



City of Portland, Oregon
Bureau of Development Services
Land Use Services

FROM CONCEPT TO CONSTRUCTION

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Date: April 8, 2014
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 reasons for the decision 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 14-102597 AD

GENERAL INFORMATION

Applicant: Zack Gillum/ 5938 SW Riveridge Ln/ Portland, OR 97239
Owner: Laurie J Renecker/ 444 NW Maywood Dr/ Portland, OR 97210-3335
Site Address: 444 NW MAYWOOD DR
Legal Description: BLOCK 8 LOT 14, ST FRANCES HILL
Tax Account No.: R737902920
State ID No.: 1N1E32AD 08000
Quarter Section: 2926
Neighborhood: Hillside, contact Peter Stark at 503-274-4331.
Business District: None
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: None
Zoning: R7 – Single-Dwelling Residential 7,000
Case Type: AD – Adjustment Review
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal:

The applicant proposes to construct an addition to the existing house at the front of the property that would result in 363 additional square feet of living space on the third story, and 77 square feet on the second floor. The proposal necessitates two requests for Adjustments: one for setbacks and one for height.

The existing house on this steeply-sloping site was built close to the street, and its entire front façade lies within the required front setback of 15 feet (being constructed in 1941, before the front setback standard was in place). The current closest point of the house to the front property line is 3 feet, 3 inches. The addition would decrease the existing front setback of the home to as little as 1 foot, 1 inch from the curving front property line at one point of the addition and at varying distances for the rest of it, bringing the house further out of compliance with current regulations. As identified in the site plan detail included in the Notice of Proposal, the related eaves for the area of expansion will be located as little as 8 inches from the front property line at the closest point and at varying distances for the rest of the façade. The applicant is requesting an Adjustment to Zoning Code Section 33.110.220.B and Table 110-3 to

reduce the required front setback from 15 feet to as little as 1 foot, 1 inch for the building walls and as little as 8 inches for the associated eave as shown in the site plan.

The height limit for houses in the R7 zone is 30 feet as per Zoning Code Section 33.110.215.B and Table 110-3. This project does not qualify for the alternative height limits for steeply sloping lots described in 33.110.215.D because the height increase is proposed within the front setback. The addition would increase the height of the house from 27 feet 4 inches to 31 feet, 10 inches as measured by Base Point 2 (defined in Zoning Code Section 33.930.050.A.2). The applicant requests an Adjustment to the height standard to allow the house to measure 1 foot, 10 inches above the 30-foot height limit.

Because of the addition to the house, the existing chimney will need to be extended to meet building code standards. The Zoning Code does allow chimneys to extend above the height limit (Zoning Code Section 33.110.215.C.1), but only if they are less than three feet in width, depth or diameter. Since the chimney is 3.5 feet wide, it is subject to the height limit for the zone of 30 feet. The height of the chimney is 37 feet, 3 inches. The applicant requests an Adjustment to the height standard to allow the chimney to measure 7 feet, 3 inches above the 30-foot height limit.

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 subject site is a 4,800-square-foot, steeply sloping through-lot with frontage on both NW Maywood Dr. and NW Marlborough Ave. The slope of the lot on average is more than 60%. The Spanish Colonial-style, 1941 house fronts onto NW Maywood Drive on the high side of the lot like other homes on this northeast side of the street. On the southwest side of the street, the houses are built on the upper part of the lots and they mostly face the next street rather than NW Maywood. There is a sidewalk on the southwest side of the street and none in front of the subject site.

The surrounding vicinity is developed with single-dwelling residences built in various decades. The height of homes in the vicinity varies. Some are two-story structures and are built on relatively flat areas of sites, some homes are taller and are constructed into the hillside or at the base of the site. Also, due to the slope of the area, some of the homes are built on stilts. NW Maywood Dr. is also sloped; it curves through the area and has a curb-tight sidewalk along most of one side on the opposite side of the subject site. Homes west and north of the site are located at a much lower elevation and homes immediately east and south are located at a higher elevation.

Houses on the steeper lots are generally built in close proximity to the front property line, with shallow or limited landscaping areas between the house and street. Some of these homes in the immediate vicinity also have front facades that are two stories tall at this same minimal setback.

Zoning: The Residential 7,000 (R7) 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 4,200 square feet, with a minimum width and depth dimensions of 40 feet and 55 feet, respectively. Minimum densities are based on lot size and street configuration. Maximum densities are 1 lot per 7,000 square feet of site area.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **March 3, 2014**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services;
- Water Bureau;
- Fire Bureau;
- Site Development Section of BDS;
- Bureau of Transportation; and
- Bureau of Parks-Forestry Division.

Neighborhood Review: One public comment was received from a nearby property owner in response to the notice of proposal. The property owner supports the proposal, stating that “the proposed additions (with zoning variances) will make a positive change to this property...In fact, it pleases me that such thoughtful work is planned for a house in my neighborhood.”

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: Each Adjustment has its own set of purpose statements. Each one will be addressed separately below.

SETBACK ADJUSTMENT

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 separately for the setback Adjustment request.

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

Findings: The setback standards maintain air and fire fighting access and separation by helping to ensure that there is space maintained between structures. The setback Adjustment requested does not move the structure closer to its neighbors. The house would be built out so that it would be closer to the street, which will not constrict air flow or fire access/separation. The Fire Bureau responded to the notice of proposal with no concerns.

Light is also not constrained for other sites. The house is substantially lower than the houses across the street, and the houses to the south, so reducing the setback will not impact the amount of light reach those houses. The house to the north will not be impacted by a reduced front setback for the primary house on 444 NW Maywood because the reduction in setback results in an area of the front yard being filled in. This change will not impact the house to the north. The expanded home with a reduced setback will equally met this purpose element because it will continue to maintain adequate space for light, air and access for fire fighting equipment.

- *They reflect the general building scale and placement of houses in the City's neighborhoods;*

Findings: For the purposes of this review, “neighborhood” is defined as the stretch of NW Maywood adjacent to the subject site, from roughly NW Melinda to NW Mildred. A survey of the neighborhood reveals many houses that were built with very shallow front setbacks, sometimes with two full stories close to the street. The placement of the houses close to the street is a result of the steepness of the sites. The photos below are two examples of nearby multi-story homes built with little to no front setbacks.



