



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

Dan Saltzman, Commissioner
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Date: March 11, 2016
To: Interested Person
From: Mark Walhood, City Planner
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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 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 16-106257 AD

GENERAL INFORMATION

Applicant: Mary Hogue
MKM Architecture Inc.
3304 SE 52nd Ave
Portland, OR 97206

Property Owners: Joshua Simon & Katrina Lebedeva
2720 SW English Ct
Portland, OR 97201-1622

Site Address: 2720 SW ENGLISH CT

Legal Description: TL 1600 0.19 ACRES, SECTION 08 1S 1E
Tax Account No.: R991081100
State ID No.: 1S1E08AB 01600
Quarter Section: 3326

Neighborhood: 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.

Zoning: **R10/R10c** (Single-Dwelling Residential 10,000 base zone, with portions of the site also covered by Environmental Conservation overlay zoning)

Case Type: **AD** (Adjustment Review)
Procedure: **Type II**, an administrative decision with appeal to the Adjustment Committee.

Proposal: The applicant has proposed an addition to the existing home at 2720 SW English Court. The proposal includes extending the existing garage 6'-0" further towards the street

(west), as well as a second floor extension of the main house to the south, over the existing and expanded garage. The lower floor garage extension will allow for a new powder room behind and east of the garage, and the upper floor addition provides a new master bathroom and closet space. The new street-facing first floor garage wall and the wall of the addition above would be flush with the existing house façade facing English Court. The south edge of the expanded garage wall, as well as the second floor addition above, are both proposed at 8'-0" from the south side lot line.

Regulations for the R10 zone require a minimum 10'-0" building setback from side lot lines. The existing garage wall on the south side is just slightly over 8'-0" from the side lot line. In this situation, because the existing garage wall is at least 60% of the respective side wall and located partly in the setback, the first floor garage extension maintaining that 8'-0" setback to the side lot line is allowed by right as an "established building line" per 33.110.220.D.5. However, the second story addition over the garage is not allowed by-right in the setback, as the walls rise vertically over the existing walls. Therefore, the applicant has requested an Adjustment to reduce the south side setback for the second story addition from 10'-0" to 8'-0" (33.110.220.B/Table 110-3).

RELEVANT APPROVAL CRITERIA: In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are found at 33.80.040.A-F, Adjustment Approval Criteria.

ANALYSIS

Site and Vicinity: The site is a single residential parcel in the Southwest Hills neighborhood, in particular within with subarea of this neighborhood which is traditionally referred to as Portland Heights. The neighborhood character is generally one of steeply-sloping lots with wooded rear yards and houses placed relatively close to the street. Streets are generally two-way paved roadways with no sidewalks. At this site, the house is oriented on the relatively flat western portion of the lot closest to the road, with a rear yard that slopes steeply away to the south down a narrow ravine covered in mature trees. All the homes on this particular dead-end street are two-story ranch homes built in the 1940's and 1950's.

Zoning: The Residential 10,000 (R10) base zone is a single-dwelling zone that seeks to preserve and enhance the character of existing residential neighborhoods, as well as to provide housing for individual households. Approximately the eastern half of the property is covered by the Environmental Conservation overlay zone, generally in the same area as the wooded and steeply sloping portion of the lot. No disturbance or other physical alterations are proposed within the environmental overlay zones as part of this project.

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

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **February 9, 2016**. The following Bureaus have responded:

The *Bureau of Environmental Services* (BES) has reviewed the proposal and provided technical comments about stormwater management and permitting, but no objections to the requested setback Adjustment (Exhibit E.1).

The *Water Bureau* has reviewed the proposal and provided information about water service connections and permitting, but no objections to the requested setback Adjustment (Exhibit E.2).

The *Life Safety Section of the Bureau of Development Services* has reviewed the proposal and noted that, based on the information provided, there appears to be no conflicts between the proposal and applicable building codes. A building permit is required for the project, at which time a complete building code review will occur. No objections are raised with regards to the requested Adjustments (Exhibit E.3).

The *Site Development Section of the Bureau of Development Services* has reviewed the proposal and noted that an old cesspool on the site was disconnected in 1955, and that there is a steep downslope in the back yard. No objections are raised with regards to the requested Adjustments (Exhibit E.4).

