



**Community Development  
 Development Services Division**  
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 P.O. Box 1083  
 Corvallis, OR 97339-1083  
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## NOTICE OF DISPOSITION FOR A MINOR LOT DEVELOPMENT OPTION

<b>Order No.:</b>	2016-033
<b>Case Number:</b>	LDO16-00003
<b>Project Type:</b>	Minor Lot Development Option
<b>Procedure Type:</b>	Administrative- Director's Decision
<b>Owner &amp; Applicant:</b>	Dominic Biggi 6595 SW Lombard Ave. Beaverton, OR 97008
<b>Property Address:</b>	3255 NW Fillmore Ave.
<b>Map and Tax Lot:</b>	11-5-34 BB 100
<b>Comprehensive Plan Designation:</b>	Low Density Residential
<b>Zoning Designation:</b>	RS-5
<b>Parcel Size:</b>	0.16 acres
<b>Planner Assigned:</b>	Jared Voice
<b>Application Submitted:</b>	May 13, 2016
<b>Application Complete:</b>	June 6, 2016
<b>120-Day Deadline:</b>	October 4, 2016
<b>Public Notice Date:</b>	June 8, 2016
<b>Date of Decision:</b>	June 28, 2016

### I. REQUEST

The applicant requests approval of a reduction to the minimum rear yard setback required under Corvallis Land Development Code (LDC) Section 3.2.30.e.2, from 15 feet to 5 feet, to accommodate an expansion to an existing attached garage. **See Attachment A for application materials.**

### II. PUBLIC COMMENTS

Thirty-six (36) public notices were mailed on June 8, 2016, and two weeks were allowed for written comments on the proposal. Six (6) written comments were received before the public comment period closed at 5:00 p.m. on June 22, 2016. **See Attachment B for written public testimony.**

All of the submitted public testimony is in opposition to the proposal. Many of the issues raised in the written testimony are directly related to the Minor LDO review criteria of LDC Section 2.12.30.06.a. These are summarized as follows:

- Past instances of more than five dwelling occupants, and concerns that the added space will be used to increase the number of occupants. LDO Criterion 2 specifically relates to land use, and what is allowed in the underlying zone. Please refer to the Staff response to Criterion 2 below for further analysis and findings related to this issue.
- Visual and privacy impacts to neighbors caused by the rear yard setback reduction. LDO Criterion 6 specifically relates to privacy impacts. Please refer to the Staff response to Criterion 6 below for further analysis and findings related to this issue.
- Adverse drainage impacts to surrounding properties caused by the rear yard setback reduction. LDO Criterion 7 specifically relates to drainage. Please refer to the Staff response to Criterion 7 below for further analysis and findings related to this issue.
- Insufficient benefits to compensate for the reduced rear yard setback. LDO Criterion 11 specifically relates to compensating benefits. Please refer to the Staff response to Criterion 11 below for further analysis and findings related to this issue.

Other issues identified in the written testimony are outside the scope of the Minor LDO review criteria, and cannot be considered as part of the decision on the proposal. Issues outside the scope of the review criteria are summarized as follows:

- Failure of the applicant to demonstrate a hardship that would necessitate a variation to LDC standards. **STAFF NOTE:** *There is no Minor LDO review criterion requiring the applicant to demonstrate the presence of a hardship or unique circumstance on the site.*
- Use of the property as a college rental, general poor behavior by dwelling tenants (loud parties, alcohol consumption by minors, parking violations, etc.) over the past five to ten years, and overall lack of property maintenance. **STAFF NOTE:** *Although there are no Minor LDO review criteria related to these issues, there are City resources available that may be utilized to address these concerns:*
  - *In August of 2015, the Corvallis Police Department implemented a Community Livability Team, which focuses on addressing neighborhood and community concerns which have a negative impact on livability. The Community Livability Team (541-766-6924 / [Community.Livability@corvallisoregon.gov](mailto:Community.Livability@corvallisoregon.gov)) should be contacted if issues such as loud parties and minors in possession of alcohol continue to persist.*
  - *Issues related to over-occupancy of dwellings and/or accumulation of solid waste / furniture are investigated and enforced through the City's Housing and Neighborhood Services Code Compliance program. The program*

*relies on citizen complaints to enforce these provisions. More information, including a link to an on-line complaint form, is available at <http://www.corvallisoregon.gov/index.aspx?page=1775>.*

- *Beginning in September 2016, the City's Livability Code will begin to address a broader range of property maintenance and livability issues than is possible under current codes.*
- *The Corvallis Municipal Code requires that all grass and vegetation be kept under 10 inches in height from June 1 through September 30, and requires that combustible waste material and debris be removed from property. The Corvallis Fire Department relies on citizen complaints to enforce these provisions. Residents can email complaints to [Weed.Abatement@corvallisoregon.gov](mailto:Weed.Abatement@corvallisoregon.gov), or call 541-766-6973.*

### III. FINDINGS

Based on a review of the proposal, the Development Services Project Manager finds the following:

- A. Property Description:** The subject site is located at 3255 NW Fillmore Ave. The site is zoned RS-5 (Low Density Residential), and is within the University Neighborhood Overlay (UNO). The site is comprised of 0.16 acres, and is developed with a single family dwelling, originally constructed in 1952 (per Benton County Assessor's records). The site is also identified on Benton County Assessor's Map 11-5-34 BB as Tax Lot 4600.
- B. Land Use Case History:** In 1994, a Lot Development Option request was approved for the subject property (LDO94-00051), allowing the construction of a 6-ft. fence along a portion of the west property line of the subject site (abutting NW 33<sup>rd</sup> St.) As per the approval, the fence must maintain a minimum setback of 25 feet from the front property line (abutting NW Fillmore Ave.)

In 2010, a series of violation cases were opened on the property. These include three cases related to solid waste on the property, which have since been resolved. Two additional cases were specific to over-occupancy of the dwelling, and work without permits to create living space in the basement. Permits were obtained in 2011 to create bedrooms in the basement, and the over-occupancy issue was resolved. All of the 2010 violation cases are now closed. However, a 2011 violation case, for work without permits to expand the garage on the site, remains open (VIO11-00323). A demolition permit was applied for and issued in September 2011 (BLD11-00886), to demolish the unpermitted portion of the garage. However, the structure was never demolished, and remains in place today. The applicant purchased the property in 2014 (per Benton County Assessor's records). The current LDO proposal would allow the applicant to replace the unpermitted garage structure with a code-compliant garage, in roughly the same (although slightly reduced) footprint as the existing unpermitted garage. Regardless of whether this LDO application is approved, the unpermitted garage structure must be demolished in order to resolve the open violation case.