380 NW Maywood Dr.



310 NW Maywood Dr.

With the curving nature of the road, many of the surrounding houses are located at an angle to the road, or have elements of their façades placed at an angle. The subject site's north garage wall corner, for example, is located only 3 feet, 3 inches from the property line; the south garage wall corner, however, is some 7 feet away from the property line. Because of the house's orientation, the areas with the smallest setback requested are generally corners of walls, with the rest of the development set further back from the property line. This also is consistent with surrounding development.

The scale of the proposal is consistent with the general building scale and placement of homes in the neighborhood, which has many structures with two stories on at least part of the façade facing the street, and with the façades being within the required front setback.

- *They promote a reasonable physical relationship between residences;*

Findings: The perception of the massing of the house will not be substantially increased with the reduced setback. The two sections of “bump-outs” to the house that necessitate this Adjustment request will further differentiate the front façade, making it more visually interesting.

The house to the south of the subject site was recently entirely reconstructed in 2009. The result is a house that is much higher than the one on the subject site at the north edge of the property. The expansion of the house on the subject site will not make it more imposing than the house to the south. While the other adjacent home is one-story at the street and is lower than the house on the subject site because the street slopes down, the expansions moving the subject house closer to the street occur on the south two-thirds of the façade. The impact of the expansion will not be felt on the lower adjacent property. Neither immediate neighbor commented on the proposal. Additionally, no changes are proposed to the side setbacks, so there is no impact on the physical relationship between the subject house and those houses on either side.

Because of the steepness of the area, the homes along the north side of NW Maywood have little relationship with the homes across the street, which are built on the high side of their lots and face the adjacent street, NW Albemarle Terrace. Similarly, because of the orientation of the subject site’s house close to NW Maywood, it has little relationship to the houses on the street below, NW Marlborough. The topography limits the impacts that any change to the subject site would have on houses on adjacent streets. The relatively minor changes requested in this proposal do not impact the physical relationship between the subject site and sites on adjacent streets.

The proposed architecture of the addition is consistent with the rest of the home; the house will continue to be a coherent whole with the new addition integrated into the design of the house and will continue to maintain a reasonable relationship to the residences on either side.

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

Findings: As stated above, the proposed work will be occurring on the street-facing façade of the house, and will not move the house closer to the street on the northern edge which would be closest to the lower house to the north. Additional windows in the proposed addition will be located higher than the adjacent house, offering views to the Willamette River rather than into the adjacent house, which has few openings on its south side. Foliage and limited openings on the house to the south prevent privacy issues between those two structures. Neither side setback is proposed to change.

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

Findings: Given the steep slope of lots in this area, few of the homes have significant front yards, and many of the homes are built close to the street onto which they front. Since many of the lots are through-lots, with frontage on two streets, the result of this is that many streets have homes built close to the street on one side, with only landscaped, steeply sloping upwards “backyards” on the other side. The existing house is consistent with this pattern.

The setback adjustment will bring the house closer to the street and reduce its “front yard” area (currently made up of planters and a small paved area that might

be used for sitting). The proposal will create two new planters and maintain the existing iron gate which will open onto a small sitting area and lead to the steep stairs along the north of the house. This reduction in front yard space is consistent with the neighborhood. However, the planters, gate, new trellis and the increasing differentiation of the front façade will make the front of the site visually pleasing.

- *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*

Findings: The topography of the area has a strong influence on the placement of dwellings on individual lots. This particular lot, like the abutting ones, is very steeply sloping from the street. There is no area on the lot where it flattens out to provide an obvious shelf on which to situate a structure. A rear addition was considered but was determined to be too expensive given the engineering that would be involved. The proposal is consistent with the neighborhood development pattern.

The size of the required outdoor area for the Residential 7,000 zone, as stated by Table 110-3, is a minimum of 250 square feet, with a minimum of a 12-foot by 12-foot block of area. The required outdoor area may not be located in the front building setback. The proposed changes, which take place within the front setback, do not therefore impact the site's ability to meet its outdoor area requirement.

The addition, although located in the front setback, is integrated into, and complements, the architecture of the existing house on the site.

- *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.*

On steeply sloping lots, the garage entrance can be reduced to 5 feet within certain height limits. The other Adjustment relates to exceeding that height limit for the house above the garage, but the setback of the existing garage is not proposed to change.

For the setback Adjustment, this criterion is met.

HEIGHT ADJUSTMENT

33.110.215 Height

Purpose: The height standards serve several purposes:

- They promote a reasonable building scale and relationship of one residence to another;
- They promote options for privacy for neighboring properties; and
- They reflect the general building scale and placement of houses in the city's neighborhoods.

Each purpose statement will be addressed separately for the height Adjustment request.

- *They promote a reasonable building scale and relationship of one residence to another;*

Findings, Addition Height Adjustment: The height Adjustment request for the house addition is relatively modest at 1 foot, 10 inches, and is in part necessitated because of the related setback Adjustment request. If this addition were proposed on part of the house outside the front setback area, then the alternative height limit for steeply sloping lots (Zoning Code Section 33.110.215.D) would apply. Using the

average street grade to measure height as the alternative provides, the addition would not be considered to be over the height limit and would measure 21 feet above street grade (the chimney, however, would still measure higher than the maximum 23 feet using this method of measurement, and would still require a height Adjustment). Because the development is happening within the front setback, however, Base Point 2 is required to be used to measure height (as defined in Zoning Code Section 33.930.050.A.2). Using Base Point 2, the house measures taller than the height limit of 30 feet.