The following two agencies responded without concerns or comments on the proposal:

- The *Fire Bureau* (Exhibit E.5); and
- The *Development Review Section of Portland Transportation* (Exhibit E.6).

Neighborhood Review: No written responses have been received from either the Neighborhood Association or notified property owners in response to the notice of proposal.

ZONING CODE APPROVAL CRITERIA

33.805.010 Purpose of Adjustment Reviews

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 Adjustment 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 applicant has requested an Adjustment to the south side setback on the property, reducing the distance from the 10'-0" required to 8'-0". The purpose statement for setbacks in the single-dwelling zones is as follows (33.110.220.A):

"Purpose. The setback regulations for buildings and garage entrances 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."

The proposed setback reduction maintains an 8'-0" setback from the closest adjacent side lot line. This lot line runs adjacent to what is effectively the wooded rear yard of the home immediately adjacent to the south, whose closest point is approximately 110 feet from the home, whose massing and entrance/driveway are oriented to the next street over to the east (SW English Lane). The site topography also slopes downhill to the north in this instance, such that the proposed addition generally sits below the

ground level of the closest potentially-impacted home (to the south). The Fire Bureau has reviewed the proposal for fire access issues and responded without concerns. Therefore, there are no issues with regards to at least equally meeting the intent of the setback regulations to maintain light, air, and fire-fighting access.

The proposed addition is in keeping with the general building scale and placement of houses in the surrounding neighborhood. Many nearby homes are relatively low, wide ranch-style homes with the longer side of the building facing the street, length-wise along the street frontage. Often built on lots with a relatively shallow building pad near the street, the home on this site and others nearby are often relatively close to each other on the two sides of the building, as well as close to the street. This is mitigated for in part by the large average lot size, and the significant areas of steeply-sloping wooded hillside and steep topography, which provide additional separation between housing units. In this case, there is no adjacent home on the abutting lot to be impacted, and the orientation of the abutting homes and topography suggest this will continue indefinitely into the future. As proposed, the 2'-0" setback reduction results in a project which still reflects neighborhood building scale and placement, maintains a reasonable distance between residences, and maintains privacy for neighboring properties. No neighbors have written in with concerns or comments on the project.

There are no changes to the front yard area associated with this setback Adjustment. The requested Adjustment will provide flexibility so that the addition can be compatible with the existing house and surrounding neighborhood, especially considering the unusual site topography and steeply-sloping wooded hillside character on the site and nearby. There are no significant changes to the driveway layout or manner in which vehicles will exit onto the abutting low-traffic, dead-end street.

Therefore, for the reasons noted above, this 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

Findings: For the reasons noted above in findings for criterion A, the proposal will not significantly detract from the livability or appearance of the surrounding neighborhood. Therefore, 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: Only one adjustment has been requested. This criterion does not apply.

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

Findings: There are no City-designated scenic or historic resources on the site. This criterion does not apply.

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

Findings: With approval granted based on the submitted plans and drawings, there are no impacts resulting from the requested setback adjustment which require mitigation. 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: The site does have environmental zoning on the wooded rear yard of the property, which consists mostly of a wooded, steeply-sloping hillside. No alterations or other new disturbance is proposed within or near the environmental zone. Therefore, this criterion does not apply.

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 has proposed a modest addition to the existing home, with a design that integrates well with the existing architecture of the home and surrounding neighborhood patterns. The orientation of the site layout and topography, in context with the placement of adjacent homes and overall wooded, hillside character of the area, limits any potential impacts from the modest requested setback reduction. As proposed, the request is easily able to meet the relevant criteria and should be approved.

ADMINISTRATIVE DECISION

Approval of an **Adjustment** to reduce the south side setback for a second-story addition from 10'-0" to 8'-0" (33.110.220.B/Table 110-3), as shown on the approved plans and drawings, Exhibits C.1 through C.11, all signed and dated March 8, 2016, and subject to the following condition:

- 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.11. The sheets on which this information appears must be labeled, "Reduced south setback as approved in Case File # LU 16-106257 AD."

Staff Planner: Mark Walhood

Decision rendered by: MARK WALHOOD **on March 8, 2016.**
By authority of the Director of the Bureau of Development Services

Decision mailed: March 11, 2016

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 15, 2016, and was determined to be complete on **February 4, 2016.**

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 15, 2016.

