

PLANNING COMMISSION MINUTES

REGULAR MEETING

MAY 28, 1985

MEMBERS PRESENT

JOHN LITTLEHALES, CHAIRMAN
JOHN FOSTER
DON TROTTER
BETTY ROHOLT
JAN FITZGERALD
ROBERT KNUDSON
AL LIANE

STAFF PRESENT

TOPAZ FAULKNER,
PLANNING DIRECTOR
LORI MASTRANTONIO-MEUSER,
ASSOCIATE PLANNER
MARY NEWELL,
HEARINGS REPORTER

1.0 Mr. Littlehales called to meeting to order at 6:35 PM.

2.0 PROCEDURAL QUESTIONS

No procedural questions.

3.0 PUBLIC HEARINGS

3.1 APPLICANT: James R. Dierking and Edking Development
PROPERTY OWNER: George and Pauline Deering
LOCATION: East of Linwood Avenue and West of Charles Street
(Tax Lots 2200, 2300 & 2400 of Tax Map 1 2E 32BC)

This request was postponed due to an appeal pending on the application. No discussion was held.

3.2 APPLICANT: Clifford O. Ashmon
PROPERTY OWNER: Clifford O. Ashmon
LOCATION: 10486 SE 34th Avenue
PROPOSAL: The applicant is requesting approval of a 20-foot side yard variance. A 5-foot side yard setback is required and a 3-foot setback is proposed. The applicant is also requesting approval of an 11-foot rear yard variance. A 15-foot rear yard setback is required and a 4-foot setback is proposed. (VR 85-11)

Lori presented the Staff Report.

Mr. Liane requested clarification of what was meant by "maneuvering area." Lori indicated that that referred to the driveway area to the garage.

APPLICANT'S RESPONSE

SPEAKING: CLIFFORD O. ASHMON, 10486 SE 34th Avenue

Mr. Ashmon directed his only comment toward the Staff's suggested alternative proposal to reduce the size of the garage in order to comply with all code requirements. He stated that the only reason he wanted his garage to be 36' x 24' was for space. He needed the space and anything smaller would not be sufficient.

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TESTIMONY IN FAVOR

None

TESTIMONY IN OPPOSITION

None

COMMENTS OR QUESTIONS FROM INTERESTED PERSONS

None

QUESTIONS FROM THE PLANNING COMMISSION

Mr. Liane commented that taking into consideration the space available he could see reducing the size of the variance and perhaps shifting the location of the structure on the lot. The applicant indicated that he would have more back yard area if the building is located farther to the back of the lot.

Mr. Trotter requested the information on the building roof. The Applicant indicated that the garage would have a 6/12 pitch roof with trusses and with the high point of the roof 6 feet from the existing grade. He indicated his plan called for overhangs of one foot.

Mr. Trotter expressed concern that the garage was going to be 6 feet above grade on the back of the lot and two to three feet away from the rear property line. Mr. Trotter felt this situation would create a hazard because of children from the apartments to the rear of the property climbing onto the roof of the garage from the rear property line. The Applicant agreed and suggested that he could eliminate the overhang or move it out four feet so they could not get to the garage.

Mr. Trotter then questioned the overhang on the East side. The Applicant indicated that those were to be two feet.

REBUTTAL TESTIMONY FROM APPLICANT

None

CLOSE OF PUBLIC HEARING

Mr. Foster questioned what the elevation was from the Applicant's property to the elevation of the parking lot. The Applicant indicated that it was six feet to street grade with a four-foot fence above that.

Mr. Littlehales expressed that he like the idea of keeping the garage in the back corner in order to maximuze the use of the backyard.

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Mr. Trotter again stated his concern over the safety aspect of the plan and also how it impacts the adjoining property. He emphasized that children only had to climb over a four-foot high fence in order to gain access to the roof of the garage. He also stated that a four-foot space between the garage and fence might still create problems, that it would be very tempting for a child to try and jump the space between the fence and the roof.

Mr. Trotter again stated that he felt a four-foot space was an attractive nuisance. He indicated that the private residence next door was not the major concern, but that the parking lot to the back was a serious consideration. He then suggested that they could approve the variance with the condition that there be 6 feet between the property line and the nearest point of the building.

