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CITY OF LAKE OSWEGO
Community Development Dept.

Request for:

Class I and Class 2 Variances for
A new residence at:

17281 Kelok Road
Lake Oswego, OR 97034

Owner:

David Rodman
P.O. Box 23863
Portland, OR 97281

Submitted by:

Ralph G. Tahran, Architect

TAHRAN ARCHITECTURE & PLANNING
13741 KNAUS ROAD LAKE OSWEGO, OREGON
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EXHIBIT F-1
LU 07-0079
7 pages

REQUEST FOR CLASS I AND CLASS 2 VARIANCES FOR A NEW RESIDENCE AT 17281 KELOK ROAD, LAKE OSWEGO, OREGON.

Introduction:

The subject property is an existing substandard fully serviced 4702 square foot lot in an R7.5 Zone located on Kelok Road. The lot was created prior to the adoption of zoning standards in the City in 1961. The lot has 12 feet of frontage on Kelok Road and 50 feet of frontage on the canal at the rear of the lot. The lot is approximately 154 feet deep. The existing house and garage and decks cover 1878 square feet, 39.9% lot coverage and is a two-story structure. The existing home has a rear yard setback of 7 feet, side yards of 2 feet on the north side and 5 feet on the south side, all substandard under current zoning requirements, but consistent with existing surrounding existing development. The existing garage, in fact crosses the southern property line. (See survey map) The house sits far back from the street, and is not imposing on Kelok Road or neighboring properties. A number of large trees exist at the perimeter of the property and in setback areas of surrounding properties offering privacy for all properties.

The existing home is in need of complete rebuilding, so the owner has opted to propose a new home that corrects or lessens a number of the existing setback violations and is built to the current building codes and much higher energy standards. The proposed new home proposes a lot coverage of 39.7% for a structure that is less than or equal to 22 feet high. The structure will cover almost the same lot cover as the existing structures. The new residence will be in compliance with the FAR requirements of the zone. We feel the new structure is a more sensitive structure for this small lot and corrects a number of violations that rebuilding of the existing structures would not.

Due to the size of the lot and the difficult triangular shape a number of variances are necessary to allow reasonable use of the property. Our approach has been to propose a structure that is about the same lot coverage, about the same height and in approximately the same location, except for improving a number of setback issues, so there is not a dramatic change of character to the neighborhood. Specifically, we are requesting two Class 2 variances for the rear yard setbacks, 30 foot required, and 25 foot special lake setback to allow an 8 foot setback (existing house is 7 foot setback), one Class 1 variance to increase the 35% lot coverage by 15% to 40% for structures less than or equal to 22 feet high, (existing structures cover 39.9%), and two Class I variances for side yards, to reduce the setback from the required 10 foot setback on the north side to 8 feet and the required 5 foot setback on the south side to 4 feet. (Existing side yard setbacks are 2 feet and 0 feet respectively). The following is our response to each variance request:

LOC 50.68.010 Variance Standards.

Class 2 Variance for reduction of rear yard requirement from 30 feet to 8 feet.
Class 2 Variance for reduction of 25- foot Special Lake Setback to 8 feet.