## **C. Determination of Minor or Major Lot Development Option**

**2.12.30.03 - Determination of Lot Development Option Type - The Director shall determine whether an application qualifies as a Minor or Major Lot Development Option, as described in "a," and "b," below.**

- a. Minor Lot Development Option - A Minor Lot Development is classified as General Development and shall be processed consistent with this chapter. A Lot Development Option shall be considered Minor if it:**
  - 1. Meets "c" - "e," below; and**
  - 2. Falls within the thresholds in "h," below.**
- b. Major Lot Development Option - A Major Lot Development Option is classified as Special Development and shall be processed consistent with this chapter. A Lot Development Option shall be considered Major if it:**
  - 1. Meets "c" - "e," below;**
  - 2. Exceeds the thresholds of a Minor Lot Development Option in "h," below; and**
  - 3. Falls within the thresholds in "i," below.**
- c. Unless otherwise stated in the following chapters, the Minor and Major Lot Development Option processes shall not be used to vary from the standards in Chapter 2.11 – Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 – Landslide Hazard and Hillside Development Provisions.**
- d. Minor and Major Lot Development Option requests shall apply only to existing individual lots or parcels or to individual lots or parcels that are approved, or requested for approval, as part of a Tentative Subdivision Plat or Minor Land Partition process. Proposed modifications that exceed the allowed scopes of Minor and Major Lot Development Options as outlined in this Chapter need to be sought through the Planned Development process described in Chapter 2.5 - Planned Development.**
- e. Whether a Lot Development Option request is Minor or Major, no more than a total of three variations may occur within a two-year period on the subject property(ies) and its parent recorded Partition, Replat, or Subdivision plat (the development-wide provision applies only to plats recorded after January 1, 2000). If a single lot is involved, variations of up to three different development standards may occur. If a development site includes plans for multiple lots through a Minor Land Partition or Tentative Subdivision Plat, and multiple variations are needed, up to three lots may be involved in variations from the same development standard or different development standards.**
- f. Variations exceeding the thresholds described in "a" and "b," above, shall be sought through the Planned Development process described in Chapter 2.5 - Planned Development.**
- g. Variations to Chapter 4.0 - Improvements Required with Development shall be processed as a Major Lot Development Option, except for variations**

allowed per LDC Section 4.0.60.o, which shall be processed as a Minor Lot Development Option.

Staff Response: The requested variation is not to the provisions of LDC Chapters 2.11, 4.5, 4.11, 4.12, 4.13 or 4.14. The requested LDO constitutes variations to one development standard on an individual lot. No prior LDO requests are on record for the subject property within the last two years. The requested variation is not to the requirements of LDC Chapter 4.0, regarding Improvements Required with Development.

Based on these findings, Staff conclude that the Lot Development Option process is the appropriate process for the requested variation. Additionally, Staff find that the request qualifies as a Minor LDO, as discussed below:

- h. **Minor Lot Development Option Thresholds - Minor Lot Development Option requests shall involve clearly measurable, numerically quantifiable development standards that shall not exceed the thresholds listed below:**
1. **Reducing setbacks up to 40 percent for new Residential Use structures on an undeveloped existing lot zoned RS-3.5;**
  2. **Reducing setbacks up to 100 percent for alterations to existing residential primary or accessory structures constructed prior to December 31, 2006;**
  3. **Except as provided in "1," above, reducing interior side yards on corner lots up to 70 percent for new structures;**
  4. **For lots with existing residential structures, reducing side and/or rear yard setbacks for accessory structures that are more than 60 ft. from streets (other than alleys) by up to 100 percent. (Building Code may require special construction techniques and materials for structures near property lines.)**
  5. **Increasing the height of a structure by up to 10 percent;**
  6. **Decreasing the required lot area by up to five percent. Applies only to lots created through the Minor Land Partition or Minor Replat process described in Chapter 2.14 - Partitions, Minor Replats, and Property Line Adjustments;**
  7. **Decreasing required lot width by up to five ft., excluding accessway widths required for flag lots created through the Minor Land Partition or Minor Replat process;**
  8. **Increasing the total ground area proposed to be covered by structures, parking spaces, or vehicular circulation areas by up to five percent over that which is permitted in the underlying zone;**
  9. **Decreasing the area reserved for private outdoor space and/or Green Area by up to 10 percent;**
  10. **Decreasing the project site amenities such as screening and/or landscaping by up to 10 percent;**
  11. **Decreasing the required number of parking spaces by up to 50 percent; or increasing the number of compact parking spaces by up to 50 percent for Residential Uses on an undeveloped lot zoned RS-3.5 or on a lot containing**

- residential structure(s) constructed prior to December 31, 2006, in any residential zone;
12. Increasing the fence height outside of Vision Clearance Areas by up to 33 percent;
  13. Increasing the use size limitations up to 20% in the Mixed Use Community Shopping (MUCS) Zone. Increases in excess of 20% shall be processed through the Planned Development process in Chapter 2.5 - Planned Development;
  14. Decreasing the designated Solar Access by up to 20 percent, except as provided in Chapter 4.6 - Solar Access;
  15. Increasing the block perimeter distances in Section 4.0.60.o by more than 50 percent, to minimize impacts to: slopes greater than 15 percent, public parks, Significant Natural Features, existing street and/or existing development patterns, and/or access management considerations, as determined by the City Engineer;
  16. In addition to the thresholds identified above and in Item # 17 below, the following thresholds are allowed for lots less than 1/4 acre in size (10,890 sq. ft.):
    - a. Reducing the required front, side, and rear yard setbacks to no less than the corresponding minimum existing setback for legal development of primary structures (conforming or nonconforming) on any adjacent lot, if the adjacent lot is within the same zone;
    - b. Reducing side and/or rear yard setbacks for accessory structures that are more than 60 ft. from streets (other than alleys) by up to 100 percent. (Building Code may require special construction techniques and materials for structures near property lines);
    - c. Increasing the height of a primary structure up to the height of a legal primary structure (conforming or non-conforming) on any adjacent lot (if the adjacent lot is within the same zone);
    - d. Decreasing the required lot area to the lot area of any adjacent legally-created lot within the same zone, if both lots will contain the same building type. To be applied only to lots created through the Minor Land Partition or Minor Replat process described in Chapter 2.14 - Partitions, Minor Replats, and Property Line Adjustments; and
    - e. Decreasing required lot width to the width of any adjacent, legally-created lot, excluding accessway widths required for flag lots created through the Minor Land Partition or Minor Replat process.
  17. Increasing the gross floor area of a building to exceed the Maximum Floor Area Ratio (Max. FAR) specified in Section 3.34.50 by 10 percent, or 200 square feet, whichever is greater.
  18. Adjusting up to 20 percent, other applicable clearly measurable development standards not addressed in "1" through "14," above, except that Floor Area Ratios (FARs) may not be varied because they are a required method of assuring that the land supply for commercial and industrial uses is not diluted in commercial and industrial zones where FAR restrictions are cited.

Staff Response: The applicant proposes to expand an existing garage, which is attached to a single family dwelling. Threshold #2 allows a reduction in setbacks of up to 100 percent for alterations to existing residential structures constructed prior to December 31, 2006. The applicant proposes to expand an existing residential structure that was originally constructed in 1952 (per Benton County Assessor's records.) (The applicant notes, and City permit records confirm, that an attached garage was added to the residence in 1964.) Therefore, Threshold (2) is applicable. Based on the scope of the request, Threshold (2) is the only applicable threshold listed in LDC Section 2.12.30.03.h. With the exception of the minimum rear yard setback, the request will comply with all other applicable Land Development Code standards. Therefore, Staff find that the application is classified as a Minor Lot Development Option.

#### **D. Minor Lot Development Option Review Criteria**

Section 2.12.30.06.a of the Land Development Code (LDC) lists the applicable review criteria for a Minor LDO. Following is an analysis of compliance with each of the applicable review criteria:

##### **2.12.30.06 - Review Criteria**

- a. **Minor Lot Development Option - With respect to the requested variation, a Minor Lot Development Option shall be reviewed to determine if the following criteria have been met:**
  1. **The proposal is consistent with Section 2.12.30.03.a and Sections 2.12.30.03.c-e and "h;"**

Staff Response: Satisfied. Compliance with the provisions listed above was addressed in the preceding section of this Notice of Disposition. Findings from that discussion are incorporated by reference as findings under the above criterion. As discussed, the LDO request is consistent with the listed criteria.

