

MAY 6 9 16 AM 1980

149511

GEORGE YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.

ACCEPTANCE BY R

Portland, Oregon, April 30, 1980

GEORGE YERKOVICH
Auditor of the City of Portland,
Room 202, City Hall
Portland, Oregon 97204

Dear Sir:

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 149511 changing the zoning for Lot 11, Block 14, Lincoln Park Annex from A2.5 to A2.5P, located at 4121 N.E. Grand, north of Mason, with a condition and a variance,

and in consideration of the benefits to be received thereunder by me I hereby agree to abide by and perform each and all of the terms and provisions thereof applicable to me.

Very truly yours,

S.M. AND G. HOME DEVELOPMENT CONTRACTORS, INC.

[CORPORATE SEAL]

Eddie Messer
President

2115 N.E. Bryant Portland, OR 97211
Address

Approved as to Form APPROVED AS TO FORM

Christopher P. Thomas

CITY ATTORNEY

*When an acceptance is required from a firm or corporation the Acceptance must be signed by an officer of the firm or corporation stating his or her official title, and corporations must affix the corporate seal.

AMENDMENTS TO FINDINGS AND DIRECTIVE SECTIONS
OF AN ORDINANCE GRANTING A ZONE CHANGE AND A
VARIANCE TO PROPERTY LOCATED AT LOT 11, BLOCK 14,
LINCOLN PARK ANNEX, 4121 N.E. GRAND, NORTH OF MASON

Section 1, Item 6 is amended to read as follows:

"The City Council, after due deliberation in open session adopted the findings, conclusions and recommendations of the Hearings Officer, as supplemented by Exhibit A attached hereto and by this reference, incorporated herein.

Directive Section "a." is amended to read as follows:

"a. The zoning of Lot 11, Block 14, Lincoln Park Annex, is changed from A2.5 to A2.5P and a variance granted, based upon the findings, conclusions, and recommendations of the Hearings Officer, as supplemented by Exhibit A, attached hereto, and by this reference incorporated herein.

EXHIBIT A

The report and recommendation of the Hearings Officer recommends that a set of stairs be permitted to connect the second floor of the existing building with the parking lot.

A variance may be granted:

"If literal interpretation and enforcement of the regulations of this Title applicable to a property would result in practical difficulties and unnecessary hardships. (a) Generally, any variance granted shall satisfy all of the following general conditions:

"(1) It will not be contrary to the public interest or the intent and purpose of this Title and particularly the zone involved.

"(2) It shall not permit the establishment within a zone of any use which is not a permitted use within that zone or the establishment of any use for which a conditional use is required within that zone. This prohibition is not applicable to non-conforming uses . . .

"(3) It will not cause substantial adverse effect upon property values or environmental conditions in the immediate vicinity or in the zoning which the property of the applicant is located.

"(4) It will relate only to the property that is owned by the applicant."

1. This variance is not contrary to the public interest or to the intent and purpose of this Title and particularly to the zone involved because the stairway does not interfere with required buffering of the parking area nor with pedestrian traffic.

2. Not applicable.

3. This variance will not cause substantial adverse effect upon property values or environmental conditions in the immediate vicinity or in the zone in which the property of the applicant is located because the stairway has no effect upon the surrounding properties.

4. This variance relates only to the property that is owned by the applicant.

ORDINANCE NO. 149511

An Ordinance changing the zoning for Lot 11, Block 14, Lincoln Park Annex, from A2.5 to A2.5P, located at 4121 N.E. Grand, north of Mason, with a condition and a variance, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. The applicant, SMG Home Development Contractors, Inc., deedholders, seek a zone change from A2.5 to M3B for Lot 11, Block 14, Lincoln Park Annex, located at 4121 N.E. Grand, north of Mason.
2. A petition complying in all respects with all requirements of Title 33, Planning and Zoning, of the Code of the City of Portland and seeking such a zone change has been received.
3. Applicant has paid the proper fee for the filing of such petition.
4. The City's Hearings Officer by report, decision and recommendation dated March 24, 1980 (Planning Commission File No 6939), after and as a result of a duly authorized and conducted public hearing held March 24, 1980 on said proposal, has recommended that the zone change to M3B be denied, but that a zone change to A2.5P for Lot 11, Block 14, Lincoln Park Annex, be granted with a condition and a variance.
5. The notice requirements for that public hearing were fulfilled according to law.
6. The City Council, after due deliberation in open session adopted the findings, conclusions and recommendations of the Hearings Officer, as supplemented by Exhibit A attached hereto and by this reference, incorporated herein.
7. This rezoning is in conformance with enacted elements of a Comprehensive Plan for the City, is in accordance with generally accepted land use planning standards and with applicable City and State legislative enactments as indicated in the report of the Hearings Officer.

NOW, THEREFORE, the Council directs:

- a. The zoning of Lot 11, Block 14, Lincoln Park Annex, is changed from A2.5 to A2.5P and a variance granted, based upon the findings, conclusions, and recommendations of the Hearings Officer, as supplemented by Exhibit A, attached hereto, and by this reference incorporated herein.
- b. This zone change is granted under the following condition:
 - 1) A Building Permit or an Occupancy Permit must be obtained from the Bureau of Buildings, Room 111, City Hall, 1220 S.W. 5th Avenue, 248-4241, before carrying out this project in order to assure that all conditions imposed here and all requirements of the pertinent Building Codes are met.

ORDINANCE No.

- c. This zone change is granted with the following variance:
 - 1) It is the further recommendation of the Hearings Officer that the stairway be allowed as a variance in the "P" zone.
- d. This order shall not be effective and no change shall be made to the zoning maps until acceptance and recording as provided in Section 33.102.010.

Section 2. The Council declares an emergency exists because there should be no delay in the beneficial use of the above-described property; therefore this ordinance shall be in force and effect from and after its passage by the Council.

1980
1000
1000

ORDINANCE NO. 149511

APR 30 1980

Passed by the Council, APR 30 1980

Mayor McCready
March 24, 1980
G.H.Fleerlage/ja

Albert A. Schwab
PRESIDENT OF THE COUNCIL AND ACTING
Mayor of the City of Portland

Attest:

Serge Jermolich
Auditor of the City of Portland

1453

~~1391~~

~~1322~~

Calendar No.

as amended

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Ivancie		
Jordan		
Lindberg		
Schwab		
McCready		

ORDINANCE No. 149511

Title

An Ordinance changing the zoning for Lot 11, Block 14, Lincoln Park Annex, from A2.5 to A2.5P, located at 4121 N.E. Grand, north of Mason, with a condition and a variance, and declaring an emergency.

APR 16 1980

CONTINUED TO APR 23 1980

CONTINUED TO APR 30 1980

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

INTRODUCED BY
MAYOR McCREADY

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration <i>CM CL</i>
Safety
Utilities
Works

BUREAU APPROVAL
Bureau: Hearings Office
Prepared By: <i>G.H. Fleeilage/ja</i> Date: <i>3/24/80</i>
Budget Impact Review: <input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head:

NOTED BY
City Attorney
City Auditor <i>g.c.</i>
City Engineer

Filed MAR 27 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *Norma Houton*
Deputy