

## 150143

An Ordinance waiving Section 33.98.040 of the Code to permit late acceptance of Variance No. VZ 122-80, No. VZ 184-80 and No. VZ 197-80, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. The Variance Committee, on May 13, 1980, acting on the application of Norma Thiem, deedholder, Lief T. and Eva Graae, Contract Purchasers and Herbert J. Hoffart, Optional Purchaser, granted Variance No. VZ 122-80 to reduce the minimum lot area from the required 5,000 square feet to 4,300 square feet, and the minimum lot width from the required 50 feet to 43 feet on the south parcel; to reduce the required off-street parking from ten spaces to seven spaces on the north parcel; in order to divide an existing ownership and construct a duplex on the south parcel, on Lots 10 and 11, Block 12, Park Addition to Albina, located at the southeast corner of N. Denver Ave. and N. Portland Blvd. Pursuant to Section 33.98.040 of the Code, written acceptance was required prior to July 2, 1980. Late acceptance was filed from the contract purchasers on July 18, 1980.

The Planning Director, on June 3, 1980, acting on the application of Mary L. and Ferdinand P. Baricevic, deedholders, granted Variance No. VZ 184-80 to reduce the minimum distance between the street property line and the entrance to a garage from the required 22 feet to nine feet in order to construct a new two car garage, converting the existing single-car garage into storage space on Lot 6 and the south 49 feet of Lot 8, Westover Terraces located at 2829 N. W. Cumberland Road. Pursuant to Section 33.98.040 of the Code, written acceptance was required prior to July 4, 1980. Late acceptance was filed July 14, 1980.

# ORDINANCE No.

The Planning Director, on June 12, 1980, acting on the application of Linda Monk, deedholder, granted Variance No. VZ 197-80 to enlarge an existing non-conforming use (a grocery store in a residential zone) by 13%, to reduce the minimum side yard (north) from the required five feet to two feet, and to increase lot coverage from the maximum allowable 35% to 45.44%, in order to add an 8 x 22 foot walk-in cooler to the store on the West 1/2 of Lot 5, Block 125, Caruthers Addition located at 3338 S.W. Corbett. Pursuant to Code Section 33.98.040, written acceptance was required prior to July 13, 1980. Late acceptance was filed July 18, 1980.

There have been no appeals filed from such variance approvals.

2. The applicants have requested and the auditor recommends waiver of the 30 day limit for filing acceptances in order to avoid substantial hardship and unnecessary costs.

NOW, THEREFORE, The Council directs:

- a. That Section 33.98.040 of the Code be waived in order to render late acceptance of Variance Nos. VZ 122-80, VZ 184-80 and VZ 197-80 to be valid and the variances to be in full force and effect.

Section 2. The Council declares that an emergency exists because the variances described in Section 1 above should be effective immediately in order to avoid unnecessary delay and additional costs; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, **JUL 31 1980**

Mayor McCready

G. Yerkovich/cjs  
July 23, 1980

Attest:

*George J. Juhonik*  
Auditor of the City of Portland

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G. Yerkovich/cjs  
July 23, 1980

Attest:

*George J. Fehonik*  
Auditor of the City of Portland

Calendar No. 2773

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**Title**

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**THURSDAY**

Filed JUL 25 1980

**GEORGE YERKOVICH**  
Auditor of the CITY OF PORTLAND

By *Robert Hall*  
Deputy

| THE COMMISSIONERS VOTED AS FOLLOWS: |      |      |
|-------------------------------------|------|------|
|                                     | Yeas | Nays |
| Ivancie                             | 1    |      |
| Jordan                              |      | 1    |
| Lindberg                            | 1    |      |
| Schwab                              | 1    |      |
| McCready                            | 1    |      |

| FOUR-FIFTHS CALENDAR |  |
|----------------------|--|
| Ivancie              |  |
| Jordan               |  |
| Lindberg             |  |
| Schwab               |  |
| McCready             |  |

|                |
|----------------|
| INTRODUCED BY  |
| Mayor McCready |

|                                      |
|--------------------------------------|
| NOTED BY THE COMMISSIONER            |
| Affairs                              |
| Finance and Administration <i>CN</i> |
| Safety                               |
| Utilities                            |
| Works                                |

|  |               |
|--|---------------|
| BUREAU APPROVAL  |               |
| Bureau:<br>City Auditor  |               |
| Prepared By: C. Spear  | Date: 7/23/80 |
| Budget Impact Review:<br><input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required |               |
| Bureau Head:<br>George Yerkovich <i>C Spear</i>  |               |

|          |           |
|----------|-----------|
| CALENDAR |           |
| Consent  | Regular # |

|               |
|---------------|
| NOTED BY      |
| City Attorney |
| City Auditor  |
| City Engineer |