



## COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING 541-917-7553 | PLANNING 541-917-7550

# Staff Report

## Site Plan Review

SP-01-20

April 3, 2020

### Application Information

Proposal:	Site plan review for a 1,200-square-foot accessory structure. The structure is 30 foot by 40 foot with metal siding and roofing material. The structure is approximately 14 feet tall.
Review Body:	Staff (Type I-L review)
Applicant/Property Owner:	Heidi Nessen Haworth 3551 David Avenue NE Albany, OR 97322
Address/Location	3551 David Avenue NE
Map/Tax Lot:	Linn County Assessor's Map No. 10S-03W-33D; Tax Lot 400
Zoning:	Residential Single Family (RS-6.5)
Overlay Districts:	Airport Approach
Total Land Area:	.27 acres
Existing Land Use:	Single-family residence
Neighborhood:	East Albany
Surrounding Zoning	North: UGA-UGM-20 East: Residential Single Family (RS-6.5) District South: RS-6.5 West: RS-6.5
Surrounding Uses:	North: Vacant East: Single-family residence South: Single-family residence West: Single-family residence

### Summary

The application is for site plan review of a residential accessory structure on developed property addressed 3551 David Avenue NE. The structure is existing and was built without land use approval or building permits. The structure is 1,200 square feet (30 feet x 40 feet) with a wall height of 10 feet and an overall height of approximately 14 feet (Attachment B.1 & B.2). The structure utilizes white metal siding and blue metal roofing.

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The property is zoned Residential Single Family, RS-6.5. Accessory buildings in residential districts that are 750 square feet or larger or have walls taller than 11 feet are allowed outright in the RS-6.5 zone if they meet compatibility standards in Section 3.080(9) of the Albany Development Code (ADC). The application materials demonstrate that the proposed accessory structure satisfies applicable RS-6.5 district development standards, such as those relating to setbacks, lot coverage, and maximum building height. However, the proposed structure does not meet compatibility standard ADC 3.080(9)(3) regarding building material compatibility. More specifically, the proposed metal siding is not the same material as the vinyl siding used for the primary structure.

Because the proposal does not meet these compatibility standards, site plan review is required. Therefore, this report evaluates the proposal for conformance with the applicable Site Plan Review criteria in Section 2.450 of the ADC.

The analysis in this report finds that all applicable standards and criteria for a Site Plan Review are met.

## Notice Information

A Notice of Filing was mailed to property owners located within 100 feet of the subject property on February 4, 2020. At the time the comment period ended on February 18, 2020, the Albany Planning Division had received written comments from two members of the public. Their comments, along with staff response, are summarized below. The entirety of the written comments can be found in Attachment C of this report.

Comment #1: We believe the building is not within the allowable distance of our property line.

Staff Response: The applicant's site plan indicates the structure meets the required setback of five feet. As part of the building permit process, the City will confirm that the building meets the required setback. Condition of Approval #3 also requires that the applicant provide a survey that demonstrates the interior setback has been met.

Comment #2: The footing the building is on was built up and is now causing a drainage issue on our property.

Staff Response: Per AMC 18.30.160 "All building and structures shall have an approved roof drainage system including gutters and downspouts." Additionally, Per AMC 18.30.505 "Drainage of roofs and paved areas, yards and courts, and other open areas on the premises should not be discharged in a manner that creates a public nuisance." As part of the building permit process, the applicant will be required to demonstrate how the drainage for the site will not negatively impact adjoining properties, in addition to all roof/footing drains being discharged to an approved drainage system.

Comment #3: The property owner is operating a commercial business on the property and has graveled both properties (3551 & 3579 David Ave). The street is too narrow to accommodate the large dump trucks and trailers. It's starting to feel like an industrial zone.

Staff Response: Home businesses are allowed outright in the RS-6.5 in accordance with ADC 3.090 – 3.120 and with Conditional Use approval for businesses listed under ADC 3.125. If a member of the public feels a home business is not adhering to the home business standards outlined in the aforementioned development standards, they may request an investigation in accordance with ADC 3.140 – 3.150.

**Comments 4 – 6 concern issues that are not within the purview of the ADC and this site plan review application.**

- Comment #4: There is a motorhome parked on the property and people are/have been living in it. We have also observed someone living in a building that looks like a shop.
- Staff Response: The use of motor homes and recreational vehicles for sleeping or housekeeping purposes is prohibited in the City of Albany, except as specified in AMC 13.36.180. The use of a non-habitable structure as a dwelling is prohibited. For complaints or reporting of violations of the Albany Municipal Code, please contact the Albany Police Department.
- Comment #5: We did a complete survey to find our actual property lines so we can put up a fence in the appropriate location. All neighbors were on board except for the Haworth's due to some of their things on our property, which they are unwilling to remove. Our fence and survey markers were removed without our permission, and the "no trespassing" signs we put up to keep them off our property were taken down several times and damaged.
- Staff Response: Destruction of personal property and trespassing is illegal. Any member of the public who believes their personal property is being damaged or who believes people may be trespassing on their property is encouraged to contact the Albany Police Department.
- Comment #6: We have been concerned about toxic substances leaking or dumped on our property. We were questioned previously by the applicant's son "why do you even want that property after all the stuff we've dumped on it." We now have a larger concern on what might be draining down on our property due to the construction.
- Staff Response: Discharge of toxic substances is prohibited in the City. If a property owner believes a substance has been disposed of inappropriately, they are encouraged to contact the Albany Police Department, Albany Environmental Services, or the Oregon Department of Environmental Quality.

## Analysis of Development Code Criteria

Section 2.450 of the ADC includes the following review criteria that must be met for this application to be approved. Code criteria are written in **bold** followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

### Criterion 1

**Public utilities can accommodate the proposed development.**

#### Findings of Fact

##### *Sanitary Sewer*

- 1.1 City utility maps show an eight-inch public sanitary sewer main in David Avenue. The existing house on the site is currently connected to the public sewer system.

##### *Water*

- 1.2 City utility maps show no public water in David Avenue. The existing house on the site is currently served by a private well.

##### *Storm Drainage*

- 1.3 City utility maps show no public storm drainage facilities adjacent to the subject property.
- 1.4 Roof drainage must be accommodated according to the building code.