2. **The land use for the proposed development is allowed in the underlying zone;**

Staff Response: Satisfied With Conditions. The applicant is seeking this Minor LDO in order to accommodate an expansion to an existing single family dwelling. The Land Development Code allows "Single Detached" as a Residential Building Type permitted outright in the RS-5 Zoning District.

The application narrative indicates that the expanded area will be utilized as a garage (see **Attachments A.2 – A.3**). Based on written public testimony submitted for the case, there are neighborhood concerns that the applicant intends to "sneak" additional bedrooms into the dwelling (see **Attachments B.2, B.3, B.5, B.7 and B.9**). **Development Related Concern A** specifies that, regardless of how the new space is used, use of the overall building shall remain a single family dwelling. The subject property is not large enough to allow a second primary dwelling, and the applicant has not proposed an Accessory Dwelling Unit on the property. Occupancy of the dwelling is limited to one family, which is defined in LDC Chapter 1.6 as an individual or two or more persons related by blood, adoption, marriage or domestic partnership, or a group of not more than five unrelated adults. Occupancy of the dwelling by more than five unrelated adults would constitute a violation of the Land Development Code.

Based on the above analysis and **Development Related Concern A**, Staff find the criterion to be satisfied.

3. **The proposed development falls within the minimum and maximum density requirements for the underlying zone;**

Staff Response: Satisfied. The applicant does not propose to change the density of the development site. The 0.16-acre (7,099 sq. ft.) site contains one existing dwelling unit, which is within the minimum and maximum density requirements for the RS-5 zone. This criterion is satisfied.

4. **All structures comply with Building and Fire Codes and Vision Clearance requirements established by the City Engineer;**

Staff Response: Satisfied With Conditions. The Minor Lot Development Option request does not take the place of a building permit application, and should not be interpreted as an indication of compliance with Building and Fire Code requirements, or other applicable requirements. Prior to constructing the expansion, the applicant will be required to obtain a building permit from Development Services. The required building permit review process will ensure compliance with applicable requirements prior to issuance of a building permit for the proposal (**see Condition of Approval 2**). As proposed, the structure will not encroach into any required vision clearance areas. Compliance with vision clearance requirements will also be verified through the building permit review process.

Based on the requirements for building permit approval, as reflected in **Condition 2**, Staff find the proposed development will demonstrate compliance with the above standards prior to construction, and this criterion is satisfied.

5. **The proposed development is not contrary to any other applicable policies and standards adopted by the City;**

Staff Response: Satisfied. The applicant has proposed to vary from one standard, which is a minimum rear yard setback requirement applicable to the subject lot only. The proposal is required to satisfy all other applicable policies and standards of the City. Therefore, the criterion is satisfied.

6. **The proposed development does not substantially reduce the amount of privacy enjoyed by users of neighboring structures when compared to development located as specified by this Code;**

Staff Response: Satisfied With Conditions. Staff find that the proposed rear yard setback variation would not result in a reduction in the amount of privacy enjoyed by users of neighboring structures, when compared with development located as specified by the Land Development Code. The property most directly affected by the proposed setback reduction is that which abuts to the north. The addition will incorporate a hip roof design, with an eave height of roughly 10 feet and roof peak height of roughly 14.5 feet (see **Attachment A.7**). Based on the LDC Chapter 1.6 definition for "Height of Buildings", the overall height of the addition would be slightly more than 12 feet. Comparatively, the LDC would outright allow a detached accessory structure with a

height of up to 14 feet to be located within 3 feet of the affected (north) property line, or a primary building with a height of up to 30 feet to be located within 15 feet of the north property line.

To help mitigate privacy impacts caused by the rear yard setback reduction, there will be no windows or doors in the north-facing (nor east-facing) walls of the addition (see **Attachments A.2, A.5 & A.7, and Condition of Approval 1**). The applicant also proposes to preserve the existing 6-ft. cedar fence that runs along the north property line (**Attachments A.5 – A.6**). (There is also an existing fence along the east property line that will be maintained.)

Based on these factors and **Condition 1**, Staff find that the criterion is satisfied.

7. **The proposed development does not adversely affect existing physical and natural systems, such as traffic, drainage, dramatic land forms, or parks, nor adversely affect the solar access potential for abutting properties when compared to development located as specified in this Code;**

Staff Response: Satisfied With Conditions. The proposed addition would have no adverse effect on existing natural systems, including dramatic land forms or parks. Existing driveway access, off-street parking and on-street parking will be maintained, so there are no adverse affects on traffic. The hipped roof design (**Attachments A.6 – A.7 / Condition of Approval 1**), in combination with the low eave height (10 feet) of the one-story structure, will prevent adverse affects on solar access potential for abutting properties. As part of the building permit process (**Condition of Approval 2**), development is required to demonstrate that drainage would not adversely affect surrounding properties or the City's drainage system.

Given the above analysis and **Conditions 1 and 2**, this criterion is satisfied.

8. **Where architectural features are involved, the proposed development is compatible with the design character of existing structures on adjoining properties;**

Staff Response: Not applicable. The proposed variation does not involve architectural features. There are no LDC architectural or design standards applicable to the proposed garage addition.

9. **Where variations are proposed to Chapter 4.10 - Pedestrian Oriented Design Standards, the proposed development implements the purpose(s) of that chapter through inclusion of additional benefits to the pedestrian environment that compensate for the requested variations from development standards;**

Staff Response: Not applicable. Alterations to existing single family structures constructed prior to December 31, 2006, are not subject to Chapter 4.10 – Pedestrian Oriented Design Standards, and the applicant is not proposing any variations to the standards. Therefore, this criterion is not applicable to the subject Lot Development Option request.

10. **Preservation and/or protection of Significant Natural Features is achieved, consistent with Chapter 4.2 - Landscaping, Buffering, Screening, and**

Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions. Streets are also designed along contours, and structures are designed to fit the topography of the site to ensure compliance with these Code standards; and

Staff Response: Satisfied. There are no mapped Significant Natural Features on the subject property. However, based on aerial and street view photography, there do appear to be existing significant trees (8-inch caliper or greater) in the vicinity of the development area. **Condition of Approval 3** specifies that existing significant trees on or abutting the property shall be treated as specified in LDC Section 4.12.60.f. This includes the installation of temporary protective fencing around significant trees located within 50 ft. of any area where development activities are likely to occur, in accordance with the "Circle of Protection" provisions outlined in Section 4.12.60.f. If any development activities are proposed within the "Circle of Protection" of existing trees to be preserved, then a preservation plan developed by a certified arborist shall be submitted by the applicant for review and approval, prior to building permit issuance.

Based on the above analysis and **Condition 3**, this criterion is satisfied.