Mr. Foster and Ms. Roholt expressed opinions that so much of the backyard space would be wasted. Mr. Liane declared it an attractive nuisance to both the east and the north sides. Mr. Trotter again stated that the parking lot to the rear was a public area and provided easy access to children. The fire department would be concerned about the close proximity of the garage to the fence.

Mr. Trotter then made a motion to approve Variance No. 85-11 with a variance of two (2) feet on the side yard and a variance of nine(9) feet on the rear yard so that there is 6 feet between the property line and the nearest point of the building, with the findings as proposed by Staff with two conditions; with Condition #1 amended to read, "That the applicant sign a Developer's Agreement for future improvements along his frontage of 34th Street prior to issuance of a Building Permit" and Condition #2 amended to read, "That the driveway and maneuvering area be paved according to the specifications of the Public Works and Fire Department. In addition, a drywell is required for the roof drains". It was Seconded by Mr. Littlehales.

The Applicant indicated that he thought the amendments to the conditions were necessary and that he understood the purpose of a Developer's Agreement.

THE MOTION WAS PASSED BY UNANIMOUS AGREEMENT.

Recess. Meeting was reconvened at 7:15 PM.

8.0 Other Business - Election of Planning Commission Officers moved up on the agenda.

Mr. Littlehales stated that they would not be electing the secretary this evening. Mr. Foster nominated Mr. John Littlehales for Chairman for the coming year. This was Seconded by Mr. Laine. Mr. Littlehales was voted Chairman by a Unanimous vote.

Betty Roholt nominated Mr. Don Trotter for Vice Chairman. This was Seconded by Mr. Laine. By Unanimous vote, Mr. Don Trotter was voted Vice Chairman for the coming year.

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7.0 OLD BUSINESS - PLANNING COMMISSION GUIDELINES

John Littlehales described the background and the process he used to develop the draft guidelines for the Planning Commission. In the discussion that followed, Mr. Foster and Mr. Liane expressed concern about the guidelines having the effect of placing limitations on their freedom of speech. Ms. Roholt indicated that the Guidelines serve the purpose of giving some parameters for actions. Amendments were made by the Commission as follows: Paragraph #2, Media Contacts was amended to read "At no time shall Commissioner initiate contacts with the media representing themselves as speaking for the Commission." Paragraph #3, Milwaukie City Council was amended by deleting the words "majority position" and Paragraph #5, Members of the Public was amended by deleting the words "objective" and "positive".

Mr. Littlehales made a motion to adopt the guidelines as amended in paragraphs 2, 3 and 5 (subject to the review and comment by City Council). Motion was Seconded by Ms. Roholt. Mr. Liane moved to amend the main motion and delete review and discussion by City Council. Motion was Seconded by Ms. Roholt.

Vote on amendment to main motion: Mr. Foster voted in opposition. Vote on main motion: Mr. Foster and Mr. Liane voted in opposition. Mr. Foster stated that the guidelines limit his freedom of speech. Mr. Liane was not comfortable with some parts that he termed nebulous. The vote was 5-2 in favor of adopting the guidelines and sending them to Council.

Mr. Foster left the meeting at this point in the hearing.

3.3 APPLICANT; Katherine J. Jones
PROPERTY OWNER; Katherine J. Jones
LOCATION; 10363 SE 24th Avenue
PROPOSAL; The applicant is requesting approval of a 40½-inch side yard variance. A 5-foot setback is required and a 1-foot 7½-inch setback is proposed. She is also requesting approval of a 5-foot front yard variance. A 20-foot setback is required and a 15-foot setback is proposed.

Mr. Littlehales advised Commissioners and Staff that Mr. Foster had indicated that he had a conflict of interest on this issue.

Lori presented the Staff Report.

CORRESPONDENCE

Lori advised the Commissioners of two pieces of correspondence regarding this matter. The first item was a phone message from Mr. James Cox indicating support of the request. Second item was a

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letter from Mr. and Mrs. H.A. Olmscheid of 10368 SE 23rd Avenue, (Exhibit #10). They stated their reasons for opposing the variance request was because of the close proximity to their property, lack of privacy and fear that the alterations to the building would not meet code standards.

Memorandum from the Structural Safety Division of the Milwaukie Fire Department was also presented. The memo outlined three conditions relating to the request: 1) all applications conform to code and ordinances; 2) Wheelchair ramp and landing be constructed of concrete and meet minimum requirements and; 3) approval be contingent upon the maximum care of five persons.

