



City of Portland
Bureau of Development Services
Land Use Services Division

1900 SW Fourth Ave., Suite 5000
Portland, Oregon 97201
Telephone: (503) 823-7300
TDD: (503) 823-6868
FAX: (503) 823-5630
www.portlandonline.com/bds

**NOTICE OF FINAL FINDINGS, CONCLUSIONS AND DECISION
OF THE CITY OF PORTLAND ADJUSTMENT COMMITTEE
ON AN
APPEALED ADMINISTRATIVE DECISION
(Type II Process)**

**CASE FILE: LU 12-135258 AD
LOCATION: 4607 SW Hillside Drive**

The administrative decision for this case, published on June 21, 2012, was appealed to the Adjustment Committee by the applicants, Richard and Marcy Schwartz.

The Adjustment Committee overturned the administrative decision of denial and granted the appeal, thereby granting the requested Adjustment for a revised proposal. The original analysis, findings and conclusion have been revised by the Adjustment Committee, and follow. This decision is available on line: <http://www.portlandonline.com/bds/index.cfm?c=46429&>

GENERAL INFORMATION AND PROCEDURAL HISTORY

Appellant/Applicants: Richard and Marcy Schwartz, property-owners
4607 SW Hillside Drive / Portland, OR 97221

Representatives: Jeffrey Kleinman, attorney
1207 SW Sixth Avenue / Portland, OR 97204

Dennis Batke, / Dennis Batke Architect
1810 NW Overton Street / Portland, OR 97209

Site Address: 4607 SW Hillside Drive

Legal Description: Block 22 Lot 8-10 TL 2300, Green Hills

Tax Account No.: R340304600

State ID No.: 1S1E07AD 02300

Quarter Section: 3324

Neighborhood: Southwest Hills Residential League, contact Nancy Seton at 503-224-3840
Bridlemile, contact Claire Colman-Evans at 503-740-7460

District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592

Zoning: R10 – Single-Dwelling Residential 10,000

Case Type: Adjustment Review (AD)

Procedure: Type II, Administrative decision with appeal to Adjustment Committee

PROPOSAL

The applicants propose constructing an addition to the rear of the existing single-dwelling residence on the site. The addition as originally proposed had a footprint of 39 feet by 19.75 feet, and because the property slopes upwards to the rear lot line, ranged in height between approximately 19 feet (for the rear, north-facing elevation) and approximately 28 feet (for the side, east-facing elevation). At the appeal hearing before the Adjustment Committee, the applicants submitted a revised proposal that reduced the footprint of the addition to

approximately 39 feet by 14.75 feet. The height of the addition was also reduced to 25 feet, 8 inches for the east-facing elevation and to 18 feet, 2 inches for the north-facing elevation.

In the R10 zone, building walls are required to be set back a minimum of 10 feet from rear and side lot lines. The proposed addition, as originally submitted, was placed 10 feet from the east side lot line and 3 feet of the rear lot line. The applicants subsequently increased the rear setback for the addition to five feet. The applicants are therefore requesting an Adjustment to reduce the minimum required rear building setback for the addition from 10 feet to 5 feet.

PROCEDURAL HISTORY

- On June 29, 2012, the applicants, Richard and Marcy Schwartz, appealed the Administrative Decision denying the requested Adjustment to reduce the north rear setback for an addition to the single-dwelling residence from 10 feet to 3 feet.
- On July 9, 2012, a Notice of Appeal Hearing was mailed, which announced a hearing date before the Adjustment Committee on August 7, 2012.
- On August 7, 2012, a public hearing before the Adjustment Committee was held at 1900 SW 4th Avenue, Portland, Oregon, Room 2500A. The Committee heard testimony from the Bureau of Development Services (BDS), the applicant and applicant representatives, and those in opposition to the proposal. At the hearing, the applicant presented a revised proposal that increased the north rear setback for the addition to 5 feet in depth, and decreased the overall height of the addition. The revised proposal included landscaping in the north rear setback, and black-out shades on the windows of the addition.