Given that the proposal will increase the height of the house in the area of the front setback, it must be demonstrated that the proposal equally or better meets the purpose statement to “promote a reasonable building scale and relationship of one residence to another.” The proposal is found to meet this purpose statement based on the following findings:

- Two-story houses at a height comparable to what the applicant proposes within the 15-foot front setback are not uncommon on the street. Several neighboring homes have a similar configuration, and the second stories often run the entire length of the building’s façade. The proposed addition would increase the height in only one part of the front façade – about a 10-foot width on a gable (which slopes to a point on both sides) out of the 40-foot width of the façade is the area exceeding the 30-foot height limit.
- The area of the increase in height is proposed on the south end of the building’s façade, where the street grade and the taller height of the 2009-constructed adjacent home, make the neighboring home appear significantly taller than the existing home. The increase in height in this area of the subject site actually works as a transition from the height of 434 NW Maywood to the south and the lower elevation of the one-story 464 NW Maywood to the north.

Findings, Chimney Height Adjustment: The chimney is required to be extended above the area of the home addition due to building code standards. The width of the chimney is 3 feet, 6 inches – 6 inches wider than what is allowed for a chimney over the height limit. Therefore, the applicant has requested a height Adjustment for this chimney to be located 7.25 feet above the 30-foot height limit.

It is worth noting that the chimney is not located within the 15-foot front setback (it is set back roughly 23 feet from the front property line), so we could also measure its height using the alternative height limit for steeply sloping lots discussed above. Using that height measurement, the chimney is 26.75 feet tall, or 3.75 feet above the maximum height limit of 23 feet from average street grade. For consistency’s sake, we presented both elements for height Adjustment using the same method of measurement.

The chimney is located on the south side of the home and therefore is located approximately 34 feet from the north property line, and 39 feet from the side façade of the adjacent house to the north. It is located closer to the property on the other side of the subject site, but on that façade there are few windows where the chimney would be visible.

While the chimney is proposed to maintain its dimensions of 3 feet, 6 inches on the front elevation, the side elevations, which will be visible to the neighboring houses, are only 3 feet wide. The chimney would not be subject to the height limit if all the chimney sides were only 3 feet wide; the appearance from the adjacent houses, therefore, reflect the appearance of a chimney that is exempt from the height limits. The visual impact is minimal.

The chimney height Adjustment would equally maintain a reasonable building scale and relationship among houses.

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

Findings, Addition Height Adjustment: The proposed addition will be on the street-facing façade of the house. Additional windows proposed to the north will be located both in front of and higher than the adjacent (lower) house, offering views to the Willamette River rather than into that adjacent house. The house to the north additionally has few openings on its south side. The closest new window is also 21 feet from the adjacent home to the north, while the tallest window is some 32 feet from that house. This window is located below the height limit. Foliage and limited openings on the house to the south maintain privacy between those two structures. Granting this height Adjustment will not add additional views into adjacent residences and will not negatively affect the privacy of adjacent properties.

Because the homes across the street front to NW Albemarle Terrace, and sit significantly higher due to the steeply sloping nature of those lots, no risk of privacy invasion exists for the homes across the street. The height adjustment is relatively minor, with no openings in the area above the height limit. The purpose statement is equally met with this thoughtful design.

Findings, Chimney Height Adjustment: The chimney height is a function of building code regulations and does not allow additional views into neighboring properties. Privacy will not be compromised if this height Adjustment is granted. This purpose is equally met.

- *They reflect the general building scale and placement of houses in the city's neighborhoods.*

Findings, Addition Height Adjustment: The nearby properties are largely constrained by the steeply sloping lots, and this has resulted in houses built close to the property line in many cases. Several of these houses do have multiple stories on their front façades. Most, like the house on the subject site, were built before the current standards were enacted. The proposed height Adjustment would result in a house that is consistent with other houses on the street both in placement and building scale. This purpose statement is equally met.

Findings, Chimney Height Adjustment: The chimney is located approximately 23 feet from the front property line. The style of the chimney is consistent with the Spanish-inspired architecture of the rest of the house, making it a contributing element. Chimneys are not unusual in the area, and several neighborhood homes have taller chimneys. The height adjustment for the chimney is required if the addition height adjustment is granted in order to comply with the City's building code requirements. The proposed chimney height will not appear to be out of scale with the rest of the neighborhood, and will be integrated into the house's architecture. The purpose statement is equally met.

As described above, the purpose statements will be at least equally met for both the chimney and addition height Adjustments. The approval criterion is met.

- 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

SETBACK ADJUSTMENT

Findings: Because the site is located in an R7 zone, this criterion requires demonstrating that the proposal will not significantly detract from the livability or appearance of the residential area. Again, for purposes of this review, the “residential area” is defined as the stretch of NW Maywood adjacent to the subject site, from roughly NW Melinda to NW Mildred.

As stated above, several of the homes on the street appear to have at least 2 stories as viewed from the street and many are built close to the front property line. The proposed home with the addition meets or exceeds the side and rear setbacks, so the overall relationship of the home to adjacent homes remains consistent.

The additions will create more visual interest than what currently exists on the property. The proposal creates a front façade that is more articulated than the existing façade, with a more stepped back design moving from south to north. The main entrance remains between 6 and 7 feet from the property line but has a new covered component with an upper story addition. A new wood trellis over the existing garage door and the repetition of the iron window box element on the new windows make the front of the home more dynamic.

While the house will have sections located closer to the property line than at present, the result will be an integrated architectural expression that will be more interesting and more attractive than the current façade. The overall design results in a finished product that addresses the street and neighborhood, and fits in with the other dwellings throughout the area. While it is in close proximity to the street, it is not unlike other dwellings nearby that all help to define the character of this hillside neighborhood.

There are no identified impacts on livability. The only potential impacts on livability associated with a setback Adjustment are on such factors as light, air and privacy. However, as identified in the findings for Approval Criterion A above, there are no adverse impacts associated with the proposal on these factors.

In summary, the proposed Adjustment to the front setback will not detract from the livability or appearance of the area. ***This criterion is met.***

HEIGHT ADJUSTMENT

Findings, Addition Height Adjustment: As described above, the proposed increase in height is well-integrated into the existing home. The home’s addition will not look imposing or overly tall and will provide a transition between the taller/higher house to the south and the shorter/lower house to the north. The design fits in well with the other homes on the street, many of which are built close to the property line with two stories at the front façade. The proposed additions match the existing architectural elements and provide more visual interest.

As noted in the response to Approval Criterion A above, there will be no impacts on privacy for adjacent residences related to the height increase.