11. **The proposed development shall provide benefits within the development that compensate for the variations from development standards such that the intent of the development standards is still met.**

Staff Response: Satisfied With Conditions. The applicant requests approval of a reduction to the minimum rear yard setback required under Corvallis Land Development Code (LDC) Section 3.1.30.e.4, from 15 feet to 5 feet, to accommodate the expansion of an existing attached garage. Staff find that the following benefits sufficiently compensate for the proposed setback reduction:

- To mitigate potential privacy impacts caused by the reduced rear yard setback, the building incorporates a hip roof design, with an eave height of roughly 10 feet and roof peak height of roughly 14.5 feet (see **Attachments A.6 – A.7** and **Condition of Approval 1**). Based on the LDC Chapter 1.6 definition for "Height of Buildings", the overall height of the addition would be slightly more than 12 feet. The expanded garage and existing permitted garage combined would occupy roughly 26 percent of the required rear yard area. Comparatively, the LDC would outright allow a detached accessory structure with a height of up to 14 feet, to be located within 3 feet of the affected (north) property line, and to occupy up to 35 percent of the required rear yard area. Based on this, Staff find that the proposal has been designed to limit visual impacts to less than what could be imposed by an accessory structure built in accordance with LDC standards.
- To further mitigate potential privacy impacts, there will be no windows or doors in the north-facing (nor east-facing) walls of the addition (see **Condition 1**).

- An existing 6-ft. tall cedar fence that runs along the north property line of the site will be preserved (see **Condition 1**). (Note that a 6-ft. fence also exists along the east property line of the site.)
- Existing concrete within the affected side and rear yards will be removed and replaced with pervious landscaping (see **Condition 1**).
- Allowing the reduced rear yard setback will allow placement of the garage in a manner that maximizes off-street parking on the site. As currently proposed, an unobstructed driveway area of 38 ft. (depth) by 20 feet (width) would be maintained on the site. This driveway area is adequate to park four cars (two tandem spaces), in addition to parking within the garage. Requiring the garage expansion to meet the 15-ft. rear yard setback would necessitate moving the replacement garage footprint 10 feet to the south (towards the street). This would result in the loss of at least one (1) off-street parking space in the driveway. Although the minimum parking requirement for a single family dwelling on an individual lot is only two (2) parking spaces, Staff find that, given neighborhood concerns reflected in public testimony (**Attachments B.1, B.3 and B.5**), maximizing off-street parking availability is a benefit provided by the development.

Based on the compensating benefits outlined above, and **Condition 1**, Staff find this criterion is satisfied.

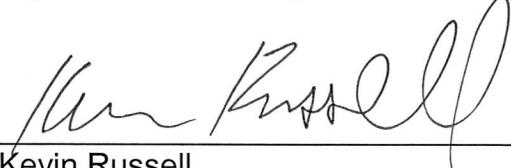
#### **E. Conclusion**

Based on the preceding discussion of the applicable Review Criteria for a Minor Lot Development Option in LDC Section 2.12.30.06.a, and subject to satisfaction of the Conditions of Approval, the proposed Minor Lot Development Option is found to be consistent with the applicable criteria.

#### **IV. DECISION**

The above analysis finds that the proposed Minor Lot Development Option (LDO16-00003) is consistent with applicable Land Development Code requirements. Based on the information submitted by the applicant and conclusions reached through City staff review of the applicable criteria, it is the decision of the Project Manager to approve the request as proposed in **Attachment A**, subject to the following Conditions of Approval.

6/28/16  
Date of Decision

  
\_\_\_\_\_  
Kevin Russell,  
Development Services Division  
Project Manager

#### **Attachments:**

- A. LDO Application, Narrative and Graphics
- B. Written Public Testimony

## APPEALS - EFFECTIVE DATE OF DECISION - EXPIRATION

**DATE OF DECISION:** June 28, 2016

**APPEAL DEADLINE:** July 11, 2016 at 5:00 p.m.

*If you wish to appeal this decision, the appeal must be filed within 12 calendar days from the Date of Decision, noted above. 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 with the appropriate fee, and they must explain the specific grounds for appeal. If you have any questions about the appeal process, contact this office at 541-766-6929.*

**EFFECTIVE DATE OF DECISION:** July 11, 2016 at 5:00 p.m.

*If no appeal has been filed, this decision shall become effective 12 days after the Date of Decision, noted above.*

**EXPIRATION DATE:** July 11, 2018 (if not appealed)

*In accordance with Land Development Code Section 2.12.30.11, the Minor Lot Development Option approval shall be effective for a two (2) year period from the date of approval. If the applicant has not begun construction within this period, the approval shall expire.*

### **V. CONDITIONS OF APPROVAL**

1. Consistency with Plans and Compliance with Applicable Standards - Development shall comply with the plans and narrative in the applicant's proposal identified as **Attachment A**, except as modified by this approval or the conditions below. This includes the provision of the following compensating benefits, which are shown on the plans as part of the proposal:
  - a) The building shall incorporate a hip roof design, as depicted on **Attachments A.6 and A.7**;
  - b) There shall be no windows or doors in the north facing (nor east-facing) walls of the addition;
  - c) A 6-ft. tall cedar fence shall be maintained along the north property line of the site; and
  - d) Existing concrete within the affected side and rear yards shall be removed and replaced with pervious landscaping, as depicted in **Attachment A.6**.
  
2. Building Permit Required – A building permit (and possibly other development permits) is required prior to development. The required permit review process(es) shall ensure compliance with all applicable standards prior to development. If compliance with Building Code or other applicable requirements necessitates a redesign that would alter the design of the proposed development as represented for this land use approval, in a manner that would not comply with all applicable standards and conditions, a subsequent land use application will be necessary to consider the altered development proposal and any necessary variations to standards or conditions.

3. Tree Preservation - Existing significant trees on or abutting the property shall be treated as specified in LDC Section 4.12.60.f. This includes the installation of temporary protective fencing around significant trees located within 50 ft. of any area where development activities are likely to occur, in accordance with the "Circle of Protection" provisions outlined in Section 4.12.60.f. If any development activities are proposed within the "Circle of Protection" of existing trees to be preserved, then a preservation plan developed by a certified arborist shall be submitted by the applicant for review and approval, prior to building permit issuance.

Development Related Concerns:

- A. Use - Use of the overall building shall remain a single family dwelling. The subject property is not large enough to allow a second primary dwelling, and the applicant has not proposed an Accessory Dwelling Unit on the property. Occupancy of the dwelling is limited to one family, which is defined in LDC Chapter 1.6 as an individual or two or more persons related by blood, adoption, marriage or domestic partnership, or a group of not more than five unrelated adults. Occupancy of the dwelling by more than five unrelated adults would constitute a violation of the Land Development Code.



CASE: LDO 16-00003 DATE FILED: 5/13/16 DATE COMPLETE: \_\_\_\_\_

STAFF USE ONLY

FEE PAID

RECEIPT #: \$100



City of Corvallis - Development Services Division  
501 SW Madison Ave.  
Corvallis, OR 97333  
Telephone: (541) 766-6929  
FAX: (541) 766-6936  
www.corvallispermits.com

### Minor Lot Development Option Application

#### Location / Description of Subject Property (1.05)

Street Address 3255 FILLMORE AVE  
Benton County Tax Assessor Map 11534 BB Tax Lot(s) # 100  
Subdivision Name or Partition # ROBERTS  
Zone R3 Size (acres) .16 Density Range \_\_\_\_\_ du/ac • \_\_\_\_\_ du/ac  
 Historic Overlay  Natural Features  Related Land Use Cases

#### Property Owner Information

Property Owner(s) Name(s): BIGGI DOMINIC \_\_\_\_\_  
Last First M.I.  
 Same as Applicant  
Street Address 6595 SW LOMBARDO AVE  
City BENERTON State OR Zip Code 97008  
Phone # 503 8692101 Email Address DOMINIC@BENERTONFOODS.COM  
Contact preference?  mail  phone  email

