



Community Development
Development Services Division
501 SW Madison Avenue
P.O. Box 1083
Corvallis, OR 97339-1083
(503) 757-6929

NOTICE OF DISPOSITION FOR A
LOT DEVELOPMENT OPTION

CASE LDO 91-3 ORDER NO. 91-7

REQUEST Reduction of the side yard setback from the required eight (8) feet to three (3) feet to construct a storage room addition to the garage at 2924 NE Newcastle Place.

APPLICANT Robert K. Dodson
2924 NE Newcastle Place
Corvallis, OR 97330

LOCATION 2924 NE Newcastle Place
Assessor's Map No. 11-5-24DB: Tax Lot 5500

PUBLIC COMMENT Nine (9) notices were mailed with no comments received as of February 1, 1991.

DECISION

Based on the information submitted by the applicant and City staff review, it is the decision of the Development Services Manager that the request be approved subject to the following condition:

1. Prior to issuance of a building permit for the addition a deed restriction shall be recorded which is binding on all current and future owners of the subject property. The deed restriction shall state that if the City ever needs to use the easement along the northerly property line of the subject property then the owner of said property shall bear the full financial responsibility for removal and replacement of the proposed addition.

2-13-91
DATE OF DECISION

Lee Mark
DEVELOPMENT SERVICES MANAGER

Notice of Disposition, LDO-91-3
February 13, 1991
Page 2

APPEALS

If you wish to appeal this decision, the appeal must be filed within 10 calendar days from the date of decision. When the final day of the appeal period falls on a weekend or holiday, the appeal period shall be extended to 5:00 p.m. on the subsequent working day. All appeals must be submitted in writing to the City Recorder and they must explain the specific grounds for appeal. If you have any questions about the appeal process, contact this office at 757-6929.

CASE: LDO-91-3

REQUEST: Reduction of the side yard setback from the required eight (8) feet to three (3) feet to construct a storage room addition to the garage at 2924 NE Newcastle Place.

APPLICANT: Robert K. Dodson
2924 NE Newcastle Place
Corvallis, OR 97330

DEVELOPMENT DISTRICT: RS-3.5

PUBLIC COMMENT: Nine (9) notices were mailed with no comments received as of February 1, 1991.

ATTACHMENTS: A - Development District Map
B - Application and Site Plan
C - Public Works Memo, dated February 11, 1991

CRITERIA, DISCUSSION, CONCLUSIONS

The Development Services Manager may approve a Lot Development Option when the criteria in Land Development Code section 109.03.04 (A-D) have been met. The following is a discussion of these criteria as they relate to the requested variation.

- A. The proposed development will not be contrary to the comprehensive plan, the purposes and objectives of this code, and any other applicable policies and standards adopted by the City.**

Applicable Comprehensive Plan Policy

- 8.3.2. CITY LAND USE ACTIONS SHALL PROTECT, MAINTAIN, AND IMPROVE ESTABLISHED RESIDENTIAL AREAS.**

The applicant owns a single-story dwelling with an attached garage. It is his intention to construct a storage room addition on the northwest side of his garage and house. The addition would be 5 feet wide and 36 feet in length and would begin at the front edge of the garage. The northernmost corner of the addition would be approximately 3 feet from the applicant's side property line with the setback gradually increasing to approximately 4.7 feet at the south corner of the addition. It is the proximity of

the addition to this property line which necessitates this request for a lot development option.

A complicating factor, which also affects this request, is that the City has a storm drain line easement over the westerly 7 feet of the applicant's side yard in which he plans to place the addition. Normally such easements would preclude the construction of any permanent structures within their boundaries. The Public Works Department, however, was willing to discuss alternatives in this case because the actual storm drain line was located on the neighbor's side of the easement (this information was available from recent repair records which showed that a storm drain line replacement had occurred without necessitating the removal of the applicant's fence or encroaching on his property). Accordingly, Public Works was willing to allow the project to proceed provided that a deed restriction was recorded on the subject property. The deed restriction would insure that if use by the City of the full easement was ever required then the owner of the subject property would bear all costs associated with removal and replacement of the subject addition.

City policy (cited above) permits variation from established standards when it can be demonstrated that the requested variation relates to the maintenance and improvement of established residential areas. The proposal is for a storage addition which will basically provide cover for items which are stored either in the garage or outdoors. It will not change the manner in which this property is used. In the opinion of staff the addition constitutes an improvement to the site.

- B. The proposed development will not substantially reduce the amount of privacy currently enjoyed by the users of nearby structures if the development were located as specified by this code.**

The proposed addition will not substantially reduce the amount of privacy currently enjoyed by the users of nearby structures because it will not involve any additional habitable space. It will simply result in the enclosing of a portion of the side yard which is separated from the adjoining property by a six foot fence.

- C. Existing physical systems and natural systems, such as traffic, drainage, dramatic land forms, or parks, and the potential to use solar energy devices by abutting**

properties, will not be adversely affected any more than would occur if the development were located as specified in this code.

These factors were examined by staff and found to not be applicable to the proposed setback reductions.

- D. The architectural features of proposed structure(s) will be compatible to the design character of the existing structure(s).

The proposed storage addition will be of comparable materials and colors to that of the garage and house.

DECISION

It is the decision of the Development Services Director to approve the request to reduce the side yard setback from the required eight (8) feet to three (3) feet to construct a storage room addition to the garage at 2924 NE Newcastle Place. This approval is subject to the following condition:

1. Prior to issuance of a building permit for the addition a deed restriction shall be recorded which is binding on all current and future owners of the subject property. The deed restriction shall state that if the City ever needs to use the easement along the northerly property line of the subject property then the owner of said property shall bear the full financial responsibility for removal and replacement of the proposed addition.

FOR STAFF USE ONLY

CASE NUMBER LDO-91-3

DATE FILED 1-16-91

MAJOR

MINOR _____

PLANNER JPK

FEE \$102

RECEIPT NO. 22024

APPLICATION FOR:
LOT DEVELOPMENT OPTION



Community Development
Department
P.O. Box 1083
Corvallis, OR 97339-1083
757-6088 6929

PLEASE TELL US ABOUT YOURSELF AND YOUR REQUEST:

REQUEST I WOULD LIKE TO BUILD A STORAGE ROOM ON THE SIDE OF MY GARAGE THAT WOULD EXTEND TO WITHIN 3 FEET OF THE SIDEYARD PROPERTY LINE.

