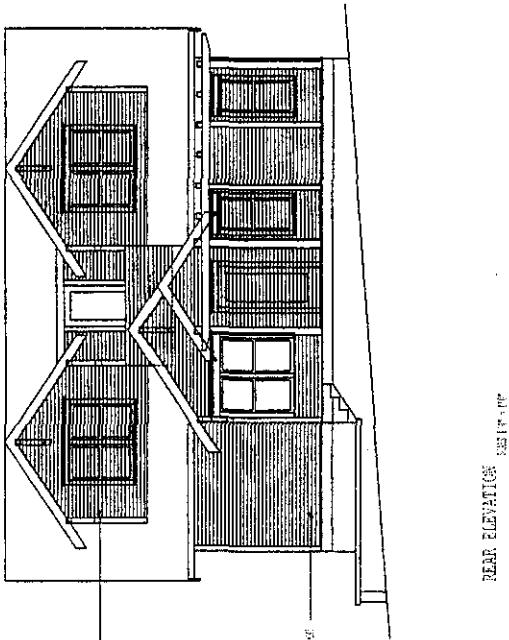
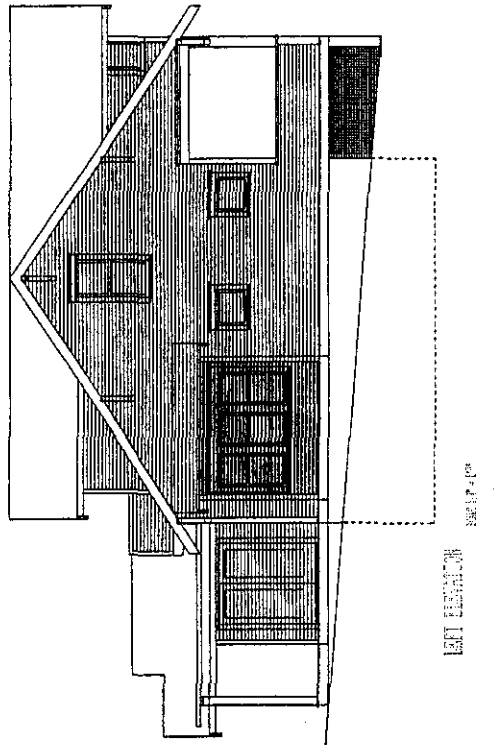
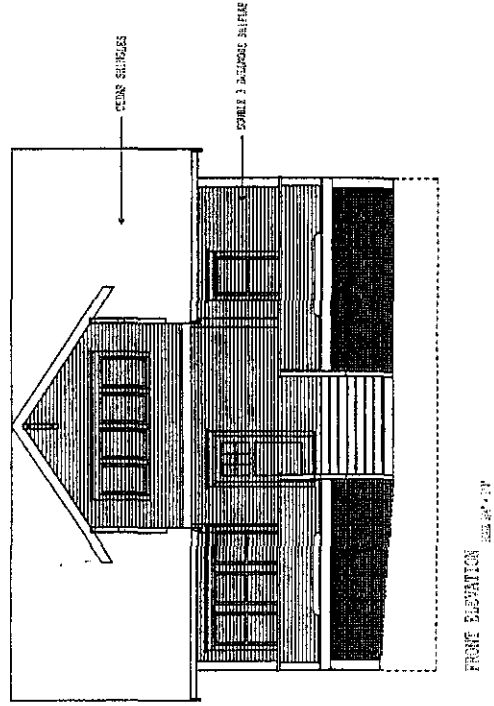
*The City's Comprehensive Plan promises to take architectural integrity into every consideration of new construction. The applicant believes these variances allow that integrity to go forward, helping to establish a community standard and improving the overall look of the neighborhood.*



LEGAL DESCRIPTION: 6E 1/4 SECTION 32, T2S, R2E, U1N,  
LOTS 3 AND 4 AND ADJACENT VACATED ALLEY  
N1/2 BLOCK 3 OF BEATE ADDITION TO OREGON CITY  
PLAT # 38



NOTE: HATCH ALL GARAGE DETAILS TO HOUSE INCLUDING ROOF PITCH,  
SLOPING BRACKETS, ETC.







Request for Alteration of Existing Historic Structure  
&  
Addition of Garage

1506 10<sup>th</sup> Street  
John & Mary Turnshek House

Part of the proposed alteration of this structure will entail replacing the existing garage, which is currently unusable, with a usable 24' x 24' garage. The existing garage is not original to the house. However, it was built only a few years after the house and was the only garage it ever had. The front of this existing garage sits squarely on the property line, with no set back. This makes it undesirable to modify and necessary to demolish.