## Conclusions

- 1.1 Public sanitary sewer currently serves the existing dwelling on the site.
- 1.2 No public water or storm drainage facilities exist adjacent to the subject property.
- 1.3 The applicant must accommodate roof drainage from the proposed structure according to building code requirements.
- 1.4 No stormwater quality facilities will be required for this project.
- 1.5 This criterion is met with the following condition.

## Condition

- Condition 1 Before building permits will be issued the applicant must submit a drainage plan for the proposed development showing how roof drainage from the proposed structure will be accommodated in conformance with building codes and City standards.

## Criterion 2

**The proposed post-construction stormwater quality facilities (private and/or public) can accommodate the proposed development, consistent with Title 12 of the Albany Municipal Code (AMC).**

## Findings of Fact

- 2.1 Section 12.45.030 of the AMC states that a post-construction stormwater quality permit shall be obtained for all new development and/or redevelopment projects on a parcel(s) equal to or greater than one acre, including all phases of the development (Ordinance 5841). Linn County records indicate that the subject site is .27 acres. Therefore, the proposed development is exempt from the City's stormwater quality requirements.
- 2.2 Because the area of proposed impervious surfaces with this project will not exceed 8,100 square feet, no stormwater quality facilities will be required.

## Conclusions

- 2.1 No stormwater quality facilities are required for this project
- 2.2 This criterion is not applicable.

## Criterion 3

**The transportation system can safely and adequately accommodate the proposed development.**

## Findings of Fact

- 3.1 The proposed accessory building will be constructed on property that is located on the north side of David Avenue (Attachment A). Access to the accessory structure is via an existing driveway. No changes are proposed to the access.
- 3.2 David Avenue is classified as a local street and is not improved to City standards. The street is paved to a width of approximately 20 feet. There are no other improvements.
- 3.3 Trip generation for single-family residential development is based on the number of dwelling units. This accessory building will not increase the number of dwelling units located on the site.
- 3.4 Albany's Transportation System Plan (TSP) does not identify any level of service or safety problems along the frontage of the site.
- 3.5 The City does not require street improvements with the addition of an accessory structure.

## Conclusions

- 3.1 Because no additional dwelling units are proposed as part of this review, an increase in vehicle trip generation is not anticipated.
- 3.2 This review criterion is met without conditions.

## Criterion 4

**Parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and avoid congestion.**

### Findings of Fact

- 4.1 The subject property is accessed via an existing driveway from David Avenue. No changes are proposed to this access.
- 4.2 ADC 12.100(1) requires that approaches and driveways to City streets and alleys must comply with the City's Standard Construction Specifications, which require, in part, that driveways be paved at least 20 feet as measured from the right of way line (i.e. property line). The existing driveway is gravel. Therefore, this standard is not met.
- 4.3 The ADC does not specify a parking requirement for residential accessory structures except for accessory dwelling units.
- 4.4 ADC 3.250 states that "required parking spaces, driveways or travel aisles for residential development shall not be located in a required front or interior setback except that circular driveways providing drop-off service to the front door and driveways providing access to garages and carports or driveways that serve as required parking for any residential development may be used to fulfill the requirements." Based on the applicant's site plan and aerial photos, it appears the existing driveway encroaches into the five-foot interior setback along the west property line. Because the driveway provides access to a garage, the intrusion into the interior setback is permitted.
- 4.5 ADC 12.100(2) regards required driveway widths at the point of the public right of way. The existing driveway width could not be determined. Driveways for single-family dwellings must have a minimum width of 10 feet and a maximum width of 24 feet.
- 4.6 ADC 12.100(3) requires driveways to be located as far as practical from a street intersection and that in no instance shall the distance from the intersection of a local street be less than 10 feet. The existing driveway is located more than 700 feet from the nearest intersection at David Avenue and Century Drive. This standard is met.
- 4.7 ADC 12.100(4) – (11) regards standards that are not applicable to this application, such as access to an arterial street, commercial developments, and shared access points.

## Conclusions

- 4.1 Access to the site is via an existing, unpaved driveway with an unknown width.
- 4.2 Because the driveway provides access to a garage, it may encroach into the interior setback.
- 4.3 This review criterion is met with the following condition.

## Condition

Condition 2 Prior to final building inspection, the driveway must be paved at least 20 feet back from the existing edge of pavement along the north side of David Avenue. The width of the driveway must be between 10 feet and 24 feet at the point of the public right-of-way.

## Criterion 5

**The design and operating characteristics of the proposed development are reasonably compatible with surrounding development and land uses, and any negative impacts have been sufficiently minimized.**

## Findings of Fact

- 5.1 Residential accessory structures not meeting compatibility standards require Site Plan Review. The proposed structure does not meet compatibility standard ADC 3.080(9)(e) regarding building material compatibility. More specifically, the proposed metal siding is not the same material as the primary structure's vinyl siding. Therefore, site plan approval is required.
- 5.2 Properties adjoining David Avenue at this location are almost entirely residential and mostly consist of single-story houses that are a mix of manufactured and stick built. A few of the properties along the south side of David Avenue are undeveloped. The property at the northeast corner of David Avenue and Century Drive contains two commercial developments, both take access from Century Drive. The property to the north is not within City limits and is vacant land, likely used for agricultural purposes. About half of the developed residential properties have detached accessory structures of varying sizes, include the abutting property to the west and the east, the latter of which is also owned by the applicant.
- 5.3 The primary structure has white vinyl siding and a blue metal roof. The applicant's Residential Accessory Structure Compatibility Worksheet (Attachment B.3) indicates that the proposed accessory structure will have white metal siding and a blue metal roof. Based on views from the public right of way, other accessory structures on David Avenue utilize a variety of siding and roofing materials.
- 5.4 The proposed accessory structure will be 10 feet tall at the wall eave with an overall height of approximately 14 feet at the peak of the roof. The applicant's Residential Accessory Compatibility Worksheet indicates that the tallest building on adjacent property is 16 feet. That building is located at 3539 David Avenue, immediately west of the subject property. A building permit was issued for the accessory structure in 2017, file B-1184-17. The application materials indicate the structure is 14 feet tall at the peak of the roof. Thus, the height of the proposed accessory structure is reasonably compatible and similar to the height of the accessory structure on the abutting parcel.
- 5.5 The proposed accessory structure is 1,200 square feet (30 feet x 40 feet) with a wall height of 10 feet and an overall height of approximately 14 feet (Attachment B.1 & B.2). According to the applicant's Residential Accessory Structure Compatibility Worksheet, the foundation size of the largest building on adjacent property is 1,996 square feet and is located at 3548 David Avenue. However, Linn County Assessor records indicate the foundation size is 1,359 square feet. Regardless, the foundation size of the proposed structure is less than the foundation size of the largest building on the adjacent property.
- 5.6 Maximum lot coverage for parcels zoned RS-6.5 is 60 percent. Lot coverage for single-family, detached development shall only include the area of the lot covered by buildings and structures. According to the applicant's Residential Compatibility Worksheet, the foundation area of the primary structure is 1,680 square feet. When combined with the proposed 1,200 accessory structure, the two structures will cover an area of 2,880 square feet. The lot is 11,761 square feet. This equates to a lot coverage of approximately 24 percent, well below the 60 percent threshold.