Findings, Chimney Height Adjustment: Taller chimneys are not out of place in the immediate area; several other homes have chimneys that are significantly taller than their houses. While the chimney is wider from the front by 6 inches than what would be allowed to exceed the height limit by right, the other sides of the chimney are significantly narrower than 3 feet at approximately 18 inches. The chimney reflects the Spanish architecture of the rest of the house and fits in well.

Neither the chimney nor the front addition that exceeds the maximum height limit detract from the livability or appearance of the residential area. In contrast, both fit in well and make improvements to the overall appearance of the site.

This criterion is met.

- 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: The setback and height adjustments are both required to add more livable space onto the existing house. Due to the steepness of the lot, it is not possible to add additional floor area to the rear of the house without significant engineering costs. Additionally, due to the downward slope of the lot, adding floor area to the rear of the site would likely add significantly to the overall bulk and massing of the house. This careful design gives the owner approximately 430 square feet of additional living space (an office, additional bedroom and two new bathrooms) while increasing the visual interest of the front façade.

The Residential 7,000 zone is a single-dwelling zone. The purpose of these zones is described in Zoning Code Section 33.110.010: “The single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households...” Nothing about the proposal conflicts with this purpose; additional space in a single-dwelling house enables it to be used more flexibly as housing for individual households.

This 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: The proposed addition is intended to expand the house within the constraints of the home’s existing architectural identity and the site’s topography. New planters and landscaping are proposed that will soften the front façade and enhance the visual appeal. The existing tree on the northwest corner of the property will be transplanted into the new planter at the same location, maintaining a more mature natural element. The addition’s design is sensitive to the surrounding homes and minimizes impacts on privacy and building scale. The result is a proposal that will match the existing home and fit successfully into the neighborhood.

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). The site is not within an environmental zone and ***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 applicant proposes an addition on the front façade of the existing single family house. The plans include adding an upper-level bedroom with two additional bathrooms, a main story office and a covered main entry to the house. Because the existing home has a non-conforming setback from the front property line, the proposed upper level addition will not be able to meet the required setback. Therefore, the applicants request an Adjustment to reduce the front setback for the addition from 15 feet to 1 foot 1 inch at its closest point for the building wall and a minimum of 8 inches for a projecting eave. The applicant also requests an Adjustment to the height limit of 30 feet so that the new gabled roof can extend to 31 feet 10 inches, and the chimney can extend to 37 feet 3 inches. The proposal meets all of the applicable approval criteria and therefore should be approved.

ADMINISTRATIVE DECISION

Approval of Adjustment to 33.110.220.B to reduce the required front setback from 15 feet to as little as 1 foot, 1 inch for the building walls and as little as 8 inches for the associated eave; and approval of Adjustment to 33.110.215.B to increase the allowed maximum height from 30 feet to 31 feet, 10 inches for the building and 37 feet, 3 inches for the chimney, both per the approved site plans, Exhibits C.1, C.2, C.4, C.6, and C.8, signed and dated April 4, 2014, 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.2, C.4, C.6, and C.8. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-102597 AD."

Staff Planner: Amanda Rhoads



Decision rendered by: _____ **on April 4, 2014**

By authority of the Director of the Bureau of Development Services

Decision mailed: April 8, 2014

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 January 8, 2014, and was determined to be complete on February 26, 2014.

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 January 8, 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: June 27, 2014.**

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 April 22, 2014** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth 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 **April 23, 2014 (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.

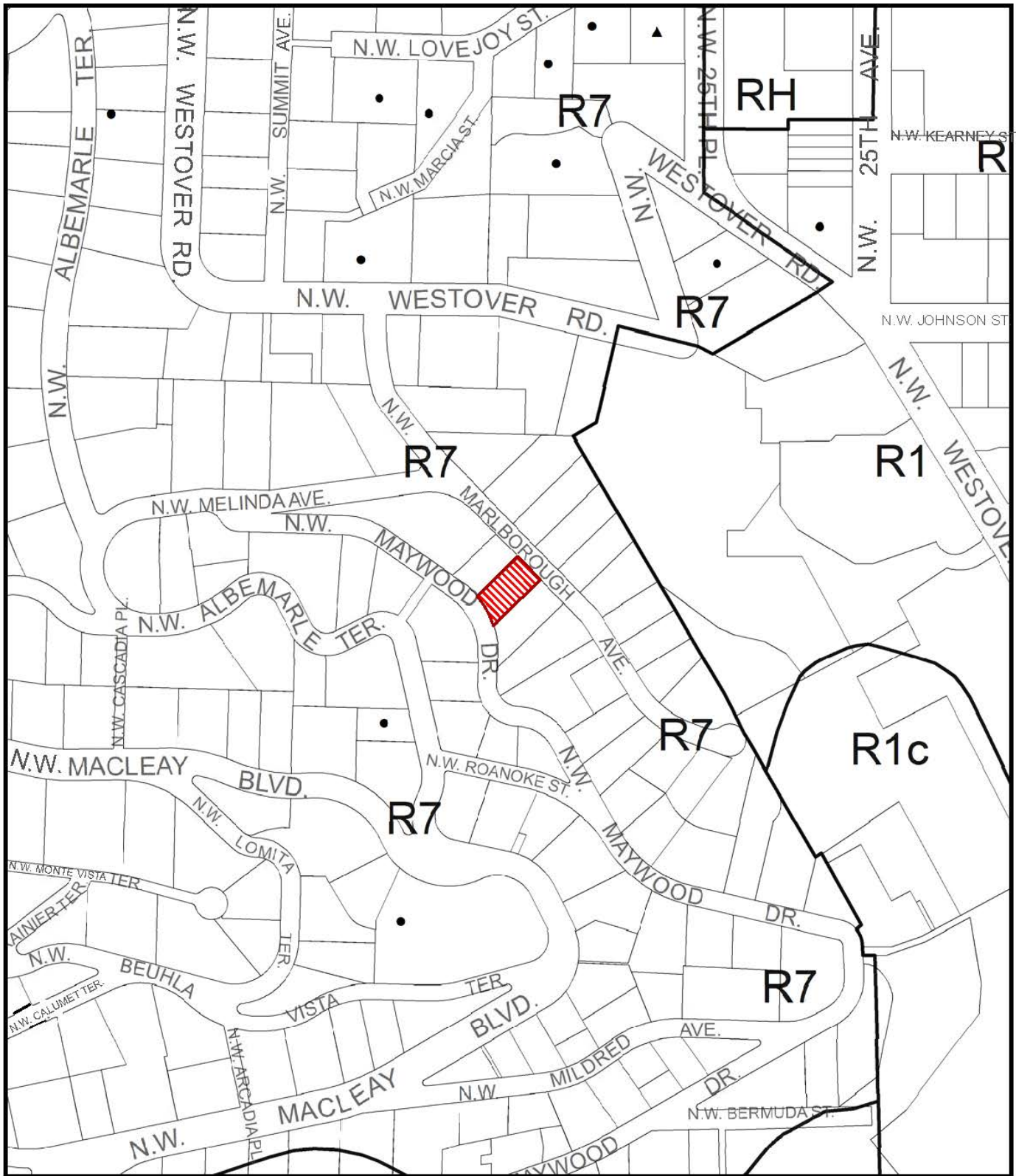
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Applicant's statement, January 6, 2014
 2. Revised applicant's statement, February 17, 2014
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Site Plan Detail (attached)
 3. Existing South Elevation
 4. Proposed South Elevation (attached)
 5. Existing West Elevation
 6. Proposed West Elevation (attached)
 7. Existing East Elevation
 8. Proposed East Elevation (attached)
- D. Notification information:
 1. Mailing list