1. The request is necessary to prevent unnecessary hardship due to the uniquely constricted shape of the lot, a very narrow long triangular shaped lot that requires the home to be moved to the rear of the lot to accommodate reasonable sized main floor rooms. If the home is moved back to the 30 foot setback, a floor plate of only approximately 500 square feet would be allowed on the lot, an area not able to accommodate a home that would be similar to like properties. The owner did not create the lot, so did not create the hardship. The lot was created prior to 1961, prior to the adoption of City zoning standards.
2. The development of the lot will not be injurious to the neighborhood in that the requested variance would allow the home to be constructed in approximately the same location as the existing residence so that it is familiar to surrounding properties. Adjacent properties are similarly placed close to their rear yard line. Although the setback request is for 8 feet, an additional 62 to 63 feet additional Lake Corp property to the canal edge exists to visually and practically provide for a 70 to 71 foot rear yard setback to the canal edge. A number of large trees exist at the rear of the property to provide scale and privacy to the subject property and surrounding properties.
3. Due to the unusual shape of the lot the rear yard variance and the placement of the home is the minimum variance necessary to make reasonable use of the property, the parcel is a very narrow triangular sliver and requires that the home be built as proposed to accommodate a reasonable size home. The proposed home is within the FAR requirements of the zone, no variances are being requested to increase the size of the home, only those necessary to accommodate reasonable dimensions for usable room sizes. Without the variance a main floor plate of approximately 500 square feet would be allowed causing an unnecessary economic hardship on the owner and would not allow a residence of a size that is consistent with the current character of the neighborhood. The lot shape was not created by the property owner.
4. The request is not in conflict with the Comprehensive Plan in that it is infill housing, a home to be built on an existing lot, not exceeding the allowed FAR, utilizing existing services and infrastructure, to support a sustainable development pattern. No zone change is being requested to build on this lot. The variances requested support the neighborhood character in that it will allow a residence of a size similar to those in the surrounding neighborhood.

LOC 50.68.010(1)(a)

Class I Variance for lot coverage for a dwelling less than or equal to 22 feet in height from 35% to 40%.

1. The granting of the variance will not be detrimental to the public health or safety or materially injurious to properties within 300 feet of the property, in that it will allow structures of the same size and coverage that have existed on this property

for over 50 years. The same spatial and neighborhood character will be maintained by not forcing a much taller structure. The existing lot coverage is 39.9%, the proposed lot coverage is 39.7% so the same relationships exist, but will be more sensitively placed by improving side yard situations. The 35% requirement on this legal substandard lot would not allow sufficient floor area on the main floor to create a house of reasonable functional size and would force more intrusive area on the second floor, which require a taller structure, up to the maximum 28 foot height and allowed exception up to 34 feet. The taller structure could be detrimental to surrounding structures. The requested variance does not increase the size of the structure; we are not requesting any increase in FAR. The variance allows us to design a structure, lower in height, more consistent with the existing neighborhood.

- ii) The proposed development will not adversely affect existing physical and natural systems such as traffic, drainage, Oswego Lake, hillsides, designated sensitive lands, historic resources, or parks, and the potential for abutting properties to use solar energy devices any more than would occur if the development were located as specified by the requirements of the zone. Since the proposed home has about the same lot coverage as the existing structures on the lot there will be no increase in drainage or traffic as it is a replacement of one home for one home. No additional parks will be required. The property does not have any historic resources or designated sensitive lands, or hillsides. Drainage will be improved by new drainage requirements of the Building Department for the construction of the new home. The variance request would allow for more potential for abutting properties to utilize solar energy devices in that the maximum height will be 22 feet high with this lot coverage and will lower the shade point height of the house, shading less of the adjoining parcel.

LOC 50.68.010(1)(a)

Class I Variances to allow 10 foot required setback on north side to be 8 feet and to allow 5 foot required setback on south side to be 4 feet.

- i) The granting of the variances will not be detrimental to the public health or safety or materially injurious to properties or improvement within 300 feet of the property in that the existing structures on the site have a 2 foot setback on the north side and zero setbacks on the south side. The proposed setbacks of 8 feet on the north and 4 feet on the south greatly improve the relationships to the surrounding properties on this severely constricted, triangular sliver of a lot. To further improve the relationships the home “layers” or “terraces” to the center of the lot, no portion of the home is greater than 18 feet high until it reaches a 10 foot minimum side yard setback. Additionally, windows have been strategically placed to preserve privacy for the proposed residence and adjoining property

owners. A number of large existing trees are at the perimeter of this site and the adjoining sites to further preserve privacy. Adjoining properties also have existing setbacks that do not meet current setback standards, as is the case in most established neighborhoods. The proposed request is consistent with the character of the surrounding neighborhood.