Property Owner(s) Signature(s)  
(If Legal Representative: Provide supporting documentation) Dominic Biggi Date 5/2/16

#### Applicant Information (where different than Property Owner)

Applicant(s) Name(s) BIGGI \_\_\_\_\_  
Last First M.I.  
 Same as Property Owner  
Street Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Phone # \_\_\_\_\_ Email Address \_\_\_\_\_  
Contact preference?  mail  phone  email

Attachments (refer to the following pages)

[corvallispermits.com](http://corvallispermits.com) Track the status of your application  
Visit [corvallispermits.com](http://corvallispermits.com) and select "Permit/Case Search"

SHEET OF	DRAWING NUMBER	 <p>neil richardson ARCHITECT AIA - LEED AP</p>	ADDRESS 23476 Woods Creek Rd. Philomath, OR 97370 <hr/> PHONE 541.602.9041 <hr/> WEBSITE NeilRichardsonArchitect.com
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Minor Lot Development Option

Dominic Biggi  
3255 NW Fillmore Ave  
Corvallis, Oregon, 97330



2.12.30.01 –Application Requirements

- a – See application cover sheet and Sheet 0.2
- b – See application cover sheet
- c – Narrative

A permitted garage was built in 1964. Sometime after that a non-permitted garage was added to the permitted garage. Within the last year the current owner was advised by the City to remove the non-permitted structure. The owner would like to build a garage to replace the non-permitted structure. The new structure would meet the 5’ side yard setback requirement. The owner is requesting a variance to the rear yard setback of 15’ to be reduced to 5’ which is the approximate location of the back wall of the non-permitted structure. The permitted garage that was built in 1964 does not meet the current setback requirements nor does the house. The owner would like to have the new garage’s front face be in same plane as the permitted garage. The facade will look much better with the garage fronts in the same plane and the overall look of the house and garages from the street view will be much more pleasing then if the new garage has to be brought forward 10’ to provide enough depth to park a car.

Discussion of review criteria Section 2.12.30.06

- a (1) Proposal consistent with Section 2.12.30.03 and Sections 2.12.30.03 c-e and h. (a) – The proposal meets Minor Lot Development Option in that it complies with “c thru e”( c does not appear to apply, complies with d as the property is an existing individual lot, complies with e as only one variance is being requested) and h (number 2 applies-Reducing setbacks up to 100 per cent for alterations to existing primary or accessory structures constructed prior to December 31, 2006)
- a (2) The land use for the proposed development is allowed in the underlying zone-No change in land use is being requested,
- a (3) Density-no change in density is being requested.
- a (4) New structure will comply with the applicable codes.
- a (5) Appears not to be applicable to this proposal.
- a (6) New structure will have no windows on north or east sides so privacy of neighbors will not be affected

a (7) New structure will not adversely affect those areas listed.

a (8) New garage will match existing garage in style, height and finish material.

a (9) Does not appear to apply to this proposal

a (10) Does not appear to apply to this proposal

a (11) Does not appear to apply to this proposal

**d** – See attachment

**e** - Documentation that the lot under consideration falls within the thresholds identified in Section 2.12.30.03 – See attachment 0.1 which shows boundaries and dimensions that confirms the property falls within the thresholds.

**f** – Electronic set will be provided

SHEET ..... OF .....	DRAWING NUMBER .....	 <b>neil richardson</b> ARCHITECT AIA - LEED AP	ADDRESS 23476 Woods Creek Rd. Philomath, OR 97370
			PHONE 541.602.9041
			WEBSITE NeilRichardsonArchitect.com

Jared Voice  
Senior Planner  
City of Corvallis

June 3, 2016



**RE: 3255 NW Fillmore Ave (LDO 16-00003)**

**REF: Your letter of May 27, 2016**

**Application Fee-** \$1204 will be paid with this response

**Application Materials**

1) Review Criteria-

a. Please see response under 3 and 4

b. The reduced rear yard setback will allow the new garage extension façade to be in the same plane as the existing garage which will make for a much more pleasing look of the house and garage to the street. If the rear yard setback is not approved then the new garage extension will need to be moved forward 10' which will result in a very odd looking façade and a street view that will be quite jarring.

2) Please see attached plan and elevations Sheet A2

3) Lot coverage/green area-**Lot coverage allowed 3549.5 sq. ft.** – existing house 1351 sq. ft, existing garage 325 sq. ft, new garage 554 sq.ft, Total structure 2230 sq.ft. Concrete 1156 sq. ft. **Total impervious area 3386 sq.ft.** Note 356 sq ft of concrete walkway to be removed at rear. See Sheet A1

4) University Neighborhood Overlay-**Allowable square footage 2130 sq ft** House 2702 sq ft, existing garage 325 sq ft, new garage 554 sq ft Total 3581 sq ft Exclusions –basement 1351 sq ft (UNO Section 3.34.50 (b) 3, garage -240 sq ft (UNO Section 3.34.50 (c) 1 **Total square footage 1990**

5) Driveway maneuvering – Please see Sheet A1 and A2 –There is ample hard surface access to the garage door of the new structure.

Neil Richardson, Project Architect

## Voice, Jared

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**From:** neil richardson [richard@pioneer.net]  
**Sent:** Monday, June 06, 2016 1:20 PM  
**To:** Voice, Jared  
**Subject:** Re: 3255 NW Fillmore Ave



Hi Jared, thanks for the quick response. I confirm that the benefits outlined in your e-mail are agreed to by me. Do I need to send you a letter too or is the e-mail sufficient? Neil

Sent from my iPhone

On Jun 6, 2016, at 12:25 PM, Voice, Jared <[Jared.Voice@corvallisoregon.gov](mailto:Jared.Voice@corvallisoregon.gov)> wrote:

