



City of Portland, Oregon
Bureau of Development Services
Land Use Services
 FROM CONCEPT TO CONSTRUCTION

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Date: March 12, 2015
To: Interested Person
From: Amanda Rhoads, Land Use Services
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NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has **approved** a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 14-253658 AD
ADJUSTMENTS FOR HOME ADDITIONS

GENERAL INFORMATION

Applicant: Kenneth Wiesler
 624 NE 64th Avenue
 Portland, OR 97213

Owner: John F York
 3701 SW 38th Ave
 Portland, OR 97221-4131

Site Address: 3701 SW 38TH AVE

Legal Description: TL 2300 0.21 ACRES, SECTION 08 1S 1E
Tax Account No.: R991081540
State ID No.: 1S1E08CA 02300
Quarter Section: 3425
Neighborhood: Bridlemile, contact Claire Colman-Evans at 503-740-7460.
 Southwest Hills Residential League, contact Nancy Seton at 503-224-3840.

Business District: None
District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.
Plan District: None
Zoning: R10 – Single-Dwelling Residential 10,000
Case Type: AD – Adjustment Review
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal:
 The applicant is proposing to remodel and add onto an existing house on the 9,350-square-foot site. The work proposed includes removal of the existing carport; conversion of the front two bedrooms on the northeast of the property into a garage with a garage door facing south; addition of a bathroom on the north side of the house; and the addition of a 700-square-foot

second story. The proposal would require three Adjustments to the Zoning Code base zone standards, as follows:

- **Side Setback Adjustment:** Adjustment to Zoning Code Section 33.110.220 and Table 110-3 to reduce the (north) side setback from 10 feet to 5 feet for the first-floor bathroom addition, and from 10 feet to 9 feet for the second story addition. Also included is a request to reduce the north side setback for the bathroom eaves from 8 feet to 4 feet, 1 inch and to reduce the north side setback for the upper story eaves from 8 feet to 6 feet, 4 inches;
- **Front Setback Adjustment:** Adjustment to Zoning Code Section 33.110.220 and Table 110-3 to reduce the (east) front setback for a new building wall on the second story from 20 feet to as little as 11 feet for this angled building wall. Also included is a request to reduce the front setback for the eaves on the second story addition from 16 feet to 7 feet, 6 inches from the street lot line; and
- **Garage Wall Adjustment:** Adjustment to Zoning Code Section 33.110.253.F.3 to allow the garage wall that faces the street to be up to 23 feet closer to the street lot line than the longest street-facing wall of the dwelling unit.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. of Section 33.805.040, Adjustment Approval Criteria, have been met.

ANALYSIS

Site and Vicinity: The 9,350-square-foot site is developed with a 2,490-square-foot house constructed in 1951. The site has a roughly 10% average slope, and the land slopes down to the southwest, so that the subject site is higher than its neighbors to the south and west, and lower than its neighbors to the north and east. From SW 38th Ave., only one floor is visible; from the rear of the property, the house is currently two stories: the main floor, and a walk-out basement. The immediately-surrounding neighborhood is developed with similar, larger detached homes on 10,000-plus-square-foot lots, with houses constructed in the 1950s through the 1970s. An open channel stream system runs through a wooded area some 400 feet to the north. The surrounding streets are local service for all uses.

Zoning: The Residential 10,000 (R10) single-dwelling zone is intended to preserve land for housing and to provide housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing. Minimum lot size is 6,000 square feet, with minimum width and depth dimensions of 50 and 60 feet, respectively. Minimum densities are based on lot size and street configuration. Maximum densities are 1 lot per 10,000 square feet of site area.

Land Use History: City records indicate that prior land use reviews include the following:

VZ 168-81: Approved variance request to reduce the north side setback from 10 feet to 5 feet for an addition to the house. The current request extends the building line approved in this 1981 review for a new bathroom on the north side of the house.

Public Review: A “Notice of Proposal in Your Neighborhood” was mailed **January 29, 2015**.