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 2, 2016.**

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 25, 2016** 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 28, 2016 – (the next business 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 Statements
 - 1. Original narrative including overview, approval criteria narrative, and site photos
 - 2. 8.5" x 11" copies existing conditions plans – for reference only
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. West/Front Elevation (attached)
 - 3. South and North Elevations (attached)
 - 4. East Elevation (attached)
 - 5. Roof Plan
 - 6. Second Floor Plan
 - 7. First Floor Plan
 - 8. Basement Plan
 - 9. Large/scalable site and floor plans, including existing conditions
 - 10. Large/scalable existing and proposed elevations
 - 11. Large/scalable proposed elevations
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Water Bureau
 - 3. Life Safety Section of the Bureau of Development Services
 - 4. Site Development Section of the Bureau of Development Services
 - 5. Fire Bureau
 - 6. Development Review Section of Portland Transportation
- F. Correspondence (*none received at time of decision mailing*)
- G. Other:
 - 1. Original LU Application Form and receipt

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).

Approved

City of Portland - Bureau of Development Services

Planner MARK WATKINS Date MARCH 8 2016
This drawing is for the use of the City of Portland and is subject to all applicable laws and regulations.

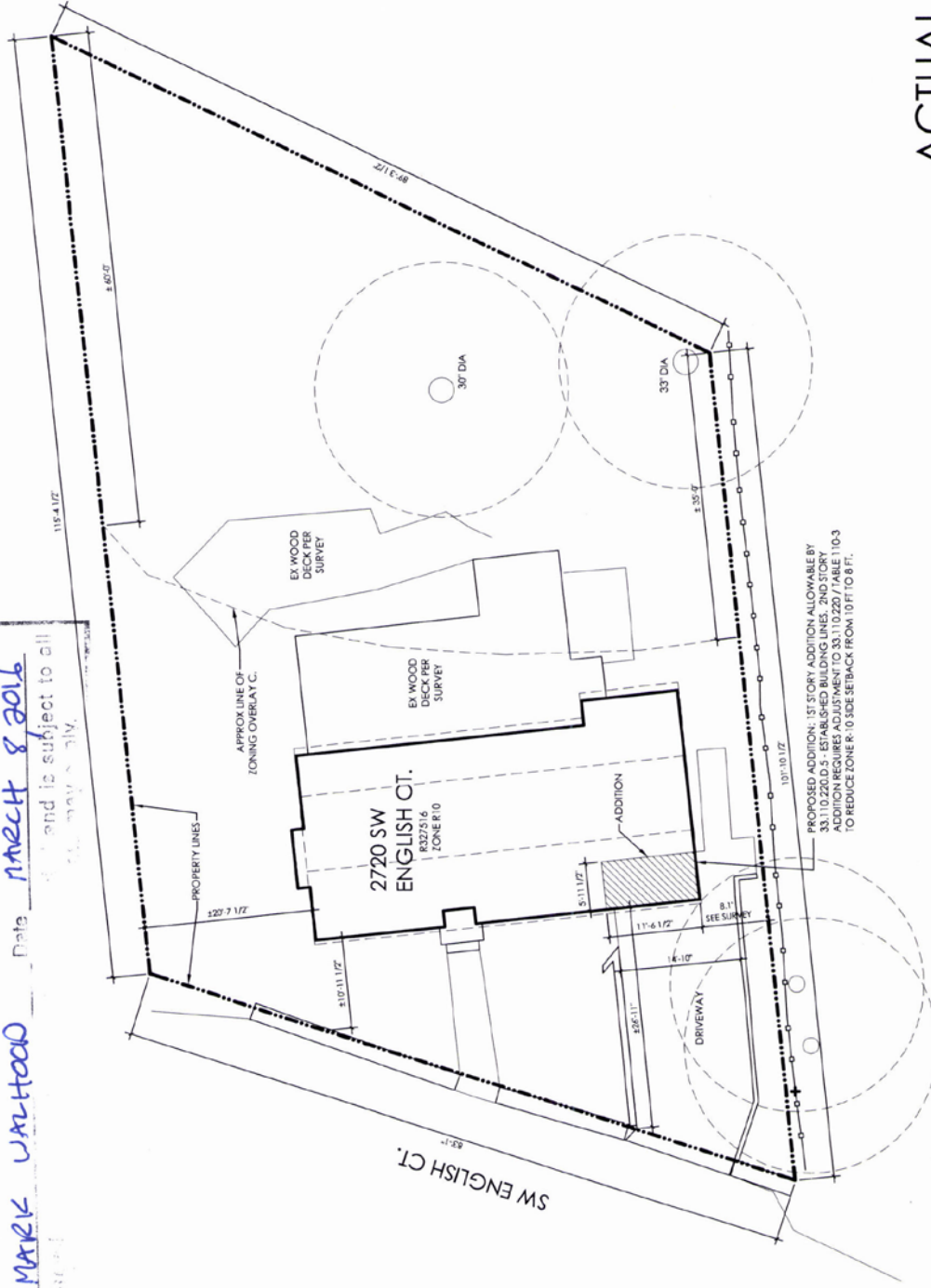
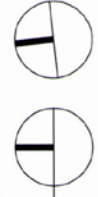


