

FINDINGS OF FACT and FINAL ORDER TYPE II ADJUSTMENT

DATE:	February 25, 2025
FILE NO.:	25-003 ADJ
TAX MAP AND LOT:	T2S R4E Section 23AB Tax Lot 5000
ADDRESS:	37350 Sockeye Street
APPLICATION:	Type II – Adjustment
APPLICABLE CRITERIA:	Section 17.66.40 Type II Adjustment criteria
PROJECT NAME:	Sockeye Rear Yard Setback Adjustment
OWNER/APPLICANT:	Patrick Fry
ZONING:	Single Family Residential (SFR)
STAFF CONTACT:	Patrick Depa, Senior Planner

PROPOSAL

The applicant is proposing to construct a 20-foot by 20-foot covered patio on an existing house located at 37350 Sockeye Street. The covered patio will be open on three sides of the structure. This request is for an adjustment to the rear yard setback to reduce the requirement from ten (10) feet to eight (8) feet. This adjustment amounts to a twenty (20) percent reduction in the setback, which meets the twenty (20) percent maximum allowed per Section 17.66.30 of the Development Code. This adjustment will allow the homeowner to proceed with construction of the proposed covered patio without having to make major revisions to the building's design.

The above-referenced proposal was reviewed as a Type II Adjustment. The applicant is asking for one (1) Type II Adjustment to the rear yard setback.

EXHIBITS

Applicant's Submission

- A. Land Use Application
- B. Survey
- C. Site Plan with Addition

Department/Agency Comments

- D. No comments were received

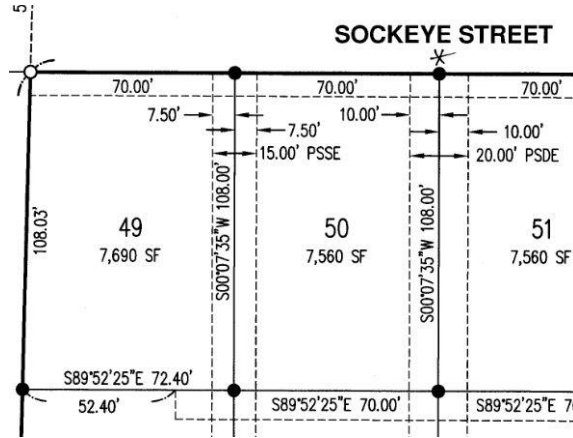
FINDINGS OF FACT

1. These findings are based on the applicant's submittal received on January 23, 2025.
2. On January 31, 2025, notification of the proposal was mailed to property owners within 300 feet of the subject property and an affidavit of mailing was completed. No comments were received.

Chapter 17.34 – Single Family Residential (SFR)

3. The subject property is zoned SFR, Single Family Residential.

4. Section 17.34.30 - Development Standards, contains setback requirements for the SFR zoning district, including a required minimum 10-foot front setback, 20-foot rear setback and a 7.5 foot side yard setback.
5. The property is located in recorded plat #4640 (Shaylee Meadows) which consists of a total of one hundred (100) lots. The subject property is identified as Lot 50.
6. Lot 50 has a ten (10) foot wide Public Storm Detention Easement (PSDE) along its east property line.



7. The proposed covered patio will follow along the east elevation of the house but is outside the ten (10) foot stormwater easement, thus meeting the required side yard setback.

Chapter 17.74 Accessory Development Additional Provisions and Procedures

8. Section 17.74.20 – Projecting Building Features.
 - A. Setback Projections. The following building features may project into a required yard setback by no more than the amount specified below:

Table 17.74.20: Projections into Setbacks for Building Features

Feature	Front Yard	Side Yard	Rear Yard
Architectural Appendages ¹	5 ft.	2½ ft.	5 ft.
Awnings	5 ft.	2½ ft.	5 ft.
Chimneys	5 ft.	2½ ft.	5 ft.
Decks (unroofed) - ground level 30 inches in height or less	5 ft.	2½ ft.	Footnote ²
Decks (unroofed) - ground level more than 30 inches in height or second story (building permit required)	5 ft.	2½ ft.	Footnote ³
Eaves	5 ft.	2½ ft.	5 ft.
Fire Escapes, Landings (unroofed) and Stairs	5 ft.	2½ ft.	5 ft.
Planters	5 ft.	2½ ft.	5 ft.
Porches (roofed)	5 ft.	2½ ft.	Footnote³
Windows (bow or bay)	5 ft.	2½ ft.	5 ft.

Footnotes:

³ Must maintain a minimum rear yard setback from rear property line of ten feet.