Agency Review: The following Bureaus have responded with no issues or concerns:

- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- Bureau of Parks – Urban Forestry Division
- Life Safety (Building Code) Plans Examiner

The Bureau of Environmental Services responded with the following comment: “The plans submitted with this land use application show that new impervious area will be added due to the bathroom addition and a small area that will be made into roofed deck storage. Based on the submitted site plan, the combination of these additional impervious areas appears to be less than 500 square feet. Therefore, the requirements of the SWMM are not triggered with this Adjustment” (Exhibit E.1).

The Bureau of Transportation responded with the following comment: “The site/r.o.w. conditions appear to satisfy the provisions of PBOT’s Administrative Rule TRN-1.24; accordingly, there will be no property dedication/frontage improvements associated w/this project” (Exhibit E.2).

Neighborhood Review: A total of two written responses have been received from notified property owners in response to the proposal. The first was a letter in support, stating no objections to the requests and stating the remodel would “add to the neighborhood stability.”

The second letter raised concerns about the cumulative recent changes to the site and additions of impervious surfaces, and the impact they would have on water drainage and slope stability. Changes include: compacting soil to add a putting green in the southwest corner; removing a large evergreen tree in the northeast corner of the property; removing a septic tank and burying a new plastic pipe presumably for stormwater management; and adding a new rear deck with a concrete pad underneath, along with a sidewalk on the south side of the house. The letter closed with a request to add a condition to the decision that would ensure all runoff associated with the proposed development, including eaves, be directed to SE 38th Ave. rather than infiltrating onsite.

Staff Response: There are no approval criteria specifically related to stormwater runoff; therefore, there is no nexus to impose the suggested condition on this Adjustment request. Bureau of Environmental Services staff has reviewed the proposal and found that, since less than 500 square feet of impervious surface area is proposed, the Stormwater Management Manual regulations are not triggered (see comments above). All proposed work is also reviewed by BES at time of permit if the impervious area is over 500 square feet. Permits have been received or are under inspection for all described work, except the putting green, which did not require a permit.

ZONING CODE APPROVAL CRITERIA

33.805.010 Purpose (Adjustments)

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue providing certainty and rapid processing for land use applications.

33.805.040 Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. below have been met.

- A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: The three requested Adjustments have two sets of purpose statements. First, the setback requests will be considered using the Setbacks purpose statement. Second, the garage wall location will be analyzed using the Garage purpose statement.

33.110.220 Setbacks

Purpose: The building setback regulations serve several purposes:

- They maintain light, air, separation for fire protection, and access for fire fighting;
- They reflect the general building scale and placement of houses in the City's neighborhoods;
- They promote a reasonable physical relationship between residences;
- They promote options for privacy for neighboring properties;
- They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;
- They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity; and
- They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.

Each purpose statement will be addressed below for the setback requests.

- *They maintain light, air, separation for fire protection, and access for fire fighting;*

SIDE SETBACK FOR FIRST FLOOR EXPANSION

Adjustments to setbacks are requested on both the north side and the east front property lines. On the first story, the proposed addition of a new bathroom would extend an existing building wall (approved in 1981 through variance request VZ 168-81) 5 feet in the side building setback, for a distance of just under 18 feet toward the front property line.

The subject site is significantly lower than the neighbor to the north. The house on that neighboring property is located approximately 10 feet from the shared property line, meaning the two houses would be located approximately 15 feet apart. The grade difference results in a condition that would cause no impacts to light or air for the property to the north. The access and separation for fire fighting will not significantly change from present conditions, since the north wall already extends 5 feet into the setback for the area of the main bedroom. The Fire Bureau notes no concerns with the proposal. This purpose statement is equally met for this requested setback.

SETBACKS FOR SECOND STORY ADDITION

The other side setback Adjustment and the Adjustment to the front setback are both related to a second story which is set back from the existing front building wall of the main story, but is still located in the building setbacks. On the side, the request is for a reduction of the side setback from 10 feet to 9 feet, aligning the addition with the first story on this side. The reduced setback for the second story will not reduce airflow between the subject site and the neighbor to the north. Since the subject site is at a lower elevation than the neighboring property, the impact of light due to constructing the second story one foot into the setback versus entirely out of the setback will be negligible.