- 5.7 The RS-6.5 zone has a minimum front setback of 15 feet and garages must be setback at least 20 feet from the front property line. The applicant's site plan (Attachment B.1) indicates that the accessory structure is at least 20 feet from the front lot line. Aerial data confirms the front setback standard is met.
- 5.8 Per ADC 3.230, Table 2, detached accessory structures with walls greater than eight feet require an interior setback of five feet. The applicant's site plan indicates the accessory structure is at least six feet from the interior lot line (Attachment B.1). However, given the margin of error, staff are unable to utilize aerial images to confirm whether the structure meets the interior setback.
- 5.9 The owners of the abutting property to the north provided written comments (Attachment C). The property owners stated that they believe the survey markers have been moved and questioned whether the structure meets the required interior setback. Building setbacks are typically assessed at time of the foundation inspection. This ensures the building is not constructed within a required setback before it is fully constructed. However, the applicant constructed the structure without land use review or building permits, negating the opportunity for City officials to confirm the setback prior to construction. A condition of approval will require the applicant to submit a survey that demonstrates the structure meets the required setbacks. The survey shall bear the insignia of a professional land surveyor licensed in the State of Oregon.

## Conclusions

- 5.1 Residential accessory structures not meeting compatibility standards require Site Plan Review.
- 5.2 The proposal meets the development standards for the RS-6.5 zone regarding maximum height, lot coverage, and front setback.
- 5.3 The structure was constructed without land use review approval or building permits. Staff were unable to confirm whether the structure meets the required interior setback.
- 5.4 The design and operating characteristics of the proposed development are reasonably compatible with surrounding development and land uses.
- 5.5 The proposed structure is of a similar height as the tallest building on an adjacent property.
- 5.6 The proposed accessory structure has a foundation area that is less than the foundation area of the largest adjacent building.
- 5.7 The City received two written comments from members of the public as described and addressed in the "Public Notice" section of this report.
- 5.8 This criterion is met with the following conditions.

## Conditions

- Condition 3 Prior to issuance of a building permit, the applicant shall provide a survey that demonstrates the structure meets the required interior setback. The survey shall bear the insignia of a professional land surveyor licensed in the State of Oregon.
- Condition 4 Development shall occur consistent with the plans and narrative submitted by the applicant, or as modified by conditions of approval and shall comply with all applicable state, federal, and local laws.

## Criterion 6

**Activities and developments within special purpose districts must comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable.**

## Findings of Fact and Conclusions

- 6.1 *Article 4 Airport Approach district:* According to Figure 4-1 of the ADC, the subject property is located within the Airport Approach District. The subject property is located at an elevation of 210 feet and the proposed building is approximately 14 feet tall, for a total elevation of 224 feet. The Airport Approach District restricts the combined height of the existing ground level elevation and building to no more than 372 feet. Therefore, the combined elevation of 224 feet is well below the height restriction imposed by the Airport Approach District. This standard is met.
- 6.2 *Article 6 Steep Slopes, Comprehensive Plan Plate 7:* According to Plate 7 of the Comprehensive Plan, the subject property is not located in the Hillside Development district.
- 6.3 *Article 6 Floodplains, Comprehensive Plan Plate 5:* Article 6 Floodplains, Comprehensive Plan Plate 5, does not show a 100-year floodplain on this property. FEMA/FIRM Community Panel No. 41043C0218G, dated September 29, 2010, and No. 41043C0216G shows that this property is in Zone X, an area determined to be outside the 100-year floodplain.
- 6.4 *Article 6 Wetlands, Comprehensive Plan Plate 6:* does not show any wetlands on the subject site. The National Wetland Inventory Map does not show wetlands on the property.
- 6.5 *Article 7 Historic Districts, Comprehensive Plan Plate 9:* shows the subject property is not located in a historic district. There are no known archaeological sites on the property.

## Conclusions

- 6.1 The subject property is located in the Airport Approach District. The height of the proposed structure is well below the height restriction imposed by the Airport Approach District
- 6.2 Aside from the Airport Approach District, the subject property is not located in a Special Purpose District.
- 6.3 This criterion is met.

## Criterion 7

**The site is in compliance with prior land use approvals.**

## Findings of Fact and Conclusions

- 7.1 The subject property is not subject to a prior land use approval.
- 7.2 This criterion is not applicable.

## Criterion 8

**Sites that have lost their nonconforming status must be brought into compliance and may be brought into compliance incrementally in accordance with Section 2.370.**

## Findings of Fact and Conclusions

- 8.1 Single-family residential use and accessory buildings are permitted uses in the RS-6.5 zone. The site and proposed use are not considered nonconforming.
- 8.2 This criterion is not applicable.

## Overall Conclusion

As proposed and conditioned, the application for Site Plan Review to construct a 1,400-square-foot accessory structure with an overall height of 14 feet, satisfies all applicable review criteria as outlined in this report once all conditions of approval are met.

## Overall Conditions

- Condition 1 Before building permits will be issued the applicant must submit a drainage plan for the proposed development showing how roof drainage from the proposed structure will be accommodated in conformance with building codes and City standards.
- Condition 2 Prior to final building inspection, the driveway must be paved at least 20 feet back from the existing edge of pavement along the north side of David Avenue. The width of the driveway must be between 10 feet and 24 feet at the point of the public right-of-way.
- Condition 3 Prior to issuance of a building permit, the applicant shall provide a survey that demonstrates the structure meets the required interior setback. The survey shall bear the insignia of a professional land surveyor licensed in the State of Oregon.
- Condition 4 Development shall occur consistent with the plans and narrative submitted by the applicant, or as modified by conditions of approval and shall comply with all applicable state, federal, and local laws.

