



AFC CLINIC VARIANCE NARRATIVE – SITE WALL

1 July 2019

General Overview

The applicant has received approval of an urgent care clinic at the northwest corner of Molalla Avenue and Warner Milne Road. During the course of construction in response to conflicting requirements for accessibility and building floor elevation relative to the public sidewalk, the building was lowered and a retaining wall proposed along the property line at the corner. A portion of the wall exceeds the maximum height allowed, which is the variance being sought.

Details of the Proposal

The bottom of the proposed wall is located at approximately the floor elevation of the building, while the top of the wall follows the slope of the ground at the property line, which is immediately adjacent to the public sidewalk. The entire wall length is approximately 78 feet; the portion in excess of 3'-6" in height is approximately 27 feet, and in proximity to the corner.

Findings in Response to Criteria for Approval

- A. The variance from the requirement is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title.

Findings: there is nothing about the height, location or configuration of the proposed wall enue that could have any impact on the only adjacent property to this site, which is generally on the opposite side of the proposed building.

- B. The request is the minimum variance that would alleviate the hardship.

Findings: the proposed wall is the minimum height required to mitigate the change in elevation from the public sidewalk to the building floor elevation.

- C. Granting the variance will equal or exceed the purpose of the regulation to be modified.

Findings: the purpose of the regulation is to make the building visible and connected to the public, theoretically to enhance the interaction between public and private space on the premise that such interaction is appropriate and beneficial; in this case, the location of the wall below the public right of way does not conceal the building; in addition, the proposed wall accommodates an additional stair and access to the building from the Molalla Avenue frontage.

- D. Any impacts resulting from the adjustment are mitigated.

Findings: the original design included access from the public right of way to the building at the corner – this proposal relocates that access closer to the public transit stop on Molalla Avenue.

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Page 2

- E. The variance conforms to the comprehensive plan and the intent of the ordinance being varied.

Findings: a review of the comprehensive plan has revealed no goals that the proposal would compromise; the intent of the ordinance to maintain visual and access connection between buildings and the public has not been compromised.

Conclusions

The requested variance does not have any negative impacts on the surroundings of the proposed project, or on the relationship between the building and the public.

Consequently, we respectfully request approval of the variance so the requested and necessary retaining wall can move forward.

From: [Stewart Straus](#)
To: [Kelly Reid](#)
Subject: Re: question regarding AFC Variance Tuesday, July 02, 2019
Date: 2:39:46 PM

Kelly -

The wall varies in height as required for its retaining purpose. Beginning adjacent to the steps at the north end along Molalla Avenue, the wall is about 2 feet high for a distance of at least 10 feet; it then begins to increase in height as the sidewalk curves closer to the property line to a maximum of 5 feet near the traffic signal pole at the corner; it remains at 5 feet high between there and directly opposite the entry doors; it then slopes down to the west along the Warner-Milne frontage to about 2 feet high at the west end.