The proposal calls for the second story to be built further back from the front setback than the first story, though still in the 20-foot front setback up to 9 feet (11 feet from the front property line), with the eaves extending up to 7 feet, 6 inches from the street lot line. Given the 50-foot right-of-way and the grade differences from the subject site

and both the property to the north as well as those across the street, there will be no impacts to light or air by approving the Adjustments. Separation and access for fire fighting will be maintained since the proposed second story will be set back from the first floor on the front, and aligned with the first floor on the north side. The relatively modest 19-foot, 10-inch height for the new structure with the second story helps to minimize the impact on light and air. This purpose statement is equally met for these requested setbacks.

- *They reflect the general building scale and placement of houses in the City's neighborhoods;*
- *They promote a reasonable physical relationship between residences;*

SIDE SETBACK FOR FIRST FLOOR EXPANSION

The proposal extends an existing building wall that has been in place since the early 1980s. The extension is in an area that is significantly below the adjacent site, in an area where the adjacent site has parking, a garage and limited windows. The subject site has also had a shed in the area of the proposed expansion which will be removed for the addition. The house after the remodel will be larger, but will remain consistent with the scale of the other large homes in the immediate area. The house on the subject site will still be located some 15 feet from the adjacent house. These purpose statements will be equally met for the proposed reduction in side setback.

SETBACKS FOR SECOND STORY ADDITION

Because of the grade changes, the height of the structure in the areas of the proposed extensions into the side and front setbacks is only 19 feet, 10 inches – significantly less than the 30 feet that would be allowed by right just outside the setbacks. This lower height ensures that there are no impacts on building scale and placement from the reduced setbacks. The second story will have few impacts overall to nearby properties due to the grade changes between adjacent lots.

Due to nearby environmental zoning and the steep slopes in this area, there is no clear pattern of placement of houses on lots. While many of the homes are one-story from the street, the slopes make it possible for homes to gain extra stories on the back, and the proposed square footage of the home after renovations is not inconsistent with other houses in the immediate area. From the front façade, the proposed addition will only be evident on one side of the house, ensuring the house will not appear larger or taller than other nearby homes.

The removal of the carport will reduce the length of building wall that is within the front setback as well, such that instead of the house being located in the front setback for 41 linear feet, it will only be in the front setback for 22 linear feet on the east side of the property. While the second story is proposed to be located in the front and side setback, it will be set back from the current front edge of the building 5 feet, with a much smaller footprint than the first floor (700 square feet versus 1700 square feet) and will therefore appear to be within scale for the structure.

For these reasons, the front and side setback Adjustments for the second story does not impact the general physical relationship among or placement of houses in the area. These purpose statements are equally met for the proposed setback reductions on the second story.

- *They promote options for privacy for neighboring properties;*

SIDE SETBACK FOR FIRST FLOOR EXPANSION

The addition on the north side is for a bathroom, which is expected to have limited use compared to a living room or bedroom. The only windows are three windows located higher on the wall, providing limited visibility. As described above, the parking, garage and limited windows on the south side of the adjacent home in the area of the

expansion mean limited exposure for the neighbors to the north. For these reasons, there are not expected to be impacts on privacy to the closest adjacent neighbor. This purpose statement is equally met for the side setback Adjustment.

SETBACKS FOR SECOND STORY ADDITION

As seen in the elevation drawings, the second-story addition has almost no windows on the north-facing side. The two thin vertically-oriented windows that are proposed are closer to the front of the property, where the neighbor's driveway is located.

While two windows are proposed for the front (east) elevation on the second story, the two properties across the street are elevated and have sufficient foliage to provide separation from the windowed areas in the front setback of the subject site. The 50 feet of right-of-way also contribute to adequate separation from the perspective of privacy. For the side and front setback adjustments for the proposed second story, the privacy purpose statement is equally met.

- *They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;*

SIDE SETBACK FOR FIRST FLOOR EXPANSION

The request is for a side setback reduction. The front setback is not relevant, and so this purpose statement is not applicable to this request.

SETBACKS FOR SECOND STORY ADDITION

The second story will be built above areas that are already built, and set back from the edge of the front building wall. Since the house already extends into the front setback on the first story, and the second story will be set back from this building line, approving the Adjustments will not impact the use of the site, including the front yard. Also, given the slope on this and surrounding sites, most houses on the west side of the street are strongly oriented to the west for the views and open space. The proposal will not impact the front yard and therefore the purpose statement will be met equally well as the current conditions.