9. A patio is defined as a paved outdoor area adjoining a house. A porch is defined as a covered shelter projecting in front of the entrance to a building. A covered shelter projecting out from the entrance to a back door can also be referred to as a porch.
10. In the Sandy Municipal Code, a covered patio is referred to as a roofed porch (See Table 17.74.20: Projections into Setbacks for Building Features).
11. Per Section 17.74.20: Projections into Setbacks for Building Features, a roofed porch is allowed to project into the adjusted ten (10) foot rear yard setback by a maximum of twenty (20) percent.

Chapter 17.66 – Adjustments and Variances

12. The applicant is requesting an adjustment to the rear yard setback. The requested rear yard setback is eight (8) feet for the covered patio, which is a two (2) foot reduction or a twenty (20) percent reduction from the required 10-foot rear yard setback requirement; thus, the request can be processed as a Type II Adjustment.
13. The Type II Adjustment procedure allows the Director or his/her designee to grant or deny an adjustment request that involves only the expansion or reduction of a quantifiable provision of the Sandy Development Code by not more than 20 percent.
14. Adjustment Criteria A. Criterion A states: “The proposed development will not be contrary to the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City.” The reduction to the rear yard setback by twenty (20) percent will not be contrary to the purposes of the Sandy Development Code or the policies of the Comprehensive Plan. The proposed eight (8) foot rear yard setback for an open-air covered patio will not be out of scale with the residential setbacks of the neighborhood. ***Criteria A is met.***
15. Adjustment Criteria B. Criterion B states: “The proposed development will not substantially reduce the amount of privacy enjoyed by users of nearby structures when compared to the same development located as specified by this Code.” The rear yard setback reduction will not substantially affect privacy enjoyed by the residents of neighboring structures. No surrounding property owners will be any more encumbered by the structure being closer to the rear or side property lines than they are now. The City sent notice of this proposed adjustment to property owners within 300 feet of the subject property and no comments were received. ***Criteria B is met.***
16. Adjustment Criteria C. Criterion C states: “The proposed development will not adversely affect existing physical systems and natural systems, such as traffic, drainage, dramatic landforms, or parks.” The reduction to the rear yard setback for the covered patio will not adversely affect existing physical systems and natural systems such as traffic, drainage, dramatic landforms, or parks. Public and private utilities will not be negatively affected, and easements will not be infringed on by the adjustment. There are no retention trees, wetlands, or streams on the subject lot. ***Criteria C is met.***

17. Adjustment Criteria D. Criterion D states: “Architectural features of the proposed development will be compatible to the design character of existing structures on adjoining properties and on the proposed development site.” The reduction to the rear yard setback to accommodate the specific building plan of a 20 foot by 20-foot covered patio will not impact the subject structures ability to be compatible with structures on adjoining properties. A building permit will need to be submitted to construct the covered patio, which will need to be designed in accordance with the Sandy residential design standards. *Criteria D is met.*

DECISION

The applicant's request for a Type II Adjustment to the rear yard setback for a covered patio is **approved** with conditions in conformance with the criteria outlined in the Sandy Development Code, Section 17.66.40. The applicant is permitted to reduce the rear yard setback to eight (8) feet for a covered patio at 37350 Sockeye Street (Lot 50).

CONDITIONS OF APPROVAL

1. The applicant shall obtain the appropriate trade permits from the City of Sandy prior to construction of the covered patio.
2. All remaining requirements of Section 17.34 shall be met.
3. The City may revoke this Type II Adjustment if conditions of approval are not met. Approval does not grant authority for the unrestricted use of the structure or site.



Patrick Depa
Senior Planner

RIGHT OF APPEAL

A decision on a land use proposal or permit may be appealed to the Planning Commission by a party with appeal standings by filing an appeal with the Director within twelve (12) calendar days of notice of the decision. Any person interested in filing an appeal should contact the City to obtain the form, "Notice of Appeal", and Chapter 17.28 of the Sandy Development Code regulating appeals. All applications for an appeal shall indicate the nature of the interpretation that is being appealed and the matter at issue will be a determination of the appropriateness of the interpretation of the requirements of the Code.

An application for an appeal shall contain:

1. An identification of the decision sought to be reviewed, including the date of the decision;
2. A statement of the interest of the person seeking review and that he/she was a party to the initial proceedings;
3. The specific grounds relied upon for review;
4. If de novo review or review by additional testimony and other evidence is requested, a statement relating the request to the factors listed in Section 17.28.50;
5. Payment of required filing fees. Payment of required filing fees is jurisdictional and must accompany an appeal at the time it is filed;
6. The name and mailing address of the person or entity appealing the decision; and
7. List and two sets of mailing labels for property owners within 300 feet of the subject property (for appeal of a Type I decision) or 500 feet of the subject property for appeal of a Type II or Type III decision. The property owner list and labels shall be obtained from a Title Company no more than seven days prior to submitting the appeal. Note that a Type IV decision may be appealed to the Land Use Board of Appeals (LUBA) or to other tribunals in accordance with Oregon law.