APPLICANT'S RESPONSE

SPEAKING: KATHERINE J. JONES, 10363 SE 24th Avenue

Ms. Jones advised the Commissioners that she needed the extra room in order to have two live-in helpers to assist her with her invalid husband. She indicated that they would not actually be paid in currency, but that they would receive room and board in exchange for their help. She stated that the apartment constructed within the home was not working out as had originally been planned. She stated that this would be rented to help pay for the cost of the food for the helpers but that they would prepare the food themselves. She also stated that her plan was to convert the front porch into a bedroom and bath for one helper, but that the basement could possibly be converted. If her variance was denied, this would be her next action.

Mr. Liane questioned where the new room would be located. Applicant indicated that she intended to enclose the front porch, which was located on the main level.

Mr. Trotter asked the applicant whether she had contacted the Building Department to see if this addition was possible, citing a requirement that the bedroom must be a specified size. Mr. Trotter also asked how many people would be residing in the house. The Applicant replied that there would be a total of 5 with 1 or 2 in the rental.

TESTIMONY IN SUPPORT

There was no testimony in support.

TESTIMONY IN OPPOSITION

There was no testimony in opposition.

CLOSING OF PUBLIC HEARING

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Mr. Trotter suggested that because a service can be the same as payment for the use of room and board, this creates a very confusing situation. His concern is that the applicant is in fact renting the room although not by the exchange of money. Mr. Trotter also stated that he does not think her plans would meet building code requirements. He personally felt that since the applicant had another option of converting the basement, he would be in favor of denying the variance. Mr. Littlehales concurred, adding that he was also concerned with over-building the property. Mr. Littlehales also expressed concern that the property is very difficult to get in and out of.

Mr. Knudson pointed out that the house was at the very end of the street with nothing beyond it. He felt that adding to the front of the house would not create any problems and would help out the applicant.

Mr. Liane asked if the property was on sewer. The applicant responded that the house was on sewer. The applicant also indicated that there were enough parking spaces to accomodate the extra residents of the household and the apartment.

After discussion regarding whether or not this house could be classified as a "boarding house", Mr. Trotter stated that the only issue being decided was whether the Commission should or should not deny the variance. Mr. Trotter moved that the Commission adopt the Staff's report with findings and deny Variance VR-85-12. Mr. Littlehales Seconded the motion.

Finding #1 of the Staff Report was amended to read "The request does not comply with the variance criteria as there is a feasible alternative for adding a bedroom without adding onto the existing house". Under alternatives of page 2 of the Staff Report the following should be added "However, the applicant can add a bedroom in the basement".

The following exhibits were added at the hearing:

- Exhibit #10 - Letter of Correspondence Dated May 28, 1985
- #11 - Letter of Correspondence Dated May 28, 1985
- #12 - Petition Dated May 28, 1985

Mr. Trotter advised the applicant of the procedure to follow should her application be denied and if she wished to submit an application to build the bedroom in her basement. Lori recommended that Mrs. Jones come to the Planning Office and meet with Staff to assist her in her plans to convert the basement.

THE MOTION WAS PASSED WITH MR. KNUDSON IN OPPOSITION.

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6.1 PLANNING COMMISSION MINUTES - MAY 14, 1985

Mr. Littlehales moved to adopt the minutes as amended. Seconded by Mr. Liane. Minutes were approved by unanimous vote with Mr. Littlehales abstaining because he was not present at the meeting of May 14th.

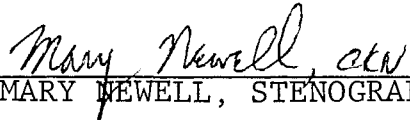
Topaz distributed copies of the draft Urban Services Policy and requested input from the Commission.

There was consensus to send it to the Council for action.

Mr. Littlehales moved to adjourn. Mr. Knudson Seconded.
THE MOTION TO ADJOURN WAS PASSED BY UNANIMOUS DECISION.

Meeting concluded at 9:35 PM.