Hi Neil,

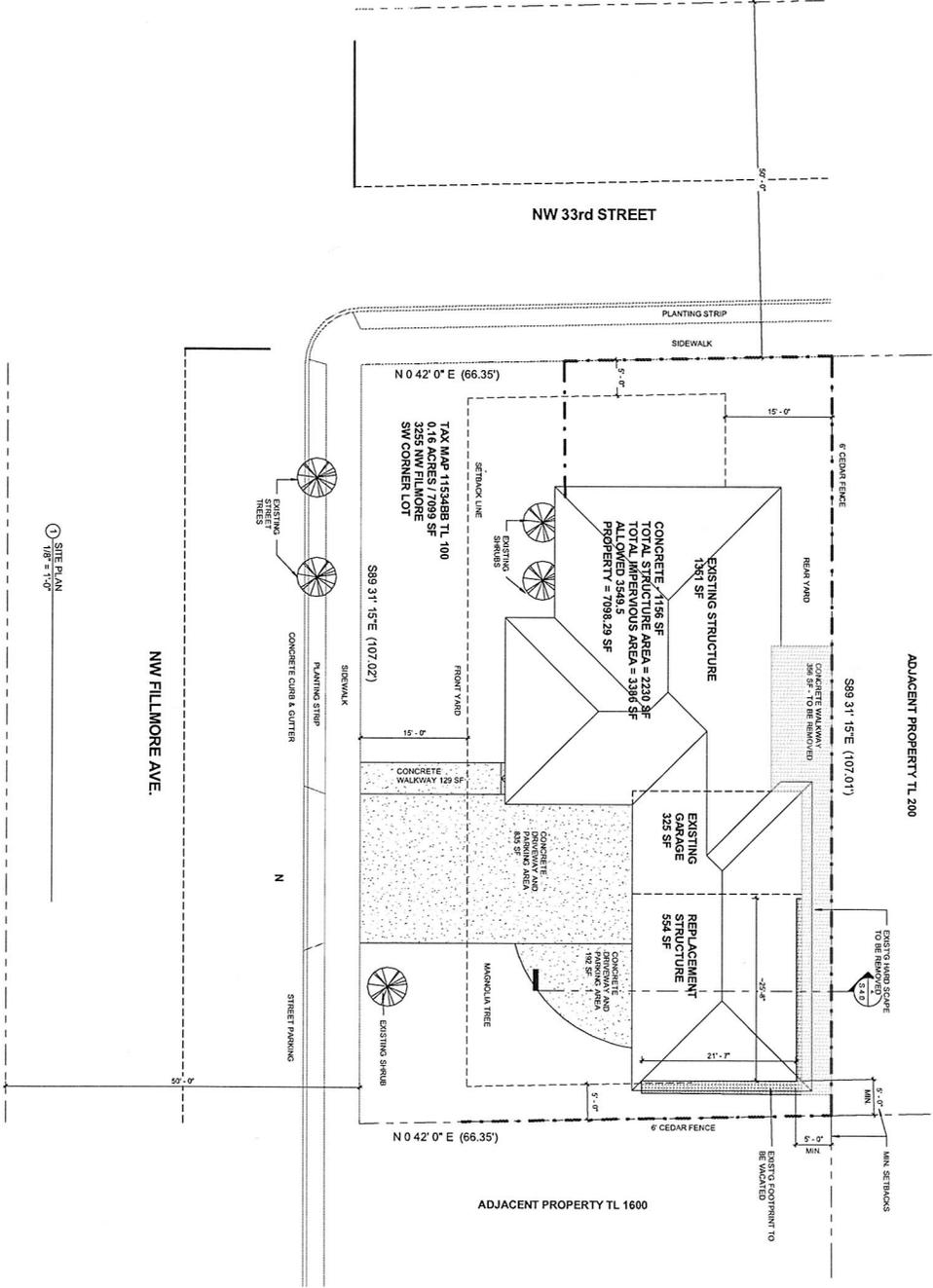
This message is to confirm that your revised application materials for LDO16-00003 have been received. The application appears to be nearly complete, but there are a handful of items that need some follow-up; hopefully these can be resolved quickly:

- Please submit a plan set no larger than 11" x 17", or email me a copy of the revised plans.
- In terms of the compensating benefits criterion (LDC 2.12.30.06.a.11): As described in the revised narrative, I'm not sure this criterion is satisfied. However, there appear to be several benefits shown on the revised plans that are not called out in the narrative. Please address / confirm each of the following (a response to this email is sufficient.) Assuming each of these are confirmed, the criterion should be satisfied:
  - No windows are proposed within the north and east-facing facades, thereby minimizing privacy impacts to abutting neighbors;
  - An existing 6-ft. cedar fence will be retained along the north and east property lines, further minimizing impacts to abutting neighbors; and
  - Existing concrete within the affected rear and side yards will be removed and replaced with landscaping.

Feel free to contact me if you have any questions.

Thank you,

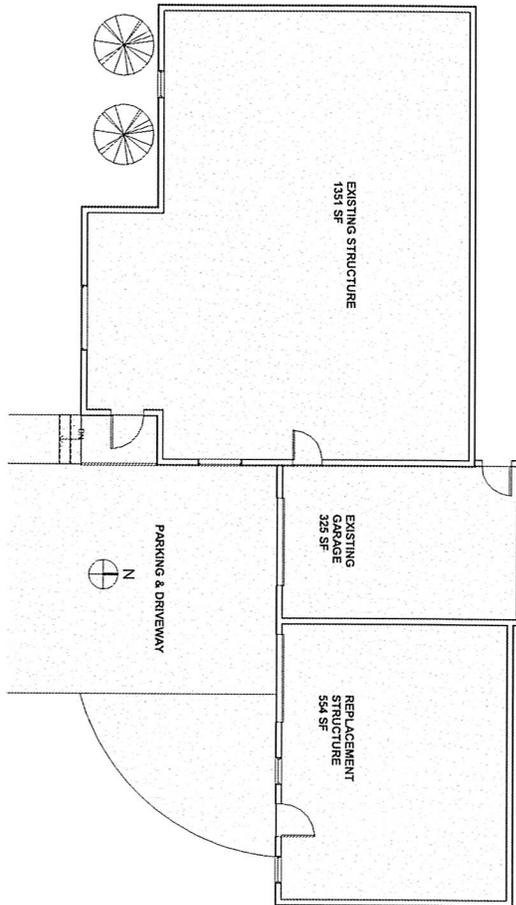
Jared Voice  
Senior Planner  
City of Corvallis Development Services  
541.766.6450 (direct line)  
541.766.6929 (development services main line)



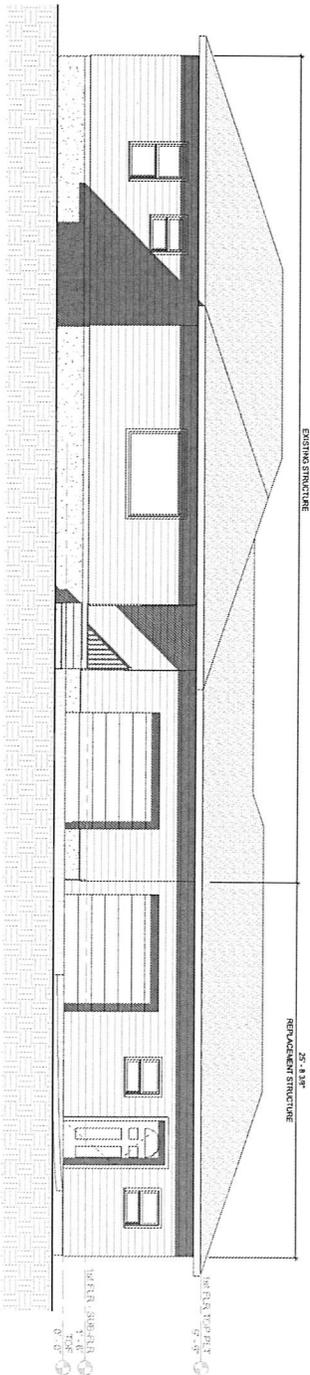
① SITE PLAN  
1/8" = 1'-0"

neil richardson ARCHITECT  
 541 602 8101  
 www.neilrichardsonarchitect.com  
 CLIENT: Dominic Biggl  
 PROJECT: 3255 NW Fillmore, Corvallis, OR 97330  
 SHEET: SITE PLAN  
 DATE: 6/22/2016  
 SCALE: 1/8" = 1'-0"  
 A 1





① 1ST FLOOR PLAN  
3/16" = 1'-0"



② SOUTH  
1/4" = 1'-0"

neil richardson ARCHITECTS  
541.602.2041  
www.neilrichardsonarchitect.com

No.	Description	Date

Client: Dominic Biggi  
Contract Address: 3255 NW Fillmore, Corvallis, OR 97330  
Contract Price: \$41,000.000  
Contract Description: EXISTING GARAGE REPLACEMENT - SIMON GRAYMAN

PROJECT ADDRESS: 3255 NW Fillmore, Corvallis, OR 97330  
PROJECT: STRUCTURE REPLACEMENT

SHEET: FLOOR PLAN & ELEVATION

Scale: As Indicated

6/2/2016

A 2



June 21, 2016

Jared Voice  
Development Department  
City of Corvallis  
PO Box 1083  
Corvallis, OR 97330



LDO16-00003, 3255 NW FILLMORE AVENUE, CORVALLIS, OREGON

Please accept this written testimony in opposition to the application for the Minor Lot Development Option (LDO16-00003) at 3255 NW Fillmore Avenue, Corvallis, Oregon.

