

File No. Z0357-06-V

Heard By:  Staff  Other  
 BA

Date Heard \_\_\_\_\_

Fee: ~~\_\_\_\_\_~~ \$250<sup>00</sup>

Hearing Date: 8/3/06

**CLACKAMAS COUNTY  
PLANNING DEPARTMENT**

9101 SE Sunnybrook Blvd.  
Clackamas, OR 97015  
(503) 353-4400

**APPEAL REQUEST**

FOR OFFICE USE ONLY

RECEIVED: 7-3-06  
INITIALS: lp

An appeal of a staff decision or any condition of approval causes the applicant to be reviewed "de novo" by the Hearings Officers. All criteria and standards relevant to the application will be reviewed. Conditions of approval may be modified or new conditions added.

Appellant's Name Ruth Toler Phone 503-659-0253

Appellant's Address 4021 SE Risley City Milwaukie, OR

Name of Original Application Variance File No. Z0357-06-V  
<sup>197267</sup>

Original Applicant's Request \_\_\_\_\_

For the following reasons: See Attachments (2)

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**TO BE COMPLETED BY CPO**

1. What was the date of the CPO meeting authorizing this appeal? \_\_\_\_\_

2. What kind of meeting was held?  
General \_\_\_\_\_ Board \_\_\_\_\_ Other \_\_\_\_\_

3. What was the count on this appeal?  
For \_\_\_\_\_ Against \_\_\_\_\_ Abstain \_\_\_\_\_

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The foregoing statements made are in all respects true and correct to the best of my knowledge and belief.

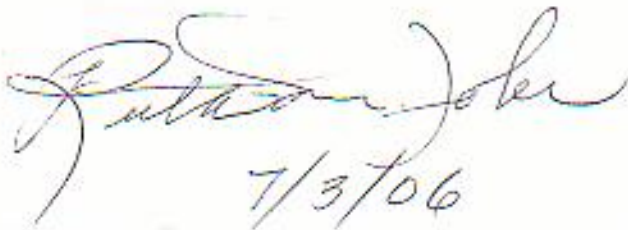
Dated this 3 day of July, 2006

Ruth Toler  
Appellant Signature

Attachment to Variance Appeal Request  
Property: 4021 SE Risley Ave., Milwaukie OR.97267

Reasons to reverse denial:

1. The Community Planning Organization (CPO) unanimously approved my variance proposal.
2. No neighbors objected to the proposal that was mailed by the Planning Department.
3. The property is slightly less (750 square feet) than the amount needed to partition without a variance.
4. 31% of lots in neighborhood fall below 10,000 square foot minimum requirements.
5. An 8,000 square foot lot is already allowed in an R-10 zone.
6. The property would likely be approved for a zone change which would cost more in fees and time.
7. One additional lot in the neighborhood will not create a traffic problem. There is access to Oatfield Rd. and McLoughlin Blvd. by both Risley Ave. and Hager Ln.
8. The intent is to build a home with handicap accessible features. These homes are sorely lacking in Clackamas County. Most new homes being built are multi level because of the scarcity and size of building lots.
9. My 41 years as a resident of this property should be considered.

  
7/3/06

Clackamas Planning Department  
9101 SE Sunnybrook Blvd.  
Clackamas, OR 97015

Addendum to: Variance Appeal Request  
Property: 40221 SE Risley Ave., Milwaukie, OR. 97267

Reasons for approving Variance:

A pre-application conference for the variance was held on 5/3/06 and it was recommended that I try for a variance first and if not successful than apply for a zone change. Because of the cost I opted to apply for the variance first.

I have been told that a zone change would likely be approved because of the close proximity of public transportation (within .2 miles of property) to my property. A neighbor within 400 feet of my property has received that zone change and has created a lot of less than 7000 square feet.

The property has always been represented in public records as .44 acres. It would not require a variance if the legal description which extends into the street was allowed. The variance application was denied by Gary Hewitt on June 21, 2006. He at first was confused by the size of the property. Only after a call to me did he understand the actual lot size.

He denied the variance in part because 51% of the lots in the R-10 zone do not fall below the minimum lot sizes. If this is a requirement for a variance why was this not discussed at the pre-application conference? My research shows that there are 31% of the homes in my neighborhood are less than 10,000 square feet. Many of the lots were created after I moved into the neighborhood.

I have lived in my home, which my late husband built, since August 1965. I went on title to the property April 24, 1967. I have been told that I missed being able to file for a measure 37 claim by about one month.

It is my intent to use the newly created lot to build a one level home that will have handicap accessible features. My health issues are making it more difficult to continue to climb stairs in my present home. I also have friends that are not able visit because of limited access. I would like to remain in the neighborhood.

Attached is a list of nine reasons for reversing this denial and approving the variance.

Thank you for consideration of this appeal.

Ruth M. Toler

7/3/06

1/2 LOTS  
DO CALL  
Below MIN.

The  
APPLICANT  
is located  
DIFFERENT  
COUNTY  
NUMBER  
EVEN  
PURSUE

where  
is shown  
ATTACHMENT.

NOTICE OF APPLICATION TO BE  
HEARD AT PUBLIC HEARING

TO: Oak Lodge CPO

DATE: July 11, 2006

FROM: Clackamas County Planning Division  
Sunnybrook Service Center  
9101 SE Sunnybrook Blvd.  
Clackamas OR 97015

HEARING DATE: August 3, 2006

TIME: This item will not begin before 11:00 AM. However, it may begin later depending on the length of preceding items.

FILE NUMBER & NAME: Z0357-06-V; Ruth Toler; Applicant & Appellant.

PROPOSAL: Appeal of a Planning Director's denial for a Variance from the required 10,000 square foot lot size in the R-10 zoning district, reducing to no more than 10% under 10,000 square feet because a majority of the lots in the area are believed to be under 10,000 square feet in size.

ZONING: R-10; Urban Low Density Residential

CONTACT PERSON: Gary Hewitt; 503-353-4519; email; garyh@co.clackamas.or.us

The Planning Division would like your comments on the attached application. The application is subject to County Zoning and Development Ordinance ZDO Sections 301, 1205. If you do not have a copy of the current ordinance, copies of specific sections are available at the Planning Division office. Please contact us if you need ordinance sections to review this application. Please indicate any information which would assist the county in acting on this application. Also, please identify the process of arriving at this recommendation such as a vote of the Executive Board or membership, and report numerically any vote taken. Comments received by **August 20, 2006** will be included with the Planning Division decision on this application. If more information is needed, please call the Planning Division. **PLEASE RETURN THIS FORM ONLY.**

Recommendation: \_\_\_\_\_  
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\_\_\_\_\_  
Signature

\_\_\_\_\_  
Position

Please return to address above.