## Attachments

- A Location Map
- B Applicant's Submittals
  - 1. Site Plan
  - 2. Elevation Drawings
  - 3. Accessory Structure Compatibility Worksheet
  - 4. Written Findings
- C Public Testimony/Written Comments

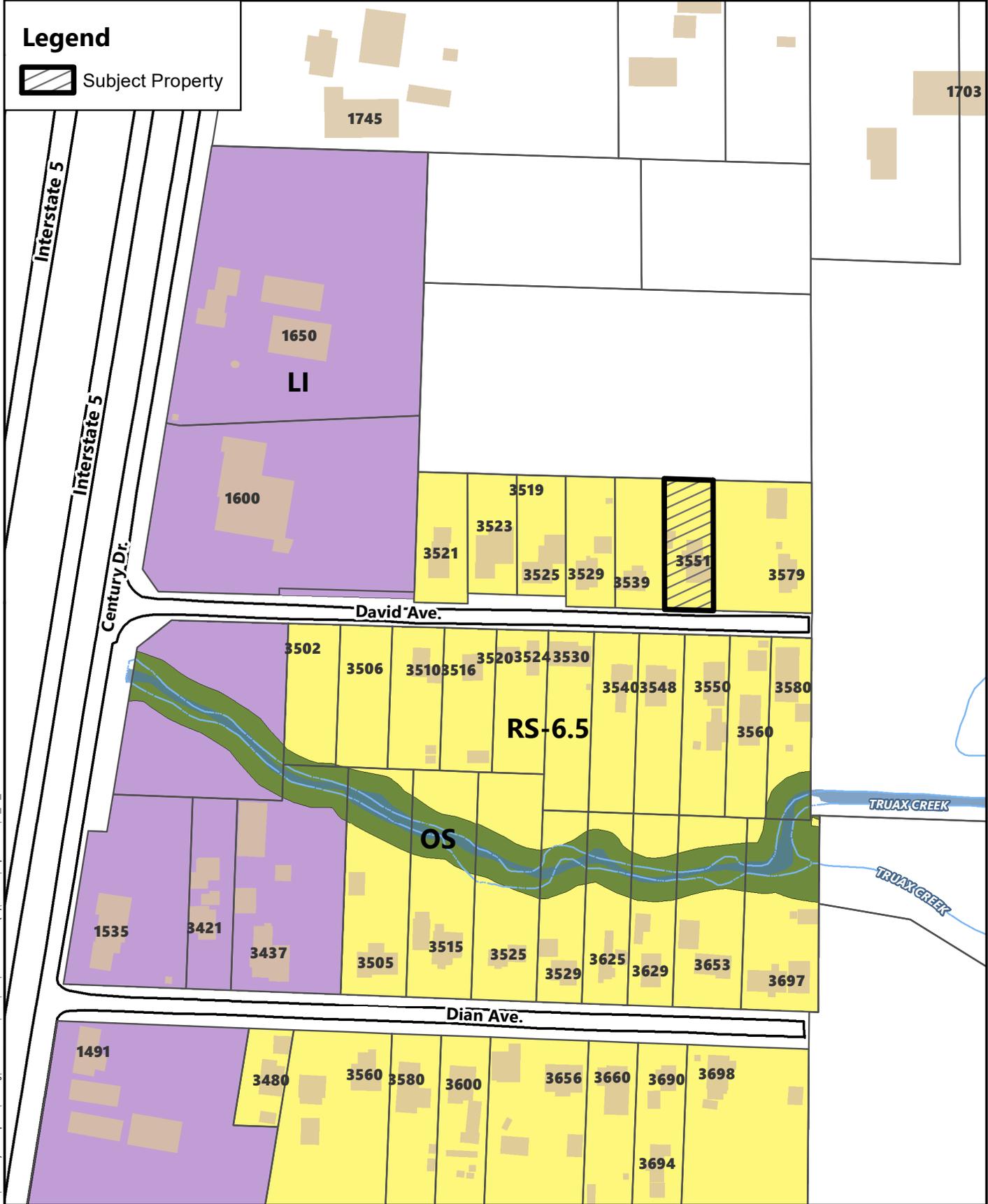
## Acronyms

ADC	Albany Development Code
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
RS-6.5	Residential Single-Family Zoning District
SP	Site Plan Review (File Designation)
TSP	Albany's Transportation System Plan
UGA-UGM-20	Urban Growth Area – Urban Growth Management Zoning District

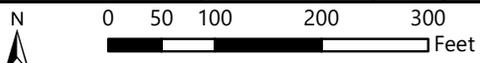
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### Legend

