

150856

ACCEPTANCE

RECEIVED

JAN 15 8 55 AM 1981

GEORGE E. GAUNCE, AUDITOR
CITY OF PORTLAND, ORE.

Portland, Oregon, December 17, 19 80

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. 150856, passed by the Council December 17, 1980, granting a revocable permit to George E. Gaunce to allow the use of the existing structure as an antique and second hand store, in an R5 Zone, located at 5323 SE Harold Street, for one year, under certain conditions,

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,

Rose Marie Lane

Rose Marie Lane

(CORPORATE SEAL)

3915 SE Rex Street, Portland, OR 97202

Address

APPROVED AS TO FORM

Approved as to form:

Christopher P. Thomas

CITY ATTORNEY

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.

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AUD 50-25-640

GEORGE E. GAUNCE, AUDITOR
CITY OF PORTLAND, ORE.

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BY _____

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Very truly yours,

George E. Gaunce
George E. Gaunce

[CORPORATE SEAL]

4560 N.E. 60th, Portland, Oregon 97218
Address

APPROVED AS TO FORM
Approved as to form:

Christopher P. James

City Attorney

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DEC 23 8 50 AM 1980

GEORGE E. YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.

Portland, Oregon, December 17, 1980

BY

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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,

Patrick M. Mahoney
Patrick M. Mahoney

[CORPORATE SEAL]

12505 NW Cornell, Portland, OR 97229

Address

APPROVED AS TO FORM

Approved as to form:

P. Thomas

CITY ATTORNEY

City Attorney

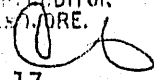
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DEC 27 3 03 PM 1980

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CITY OF PORTLAND, ORE.



Portland, Oregon, December 17, 1980

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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,

SOCOLOFSKY AND COMPANY

(CORPORATE SEAL)

* *David B. Socolofsky, President*

7405 SE Powell, Portland, OR 97206

Address

APPROVED AS TO FORM

Christopher P. Thomas
CITY ATTORNEY

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ORDINANCE NO. 150856

An Ordinance granting a revocable permit to George E. Gaunce to allow the use of the existing structure as an antique and second hand store, in an R5 Zone, located at 5323 SE Harold Street, for one year, under certain conditions, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Rose Marie Land, deedholder and George E. Gaunce, purchaser of the property at 5323 SE Harold applied for a variance to change the non-conforming use of the site from a Group 1, Item 9 (retail store) and Group 3, Item 1 (building and related contractors) to Group 1, Item 9 (retail antique store) and a Group 3, Item 8 (second-hand store).
2. The legal description of said property is Lots 7 and 8, Block 10, Tremont Park in Zone R5.
3. The applicant has paid the proper fee for the filing of such a variance request.
4. The City Auditor has complied with the notice requirements of the Ordinance for the hearing before the Variance Committee and the appeal hearing before City Council.
5. A duly authorized and public hearing has been conducted by the City's Variance Committee on September 23, 1980 (VZ 343-80) and the Variance Committee denied the application.
6. The applicant, George E. Gaunce filed an appeal to the City Council against the Variance Committee's decision of denial.
7. The City Council held a public hearing on the appeal on November 26, 1980 and granted a revocable permit with conditions.
8. The findings of the City Council were:
 - a. The proposed use of the site as a second hand/antique shop may adversely impact the neighborhood; therefore, a one year revocable permit should be issued in order to determine any adverse impact on the surrounding area.
 - b. The issuance of this revocable permit shall not eliminate the non-conforming status of the site. If the proposed use is discontinued, the non-conforming section of 33.94 shall regulate the site.

- c. The site has had several non-conforming businesses located on the first floor of the building continuously since 1959, in compliance with Chapter 33.94.
- d. The change of use conforms substantially with the requirements of Chapter 33.98.015(b,2).
- e. The public interest will best be served by the issuance of a one year revocable permit rather than a variance.

NOW, THEREFORE, the Council directs:

- A. That a Revocable Permit be granted for one year to allow the use of the existing building as an antique shop and second-hand store, located at 5323 SE Harold. At the end of one year, the Variance Committee shall hold a public hearing and make a recommendation with conditions to the City Council. The non-conforming status of the site is not eliminated or superceded by this revocable permit.
- B. This Revocable Permit is granted under the following conditions:
 1. There shall be no outside storage of merchandise at any time.
 2. There shall not be more than two signs on the premises, one facing each street. Each sign shall be limited to a maximum of ten square feet per sign and shall not be illuminated.
 3. The west yard, Lot 7, Block 10, Tremont Park, shall be kept as a lawn and no other purpose unless needed for off-street parking, and in which case, parking will be permitted only if the lot is improved and meets city building and zoning requirements. If there is heavy traffic, the lot shall be paved and used for off-street parking purposes.
 4. The use of Lot 7 shall be limited to lawn and six off-street parking spaces improved to Code requirements.
 5. A Building Permit or an Occupancy Permit must be obtained from the Bureau of Buildings, Room 111, City Hall, 1220 SW Fifth 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.
 6. The Revocable Permit hereby granted is personal to the permittee and may not be transferred, assigned or otherwise disposed of by said permittee.
 7. The Revocable Permit hereby granted shall be revocable at the pleasure of the City Council and no expenditures of money here-under or lapse of time or any act or thing shall operate as an estoppel against the City of Portland, or be held to give the permittees any vested or other right.

Calendar No. 4384

ORDINANCE No. 150856

Title

An Ordinance granting a revocable permit to George E. Gaunce to allow the use of the existing structure as an antique and second hand store, in an R5 Zone, located at 5323 SE Harold Street, for one year, under certain conditions, and declaring an emergency.

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

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

I have read and approved the Ordinance and the Title and I hereby certify that the same is in accordance with the Charter of the City of Portland.

Filed DEC 8 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *Gordon Crull*
Deputy

INTRODUCED BY
Mildred Schwab

NOTED BY THE COMMISSIONER
Affairs <i>[Signature]</i>
Finance and Administration
Safety
Utilities
Works

BUREAU APPROVAL
Bureau: Planning
Prepared By: N. Weisser/jlu Date: 12/3/80
Budget Impact Review: <input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head: <i>[Signature]</i> Terry Sandblast, Acting Director

CALENDAR	
Consent xx	Regular

NOTED BY
City Attorney
City Auditor
City Engineer

120826