2. Mailed notice
 3. Corrected notice – front page
- 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, Forestry Division
 7. Life Safety (Building Code) Plans Examiner
- F. Correspondence:
1. Robert Herald, March 19, 2014, in support
- G. Other:
1. Original LU Application
 2. Incomplete Letter, January 22, 2014

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

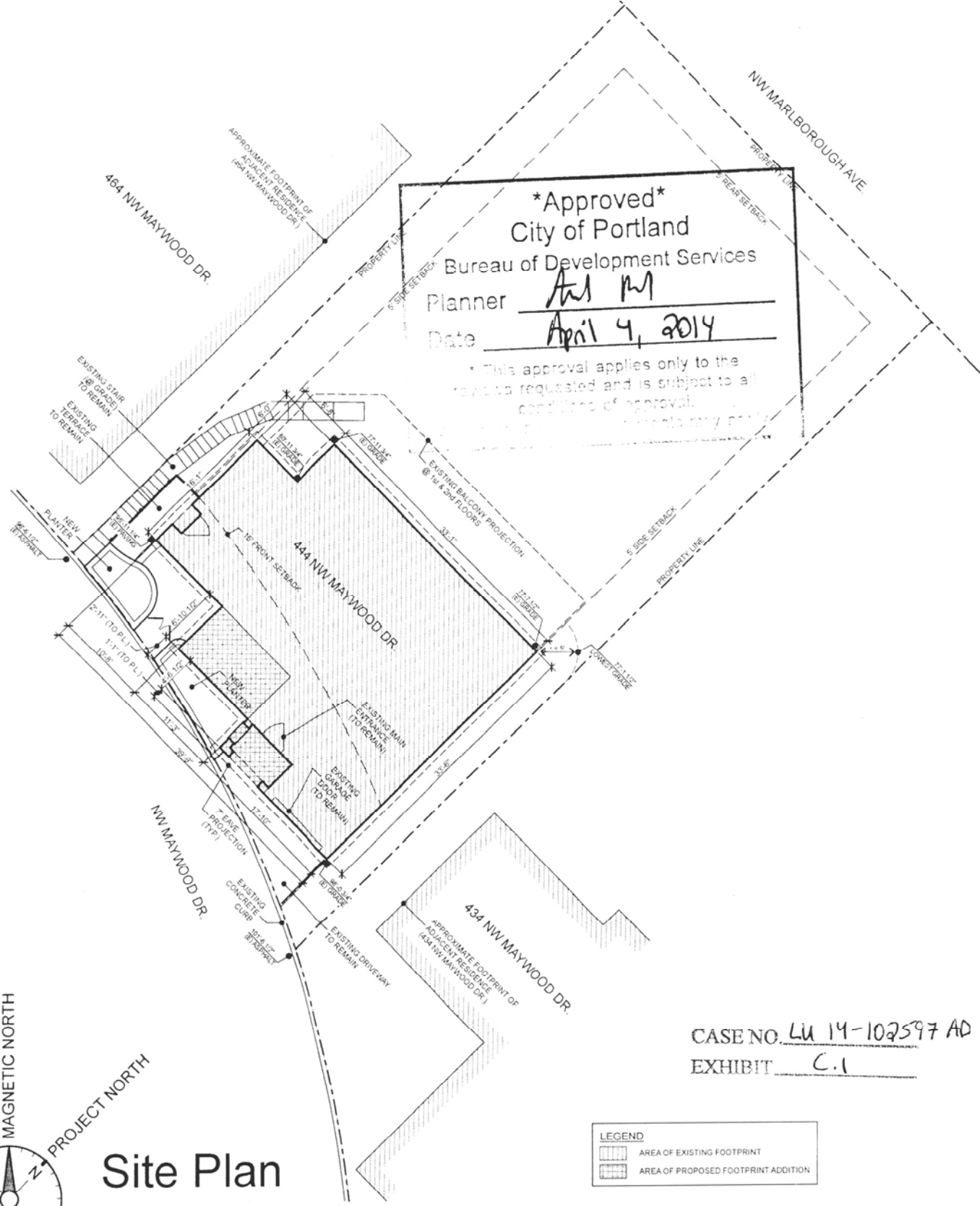


Historic Landmark



NORTH

File No. LU 14-102597 AD
 1/4 Section 2926
 Scale 1 inch = 200 feet
 State_Id 1N1E32AD 8000
 Exhibit B (Jan 13, 2014)