Applicable Section of the Land Development Code: _____

APPLICANT: Name ROBERT K. DODSON Phone 7502155

Address 2924 NE NEWCASTLE PLACE, CORVALLIS

Signature Robert K Dodson Date 1-15-91

PROPERTY OWNER: Name _____ Phone _____

Address _____

Signature [Signature] Date _____

PLEASE TELL US ABOUT YOUR SITE:

LOCATION Address 2924 NE NEWCASTLE PLACE

Assessor's Map No. 11-5-24DB Tax Lot 5500

LOT AREA _____

The Assessor's Map Number (township/range/section) and the Tax Lot number (parcel number) can be found on your tax statement on the upper left side or at the Assessor's office.

DEVELOPMENT DISTRICT _____ (i.e., zone)

ATTACHMENTS Site Plan (Required) [] Floor Plan [] Elevations (If drawings are larger than 8-1/2" x 14", submit four copies).

- Are there existing structures on site? Yes [] No If yes, indicate on site plan the kind of structure, its use, location, and square footage.
- Are there street trees or other significant trees at this site? [] Yes No If yes, indicate on site plan where and what they are. Indicate also the size of planting strip, if any, and whether there are overhead power lines.
- Is there a solar permit or easement affecting this site? [] Yes No If yes, attach the permit or easement.

PLEASE RESPOND TO THE FOLLOWING BY ANSWERING THE RELATED QUESTIONS:

1. Why do you believe this proposal should be approved? What adverse impacts, if any, would this have on existing residential or nonresidential areas? Consider traffic, parking, visual impacts, etc. (Attach additional sheets if necessary)

IT WILL INCREASE THE USEABILITY OF MY PROPERTY.

THE VISUAL IMPACT SHOULD BE POSITIVE AS LONG AS
THE WORK IS DONE IN A PROFESSIONAL MANNER.

2. Will this request reduce the amount of privacy currently enjoyed by users of nearby structures more than if development were located as specified by code? (Consider increased offsite views, increased noise levels, etc.) Please explain. (Note: Fencing, vegetation, topography, windowless walls, and street separation often impact this criteria.)

THERE WOULD BE NO REDUCTION IN PRIVACY
CURRENTLY ENJOYED BY USERS OF NEARBY STRUCTURES

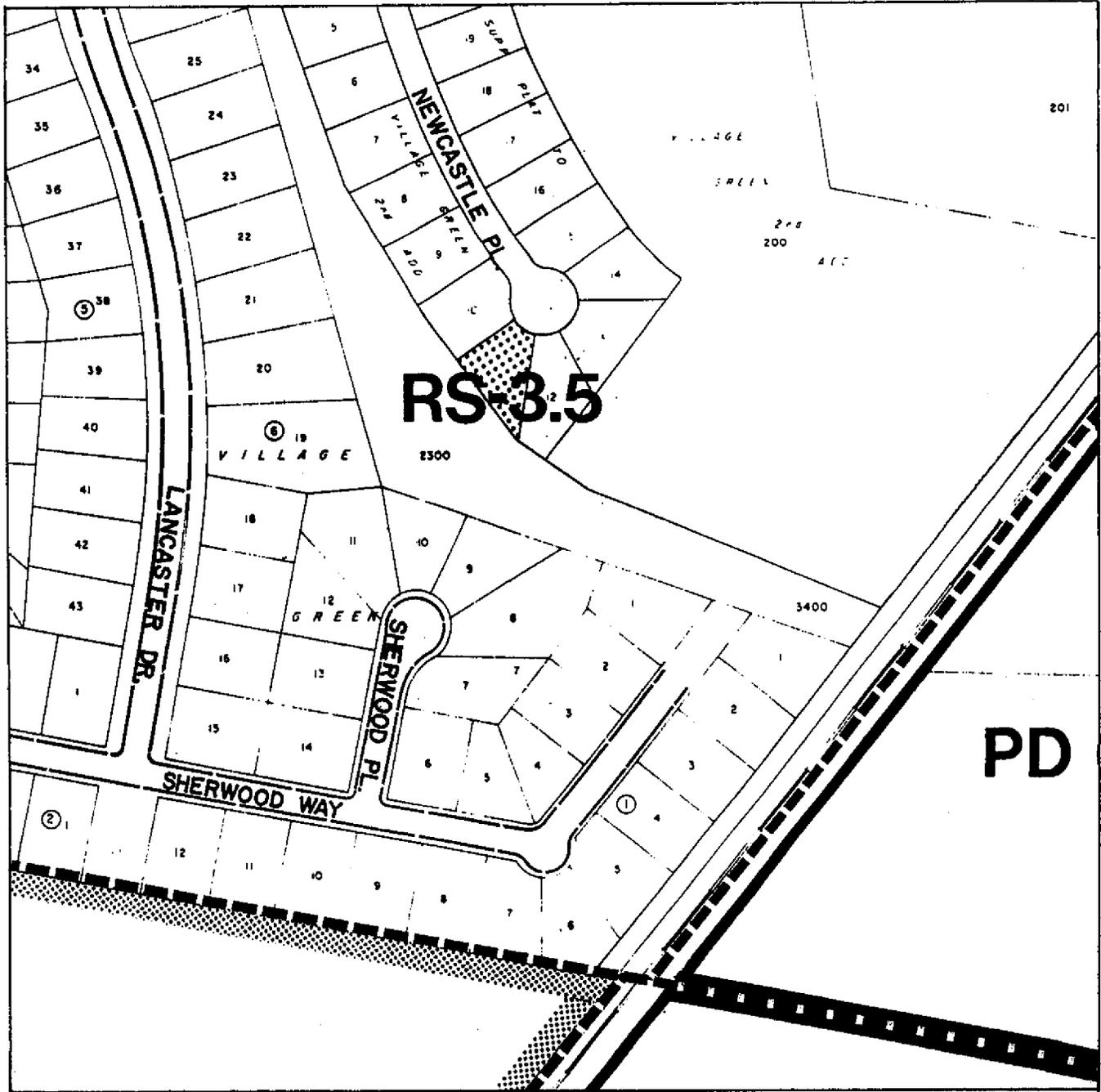
3. Are there any significant natural amenities or features on the site? (e.g., vegetation, flood plain, water bodies, etc.) Yes No Please explain.