- *They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity; and*

SIDE SETBACK FOR FIRST FLOOR EXPANSION

The proposed expansion extends an existing building wall on a side of the house where elevation changes mean the addition will have little or no impact on the uphill neighbors to the north. Due to the grade changes on all the nearby sites, and the nearby areas with environmental zone protections, the house on the subject site is compatible with other houses in the neighborhood and the addition is justified with the topography of the site. This purpose statement is met.

SETBACKS FOR SECOND STORY ADDITION

The second story addition will not increase the building coverage of the house and will be stepped in from the first-story front building wall. The expansion is proposed only on the north side of the site and the height of the building even with the second story is only 19 feet, 10 inches on the north side. Finally, the new design enhances the mid-century modern style of the house, which is a common neighborhood typology given the era of construction of so many of these homes. The new second-story addition will arguably improve its street-facing façade which currently, from many perspectives on the right-of-way, has as its strongest feature a very visible flat roof (see photo below). The house will be consistent in scale and style with the neighborhood and adding on above the existing house works with the topography of the site and existing development. This purpose statement is met.



- *They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.*

SIDE SETBACK FOR FIRST FLOOR EXPANSION

The side setback request does not impact parking on the site. This purpose statement is not relevant.

SETBACKS FOR SECOND STORY ADDITION

The setback requests for the new second story addition do not impact parking on the site. This purpose statement is not relevant.

33.110.253 Garages

Purpose: These Standards:

- Together with the window and main entrance standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
- Ensure that the location and amount of the living area of the residence, as seen from the street, is more prominent than the garage;
- Prevent garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance;
- Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk; and
- Enhance public safety by preventing garages from blocking views of the street from inside the residence.

Each purpose statement will be addressed below for the garage wall request.

- *Together with the window and main entrance standards, ensure that there is a physical and visual connection between the living area of the residence and the street;*

The final requested Adjustment is to the standard requiring the garage wall to be located no closer to the front lot line than the longest building wall. With the proposed conversion of the front two bedrooms to a 2-car garage, the new vehicle area will be located as much as 23 feet in front of the longest building wall (which is the building wall on which the main entrance is located).

This proposal does convert living space to a garage, which means in this case that the remaining living space begins at a further distance from the street than is currently the case. However, several additional renovations improve the relationship between the

street and the living area. Currently, the main entry is dark and obscured by the low carport roof. This roof will be removed, and the front door will be replaced with a new front door with transom and sidelight windows, opening up the main entry to the street.

On the area to be converted to a garage, the windows will be replaced with slightly larger windows and the applicant is planning to use stucco for the façade of most of the first story, integrating this newly-converted living space with the rest of the main story. With the garage door facing south, there will be little change in appearance to this part of the front façade. The second story addition above will have similar windows to the first story, creating a unified façade that appears as living space. The two second-story windows each lead to bedrooms, better connecting living space with the street. All of these changes will increase or retain the amount of visual connection between living space and the street overall.

- *Ensure that the location and amount of the living area of the residence, as seen from the street, is more prominent than the garage;*

While the garage will be closer to the street than the rest of the house, several factors prevent the garage from being more prominent than the living area as a whole. First, the proposal includes an addition to the upper story of the house which locates approximately 21 feet of the front façade between 11 and 14 feet from the street to create two new bedrooms on top of the proposed garage. This brings more visual interest to the house as a whole, and what is now the garage is more integrated into the building rather than sticking out entirely in front as the living space currently does. Second, the garage will be entered from the south, meaning there will be no changes to the front façade in the area of the garage, thereby minimizing the appearance of a garage at the front of the house. Finally, increasing the light and openness of the main entrance highlights its location and better connects it with the street. This purpose statement is equally met.

- *Prevent garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance;*

Both removal of the carport and the changes made to the main entry will create a lighter, brighter and more substantial entryway, better tying the main entry to the street. The garage door will not be visible when the house is viewed from the street as it is proposed to be placed on the south façade and not the east. Therefore, the main entry will be the predominant feature. Further, the second story addition will integrate the garage better with the rest of the house by creating a more stepped appearance to the façade so that the garage façade is located only 5 feet in front of living area instead of up to 23 feet as the building is currently situated. This purpose statement is equally met.