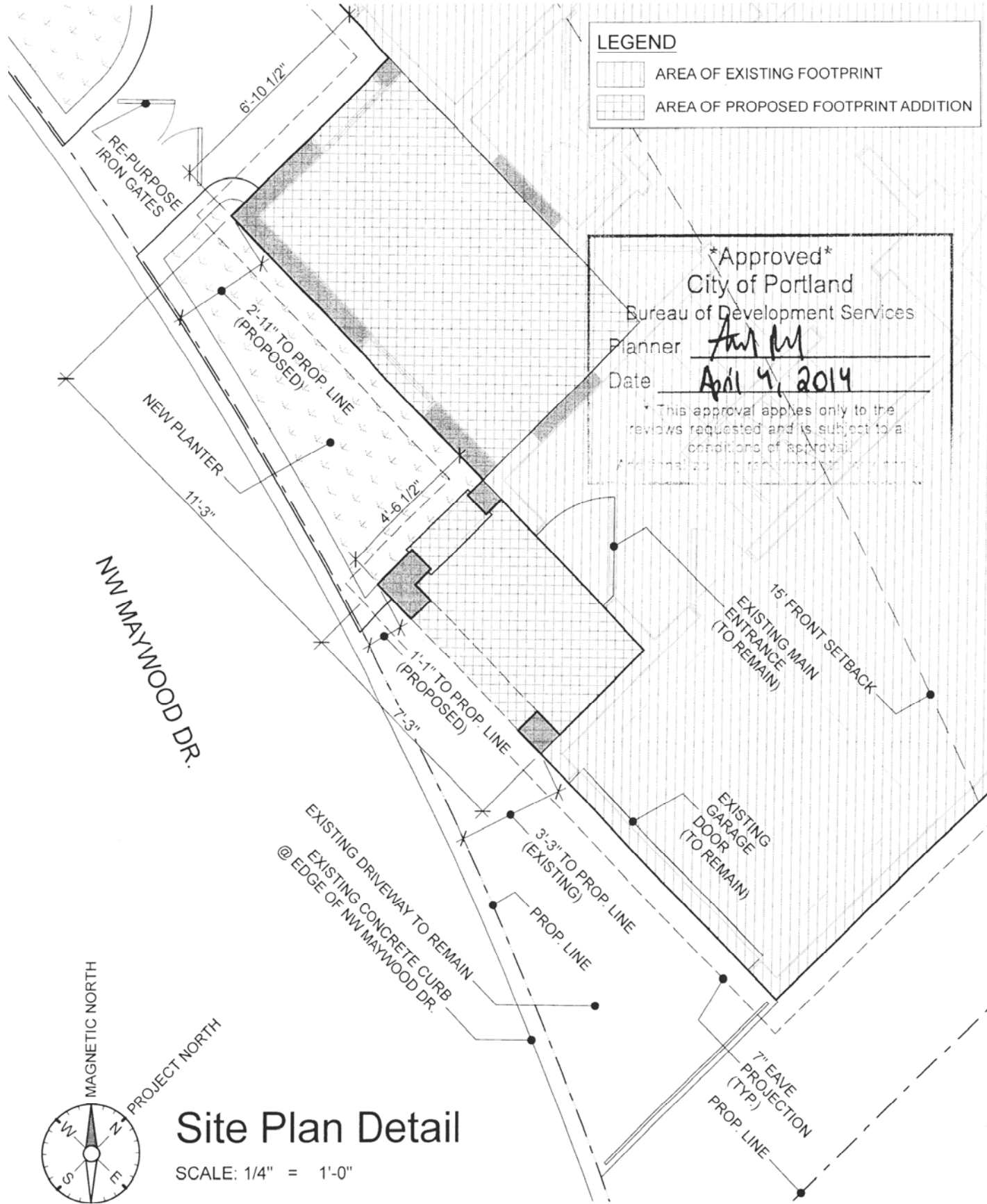
Site Plan
 SCALE: 1/16" = 1'-0"

CASE NO. LU 14-102597 AD
 EXHIBIT C.1

date:
02 - 17 - 2014
 submittal:
Zoning Code Adjustment
 page:
(1) of (9)

proposed remodel & addition to existing residence at:
444 NW Maywood Dr.
 Portland, OR 97210

Zack Gillum
 tel: 503-260-3355
 zcgillum@gmail.com



LEGEND

	AREA OF EXISTING FOOTPRINT
	AREA OF PROPOSED FOOTPRINT ADDITION

Approved
 City of Portland
 Bureau of Development Services
 Planner Amy M.
 Date April 9, 2014
 * This approval applies only to the reviews requested and is subject to all conditions of approval.



Site Plan Detail

SCALE: 1/4" = 1'-0"

date:
02 - 17 - 2014

submittal:
Zoning Code Adjustment

page:
(2) of (9)

proposed remodel & addition to existing residence at:

444 NW Maywood Dr. CASE NO. Lu 14-10297 ^{AD} Zack Gillum
 Portland, OR 97210 EXHIBIT C.2 tel: 503-260-3355
 zcgillum@gmail.com