4. Will the development cause an increased shadow impact on abutting property? Yes No If yes, please explain.

5. Will the proposal repeat the same materials, colors, roof lines, etc., as are used on existing structures? Yes No Please explain.

THE STRUCTURE
WILL INCORPORATE T-11 SIDING & COLORING CONSISTENT
WITH THE GARAGE & HOUSE.

LDO-91-3



DEVELOPMENT DISTRICT MAP



Subject Property

0 200'



LOT DEVELOPMENT OPTION - MAJOR

11-5-24DB: 5500

135

134.37

24'

28'

64'

142.46

2924 NE NEWCASTLE PLACE
- VILLAGE GREEN 2ND ADDITION -
311

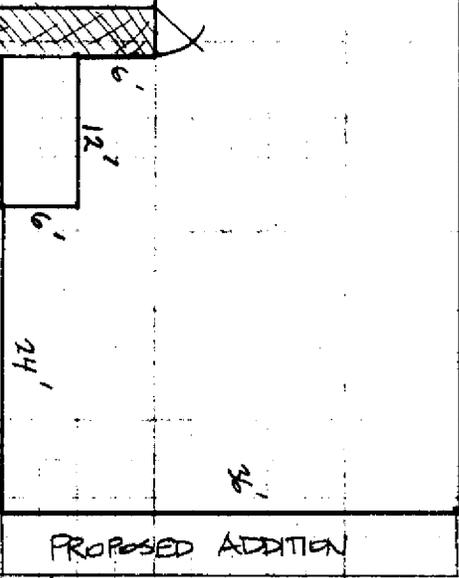
□ = 3'

36'

PROPOSED ADDITION

3'

88.50'



*** MEMORANDUM ***
February 11, 1991

TO: Lisa Scherf, Development Engineer
FROM: Steve Rogers, Maintenance Division Manager *SR*
SUBJECT: DODSON LOT DEVELOPMENT OPTION

I have reviewed the written request made by Mr. Dodson to allow construction of a storage room within the boundaries of a City utility easement. In addition, we have located the drainage facility within the easement.

All necessary maintenance on the existing drainage facility can be accomplished without access to Mr. Dodson's side of the easement. However, possible future uses of the easement precludes removal of that portion of the easement on Mr. Dodson's property.

An agreement that Mr. Dodson would remove/rebuild the storage room at no cost to the City would be acceptable, if the agreement was tied to the property so that if Mr. Dodson should sell, the new owners would have the same restriction.

cc Joe Kasper, Development Services

February 6, 1990

Joe Kasper/ Community Development
Development Services Division
501 SW Madison Avenue
P.O. Box 1083
Corvallis, OR. 97339-1083

RECEIVED
FEB 06 1991
Development Services

This letter is sent in the hope that an alternative solution may be found in regards to the Lot Development Option which I submitted January 15th of this year. The purpose of that option was to request a variance to an existing sideyard setback requirement to allow the construction of a storage room on the north side of my garage located at 2924 NE Newcastle Place, Corvallis, OR. I was unaware of an existing easement that was created to allow access to a sewer line that runs from the street to the culvert located behind my house. Certain circumstances lead me to believe, however, that a compromise might be possible. Major work has in fact been done to the line within the last 2-3 years and access and all repair work was accomplished on my neighbor's property without even having to remove the fence that separates us. The Public Works Department, at my request, sent a workman to the site to evaluate the situation. The resulting conversation with Steve was an acknowledgment that his department did not need the easement to conduct their work but he was hesitant about completely removing the easement.

I would like to propose four alternatives for your consideration:

1. Remove the easement in its entirety since the facts support the conclusion that it is really not necessary for the purpose for which it was created.
2. Reduce the easement to the degree that it would permit me to construct the storage building described in the original LDO.
3. Keep the easement in effect, but allow me permission to build the storage building, documenting the extenuating circumstances for the exception.
4. Keep the easement in effect, with the understanding that if, in the future, work must be done that would require removal of my storage building, I will bear the cost of such removal and/or replacement.