- *Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk; and*

As stated above, the garage door will be on the south façade, leaving the street-facing façade appearance as is. The second story addition will step back from the garage, providing a transition between the garage area with the rest of the house. Since the garage will only be visible from oblique views from the southeast, the pedestrian environment will not be compromised by allowing this Adjustment. This purpose statement is equally met.

- *Enhance public safety by preventing garages from blocking views of the street from inside the residence.*

The additional windows on the second story and the new transom and sidelights next to the main entry door will increase visibility of the street from inside the house.

Essentially, the second story addition will create the same view opportunities as the existing bedrooms in the location as the proposed garage, while removal of the carport and increased fenestration around the door will increase visibility of the street over current conditions. This purpose statement is better met by the proposal.

- B.** If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

SIDE SETBACK FOR FIRST FLOOR EXPANSION

Findings: As described in the findings for criterion A above, the grade changes, design, and use (bathroom) of the addition prevent any privacy impact to the adjacent residence. The bathroom use will not be an activity generator close to the property line. The addition continues an existing building wall in an area where there is already an accessory shed (to be removed). The addition is on the side of the house and will not be particularly noticeable from the street – it will not impact the appearance of the residential area. The request to reduce the eave setback to provide a consistent eave on this side will help the addition better integrate to the rest of the building. This approval criterion is met for the side setback request.

SETBACKS FOR SECOND STORY ADDITION

Findings: As described in A above, the proposed second story addition will be set back from the existing front building line, despite the request that its building wall be located in the front setback. Because of the garage conversion of the space directly below the proposed second story, allowing the second story addition to be set back only 5 feet from the garage will better integrate the converted garage with the rest of the house. It will also contribute to a more interesting front building façade than current conditions and will result in a better connection between living space and the street.

The request on the north side is for the proposed building to extend 1 foot into the side setback, aligned with the story below, with the eaves extending 1 foot, 8 inches beyond what would be allowed. The walls would be aligned with the garage below, and the eaves on the second story would correspond to the current eave configuration on the new garage area of the first story.

The second story is well integrated with the rest of the structure and the overall architectural expression of the mid-century style is arguably improved with the proposed changes. As described in the findings for criterion A above, the new windows on the second story tie living space in with the street without causing privacy issues. The proposal does not negatively affect livability or appearance. This approval criterion is met for the requested setbacks on the second story addition.

GARAGE WALL LOCATED IN FRONT OF THE LONGEST BUILDING WALL

As described above, the garage area will look very similar to current conditions on the front façade – the windows will be slightly larger and new stucco will integrate this part of the house with the rest of the first story. With the carport being removed, this area might appear to “stick out” in front of the rest of the house a little more, but this effect will be tempered by the new second story addition, which will integrate this part of the house back into the rest of the building. Thus the appearance of the house will not be compromised, and facing the garage door south will minimize the impact of the conversion to vehicle area in front of the longest building wall. Adding a garage will enable the cars that previously were parked between the street and the main entrance to be hidden from view and improve the appearance, the pedestrian experience and the connection between the new, lighter main entry and the street. This approval criterion is met for the requested Adjustment to location of the garage wall.

- C.** If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: Taken together, all of the work proposed will result in a more open development with a stronger connection from the main entry to the street and reduced visibility of vehicle area. The existing development, with the two main floor bedrooms and the carport roof, extends to between 9 and 6 feet of the front property line for a length of almost 40 feet. After the proposed work, the building will be in the front setback for a length of only about 21 feet. The main entry will be more visible with more window area; the garage will look unchanged from the street due to the garage door being oriented to the south; the garage space will be better integrated with the rest of the house with the second-story addition and the new bathroom on the main floor will be largely unnoticed. The proposed changes work together to modernize this 65-year-old building which was built before current zoning code regulations took effect. This approval criterion is met.

- D.** City-designated scenic resources and historic resources are preserved; and

Findings: City designated resources are shown on the zoning map by the ‘s’ overlay; historic resources are designated by a large dot, and by historic and conservation districts. There are no such resources present on the site. Therefore, this criterion is not applicable.