It is the applicant's intention to ask for a variance on the new garage of 76 additional square feet, because the proposed size of this garage does not exceed the floor space of the residence and it is on a considerable lower elevation than the house. Also, the addition of 4 linear feet asked for is on the rear of the building, which sets back into the slope of the back yard and is not visible from any part of the street. The total square footage of the property is 14,000 square feet, which is only 600 square feet less than the requirement for a larger-than-500-square-foot-outbuilding. If this proposed structure is mandated to be 24' x 20', the 24' would have to be the width of the garage to support the "double carriage" doors. That would make the length of the garage 20' which the architect recommends, "is not sufficient length for all automobiles." This additional square footage is also needed for automotive and wood shop tools currently being stored in the basement of the house. Bringing these into a 480 square foot (20' x 24') garage would not facilitate room for 2 cars.

Keeping the historic integrity of this house is of utmost importance therefore, the siding of the existing garage structure will be salvaged and used on the new structure. It will be matched with new milled siding, (shiplap, Double 3, Bullnose) which is available. The overhanging eaves on the garage will be the same as the existing house, with matching knee brackets. The (2) carriage type garage doors will be made of cedar with molding closely resembling the original garage doors. The doors will also have small-paned windows resembling the front door of the house.

Because the garage will sit lower than the house, a carport is necessary to facilitate entry to the house through the basement. The carport's structure will consist of wood and will not be a permanent attachment to the house, but, by its design, will be a visual connector, which takes the eye from the house gradually down the slope to the garage. The carport is designed to look like a pergola. To facilitate good drainage and low environmental impact, pavers will be used instead of cement for the driveway, carport and walkways around the house.

Another part of this alteration will be increasing the size of the kitchen and the upstairs rooms. This will be facilitated by adding a 10' x 12' breakfast room to the main level and (2) 9'8" x 7'8" dormers on the upper level. One dormer will be a bathroom addition, the other, an extension of a bedroom. All facer board will be the same width as the original structure. All siding will be the shiplap, double 3, Bullnose. All eaves will be identical with original, including knee brackets. This construction will be on the backside of the house and will not be seen from the street. However, historical integrity will not be compromised.

To alleviate any doubt that historic architecture will remain intact, it is worthy to note that this house was overlooked on the original historic register. This applicant researched, documented and applied for its current registry. (See attachment)



## **CONDITIONS OF APPROVAL**

It is found that the plans for the proposed rehabilitation can be approved as modified in the conditions listed below

1. All setbacks in the R-6 Single family dwelling district shall apply to the request.
2. All applicable building code requirements shall apply to the request.
3. Incised lumber shall not be used on any visible surfaces.
4. Prior to final building permit issuance, the applicant shall present a set of plans for staff review and approval. Any changes, additions or deletions shall be reviewed and approved by staff. The set of plans shall contain a revised elevation that includes the following features
5. Prior to final building permit inspection the exterior alterations shall be inspected by HRB staff to ensure compliance with the required conditions.
6. The applicant shall make all attempts to restore and retain all existing drop siding and all new portions of the building shall incorporate similar wooden drop siding with the same exposure as the original siding. All new windows shall include the same trim and pediment design as the existing windows. An attempt shall be made to salvage and repair these windows where practical.
7. All new windows shall consist of wood. Vinyl windows shall not be utilized.
8. Prior to final building permit issuance the Applicant shall submit a revised elevation for staff review and approval showing either a reduced garage width, or rotation of the gable orientation to match the primary dwelling.
9. Prior to the issuance of building permits, the applicant shall provide staff with plans of all four elevations of the accessory building, showing appropriate fenestration patterns and dimensions.
10. The applicant's proposed accessory building does not conform to OCMC Chapter 17.54.10 Accessory Building Size Standards. To comply, the Applicant must either receive a Planning Commission Variance approval to accessory building size, or submit new plans showing the accessory building as 500 square feet or smaller.
11. The Applicant shall make all efforts to recycle and reuse all salvageable building material. Please contact Clackamas County Solid Waste Department to coordinate the recycling of all architectural and construction debris.
12. Prior to obtaining building permits, the Applicant shall submit plans and photos showing all four elevations of the existing accessory building.