Sincerley,

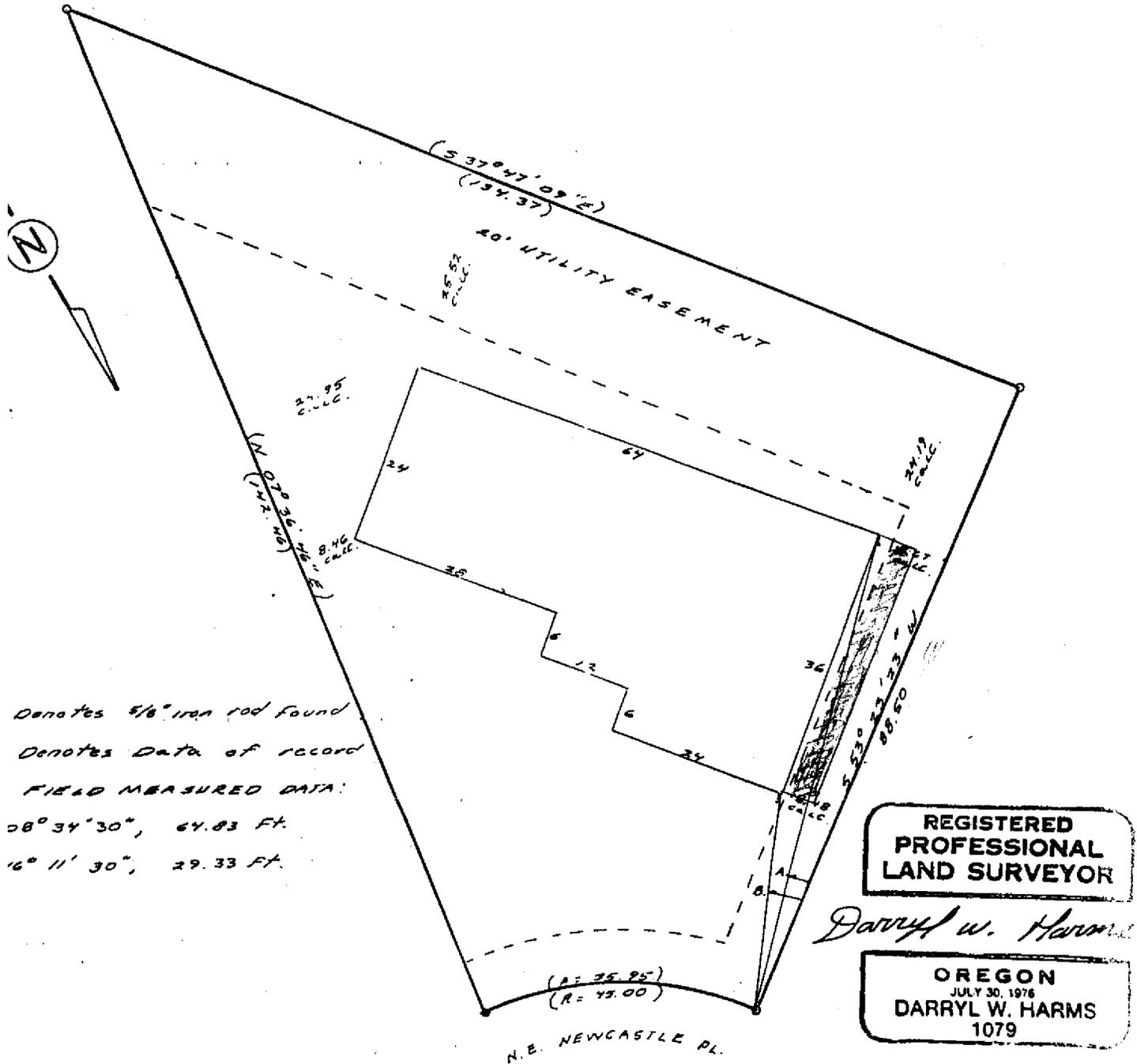
Robert K. Dodson

FOUNDATION LOCATION SURVEY

for
HARMAN HOMES INC.

Scale; 1" = 20'