 Subject Property



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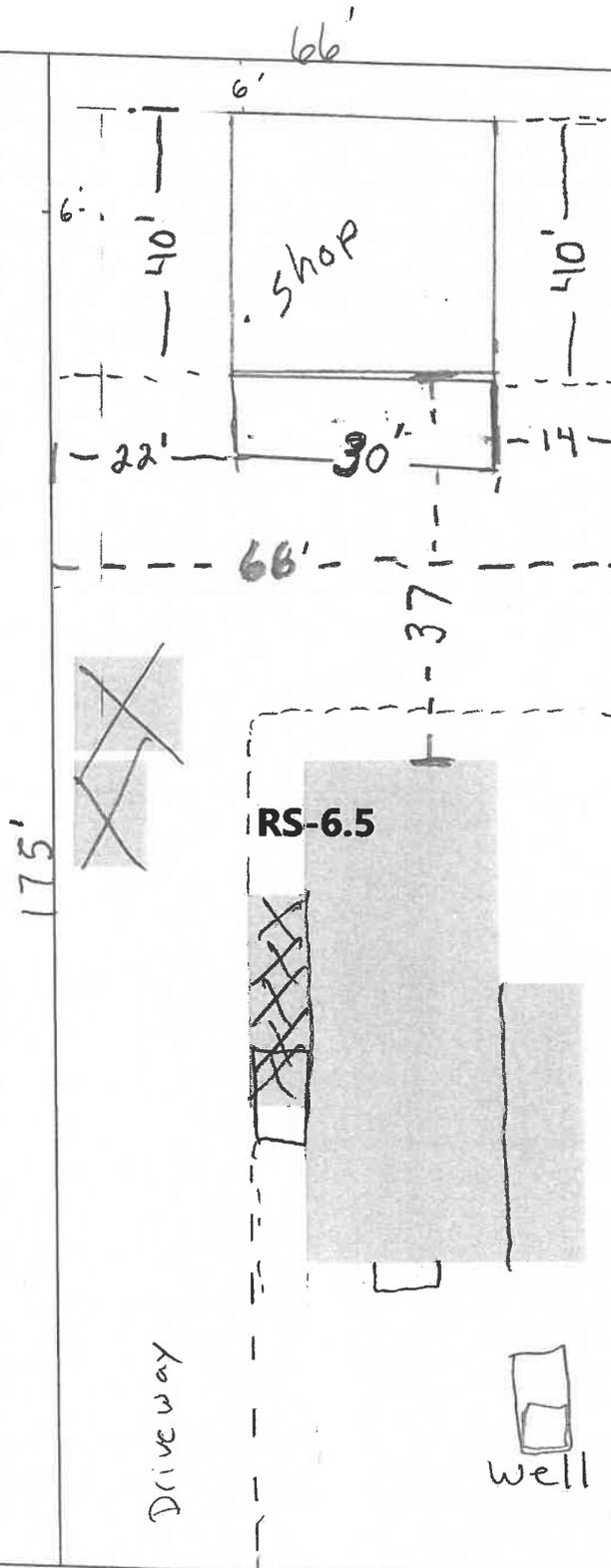
## 3551 David Avenue NE

Date: 1/16/2020 Map Source: City of Albany

### Location / Zoning Map

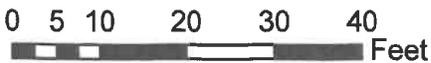
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are correct



Haworth

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2 inch

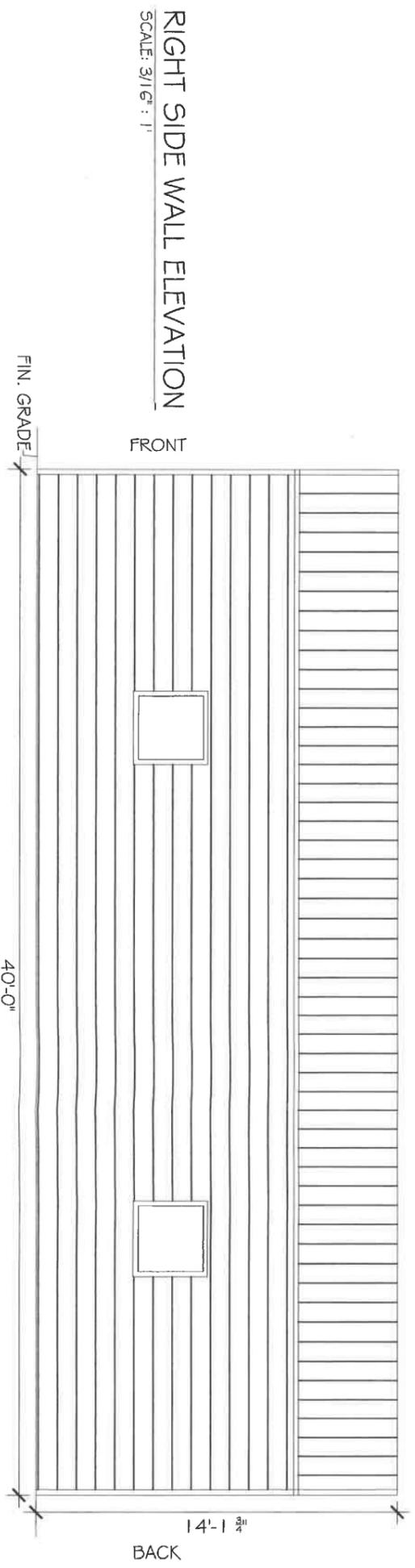
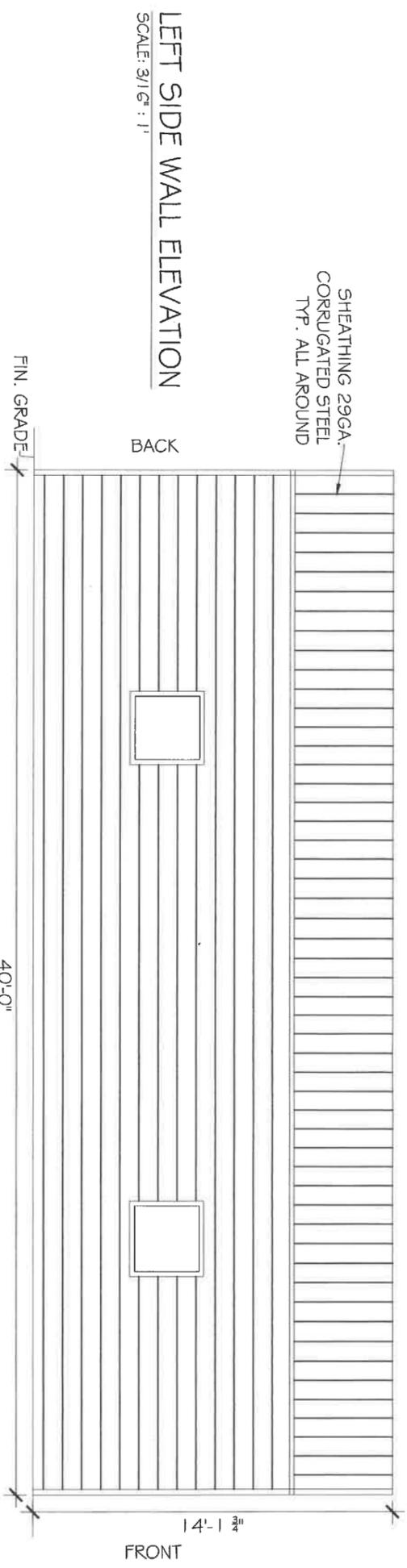
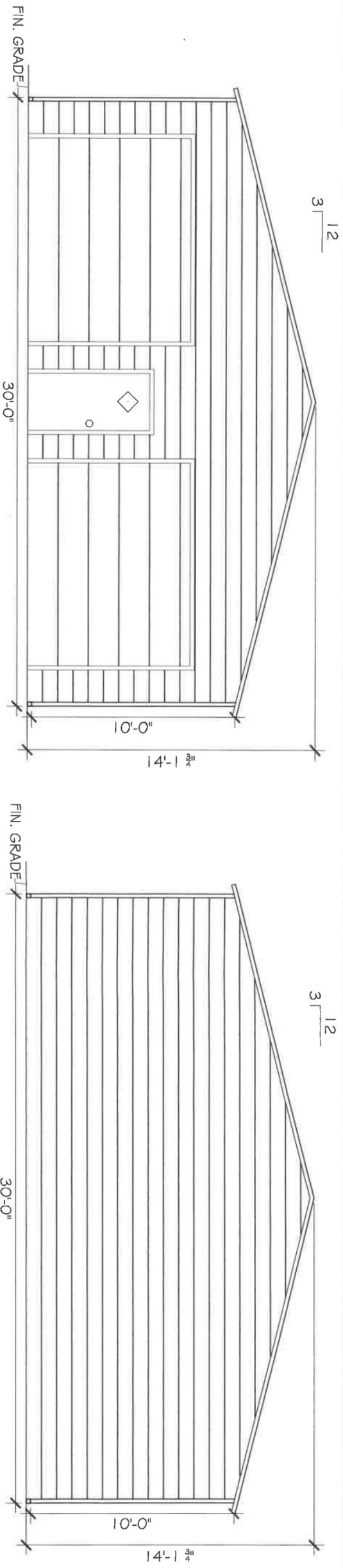