- ii) The proposed development will not adversely affect existing physical and natural systems such as traffic, drainage, Oswego Lake, hillsides, designated sensitive lands, historic resources, or parks, and the potential for abutting properties to use solar energy devices any more than would occur if the development were located as specified by the requirement of the zone in that the subject property does not have historic resources, designated sensitive lands or hillsides. No increase on park demand or drainage or traffic will result from this request since it is a replacement home for an existing home, of approximately the same lot coverage, except that the proposed residence increases setbacks and minimizes encroachment violations while allowing reasonable use of a uniquely constricted legal substandard lot. No additional impact is posed on Oswego Lake, since the proposed home is approximately in the same location of the existing home. The request does not limit the potential for abutting properties to use solar energy devices in that the request places the major setback on the north side and limits construction height to 18 feet to limit the amount of shade placed on the adjoining lot to the greatest extent.

ZONING: R7.5

The subject lot is a legal substandard lot of 4702 square feet in a zone requiring 7500 square feet. The lot existed prior to 1961 prior to the adoption of zoning standards in the City in 1961. As a result of the uniquely shaped constricted lot we are requesting several variances to the standards of the R7.5 Zone.

Setbacks:

Front Yard Required: 25 feet Proposed: 62 feet
Side Yards Required: 5 feet for structures less than or equal to 18 feet.
 Proposed: 4 feet (Class I Variance required)
 Required: 10 feet for structures less than or equal to 18 feet.
 Proposed: 8 feet (Class I Variance required)
Rear Yard Required: 30 feet Proposed: 8 feet (Class 2 Variance required)
Special Lake Setback Required: 25 feet Proposed: 8 feet (Class 2 Variance required)
Lot Coverage Required: 35% for structures less than or equal to 22 feet.
 Proposed: 40% (Class I Variance of 15% increase required)
FAR Required: .6 Proposed: .6

The existing structures on the site cover 1878 square feet of the site, 39.9% lot coverage. The existing structures have a 7- foot rear yard setback, a 2- foot side yard setback on the north side and zero setback on the south side property line. This proposal is for approximately the same lot coverage (39.7%), but will propose setbacks that will only require Class I Minor Variances on the sides to greatly improve the relationships to the adjoining parcels. A Class 2 Variance will be requested for the rear yard to keep the proposed house where the existing home is. The variances are addressed in other sections of this submittal. The FAR of the lot allows a maximum of 2821 square feet; our proposal is for 2713 square feet.

The residential design standards have been followed in the proposed design of the house. The parcel is exempt from garage appearance standards because the parcel is less than 50 feet wide at 12 feet.

Specific Standards for Secondary Dwelling Unit (LOC.50.30.010)

No secondary dwelling unit is proposed.

Oswego Lake Special Setback (LOC.50.22.030)

The parcel fronts on the canal and has historically had a residence with a 7- foot setback where 25 feet is required. We are proposing an 8- foot setback and are requesting a Class 2 Variance with this submittal.

Variances

See section on variance requests.

DEVELOPMENT STANDARDS

Drainage for Minor Development (50.40.005-50.40.035)

All roof drains will be connected to an approved drainage system by the Building Department via a rain garden system or Storm-tec drainage system.

Flood Plain (50.44.005-50.44.035)

The existing flood plain elevation is 103.0 soon to be adjusted by the City to 105.5; the proposed floor elevation for the residence is 106.5 to be one foot above the 100-year flood plain level.

Parking (50.55.005-50.55.025)

The proposed home has a tandem garage with space for 2 cars in the driveway for a total of 4 off-street parking spaces.

On-Site Circulation – Driveways and Fire Access Roads (50.58.005-50.58.035)

The site is practically flat; the driveway will have a maximum slope of 3%. The home is easily accessible from Kelok Road.

Utilities 50.64.005-50.64.035

All required utilities will be underground.

Nonconforming Uses (50.70.005-50.70.040)

We are proposing a new residence and have addressed all variance requests in other sections of this submittal.

Tree Cutting/Tree Protection (CH55)

A survey has been submitted locating all trees that are 5” diameter and greater. We are proposing removal of one 18” diameter oak tree through a Type II tree removal process.