I own the property southwest of this property, at 814 NW 33<sup>rd</sup> Street.

The application proposes a reduction of the rear yard setback from 15 feet to 5 feet, this is a 66% reduction of the rear yard setback that all houses in the neighborhood are required to meet. This setback ensures adequate space between buildings, privacy, safety in the event of fire, and reasonable use of side yards by the individuals living on the property as well as the neighboring properties. There are no unique features or circumstances with this property which it necessary to seek a variance from the underlying setback.

There is no justification for the requested deviation from the underlying setbacks. The lot dimensions would easily allow the applicant to meet the standards. The garage could be placed closer to the street and meet required driveway and front yard setbacks.

The applicant could meet the setbacks and still build a garage on the lot, there is adequate depth to do this. While the applicant states the 66% reduction to the rear yard setback allows for a more pleasing view from the street, this isn't necessary. A pleasing view from the street could be achieved while also meeting the required setbacks.

Besides, what is the purpose to this garage? This property has consistently been a rental and I have never seen any of the tenants cars parked in the garage. Only tables set up and holiday lights strung in the existing garage for parties.

This property has been a rental to 5 or 6 college students for the last 5 or 10 years and has a history of complaints to the City of Corvallis and the Corvallis Police Department for such things as loud MIP parties, parking violations, unsafely drinking alcohol on the roof top of the house, trash in the yard....including broken beer bottles in the street, permit issues, and has jeopardized the safety of renters by renting out the basement without egress windows.

The yard itself is mostly unmaintained/mowed and has on-going weed abatement issues. The house shows deferred maintenance and the property owner is an absentee owner in the Portland area with no local property manager.

The neighbors also believe that this re-build is also an attempt to “sneak” in another bedroom or two into the already 5 bedroom house. We would also like to ask the City to require a deed restriction to this property that the garage extension is not to be used for living quarters, such as an extra bedrooms.

Our neighborhood has worked to maintain a high level of integrity and value as the areas around the University grow. Our block has a strong sense of community, we take pride in our homes/property, and we care for our fellow neighbors.

In summary, there are no unique circumstances or undue burdens on the applicant that make enforcement of the required rear and side yard setbacks necessary. The lot dimensions and topography of the land easily allow for any new structures to meet all required standards of the R-5 zoning district. The proposed compensating benefits do not adequately mitigate for the reduced setbacks.

Your serious consideration given to our comments in making your decision is appreciated. This is especially true when it comes to protecting property values, safety, and livability in our neighborhood.

Please deny this application. We take the integrity of our neighborhood serious.....Mr. Biggi would most likely understand this, if he took the time to meet some of his neighbors.

Thank you again, 

Carmen A Cook, Property Owner for property at 814 NW 33<sup>rd</sup> Street.  
[carmenanncook@gmail.com](mailto:carmenanncook@gmail.com) 541.480.6491

June 21, 2016

Jared Voice  
Development Department  
City of Corvallis  
PO Box 1083  
Corvallis, OR 97330



LDO16-00003, 3255 NW FILLMORE AVENUE, CORVALLIS, OREGON

Please accept this written testimony in opposition to the application for the Minor Lot Development Option (LDO16-00003) at 3255 NW Fillmore Avenue, Corvallis, Oregon.

I own the property directly abutting this property to the North, at 813 NW 33<sup>rd</sup> Street, the property at 819 NW 33<sup>rd</sup> Street (my Mother's property) and I also own the property at 835 NW 33<sup>rd</sup> Street.

The application proposes a reduction of the rear yard setback from 15 to 5 feet, this is a 66% reduction of the rear yard setback that all houses in the neighborhood are required to meet. This setback ensures adequate space between buildings and privacy and reasonable use of side yards by the individuals living on the property as well as the neighboring properties. There are no unique features or circumstances with this property which makes it necessary for the property owner to seek a variance from the underlying setback.

There is no justification for the requested deviation from the underlying setbacks. The lot dimensions would easily allow the applicant to meet the standards. The garage could be placed 10 feet closer to the street and meet required driveway and front yard setbacks.

Although the applicant has proposed a fence (which currently exists), no windows, and landscaping (what kind of landscape could survive and be maintained in a five foot space on the North side of the property), there are no compensating benefits for the proposed reduction to the setback.

The applicant could meet the setbacks and still build a garage on the lot; there is adequate depth to do this. While the applicant states the 66% reduction to the rear yard setback allows for a more pleasing view from the street, this isn't necessary and is a subjective opinion that is not supported by the intent of the code. A pleasing view from the street could be achieved while also meeting the required setbacks.

This property has been a rental to 5 or 6 college students at one time for the last 10 years and has a history of complaints and violations to the Corvallis Police Department for such things as loud MIP parties, parking violations, drinking on the roof, and trash in the yard. The yard itself is mostly unmaintained and has on-going weed abatement issues. This often happens when the property owner is an absentee owner, which is the case here. The neighbors also believe that this re-build is also an attempt to "sneak" in another bedroom to this five bedroom house, while most of the homes in the neighborhood are two and

three bedroom. We would also like to ask the city to require a deed restriction to this property that the garage extension is not to be used for living quarters, such as an extra bedroom.

Our neighborhood has struggled to maintain a high level of integrity and value as the areas around the University grow in leaps and bounds to support the growing population of Oregon State University. We've watched as five properties in this neighborhood have been sold in the past several years, three have been converted into large (5 bedroom) homes for students.

In summary, there are no unique circumstances or undue burdens on the applicant that would require the applicant to request the variance. He can easily meet the standards of the rear and side yard setbacks with the lot dimensions and topography of the land; any new structures would meet all required standards of the R-5 zoning district, without the variance. The proposed compensating benefits do not adequately mitigate for the reduced setbacks.

Your serious consideration given to our comments in making your decision is appreciated. Please deny this application. We take the livability of our neighborhood serious.

BEN ORTMAN, Property Owner for property at 813 NW 33<sup>rd</sup> Street and 835 NW 33<sup>rd</sup> Street

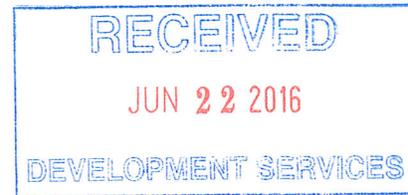


LIZ A ORTMAN, Property Owner for property at 819 NW 33<sup>rd</sup> Street



June 21, 2016

Jared Voice  
Development Department  
City of Corvallis  
PO Box 1083  
Corvallis, OR 97330



LDO16-00003, 3255 NW FILLMORE AVENUE, CORVALLIS, OREGON

Please accept this written testimony in opposition to the application for the Minor Lot Development Option (LDO16-00003) at 3255 NW Fillmore Avenue, Corvallis, Oregon.

I own the property directly abutting this property to the North, at 813 NW 33<sup>rd</sup> Street, the property at 819 NW 33<sup>rd</sup> Street (my Mother's property) and I also own the property at 835 NW 33<sup>rd</sup> Street.