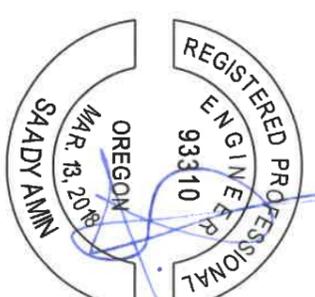
3551  
David Ave.

6/6/19 n↑

John Haworth

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SEAL: 	PREPARED FOR:  5232 Salem Dallas Hwy NW Salem, OR. 97304	OWNER: HEIDI AND JOHN HAWORTH	LOCATION: 355 I DAVID AVENUE NE ALBANY, OR 97322
	SHEET TITLE: <h2 style="text-align: center;">ELEVATIONS</h2>		PROJECT NO.: 037-19-2720
DATE SIGNED: JAN 06 2020	DRAWING NO.: MBD30AA5B56	DRAWN BY: AW	CHECKED BY:

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## COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING 541-917-7553 | PLANNING 541-917-7550

# Residential Accessory Structure Compatibility Worksheet

For proposed detached structures 750 sq. ft. or larger and/or with walls taller than 11 feet.

**This handout addresses land use planning issues. Building Permits are required for any residential accessory structure larger than 200 square feet.**

Property Owner (print): Heidi Hawthorn + John Hawthorn  
 Property Address: 3551 David Ave N.E.  
 Assessor's Parcel Map No: 10S03W33D Tax Lot(s): 400  
 Zoning District: RS-6.5  
 Intended Use of the Structure: Vehicles Garage

The Albany Development Code allows **attached** additions to a residence without limiting size or wall height outright; subject to meeting the applicable development standards (see Table 1).

A **detached** accessory structure also is allowed outright if it can meet the applicable development standards (see Table 2) and the total square footage of the proposed structure is **less than** 750 square feet and the wall height does not exceed 11 feet. If the size would be larger or the walls taller, the structure may be allowed without a land use review, if it meets all of the established compatibility thresholds listed below. [Albany Development Code 3.080(9)]

**Other considerations related to an accessory structure include** the location of existing easements, septic tanks, drain fields, wells; access (existing and proposed); and whether trees would be removed (number and diameter of the trunks). You must include information about these items on a site plan drawing submitted with this worksheet.

**Don't Forget!** To support the information below, attach a scale drawing of your property showing and labeling the location of all existing and proposed buildings and a scale drawing of each elevation of the proposed building. Include distances (in feet) between all structures and between all structures and property lines.

**Fill in the explanation area after each question below.** If you answer "no" to Questions 1, 2, or 3, or "yes" to Questions 4 or 5, the structure will not be considered compatible. Question 6 calls your attention to special construction standards that will apply in all cases if the property is located in a Special Purpose District, such as the 100-year floodplain. In addition to answering the questions, you must attach a site plan of the property and elevation drawings of the proposed building to the worksheet.

**If the structure cannot meet all of the compatibility standards,** you may either alter the building to meet them or submit a Site Plan Review Accessory Building application to the Planning Division. This plan review typically takes 6 to 8 weeks to process, and requires additional paperwork and a non-refundable review fee. A Notice of Filing will be sent to property owners within 100 feet of your property giving them an opportunity to comment on the project. Filing an application does not guarantee approval.

**Question #1:** Will the roof and siding materials and colors on the proposed building be similar to those on the primary residential structure on the site? Yes  No

- Fill out (a) and (b) to demonstrate this standard would be met:

a) The building materials and colors of the proposed accessory building will be:

Materials: Siding: Metal Roof: metal  
Colors: Siding: white Roof: blue

b) The building materials and colors of the primary residential structure on the property are (or will be as part of this project):

Materials: Siding: vinyl Roof: metal  
Colors: Siding: white Roof: Blue

**Question #2:** If the proposed accessory building were built, would the percentage of lot coverage be similar to or less than the percentage allowed in the applicable zoning district? (See Table 1) Yes  No  (you may not exceed the lot coverage threshold by site plan review.)

- Fill out a) through d) to demonstrate this standard would be met:

a) The maximum lot coverage allowed in the RS-65 zoning district is 60 percent.

b) Total land area of the property is 11,500 sq. ft.

c) The foundation (footprint) size of each building on the property is:

Primary residence: 1,680 sq. ft.  
 Proposed building: 1,200 sq. ft.  
 Other structures: \_\_\_\_\_ sq. ft., \_\_\_\_\_ sq. ft., \_\_\_\_\_ sq. ft.  
 Total foundation area of all structures on the property: 2,880 sq. ft.

d) Percentage of building coverage on this lot after construction of the proposed accessory building would be 25 percent. (To calculate this percentage, divide the total foundation area of all structures (c) by the total land area of the property (b). This number cannot be larger than (a).)