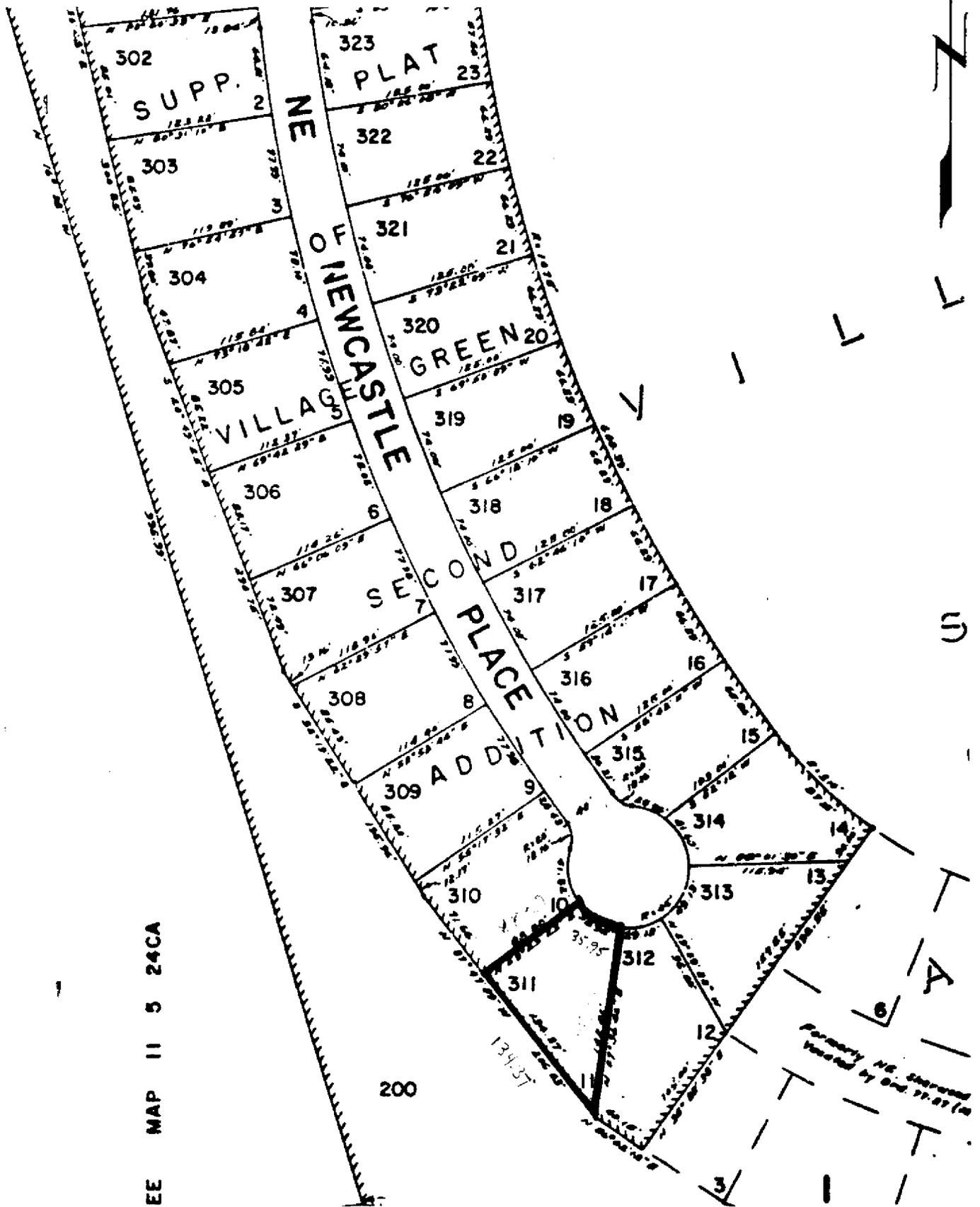
June 18, 1979



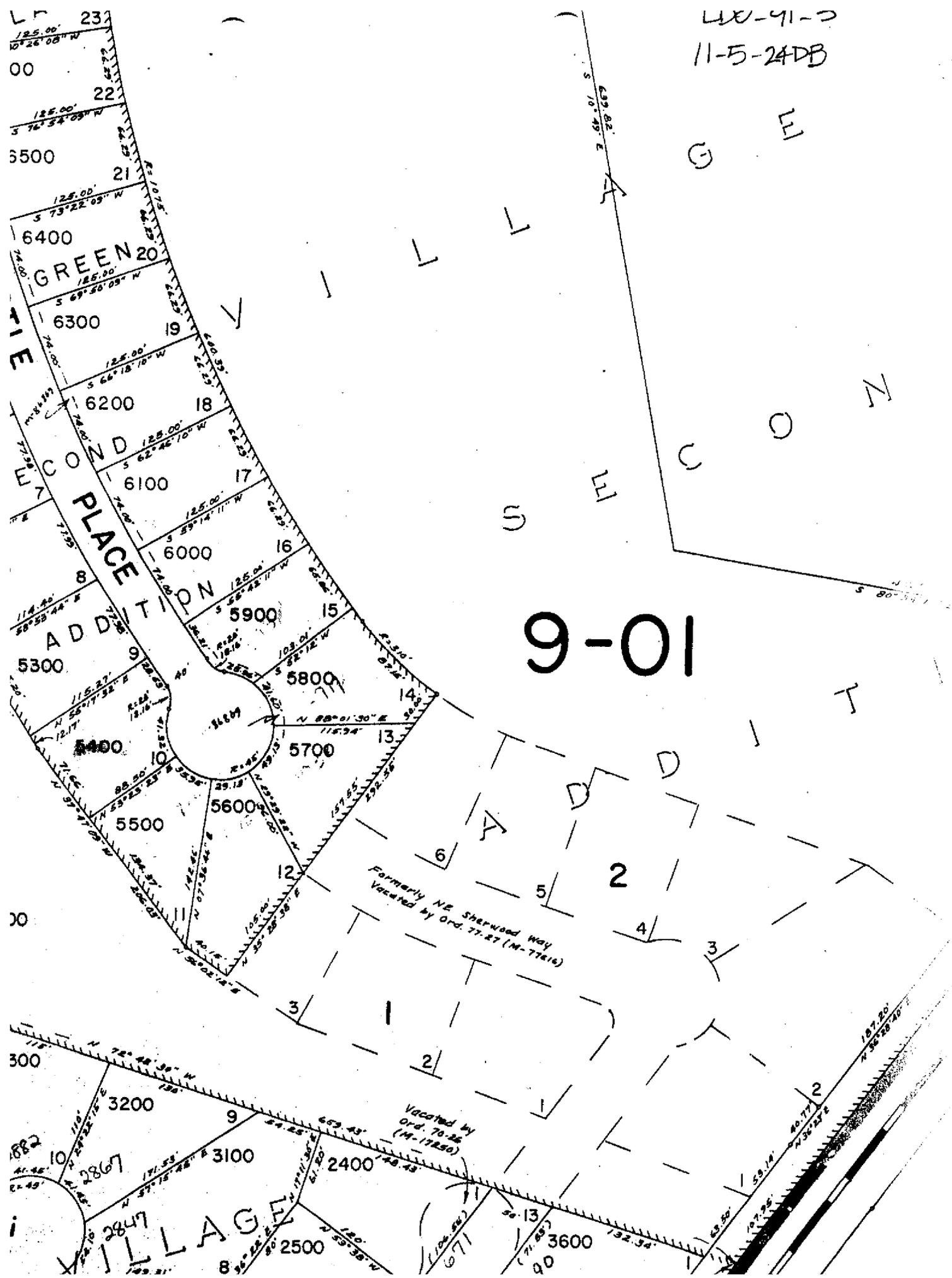
gal Description; Lot 11, SUPPLEMENTAL PLAT OF VILLAGE GREEN SECOND ADD.
reet Address; 2924 N.E. Newcastle Place, Corvallis, Oregon

The sketch below is made solely for the purpose of assisting in locating said premises and the Company assumes no liability for variations, if any, in dimensions and location ascertained by actual survey.

TICOR TITLE INSURANCE



LXX-41-3
11-5-2ADB



9-01

Formerly NE Sherwood way
Vacated by Ord. 77-27 (M-77216)

Vacated by
Ord. 70-26
(M-17250)