Exhibit C.1
W 16-106257 AD

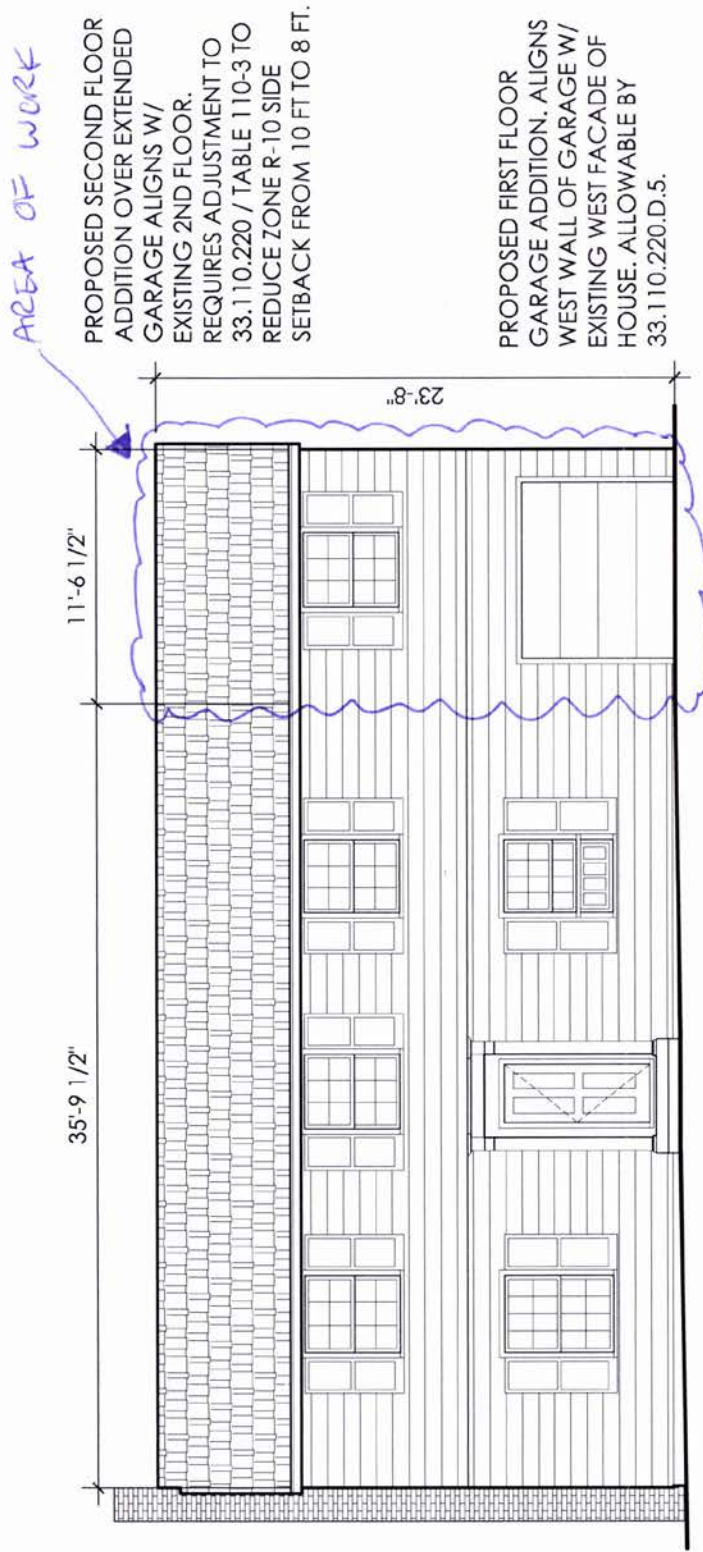
Lebedeva / Simon
2720 SW English Ct.
Portland, OR 97201
Scale: 1" = 20'
01.15.16