Following the testimony, a request was made from the public to hold the record open. The Adjustment Committee agreed to hold the record open until 4:30 pm on August 14, 2012, to allow for the submittal of new evidence from all parties. The Adjustment Committee granted a second comment period, extending between August 15, 2012, and 4:30 pm on August 21, 2012, to allow all parties to respond to evidence submitted into the record. The applicants were allowed a third period, which extended from August 22, 2012, until 4:30 pm on August 28, 2012, to submit final comment and rebuttal of material submitted into the record. The Adjustment Committee then closed the hearing, and announced they would reconvene on September 18, 2012, to deliberate on evidence in the record.

- On September 18, 2012, the Adjustment Committee reconvened to deliberate on the evidence included in the record. The Adjustment Committee took a tentative vote to overturn the Administrative Decision denying the Adjustment request, and to approve the Adjustment for the modified proposal. The Adjustment Committee instructed BDS staff to prepare tentative revised findings for consideration by the Adjustment Committee at their next meeting scheduled for October 2, 2012.
- On October 2, 2012, the Adjustment Committee reconvened and voted 4-0 to adopt the tentative revised findings.

ANALYSIS

Site and Vicinity: The site is presently developed with a two-story, single-dwelling structure placed toward the rear of the site. The site slopes steeply upward from the SW Hillside Drive, with the upward slope continuing on the adjacent lots north of the subject site. The adjacent lot to the north of the subject site fronts SW Ormandy Way and is currently undeveloped. This site has a number of mostly deciduous mature trees, with the steepest part of the site (at a slope of approximately 34-35%) located closest to SW Ormandy Way, and the rear two-thirds of the site at a slightly lower slope (approximately 26-27%). The property to the east of the subject site is also vacant, and planted with mature coniferous and deciduous trees. Because of the steep terrain in the surrounding area, houses are built at varying setbacks from the front lot lines, and at varying heights.

Zoning: The site is located in a Single-Dwelling Residential 10,000 (R10) zone. The use regulations of the Single-Dwelling zones are intended to create, maintain and promote single-dwelling neighborhoods. They allow for some non-household living uses but not to such an extent as to sacrifice the overall image and character of the single-dwelling neighborhood. The development standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The site development standards allow for flexibility of development while maintaining compatibility within the City's various neighborhoods. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed. The development standards are generally written for houses on flat, regularly shaped lots. Other situations are addressed through special regulations or exceptions.

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

Agency Review: Prior to publication of the Administrative Decision, a Notice of Proposal was mailed on May 15, 2012. The following City bureaus responded with no issues or concerns regarding the requested Adjustment:

- Portland Bureau of Transportation;
- Bureau of Environmental Services;
- Water Bureau;
- Fire Bureau;
- Bureau of Development Service - Site Development Section; and
- Portland Parks & Recreation – Urban Forestry Division.

Neighborhood Review: For the Administrative Decision, no written comments regarding the proposal were received from either the Neighborhood Association or notified property owners prior to the June 5, 2012 deadline by which all comments were required to be submitted. One letter from an adjacent neighbor was received on June 7, 2012. However, because this letter was received two days following the close of the public comment period, it was not included or considered in the Administrative Decision.

Following issuance of the Administrative Decision and the filing of the appeal, a total of 26 letters and e-mails (not including those submitted by the applicants or the applicants' representatives) were received from the public, some expressing support and others expressing opposition to the requested Adjustment.

In summary, comments in support of the Adjustment request generally focused on the following:

- the addition is fully compatible with the character of the surrounding neighborhood;
- the addition is situated so as to have little impact on the tone of the neighborhood, and will preserve the integrity and character of the neighborhood;
- the addition will have no impact on the marketability of the adjacent vacant lots; and
- potential development on the adjacent vacant lot will be higher than that on the applicants' site, with clean views over the existing house (and addition) being preserved.

In summary, those submitting letters or e-mails opposed to the Adjustment request generally focused on the following:

- the addition will be clearly visible from the adjacent properties to the north and east of the site, and will be imposing;
- the addition will be impediment to prospective buyers of adjacent vacant properties by compromising vista and territorial views;