Ln 231
125.00'
S 76° 54' 09\"/>

00
125.00'
S 76° 54' 09\"/>

6500
125.00'
S 73° 22' 03\"/>

6400
125.00'
S 69° 50' 09\"/>

GREEN 20
125.00'
S 69° 50' 09\"/>

6300
125.00'
S 66° 18' 10\"/>

6200
125.00'
S 62° 46' 10\"/>

6100
125.00'
S 59° 14' 11\"/>

6000
125.00'
S 56° 42' 12\"/>

5900
125.00'
S 53° 10' 13\"/>

5800
125.00'
S 50° 38' 14\"/>

5700
125.00'
S 48° 06' 15\"/>

5600
125.00'
S 45° 34' 16\"/>

5500
125.00'
S 43° 02' 17\"/>

5400
125.00'
S 40° 30' 18\"/>

5300
125.00'
S 37° 58' 19\"/>

5200
125.00'
S 35° 26' 20\"/>

5100
125.00'
S 32° 54' 21\"/>

5000
125.00'
S 30° 22' 22\"/>

3200
125.00'
S 27° 50' 23\"/>

3100
125.00'
S 25° 18' 24\"/>

2867
125.00'
S 22° 46' 25\"/>

2847
125.00'
S 20° 14' 26\"/>

VILLAGE
125.00'
S 17° 42' 27\"/>

G E

C O N

S E L L

T I

6

5

2

4

3

300

282

2847

2500

2400

30