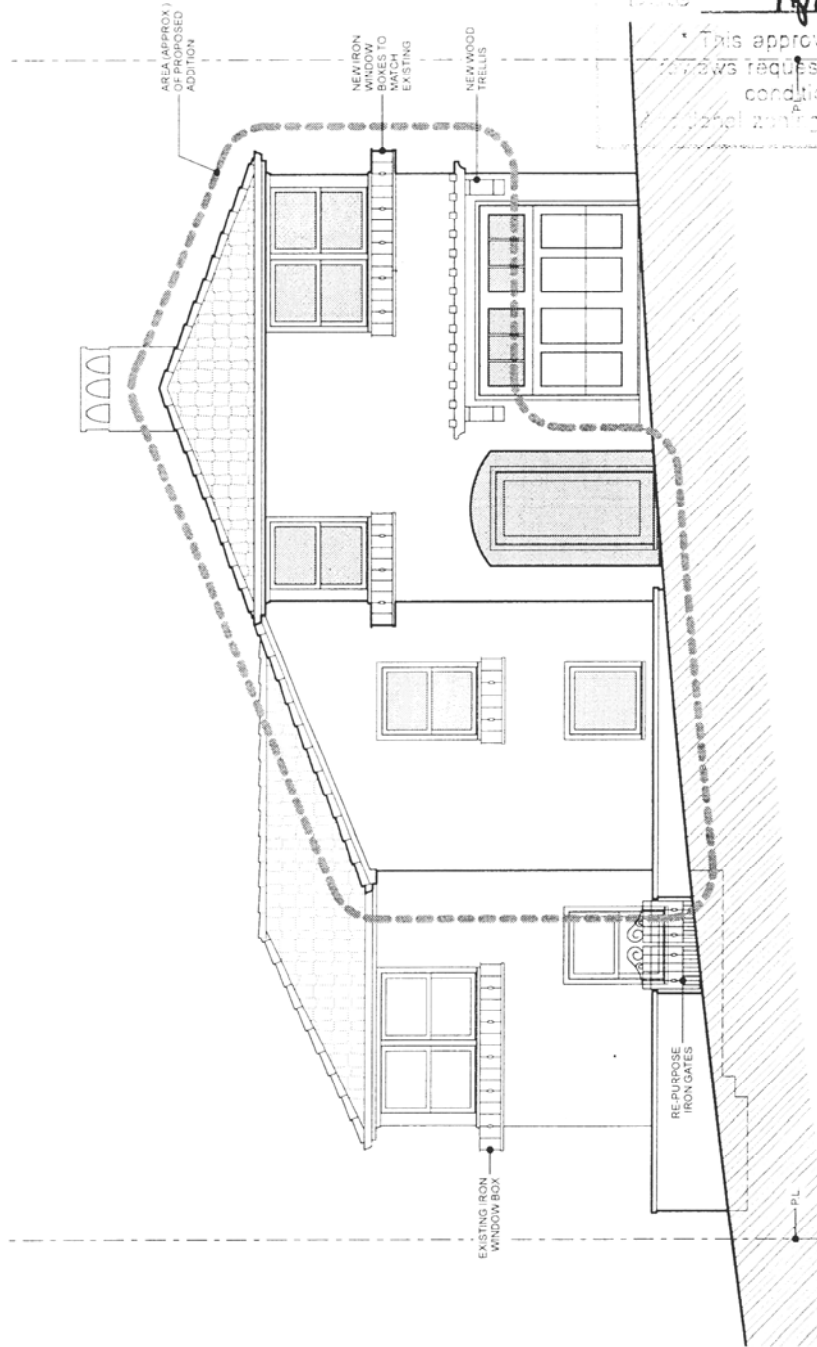
Approved
City of Portland

Bureau of Development Services

Planner Andy M

Date April 4, 2014

* This approval applies only to the
changes requested and is subject to all
conditions of approval.
Other zoning requirements may apply.



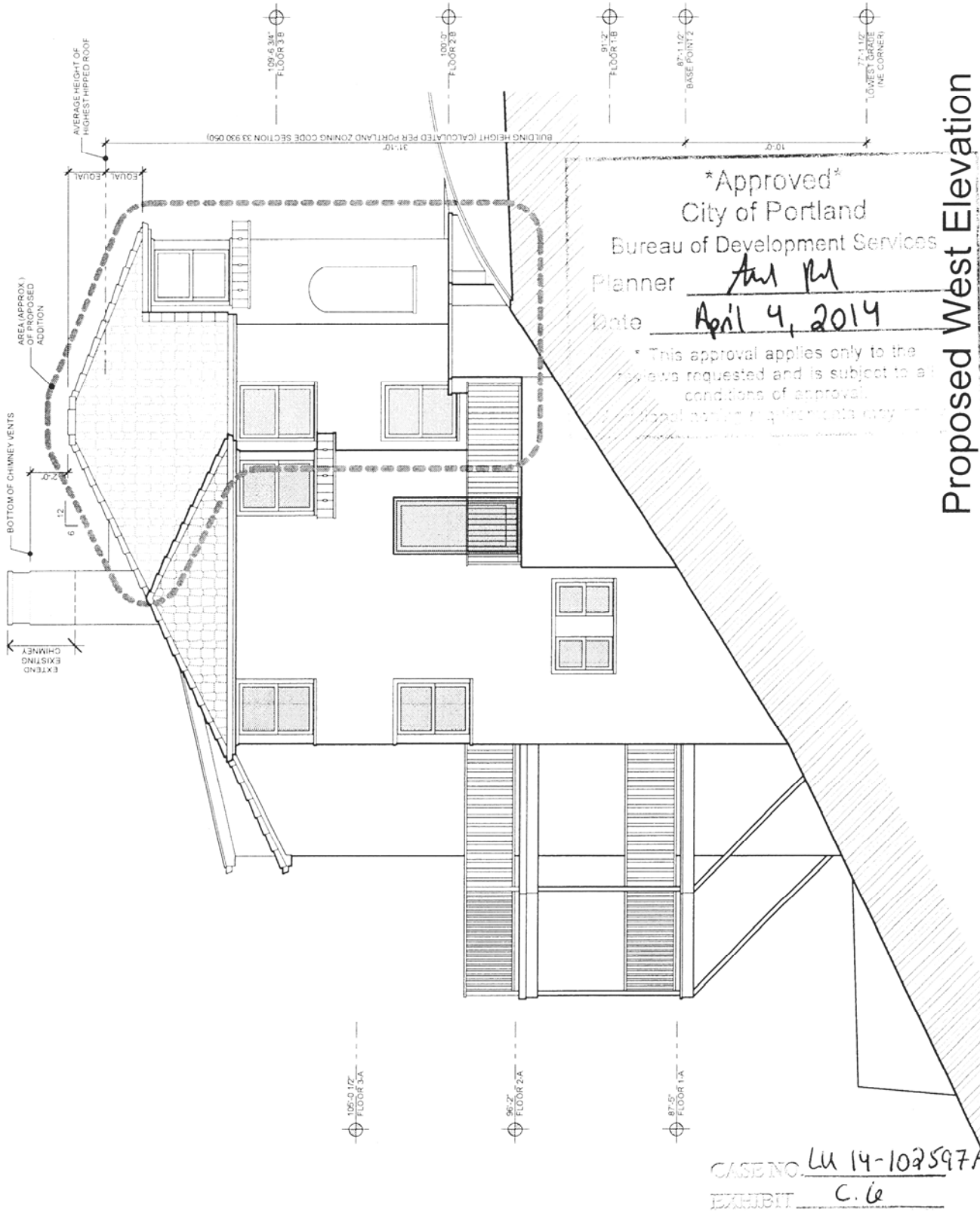
Proposed South Elevation
SCALE: 1/8" = 1'-0"