2
A0
PROPOSED SITE PLAN

ACTUAL PLAN
N



16-106257AD



PROPOSED WEST / FRONT ELEVATION

5
A1

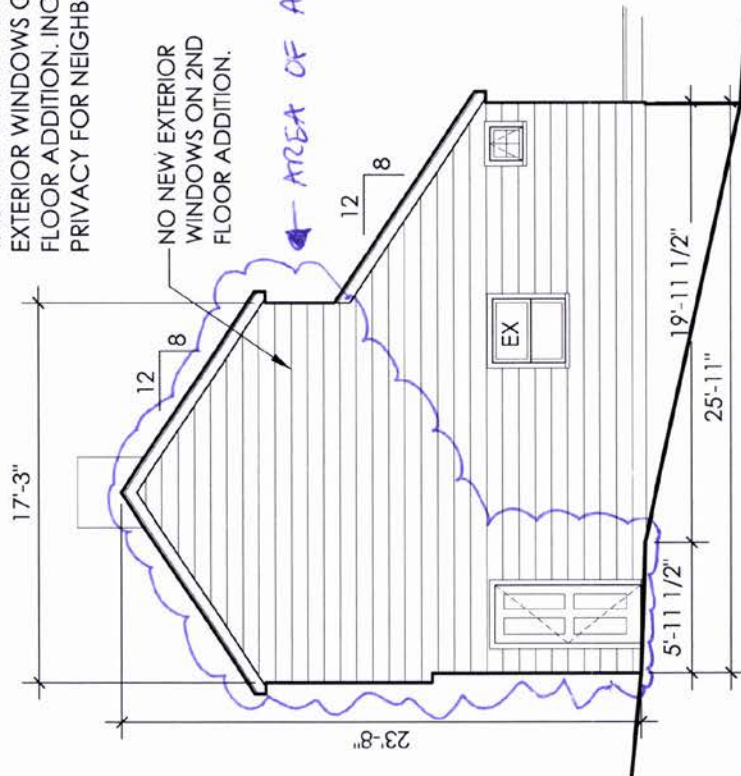
Exhibit C.2
W 16-106257 AD

Lebedeva / Simon
2720 SW English Ct.
Portland, OR 97201
Scale:
1/8" = 1'-0"
01.15.16

Approved
City of Portland - Bureau of Development Services
Planner MARK WALTON Date MARCH 8, 2016
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

W 16-106257 AD

(1) EXISTING 2ND FLOOR WINDOW REMOVED FROM THIS FACADE. NO NEW EXTERIOR WINDOWS ON 2ND FLOOR ADDITION. INCREASED PRIVACY FOR NEIGHBORS.



PROPOSED SOUTH ELEVATION

2
A1

6

A1

EX & PROPOSED NORTH ELEVATION

NO CHANGE

Approved

City of Portland - Bureau of Development Services

Planner MARK WALTON Date MARCH 8, 2016

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Lebedeva / Simon
2720 SW English Ct.
Portland, OR 97201
Scale: 1/8" = 1'-0"
01.15.16

LU 16 - 1 06257AD

W 16-106257 AD

Exh. C.3

AREA OF WORK

11'-6 1/2"

35'-9 1/2"



7
A1
PROPOSED EAST ELEVATION

Exhibit C.4
W 16-106257 AD

Lebedeva / Simon
2720 SW English Ct.
Portland, OR 97201
Scale:
1/8" = 1'-0"
01.15.16

Approved
City of Portland - Bureau of Development Services
Planner MARK WATWOOD Date MARCH 9, 2016
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W16-106257AD