Solar Access (CH57)

We believe we are exempt from this requirement in that a number of large trees exist along our north property line and the neighboring property that are in the setbacks, and are likely to remain, that will cast far greater shadows on the northern lot than the proposed 22 foot high structure.

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CITY OF LAKE OSWEGO
Community Development Dept.

Tree Removal Application
For 17281 Kelok Road, Lake Oswego, OR

1. The removal of the tree is necessary to allow construction of a moderate size residence on an extremely constricted, unusually shaped building lot. See attached site plan.
2. The removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees or existing windbreaks. The small site is relatively flat with a slope of 5% towards the lake canal. The tree is approximately 3-feet from the existing residence and is located approximately 1-foot from the foundation of the new replacement house. The small lot has seven other large mature trees on the lot that will remain. The removal of the one tree allows saving the majority of the trees. In addition, the adjoining lots to the north and south have several large trees ranging in size from 10" to 18" at the perimeter of the lot to enclose the site.
3. The removal of this tree will not have a significant negative impact of the character, aesthetics or property values of the neighborhood in that the subject property has significant tree cover and has another larger oak tree next to it approximately 10-feet away that maintains the oak canopy. The adjacent lots also have significant tree cover so that one tree removed in this area will not be noticeable. The tree cover is a mix of coniferous and deciduous trees. The impact on the neighborhood will be negligible in that the replacement home will be constructed in the same building area and will be very similar in height. Property values will be maintained and most likely will be enhanced by the removal of a dilapidated existing house and garage and the construction of a new code compliant home, that maintains the existing established tree cover.
4. The removal of this tree is not for the purpose of providing or enhancing views.

TAHRAN ARCHITECTURE & PLANNI
13741 KNAUS ROAD LAKE OSWEGO, OREGON
Phone: 503-539-8802 Fax: 503-697-1958 ralphtahran@

EXHIBIT F-2
LU 07-0079



Fire Marshal's Office
Memorandum

P.O. Box 369
Lake Oswego, OR 97034
503 635-0275
Zoutendijk@ci.oswego.or.us

To: Jessica Sarver, Associate Planner
From: Gert Zoutendijk, Deputy Fire Marshal
Date: October 9, 2007
Subject: LU 07-0079, 17281 Kelok
Plans Received Date: Sep 18, 2007

ACCESS


Access is adequate for emergency vehicles

WATER FLOW FOR FIRE PROTECTION

Hydrant location and water flow for fire protection are adequate.

EXHIBIT F-3
LU 07-0079

DEVELOPMENT REVIEW FOR Water Flow and Emergency Access Evaluation

	City of Lake Oswego PERMIT CENTER P.O. Box 369 380 A Avenue Lake Oswego, OR 97034 Fax (503) 697-7574 Questions? Contact Fire Department at 503-635-0275	Land Use No.:	07-0079
		Permit #	
		Date:	October 9, 2007

JOB ADDRESS:	17281 Kelok	Zip Code:	
Applicant:	Brooklyn Hall	Phone #:	
City, St., Zip:		FAX #:	
Contact Person:		Phone #:	
Property Owner:		Home Phone #	
Address:		Work Phone #	
City, St. Zip		FAX #	

FEE COMPUTATION:	FEE	UNITS	AMOUNT
Preliminary Water and Emergency Access for All Pre-Applications	\$68.00		
Detailed Water and Emergency Access Evaluation for all Development and Building Permit Applications			
1. Water Flow Calculation for first building	\$55.00	1	\$55.00
2. Water Flow Calculation for each additional building with same application	\$22.00		
3. Hydrant Flow not on file for first hydrant	\$392.00		
4. Hydrant Flow not on file for each additional at same time and area	\$196.00		
5. Hydrant Flow on file for first hydrant	\$27.00	1	\$27.00
6. Hydrant Flow on file for each additional with same application	\$20.00		

<input type="checkbox"/> Please Check here if paying by Credit Card	
NOTE: Credit authorization must be on file.	TOTAL DUE: \$82.00

PRINT NAME (Responsible Party)

SIGNATURE

DATE

EXHIBIT F-4
LU 07-0079