JOHN LITTLEHALES, CHAIRMAN


MARY NEWELL, STENOGRAPHER

AGENDA
MILWAUKIE PLANNING COMMISSION
COUNCIL CHAMBERS, CITY HALL, 10722 SE MAIN STREET
MAY 28, 1985, AT 6.30 PM, TUESDAY

ITEM

MEETING FORMAT

1.0 CALL TO ORDER

2.0 PROCEDURAL QUESTIONS

3.0 PUBLIC HEARINGS

3.1 APPLICANT - JAMES DIERKING & EDKING DEVELOPMENT
PROPERTY OWNER - GEORGE & PAULINE DEERING
LOCATION - EAST OF LINWOOD AVE. & WEST OF CHARLES ST.
PROPOSAL - THE APPLICANT IS REQUESTING FINAL PLAT
APPROVAL OF A 20-LOT SUBDIVISION AND A LOT-LINE
ADJUSTMENT ON PROPOSED PLATTED LOT 3. PLATTED LOT
3 WOULD BECOME LOT 3 AND 20, SO THAT EACH OF THE
TWO RESIDENCES HAS ITS OWN LOT. THIS REQUEST HAS
BEEN POSTPONED DUE TO AN APPEAL PENDING ON THIS
APPLICATION (S-85-01) .

3.2 APPLICANT - CLIFFORD O. ASHMON
PROPERTY OWNER - CLIFFORD O. ASHMON
LOCATION - 10486 SE 34TH AVENUE
PROPOSAL - THE APPLICANT IS REQUESTING APPROVAL OF
A 20-FOOT SIDE YARD VARIANCE. A 5-FOOT SIDE YARD
SETBACK IS REQUIRED AND A 3-FOOT SETBACK IS PRO-
POSED. HE IS ALSO REQUESTING APPROVAL OF AN 11-
FOOT REAR YARD VARIANCE. A 15-FOOT REAR YARD
SETBACK IS REQUIRED AND A 4-FOOT SETBACK IS PRO-
POSED. (VR-85-11)

3.3 APPLICANT - KATHERINE J. JONES
PROPERTY OWNER - KATHERINE J. JONES
LOCATION - 10363 SE 24TH AVENUE
PROPOSAL - THE APPLICANT IS REQUESTING APPROVAL OF
A 40-1/2 INCH SIDE YARD VARIANCE. A 5-FOOT SET-
BACK IS REQUIRED AND A 1-FOOT 7-1/2-INCH SETBACK
IS PROPOSED. SHE IS ALSO REQUESTING APPROVAL OF
A 5-FOOT FRONT YARD VARIANCE. A 20-FOOT SETBACK
IS REQUIRED AND A 15-FOOT SETBACK IS PROPOSED.

4.0 PUBLIC COMMENT - THIS IS AN OPPORTUNITY FOR THE PUBLIC TO COMMENT ON ANY ITEM NOT
ON THE AGENDA.

5.0 CONSIDERATION ITEMS

6.0 CONSENT AGENDA

6.1 PLANNING COMMISSION MINUTES - MAY 14, 1985

6.2 CITY COUNCIL MINUTES - MAY 7, 1985

7.0 OLD BUSINESS - PLANNING COMMISSION GUIDELINES

8.0 OTHER BUSINESS - ELECTION OF PLANNING COMMISSION OFFICERS

THE MILWAUKIE PLANNING COMMISSION WELCOMES YOUR INTEREST IN THESE AGENDA ITEMS. FEEL
FREE TO COME AND GO AS YOU PLEASE.

COMMISSIONERS - JOHN LITTLEHALES, CHAIRMAN

BETTY ROHOLT

AL LAINE

JOHN FOSTER

DON TROTTER

ROBERT KNUDSON

JAN FITZGERALD

1. STAFF REPORT
2. CORRESPONDENCE
3. APPLICANT'S PRESENTATION
4. PUBLIC TESTIMONY FROM OTHERS
IN SUPPORT OF APPLICATION.
5. COMMENTS OR QUESTIONS FROM
INTERESTED PERSONS WHO
NEITHER ARE PROPONENTS
NOR OPPONENTS.
6. PUBLIC TESTIMONY FROM THOSE
IN OPPOSITION OF APPLICATION
7. QUESTIONS FROM PLANNING
COMMISSION
8. REBUTTAL TESTIMONY FROM
APPLICATION
9. CLOSING OF PUBLIC HEARING
10. COMMISSION DISCUSSION/
ACTION.

THE PLANNING COMMISSION'S
DECISION ON THESE MATTERS MAY
BE APPEALED TO THE CITY COUNCIL.
FOR FURTHER INFORMATION, CONTACT
THE MILWAUKIE PLANNING OFFICE,
659-5171.