3600

2

2

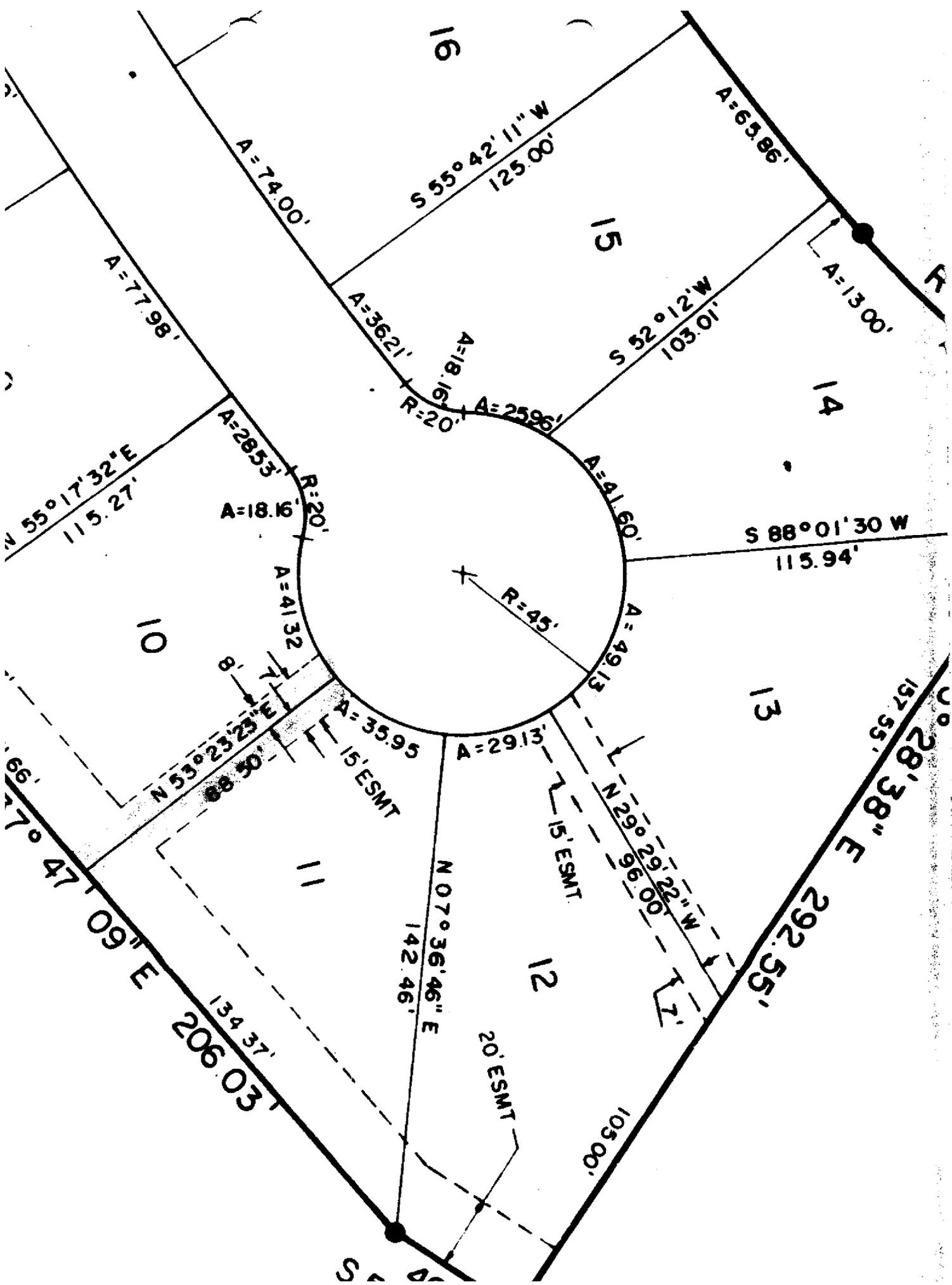
2

187.20'
S 80° 50' 00\"/>

65.20'
S 80° 50' 00\"/>

107.20'
S 80° 50' 00\"/>

187.20'
S 80° 50' 00\"/>



16

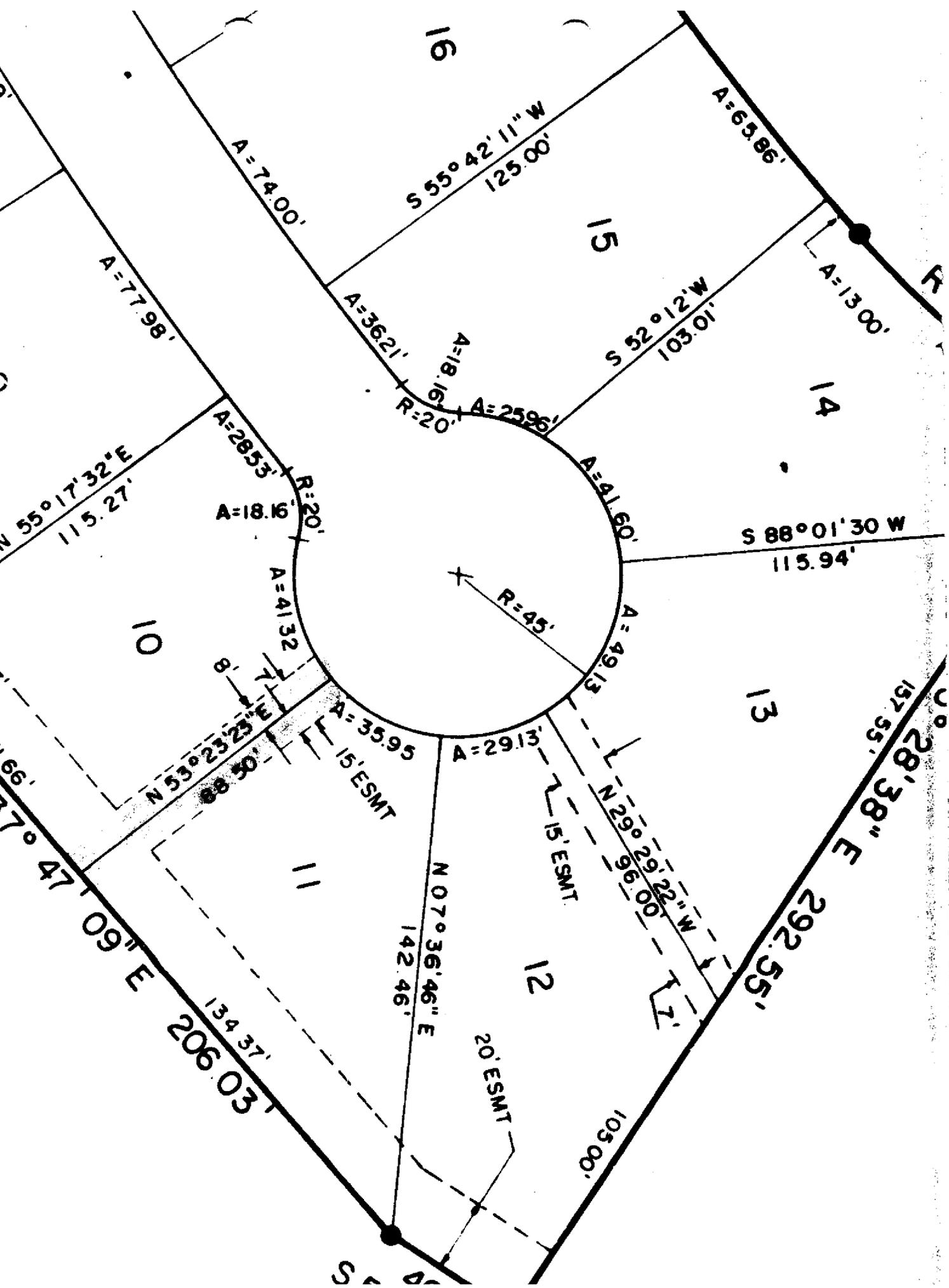
15

14

10

13

12



A=74.00'

S 55° 42' 11" W
125.00'

A=65.86'

A=77.98'

A=36.21'

A=18.16'

S 52° 12' W
103.01'

A=13.00'

R=20'

A=25.96'

A=41.60'

N 55° 17' 32" E
115.27'

A=28.53'

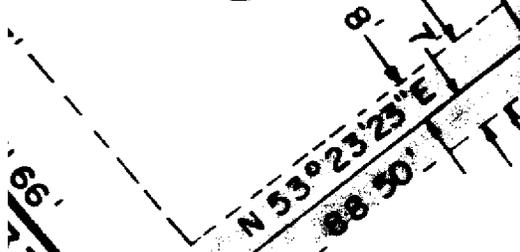
A=18.16'

S 88° 01' 30 W
115.94'

R=20'

A=41.32'

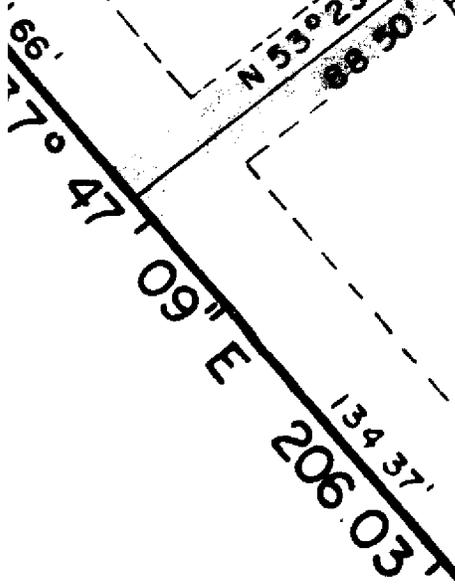
A=49.13'



N 53° 23' 23" E
88.30'

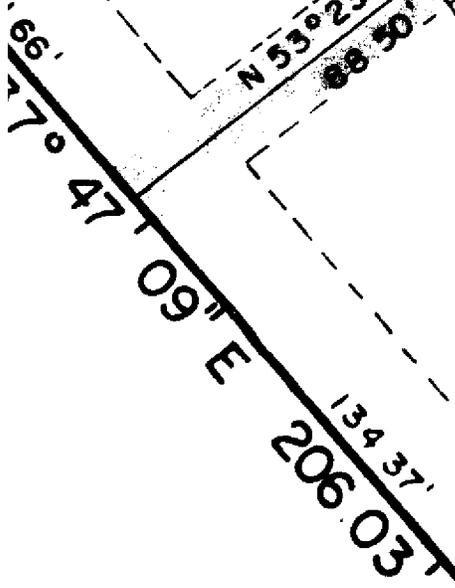
A=35.95'

A=29.13'



N 07° 36' 46" E
142.46'

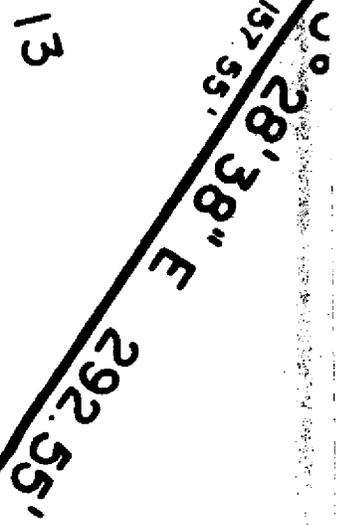
N 29° 26' 22" W
96.00'



S 70° 47' 09" E
206.03'

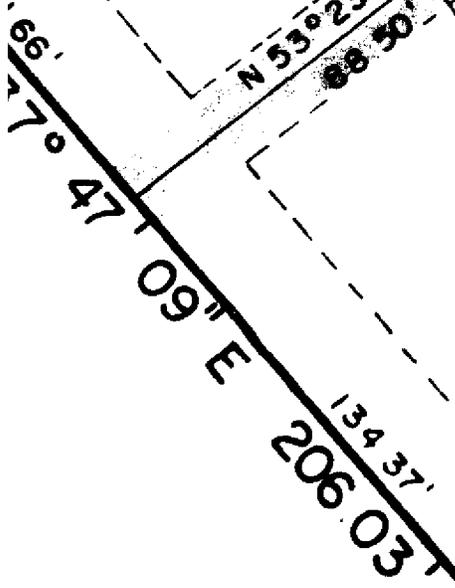
N 29° 26' 22" W
96.00'

105.00'