- E.** Any impacts resulting from the adjustment are mitigated to the extent practical; and

Findings: There are no discernible impacts that would result from granting the requested adjustment. This criterion is met.

- F.** If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

Findings: Environmental overlay zones are designated on the Official Zoning Maps with either a lowercase “p” (Environmental Protection overlay zone) or a “c” (Environmental Conservation overlay zone). As the site is not within an environmental zone, this criterion is not applicable.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The proposal will modernize the structure while moving the vehicle area inside and creating a better connection between the main entry and the street. All of the Adjustments meet both the purpose statements and approval criteria and should be approved.

ADMINISTRATIVE DECISION

Approval of the following Adjustments:

- Adjustment to Zoning Code Section 33.110.220 and Table 110-3 to reduce the (north) side setback from 10 feet to 5 feet for the first-floor bathroom addition; and from 10 feet to 9 feet for the second story addition; and reduce the side setback for the bathroom

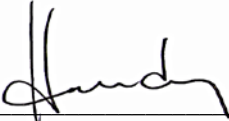
eaves from 8 feet to 4 feet, 1 inch; and to reduce the side setback for the upper story eaves from 8 feet to 6 feet, 4 inches;

- Adjustment to Zoning Code Section 33.110.220 and Table 110-3 to reduce the (east) front setback for a new building wall on the second story from 20 feet to as little as 11 feet for this angled building wall; and reduce the front setback for the eaves on the second story addition from 16 feet to 7 feet, 6 inches from the street lot line; and
- Adjustment to Zoning Code Section 33.110.253.F.3 to allow the garage wall that faces the street to be up to 23 feet closer to the street lot line than the longest street-facing wall of the dwelling unit.

The Adjustments are approved per the approved plans, Exhibits C.1 through C.3, signed and dated March 10, 2015, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-253658 AD."

Staff Planner: Amanda Rhoads

Decision rendered by:  **on March 10, 2015**

By authority of the Director of the Bureau of Development Services

Decision mailed: March 12, 2015

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on December 24, 2014, and was determined to be complete on January 27, 2015.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on December 24, 2014.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: May 27, 2015.**

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Adjustment Committee, which will hold a public hearing. Appeals must be filed **by 4:30 PM on March 26, 2015** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Adjustment Committee is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Adjustment Committee an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, the final decision may be recorded on or after **March 27, 2015 – the day following the last day to appeal.**
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder’s office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