- the windows on the north-facing facade of the addition will cast harsh light on adjacent properties to the north and east;
- development on the adjacent lot to the north likely will occur closer to the middle of the site, and an addition 3 feet from the rear lot line will adversely impact the value, livability, peace and enjoyment of its residents;
- the adverse impacts associated with of the addition will substantially decrease the value of the adjacent vacant properties;
- the Adjustment request does not equally or better meet the stated purpose of the minimum building setback regulation;
- the request does not reflect the established physical relationship between residences that is found in the surrounding neighborhood;
- the Adjustment request affects and limits potential development options for the adjacent vacant property;
- no mitigation for potential impacts associated with the addition have been proposed;
- structures of the size proposed within required setbacks could have adverse impacts on privacy for adjacent neighbors;
- shrubs planted at the base of the addition will not mitigate for its size and may result in a more imposing experience;
- reducing the height of the addition does little to reduce its overall mass;
- landscaping planted at the base of the addition may further impact views and light for the adjacent property;
- there is no precedent in the neighborhood for allowing development within required setbacks;
- properties in this neighborhood are typically private and secluded in nature, and surrounded by trees and landscaping; the addition violates this character;
- development in the surrounding neighborhood is built into the hillside and follows the topography; the proposed addition will jut out of the hillside;
- the proposal's mass and scale is out of character with that intended for the R10 zone; and
- while the revised proposal brings the height of the addition below that of the roof ridge line of the existing house, the roof on the existing house is a hipped roof that has much less mass and lower perceived height than the flat roofed addition.

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 applicant is requesting an Adjustment to reduce the minimum required rear setback for the proposed addition from 10 feet to 5 feet. The purpose for requiring minimum building setbacks, as stated in Zoning Code Section 33.110.220.A, is as follows:

The setback regulations for buildings and garages 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.*

Regarding the intent of the regulation to *maintain light and air*, the requested Adjustment will result in a 50% reduction in the depth of the required 10-foot rear setback, with the north-facing facade being approximately 18 feet in height. However, the addition will extend along only 39% of the length of the rear lot line of the adjacent site to the north, allowing adequate opportunities for light and air to reach the remainder of the lot. Because the minimum required 10 foot setback is being proposed from the east side setback, the Adjustment request will have no impact on light and air reaching the property to the east.

As for the intent of the regulation to *maintain separation for fire protection and access for fire fighting*, the 10-foot east side setback and the 10-foot rear setback for the existing wall of the house will provide adequate access to the addition for fire fighting purposes. Regarding fire separation, the Fire Bureau reviewed the requested Adjustment and indicated they have no concerns with the proposal. The Fire Bureau noted that the applicants will be required to meet all applicable Fire Code requirements at time of building permit review.

The minimum required setback is also intended to ensure that development *reflects the general building scale and placement of houses in the neighborhood*, and *promotes a reasonable physical relationship between residences*. The Adjustment Committee finds that given the steep topography in the surrounding area and resulting development pattern, there is no consistent placement of houses on the lots, and the proposed reduction in the rear building setback is therefore not inconsistent with the established development pattern in the area. More specifically, the Committee finds that the proposed setback is consistent with placement of houses in the surrounding neighborhood. Furthermore, the reduced height of the addition in the modified proposal results in a proposal that better reflects the general building scale of development in the area.

Some of the testimony in opposition to the proposal focused on the addition being incompatible with the architecture and style of the neighborhood. The Adjustment Committee finds the applicant has successfully demonstrated that the addition is compatible with the architecture of the broader neighborhood given the eclectic style of existing homes, ranging from modern to traditional.

It is not likely the proposed addition will have adverse impacts on *privacy for adjacent properties*. The rear wall facing the adjacent property to the north does have windows. However, these windows are placed in the upper portion of the addition, substantially above the eye level of anyone within the interior of the addition, and thereby not adversely impacting privacy for adjacent neighbors.

As the proposed addition is to the rear of the house, the Adjustment request will have no impact on the intent of the setback regulation to allow for *cars to park in front of the garage door without overhanging the street or sidewalk*, or on the *ability of drivers to view the sidewalk and street* when exiting the property.

With the modified proposal, the applicants have demonstrated that the requested 5 foot reduction in the required 10 foot rear building setback does equally meet the intent of the regulation, and 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: Because the subject site is located in a Single-Dwelling Residential zone, it must be demonstrated that the proposal will not significantly detract from the livability or appearance of the residential area. As identified above in response to Approval Criterion A, the steep topography of the surrounding residential area has resulted in homes placed in a variety of locations on their individual lots. Unlike a neighborhood characterized by flat lots, where houses often conform to a consistent setback and where the demarcation of side and rear lot lines is typically readily visible, it is difficult to discern in this particular neighborhood where side and rear lot lines lie, and how close or far homes are from those lot lines. As such, the requested 5 foot reduction in the rear setback will not significantly impact the appearance of the surrounding neighborhood.