CASE NO. LU 14-102597 AD
EXHIBIT C.4

date:
02 - 17 - 2014
submittal:
Zoning Code Adjustment
page:
(4) of (9)

proposed remodel & addition to existing residence at:
444 NW Maywood Dr.
Portland, OR 97210

Zack Gillum
tel: 503-260-3355
zcgillum@gmail.com



Approved
 City of Portland
 Bureau of Development Services
 Planner Ann M
 Date April 4, 2014

* This approval applies only to the reviews requested and is subject to all conditions of approval.
 It does not constitute a permit and is not valid until a permit is issued.

Proposed West Elevation
 SCALE: 1/8" = 1'-0"

CASE NO. LU 14-102597AD
 EXHIBIT C.6

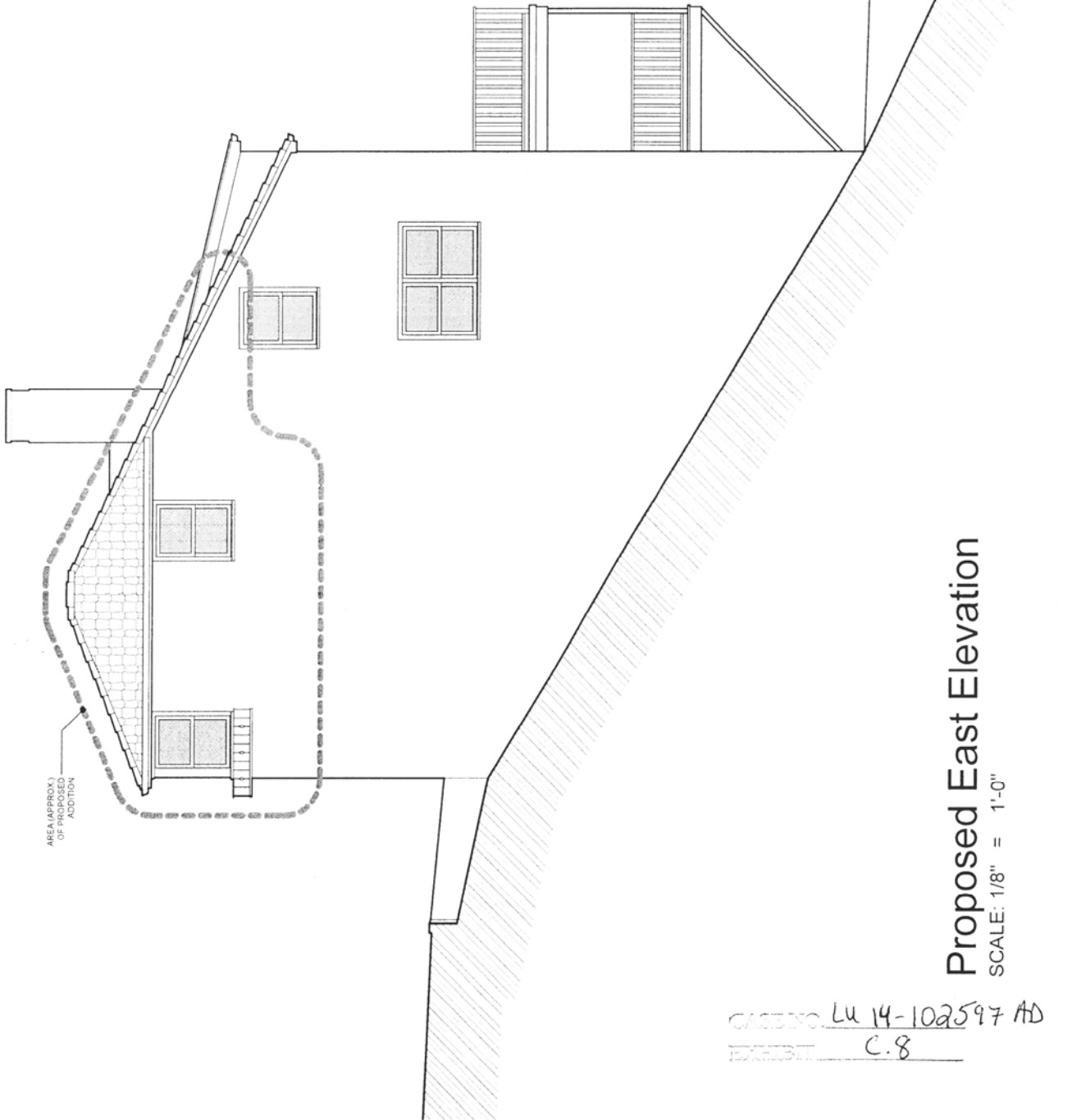
date:
 02 - 17 - 2014
 submittal:
 Zoning Code Adjustment
 page:
 (6) of (9)

proposed remodel & addition to existing residence at:
444 NW Maywood Dr.
 Portland, OR 97210

Zack Gillum
 tel: 503-260-3355
 zcgillum@gmail.com

Approved
City of Portland
Bureau of Development Services
Planner Ann RM
Date April 4, 2014

* This approval applies only to the
reviews requested and is subject to a
conditions of approval.
Additional zoning requirements may apply.



Proposed East Elevation
SCALE: 1/8" = 1'-0"

CASE NO. LU 14-102597 AD
EXHIBIT C.8

date:
02 - 17 - 2014
submittal:
Zoning Code Adjustment
page:
(8) of (9)

proposed remodel & addition to existing residence at:
444 NW Maywood Dr.
Portland, OR 97210

Zack Gillum
tel: 503-260-3355
zcgillum@gmail.com