**Question #3:** Will the proposed accessory building meet the minimum setback requirements for the primary residential structure? (see Table 1) Yes  No

- Fill out a) and b) to demonstrate this standard would be met:

a) The minimum setbacks from property lines for the primary structure in this zone are:

Front: 15 ft. Sides and rear, single-story: 5 ft., or two-story: 8 ft.

b) The setbacks from the property lines for the proposed accessory building are:

Front: > 15 ft. Sides and rear, single-story: 6 ft., or two-story: N/A ft.

**Question #4:** Will the proposed building be taller than the tallest building on adjacent property?

Yes \_\_\_\_\_ No  (Height in this case is measured to the highest point on the structure. "Adjacent" means any property bordering the property on which the accessory structure would be built or across an adjacent street.)

- Fill out a) through c) and attach a drawing showing the location of the tallest building on adjacent property in relation to your property.

a) The total height of the proposed accessory building is 15 1/2 feet.

b) The wall height of the proposed accessory building is 10 feet.

- c) The height of the tallest building on adjacent property is 16' feet, and it is located at (address) West of US.

**Question #5:** Will the area of the proposed building's foundation be larger than the area of the foundation of the largest building on adjacent property? Yes      No     

- Fill out (a) and (b) to demonstrate this standard would be met:

- a) The area of the proposed accessory building's foundation is 1,200 sq. ft.
- b) The area of the foundation of the largest building on adjacent property is 1,996 sq. ft. (include attached garages). The address of this building is 3548 David Ave; currently occupied by Mr./Ms. Karen + Brian Drew, phone

**Question #6:** Is this property located in any of the following Special Purpose Districts listed in Articles 6 and 7 of the Development Code? Yes X No      (The text of the Albany Development Code is on the City's website: [www.cityofalbany.net](http://www.cityofalbany.net))

Check the district(s) that apply to this property.

- Airport Approach District (Near the Albany Municipal Airport located east of the I-5 freeway)
- Floodplain District (Property is located within a 100-year floodplain)
- Hillside Development District (Property has slopes greater than 12%)
- Historic District (Monteith, Hackleman, or Downtown districts)
- Willamette Greenway (Property is located near the Willamette River)

If the property is in one of the special districts, have you researched the construction regulations of the special district and determined that the proposed building can meet the standards of the district(s)? Yes      No       
(Regardless of approval to allow an oversized accessory structure, you must be able to construct the proposed building in accordance with the regulations of the applicable special district.)

Heidi Haworth 5-30-19  
Property Owner's Signature Date 541-223-8924

Heidi Haworth John Haworth 541-979-1916  
Print Property Owner's Name Daytime Phone

      
Fax No. or e-mail address

TABLE 1 [ADC ARTICLE 3]

RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS							
STANDARD	RR	RS-10	RS-6.5	HM	RS-5	RM	RMA
<b>Minimum Property Size or Land Requirements by Unit Type(1)</b>							
Single-family detached, (1)	5 acres (16)	10,000 sf	6,500 sf	5,000 sf	5,000 sf	3,500 sf	N/A
Single-family, attached (14)(1)	N/A	N/A	N/A	N/A	2,800 sf	2,400 sf	1,800 sf
Duplex (1)	N/A	14,000 sf Corner lot	8,000 sf Corner lot	N/A	7,000 sf Corner lot	4,800 sf	3,600 sf
Multi-family, Studio and 1-bedroom units	N/A	N/A	N/A	N/A	N/A	2,000 sf/ unit	1,500 sf/ unit
2-and 3 bedroom units	N/A	N/A	N/A	N/A	N/A	2,400 sf/ unit	1,800 sf/ unit
4+ bedroom units	N/A	N/A	N/A	N/A	N/A	3,000 sf/ unit	2,200 sf/ unit
Minimum Lot Widths: Detached S-F Attached Units	N/A N/A	65 ft N/A	50 ft N/A	35 ft N/A	40 ft 20 ft	30ft 20 ft	None None
Minimum Lot Depth	N/A	100 ft	80 ft	65 ft	70 ft	60 ft	None
<b>Setbacks (4):</b>							
Minimum Front (4)	20 ft	20 ft	15 ft	15 ft	15 ft	15 ft	12 ft
Maximum Front Setback	None	None	None	None	None	(14)	(14)
Minimum Interior: single-story (4)	5 ft	5 ft	5 ft	5 ft	5 ft	10 ft (5)	10 ft (5)
Minimum Interior: two or more stories (4)	8 ft	8 ft	8 ft	6 ft	6 ft	10 ft (5)(6)	10 ft (5)(6)
Minimum Building Separation	N/A	N/A	N/A	N/A	(12)	(12)	(12)
Min. Garage or carport vehicle entrance (10)	20 ft	20 ft	20 ft (7)	20 ft (7)	20 ft (7)	20 ft (7)	20 ft (7)
Maximum Height (8)	30 ft	30 ft	30 ft	30 ft	30 ft	45 ft	60 ft (15)
Maximum Lot Coverage (9)	20%(11)	50%	60%	60%	60%	70%	70%
Minimum Open Space	N/A	N/A	N/A	N/A	N/A	(13)	(13)
Min. Landscaped Area	None	(2)	(2)	(2)	(2)	(3)	(3)

N/A means not applicable.