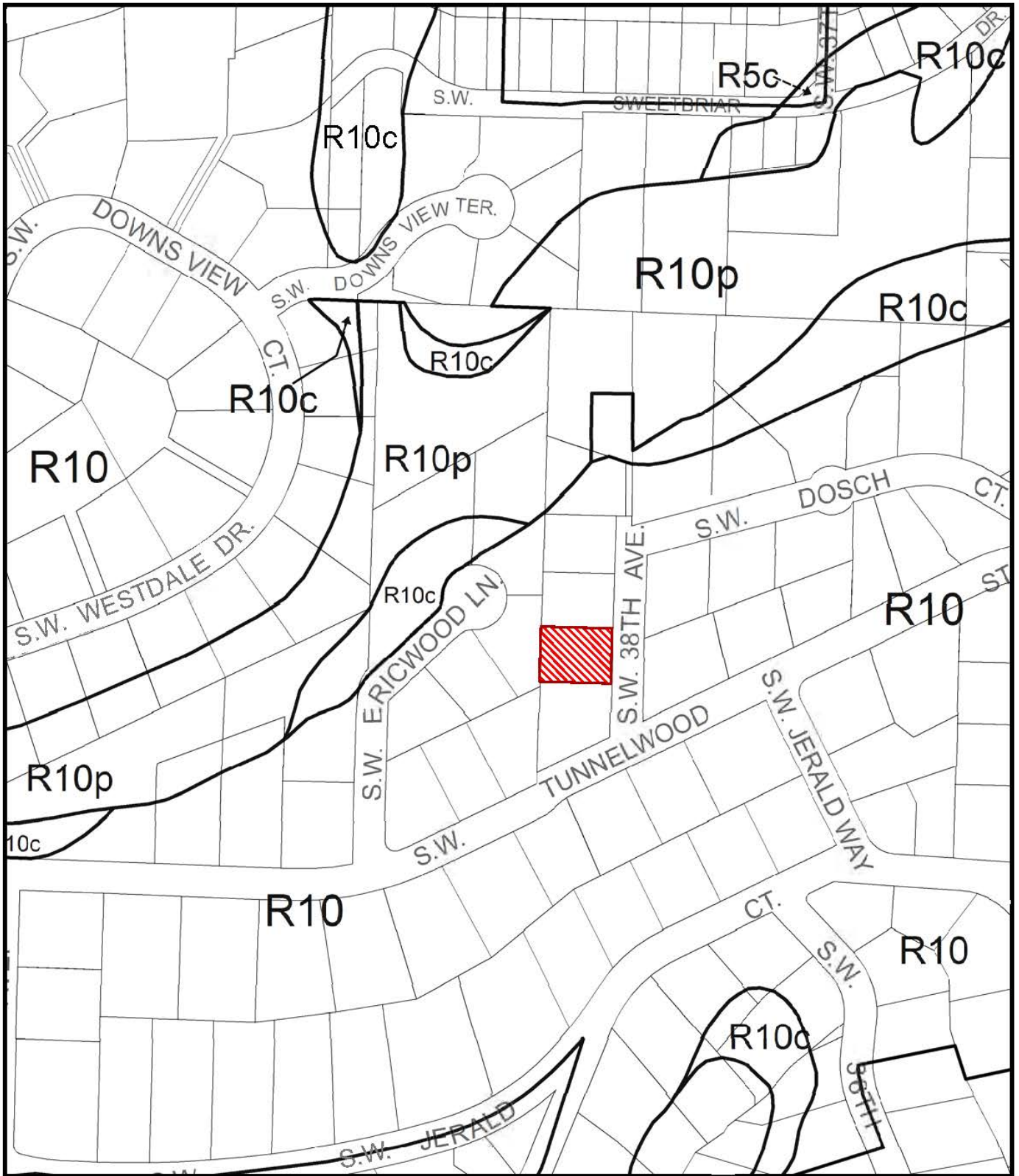
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Applicant Narrative, December 24, 2014
 2. Site Photos
 3. Applicant Response to Incomplete Letter, January 16, 2015
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Supplemental Site Plan (attached)
 3. Elevation Drawings (attached)
 4. Floor Plans
 5. Full-Sized Plan Set
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Bureau of Environmental Services
 2. Bureau of Transportation
 3. Water Bureau
 4. Fire Bureau
 5. Site Development Review Section of BDS
 6. Bureau of Parks, Urban Forestry Division
 7. Life Safety (Building Code) Plans Examiner
- F. Correspondence:
 1. William and Karin Wright, February 4, 2015, in support
 2. Steven Bruce, February 19, 2015, with concerns
- G. Other:
 1. Original Land Use Application and Receipts
 2. Incomplete Letter, January 13, 2015
 3. Copy of 1981 Variance Committee Action

