



Alternative Setback for Additions Application

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division
P.O. Box 490
333 Broadalbin Street SW
Albany, OR 97321
Phone (541) 917-7550 Fax (541) 917-7598
www.cityofalbany.net

TO BE FILLED OUT BY STAFF

File No. _____

Date Application Received: _____

Received By: _____

ALTERNATIVE SETBACK EXPLANATION

This application applies only to proposed additions to existing homes that were built to a previous setback standard. The Director processes Alternative Setback applications without public review. Decisions are based on clear and objective standards and are typically issued within ten business days from the application date.

The Director will approve a setback application if the applicant demonstrates that the review criteria in Section 3.240 of the Albany Development Code are met. If the applicant submits insufficient or unclear information, the application will be denied or delayed.

ALTERNATIVE SETBACK APPLICATION

Note: Some properties may have covenants or restrictions, which are private contracts between neighboring landowners. These frequently relate to density, minimum setbacks, or size and heights of structures. While these covenants and restrictions do not constitute a criterion for a City land use decision, they may raise a significant issue with regard to the City's land use criteria. It is the responsibility of the applicant to investigate private covenants or restrictions.

BASIC INFORMATION ABOUT THE SITE AND PROPOSAL

Briefly describe the proposed project _____

Property address(es) _____

Assessor's Parcel Map No. _____ Tax Lot No. _____

Zoning designation _____

Current use of site _____

Is this structure in one of Albany's Historic Districts? Yes _____ No _____

Is the structure on the City's Historic Inventory? Yes _____ No _____

REVIEW CRITERIA

On a separate sheet of paper, prepare a detailed written response using factual statements (called findings of fact) to explain how the proposed addition complies with the following applicable review criteria (1, 2, and 3) from Development Code Section 3.240. Each applicable criterion must have at least one finding of fact and conclusion statement. See Attachment A for an example.

1. If the addition is to the front of a dwelling: The front yard setback of the dwelling does not exceed the average of the setbacks for the same uses on the abutting properties.

If the addition is a garage or carport: The front yard setback for a garage or carport shall meet the current front yard setback standard and the driveway to it shall be paved.

If the addition is to the side or rear of a dwelling: The existing structure does not encroach any farther into the setback.

2. No wall of one dwelling unit is closer than 10 feet from a window of another dwelling unit, including attached garages.
3. All other provisions of the Code must be met.

REQUIRED ATTACHMENTS

You must submit drawings to demonstrate that the review criteria are met. The drawings must be prepared to an identified scale (usually 1 inch = 20 feet). For a fee, the Information Technology GIS Services can provide you with a map that includes many of the needed items.

- A. Site Plan. Submit 1 copy of a map of the subject property with the following minimum information:
- North arrow.
 - Site address.
 - Scale of drawing.
 - Length of each property line.
 - Location and nature of all recorded easements on the property.
 - Name of each abutting street and alley, public or private.
 - Locations and dimensions of abutting sidewalks and planter strips in the public right-of-way.
 - Locations of all existing driveways, covered patios, decks, porches or other landings, and exterior fireplaces.
 - Locations of any existing wells, septic tanks and drain fields.
 - Locations of all existing buildings on the site. Include distance from the foundation to the property lines.
 - Outline the location of the proposed addition so that it is distinguishable from the existing dwelling.
 - Indicate the distance from the foundation of the proposed addition to the property lines.
 - Square footage of the property. Most zoning districts have lot coverage maximums.
- B. Area Map. If the application is to add to the front of a house, submit a map that demonstrates that the setback will not be more than the average of the setbacks for the same uses on abutting properties.
- C. Elevation. Submit a drawing of the next-door property wall that shows that Criterion 2 is met.

APPLICATION AUTHORIZING SIGNATURES

I hereby apply for an Alternative Setback as requested on this application and certify that the attachments are correct.

PROPERTY OWNER(S)

Name (print or type) _____

Current Mailing Address _____

Daytime Telephone No. _____ Fax No. _____

Email (optional) _____

Signature _____

Name (print or type) _____

Current Mailing Address _____

Daytime Telephone No. _____ Fax No. _____

Email (optional) _____

Signature _____

AUTHORIZED AGENT OR REPRESENTATIVE

Authorized agents must submit evidence of their authority to act on the property owner's behalf.

Name (print or type) _____

Current Mailing Address _____

Daytime Telephone No. _____ Fax No. _____

Email (optional) _____

Relationship to property owner(s) _____

Signature of Authorized Agent _____

ATTACHMENT A

EXAMPLE OF FINDINGS OF FACT

CRITERIA FOR FINDINGS OF FACT:

The Director will approve an Alternate Setback if he or she finds the application conforms with the criteria found in Section 3.240 of the Albany Development Code and with applicable development standards. Before the Director can approve an application, the applicant must submit information that adequately supports the application. If the applicant submits insufficient or unclear information, the application will be denied or delayed.

FORMAT FOR FINDINGS OF FACT:

Statements addressing individual criteria must be in a “finding of fact” format. A finding of fact consists of two parts:

1. Factual information such as the distance between buildings, the width and type of streets, the particular operating characteristics of a proposed use, etc. Facts should reference their source: on-site inspection, a plot plan, City plans, etc.
2. An explanation of how those facts result in a conclusion supporting the criterion.

EXAMPLE:

Criterion: All other provisions of the code must be met.

Fact: State fact(s) relating to the question – “As demonstrated by the enclosed fully dimensioned and labeled maps, this request meets all of the other development standards for the zoning district where this dwelling is located. All applicable building codes will also be met.”

Conclusion: State conclusion – “This request does not violate any other development standards of the zoning district.”