- (1) Section 3.220 bonus provisions may reduce minimum lot size and area, such as alley access.
- (2) All yards adjacent to streets.
- (3) All yards adjacent to streets plus required open space.
- (4) Additional setbacks may be required, see Sections 3.230-3.330 and the buffer matrix at 9.210; exceptions to Setbacks for Accessibility Retrofits are in Section 3.263; Zero-Lot Line standards are in Sections 2.365 and 2.370.
- (5) Except for single-family homes (attached and detached) or duplexes, which must have a minimum setback of 3 feet for one-story dwellings and 5 feet for two-story dwellings.
- (6) More than 3 stories = 10 feet plus 3 feet for each story over 3 per unit requirements. Multiple-family

- developments must also meet the setbacks in Section 8.270(1).
- (7) Garage front setback for non-vehicle-entrance = 15 feet, except in RR and RS-10 zoning districts where the setback shall be 20 feet.
  - (8) See exceptions to height restrictions, Section 3.340.
  - (9) Lot coverage for single-family detached development shall only include the area of the lot covered by buildings or structures.
  - (10) See Table 2 for garages with alley access.
  - (11) Maximum lot coverage for parcels 20,000 square feet or less is 50%. The configuration of any development on a lot 20,000 square feet in size, or less, in an RR zoning district that covers more than 20 percent of the parcel on which it is proposed, should be located such that it does not preclude a later division of the parcel.
  - (12) The minimum separation between multi-family buildings on a single parcel shall be 10 feet for single-story buildings and 20 feet for two-story or taller buildings.
  - (13) Ten or more units require open space. See Section 8.220.
  - (14) See Section 8.240 for standards.
  - (15) When multiple-family developments abut a single-family use or zone, the setback shall be one foot for each foot of building height. See Section 8.270(1).
  - (16) A property line adjustment between two existing RR properties may be allowed as long as no new lots are created and the resulting properties are at least 20,000 square feet and approval of a septic system has been obtained by Benton County.

[Table and footnotes amended by Ord. 5281, 3/26/97; Ord. 5338, 1/28/98; Ord. 5445, 4/12/00; Ord. 5555, 2/7/03; Ord. 5673, 6/27/07, Ord. 5768, 12/7/11; Ord. 5832, 4/9/14]

TABLE 2 [ADC ARTICLE 3]

<b>ACCESSORY STRUCTURE STANDARDS</b>	
<b>STRUCTURE</b>	<b>STANDARD</b>
All Accessory Structures	Front setback, see Table 1, by zone if not noted below
Detached Structure walls less than or equal to 8 feet tall (2)	Interior setback = 3 feet (1)
Attached Structure	Interior setback = 5 feet (1)
Detached Structure walls greater than 8 feet tall (2)	Interior setback = 5 feet
Accessory Apartment Building	Front setback is equal or greater than primary residence Interior setback, one-story = 5 feet (1) Interior setback, two-story = 8 feet (1)
Garage or carport with access to an alley	Alley setback = 20 feet, less the width of the alley right-of-way, but at least 3 feet. Other interior setbacks=see Table 1
Structures, including fences, intended for housing animals	Interior setback = 10 feet
Fences greater than 6 feet tall	See Table 1, by zone; building permit required.
Outdoor swimming pools with depths greater than or equal to 24 inches	Interior setback = 10 feet
Decks less than or equal to 30 inches from grade, with no rails or covers	No setback from property lines

ACCESSORY STRUCTURE STANDARDS	
Decks greater than 30 inches from grade	Interior setback = 5 feet

- (1) Zero-lot line provisions are in Sections 3.265 and 3.270.
- (2) The slab or foundation of accessory structures is not included in the wall height unless it is greater than 24 inches from the ground.

[Table and footnotes modified by Ord. 5673, 6/27/2007 and Ord. 5832, 4/9/14]

12 gauge  
 10 ft. eves  
 2 1/4" Framing  
 #20 SNOW  
 80<sup>miles</sup> winds

Back 6 ft  
 East 14 ft  
 west 22 ft  
 Back  
 37 ft  
 30 Garage

Neighbor stop 11 eves

(1) Public utilities can accommodate the proposed development.

There will not be Plumbing or Power to the Garage

(2) The proposed post-construction stormwater quality facilities (private and/or public) can accommodate the proposed development, consistent with Title 12 of the Albany Municipal Code. [Ord. 5842, 1/01/15]

1-2 ft Drain rock around building

(3) The transportation system can safely and adequately accommodate the proposed development.

will not impact transportation system, will not be used for dwelling.

(4) Parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and avoid congestion.

existing entrance and exit points will be used. no additional parking areas

(5) The design and operating characteristics of the proposed development are reasonably compatible Albany Development Code, Article 22 - 14 October 12, 2017 with surrounding development and land uses, and any negative impacts have been sufficiently minimized.

see residential comparable work sheet

(6) Activities and developments within special purpose districts must comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable.

Airport - Building height does not exceed

(7) The site is in compliance with prior land use approvals. [Ord. 5832, 4/9/14] (8) Sites that have lost their nonconforming status must be brought into compliance, and may be brought into compliance incrementally in accordance with Section 2.370.

NA

February 17, 2020

Travis North  
Planning Division  
333 Broadalbin Street SW  
PO Box 490  
Albany, OR 97321-0144

RE: Notice of Filing / John & Heidi Nessen Haworth, 3551 David Ave NE, Albany, OR 97322 /  
Map No. 10S-03W-33D: Tax Lot 400

Travis,

This is in response to the Notice of filing for Heidi and John Haworth's application for approval on an existing building that is adjacent to our property.

1. Our fence and survey markers were removed without our permission or knowledge at the location of the building that was put up.
2. We believe the building is not within the allowable distance from our property line.
3. The footing the building is on was built up; this is now causing a drainage issue on our property.
4. There is a business being run at the location involving large trucks. We have been concerned about toxic substances leaking or dumped on our property. We were questioned previously by the applicants son/step son "why do you even want that property after all the stuff we have dumped on it". We now have a larger concern on what might be draining down to our property due to the construction.
5. No trespassing signs that we put up to keep them off our property were taken down several times and damaged. Heidi had stated to us "Where are my kids supposed to play?" Pretty much admitting that they have been trespassing.
6. There has been a motorhome/travel trailer parked on the property with people living in it. We have also observed that there is someone living in a building that looks like a shop.
7. We did a complete survey to find our actual property lines so that we could put up an appropriate fence along our property. All neighbors were on board except the Haworth's due to some of their things were on our property, they are unwilling to remove them.

Thank you for taking the time to consider our concerns on what is taking place on the said property and what it is doing to compromise our property.

Kevin and Barbara Semmel  
3530 Kizer Ave NE  
Albany, OR 97322

Hi Travis

I talked to you this morning and you told me to send you something in writing. This street is too narrow for these big dump trucks and trailers the neighborhood is starting to feel like a industrial zone. He has graveled the two properties like a industrial zone. It doesnt surprize me he didnt get a permit for the building, he has had a guy living in a old motorhome and renting out the house thats his business address. I guess he diesnt like paying taxes either. Thanks for listening Theresa Jackson 3550 david ave ne