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



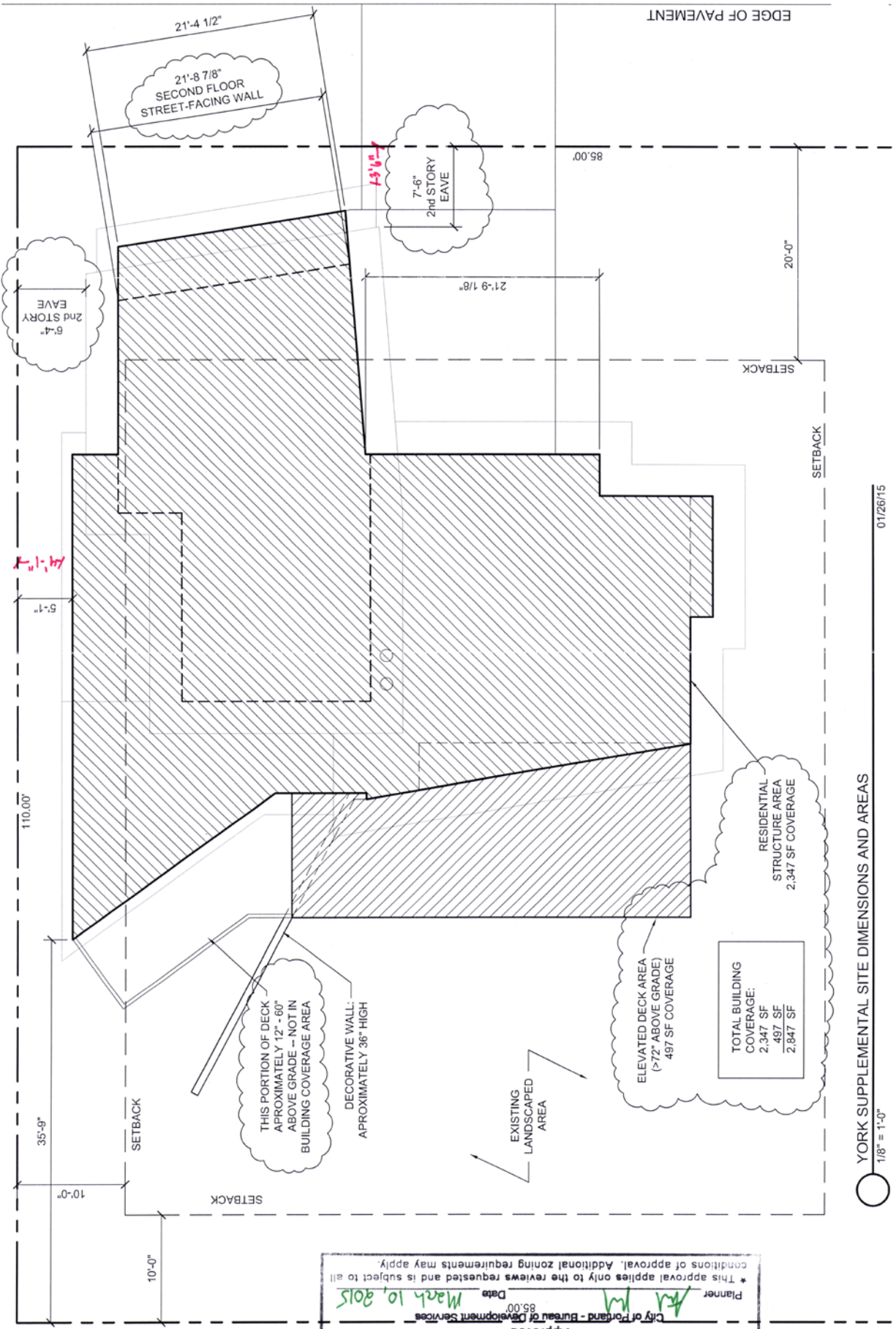
ZONING



Site



File No.	<u>LU 14-253658 AD</u>
1/4 Section	<u>3425</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S1E08CA 2300</u>
Exhibit	<u>B (Dec 29, 2014)</u>



EDGE OF PAVEMENT

21'-8 7/8"
SECOND FLOOR
STREET-FACING WALL

7'-6"
2nd STORY
EAVE

6'-4"
2nd STORY
EAVE

21'-9 1/8"

20'-0"

SETBACK

SETBACK

5'-1"

110.00'

35'-9"

10'-0"

SETBACK

SETBACK

10'-0"

THIS PORTION OF DECK
APPROXIMATELY 12" - 60"
ABOVE GRADE - NOT IN
BUILDING COVERAGE AREA

DECORATIVE WALL:
APPROXIMATELY 36" HIGH

EXISTING
LANDSCAPED
AREA

ELEVATED DECK AREA
(>72" ABOVE GRADE)
497 SF COVERAGE

TOTAL BUILDING
COVERAGE:
2,347 SF
497 SF
2,347 SF

RESIDENTIAL
STRUCTURE AREA
2,347 SF COVERAGE

Approved
City of Portland - Bureau of Development Services
Planner: *AMM* Date: *March 10, 2015*
85.00
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

YORK SUPPLEMENTAL SITE DIMENSIONS AND AREAS

1/8" = 1'-0"

01/26/15

CASE NO. *14-283658AD*
EXHIBIT: *C-2*