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There is no justification for the requested deviation from the underlying setbacks. The lot dimensions would easily allow the applicant to meet the standards. The garage could be placed 10 feet closer to the street and meet required driveway and front yard setbacks.

Although the applicant has proposed a fence (which currently exists), no windows, and landscaping (what kind of landscape could survive and be maintained in a five foot space on the North side of the property), there are no compensating benefits for the proposed reduction to the setback.

The applicant could meet the setbacks and still build a garage on the lot; there is adequate depth to do this. While the applicant states the 66% reduction to the rear yard setback allows for a more pleasing view from the street, this isn't necessary and is a subjective opinion that is not supported by the intent of the code. A pleasing view from the street could be achieved while also meeting the required setbacks.

This property has been a rental to 5 or 6 college students at one time for the last 10 years and has a history of complaints and violations to the Corvallis Police Department for such things as loud MIP parties, parking violations, drinking on the roof, and trash in the yard. The yard itself is mostly unmaintained and has on-going weed abatement issues. This often happens when the property owner is an absentee owner, which is the case here. The neighbors also believe that this re-build is also an attempt to "sneak" in another bedroom to this five bedroom house, while most of the homes in the neighborhood are two and

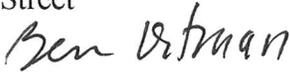
three bedroom. We would also like to ask the city to require a deed restriction to this property that the garage extension is not to be used for living quarters, such as an extra bedroom.

Our neighborhood has struggled to maintain a high level of integrity and value as the areas around the University grow in leaps and bounds to support the growing population of Oregon State University. We've watched as five properties in this neighborhood have been sold in the past several years, three have been converted into large (5 bedroom) homes for students.

In summary, there are no unique circumstances or undue burdens on the applicant that would require the applicant to request the variance. He can easily meet the standards of the rear and side yard setbacks with the lot dimensions and topography of the land; any new structures would meet all required standards of the R-5 zoning district, without the variance. The proposed compensating benefits do not adequately mitigate for the reduced setbacks.

Your serious consideration given to our comments in making your decision is appreciated. Please deny this application. We take the livability of our neighborhood serious.

**BEN ORTMAN**, Property Owner for property at 813 NW 33<sup>rd</sup> Street and 835 NW 33<sup>rd</sup> Street

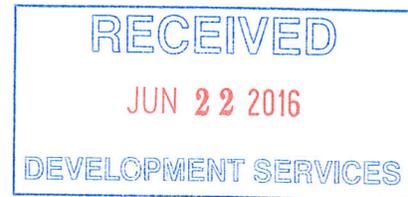


LIZ A ORTMAN, Property Owner for property at 819 NW 33<sup>rd</sup> Street



June 21, 2016

Yvonne and Eleazar Granados  
804 NW 33<sup>rd</sup> St.  
Corvallis, OR 97330



Jared Voice  
Development Department  
City of Corvallis  
PO Box 1083  
Corvallis, OR 97330

This letter is in regards to  
LDO16-00003  
3255 NW Fillmore Ave.  
Corvallis, Oregon

We oppose the application of this property for the Minor Lot Development Option. We own the house directly west and across the street from the above property. Our concerns regarding the application stem from the residential nature of our neighborhood. This neighborhood consists primarily of single family, resident owned homes. We welcome the occasional rental and well-behaved college residents especially when the homes are maintained.

We have lived at our residence for eight years, and the above property has been rented out to college students the entire time we have been here. It was a "party house " during the first years of our residency, and the property was not maintained. Two years ago, the house was renovated and resold, and the new batch of college students has been well behaved. However, the lawn care of the property has been neglected with weeds and tall grass being the norm. There are several college students living at this house, and none of them maintain the property. The landlord does not maintain the property.

We are concerned that if this application is approved, it will increase the number of residents of this rental and the house and yard will fall into greater disrepair. We would like the residents of our neighborhood to comply with the City's current rules and regulations. The City's current yard setback regulations ensure privacy and adequate drainage for our yards. We take our neighborhood livability seriously and know that the City does as well. Please deny this application.

Thank you,

A handwritten signature in black ink that reads "Yvonne and Eleazar Granados".

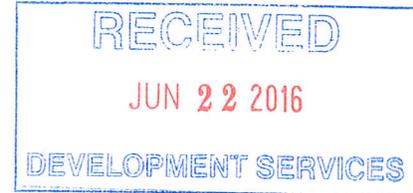
Yvonne and Eleazar Granados

A large, stylized handwritten signature in black ink, likely belonging to Jared Voice.

**Voice, Jared**

---

**From:** Dave Chiller <dave@commonpulse.org>  
**Sent:** Wednesday, June 22, 2016 4:03 PM  
**To:** Voice, Jared  
**Subject:** Case LDO16-00003



Mr. Voice,

I'm writing to comment on the LDO request at 3255 NW Fillmore.

I'm the owner of the property diagonally to the North-East: 816 NW 32nd.

I believe that the request to reduce 10 feet off the minimum setback for this 25ft wide structure is too much of an exemption to the code. The lot has the space to build the proposed structure to code specifications. Minimum setbacks protect the quality of our neighborhoods. Allowing exemptions of this size has the potential to negatively impact both value and livability.

Thank you for considering this request.

David Chiller  
826 NW 32nd  
541-757-3606

**Voice, Jared**

---

**From:** Deb Kadas <debkadas@gmail.com>  
**Sent:** Wednesday, June 22, 2016 4:20 PM  
**To:** Voice, Jared  
**Subject:** Comment Regarding Case: LDO16-00003



Dear Jared Voice,

I own two properties to the east of 3255 NW Fillmore. I am opposed to the current application for a minor LDO request, LDO16-00003, to reduce the minimum rear yard setback from 15 feet to 5 feet.

I am opposed for the following reasons:

1. Setback requirements exist for a reason. Setbacks contribute to neighbors' privacy and personal space, allow sunlight to shine on neighboring properties, add a noise buffer, provide access, and enhance green space.
2. The systematic ignoring of codes and rules has been like a cancer to Corvallis' older neighborhoods. Enforcement of setbacks (and other codes) help neighborhoods maintain their character and livability.
3. A variance isn't necessary to accomplish the applicant's goals. The lot is large enough to accommodate a garage addition that meets the setback code.
4. The currently existing legal and illegal garages have a very large massing that competes with the articulated facade of the smaller, original 1952 home. If rebuilt to code, I believe a legal garage addition that steps forward 10 feet would actually enhance the street view of the property.
5. This property has a long history of occupancy and development code violations. It is time to break this cycle.
6. Due to basement improvements, this once small, single-family home is now a rental with 5 bedrooms. Considering past history, it is not unreasonable to assume this garage space has the potential to be illegally converted into additional bedrooms, or other illegal living spaces.
7. Finally, the compensating benefit #2 of the 6-ft cedar fence on the east property line should not be considered. That fence does not belong to the applicant and they have no say as to whether it will remain or not. I built and paid for that fence entirely myself, and it belongs to my property.

Despite opposition, it is usually appreciated by neighbors when an absentee landlord makes improvements to a rental property. I hope the city denies this variance, and the applicant reapplies with a plan that meets all city development and UNO codes.

Thank you kindly for your consideration. If you have any questions, please feel free to contact me.

Sincerely,

Deb Kadas  
3105 NW Jackson Avenue  
541-754-6611