The Committee finds that evidence in the record demonstrates that homes in the surrounding neighborhood are characterized by a variety of scales, massing and architectural styles. Because of this, the scale, massing and design of the addition, even though partially located in the rear setback, will not adversely impact the appearance of the residential area.

One issue raised in written testimony from those in opposition to the proposal was that the addition was higher than the roof ridgeline of the existing house on the site, thereby potentially impacting views from the higher properties to the north and east of the subject site. Those in opposition also found that this difference in height further increased the visual impact of the addition. To address this issue, the applicants, in their modified proposal, have reduced the height of the addition so that it is more than a foot below the roof ridgeline of the existing house. The Committee finds this modification sufficiently addresses these concerns raised by the opposition. The applicants, in their presentation to the Adjustment Committee, included an illustration of a similar addition that met all standards of the R10 zone. In this scenario, the addition met the minimum 10 foot rear setback, but given the maximum allowed height in the R10 zone, the addition was substantially higher (approximately 10 feet higher) than what is currently being proposed, and higher than the roof ridgeline on the existing house. The Committee finds this to be helpful comparison in demonstrating that the proposed addition, while located 5 feet into the rear setback, is substantially lower in height than what would be allowed by the R10 zone, and as such,

has no greater impact (and likely less impact) on the appearance and livability of the surrounding neighborhood.

Furthermore, in the revised proposal, the applicant has proposed an evergreen hedge that will extend across the majority of the north facing wall (Exhibit H.23.b.1). This landscaping, consisting of a species of Arborvitae (*Thuja occidentalis* 'Pyramidalis') that grows to a mature height between 12 and 25 feet, with a spread of 3 to 6 feet, will help screen and soften the addition as viewed from the adjacent lots to the north and east of the site.

The applicant also proposed as part of the modified proposal the installation of motorized blackout blinds in the windows of the addition. The applicants proposed these blinds as mitigation to address the issue raised by the adjacent neighbor to the north and east regarding light from the addition flooding his properties. While the Adjustment Committee acknowledges installation of the blinds is a good faith effort of the applicants to address the neighbor's concern, the Committee does not find that the installation of the blinds should be a requirement of this land use review. The Committee does not find it appropriate to legislate the interior of a home for current and future residents of the home, particularly given that it has not been demonstrated that an addition placed 5 feet from the rear lot line will have a *significantly* increased impact on light pollution than would an addition meeting the required 10 foot setback.

The Committee finds the modified proposal will not significantly detract from the livability or appearance of the surrounding residential area, and 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: As only one Adjustment is requested, this criterion is not applicable.

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

Findings: City-designated scenic resources are identified on the Official Zoning Maps with a lower case "s," and historic resources are identified either with a dot or as being within the boundaries of a Historic or Conservation district. Because there is neither a scenic nor historic resource designation on the site, this criterion is not applicable.

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

Findings: The applicants' modified proposal satisfactorily addresses the relevant impacts/issues raised by those in opposition to the proposal. In the modified proposal, the depth of the rear setback has been increased from 3 feet to 5 feet. This increased setback not only increases the distance between the addition and the adjacent property to the north, but also provides the opportunity to plant substantive landscaping in the remaining setback. The applicant has proposed evergreen shrubs along the base of the north-facing wall of the addition that will form a year-round screen that helps blend the addition with the surrounding landscaped topography. The increased setback, combined with a reduction in the height of the addition by approximately 2 feet over the original proposal, reduces the overall mass of the addition. Reducing the height of the addition below the height of the roof ridgeline of the existing house on the site addresses the potential concerns raised about blocking views from properties to the north and east.

With these modifications, the Adjustment Committee finds any impacts associated with the addition will be mitigated to the extent practical, particularly when compared to the potential impacts associated with development that could be built by-right under the R10 zone development standard.

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: 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 via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The Adjustment Committee finds that the modified proposal for the addition, which is located 5 feet into the required 10 foot rear setback, meets the relevant approval criteria. As proposed, the addition equally or better meets the intent of the minimum setback regulation, and has no significant impacts on the livability or appearance of the surrounding residential area. With the modified proposal, any potential impacts associated with the reduced rear setback have been mitigated to the extent practical.