S 28° 38' E
292.55'

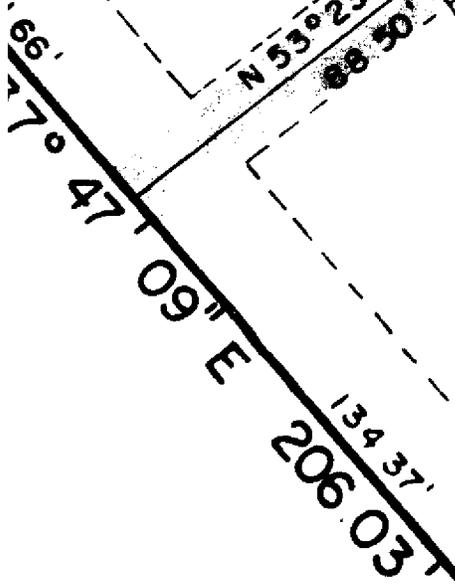
R=45'



N 53° 23' 23" E
88.30'

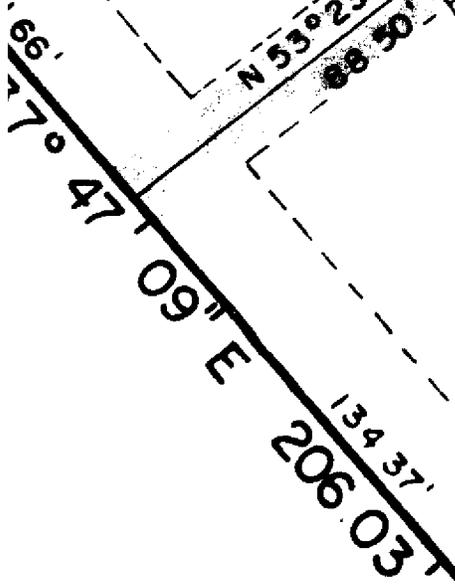
A=35.95'

A=29.13'



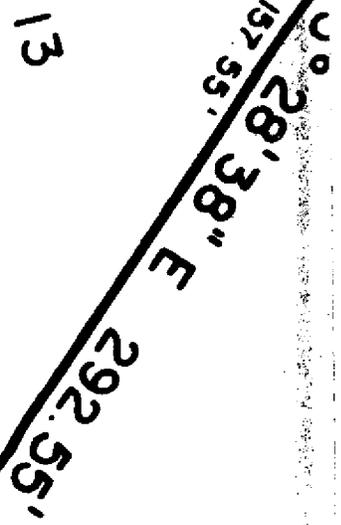
N 07° 36' 46" E
142.46'

N 29° 26' 22" W
96.00'



S 70° 47' 09" E
206.03'

105.00'



S 28° 38' E
292.55'

**** MEMORANDUM ****

TO: Joe Kasper
Development Services

DATE: February 4, 1991

FROM: Lisa Scherf
Engineering

Lisa

SUBJECT: LDO-91-3
Dodson

The applicant is requesting permission to construct a storage room that would extend to within 3 feet of the sideyard property line.

Review of the plat for that subdivision (Village Green Second Addition - Supplemental Plat) reveals that there is a storm drain line and associated easement along that property line. The easement is 7 feet wide on the applicant's side of the property line. We could not allow a building to be constructed within that easement area, as it would seriously impact our ability to access and maintain the line, if needed.

CITY OF CORVALLIS

PUBLIC NOTICE

Robert K. Dodson has filed for a lot development option with City of Corvallis Development Services. The applicant is proposing a reduction of the side yard setback (on the northwest side of his garage) from the required eight (8) feet to three (3) feet to construct a storage room addition to his garage at his residence at 2924 NE Newcastle Place.

As a property owner, or resident, a public notice has been mailed to you for your review.

Based on City staff comments and those of affected parties, the Development Services Manager shall review the proposed development and shall either approve, conditionally approve, or deny the request by February 4, 1991.

The lot development option will be approved where the Development Services Manager finds the following criteria have been met:

- a. The proposed development will not be contrary to the Comprehensive Plan, the purposes and objectives of this Code, and any other applicable policies and standards adopted by the City; and
- b. The proposed development will not substantially reduce the amount of privacy currently enjoyed by the users of nearby structures if the development were located as specified by this Code; and
- c. Existing physical systems and natural systems, such as traffic, drainage, dramatic land forms, or parks, and the potential to use solar energy devices by abutting properties, will not be adversely affected any more than would occur if the development were located as specified in this Code; and
- d. The architectural features of proposed structure(s) will be compatible to the design character of the existing structure(s).

If you wish to comment on the proposed lot development option, comments must be in writing and received by Development Services (P.O. Box 1083, Corvallis, Oregon 97339) by February 1, 1991.

A Notice of Disposition containing the Development Services Manager's decision will be mailed to those people who have received this notice. Additional information regarding this request may be obtained at Corvallis Development Services, 501 S.W. Madison Avenue, 757-6929 (contact Joe Kasper).

10-91-3 11-5-2ADB:51
alter & Betty Weller, TR
978 NE Newcastle Pl.
Vallis, OR 97330-4118

2-91-3 11-5-2ADB:5600
Mothy & Jana Nokleby
12 NE Newcastle Pl.
Vallis, OR 97330-4118

2-91-3 11-5-2ADB:5900
Ward & Linda Curtis
37 NW Newcastle Pl.
Vallis, OR 97330

LDO-91-3 11-5-2ADB:54
Andrew & May Rynnian
2940 NE Newcastle Pl.
Corvallis, OR 97330-4118

LDO-91-3 11-5-2ADB:5700
Carol J. Culler
2903 NE Newcastle Pl.
Corvallis, OR 97330

LDO-91-3
Occupant
2919 NE Newcastle Pl.
Corvallis, OR 97330

LDO-91-3 11-5-2ADB:5500
Robert & Vivian Dobson
2924 NE Newcastle Pl.
Corvallis, OR 97330-4118

LDO-91-3 11-5-2ADB:5800
Fred L. Larson
P.O. Box 7221
Salem, OR 97303-0221

LDO-91-3
David Kiewer
2980 NW Highland Dr.
Corvallis, OR 97330