DECISION

The applicants prevailed, and the Administrative Decision that denied the requested Adjustment is overturned.

Grant the appeal and reverse the Administrative Decision of denial, thereby **approving** an Adjustment to reduce the minimum required rear setback (Zoning Code Section 33.110.220.B) for an addition to the house from 10 feet to 5 feet, as illustrated on the attached site plan and building elevations (Exhibits H.23.b.1, H.23.c, and H.23.d.2 through H.23.d.5), and subject to the following condition:

- A. As part of the building permit application submittal, each of the 4 required site plans must reflect the information and design approved by this land use review as indicated in Exhibits H.23.b.1, H.23.c, and H.23.d.2 through H.23.d.5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 12-135258 AD."

Staff Planner: Douglas Hardy

Date of Tentative Decision: September 18, 2012

First Hearing Date: August 7, 2012

These findings and conclusions were adopted by the Portland Adjustment Committee on October 2, 2012.

By:



Adjustment Committee
Richard Larson, Co-Chair

Date Final Decision Effective/Mailed: October 5, 2012
120th day date: October 31, 2012

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 April 26, 2012, and was determined to be complete on **May 15, 2012**.

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 April 26, 2012.

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 extended the 120-day review period. Unless further extended by the applicant, the 120-day review period will expire on October 31, 2012.

Appeal of this Decision. This decision is final and becomes effective the day the notice of decision is mailed (noted above). This decision may not be appealed to City Council; however, it may be challenged by filing a "Notice of Intent to Appeal" with the State Land Use Board of Appeals (LUBA) within 21 days of the date the decision is mailed, pursuant to ORS 197.0 and 197.830. A fee is required, and the issue being appealed must have been raised by the close of the record and with sufficient specificity to afford the review body an opportunity to respond to the issue. For further information, contact LUBA at the Public Utility Commission Building, 550 Capitol Street NE, Salem, OR 97310 [Telephone: (503) 373-1265]

Recording the Final Decision. If this Land Use Review is approved, the final decision must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after **October 5, 2012**.

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

- By Mail: Send the two recording sheets (sent in a separate mailing) and the final Land Use Review Decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, PO 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 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. This decision expires three years from the date the Final Decision is rendered unless:

- A building permit has been issued, or
- The approved activity has begun, or
- In situations involving only the creation of lots, and the land decision has been recorded.

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

- All conditions imposed here.
- All applicable development standards, unless specifically exempted as part of this land use review.
- All requirements of the building code.
- 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. Applicants' Statement
 1. Written narrative
 2. Photos of site and surrounding area
 3. E-mail from Dennis Batke submitted June 15, 2012 at 9:42 AM
 4. E-mail from Dennis Batke submitted June 15, 2012 at 9:54 AM
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan
 2. South Building Elevation
 3. North Building Elevation
 4. West Building Elevation
 5. East Building Elevation
 6. Site plan with corner elevations of house
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Bureau of Environmental Services
 2. Portland Bureau of Transportation
 3. Water Bureau
 4. Fire Bureau
 5. Bureau of Development Services - Site Development Review
 6. Portland Parks & Recreation - Urban Forestry Division
- F. Correspondence (none received prior to expiration of public comment period)
- G. Other:
 1. Original LU Application
 2. Site History Research
- H. Appeal Submittal
 1. Appeal Statement
 2. Appealed Decision
 3. Appeal Mailing List
 4. Notice of Appeal Hearing

(Received before Hearing)

5. E-mail from Victor Takla, dated July 20, 2012
6. E-mail from Victor Takla, dated July 23, 2012
7. Letter from Gregory Heinze, dated July 23, 2012
8. E-mail from Jeff Parker via Victor Takla, received July 26, 2012
9. E-mail from Claire Coleman Evans, Bridlemile NA, received July 27, 2012
10. Letter from Roger & Julianne Shiels via Victor Takla, received July 26, 2012
11. Letter from Linda Cohn, received July 27, 2012
12. Photos from Victor Takla, received July 27, 2012
13. 5-page map document from Victor Takla, received July 31, 2012
14. E-mail with attached letters from Marcy Schwartz, received August 1, 2012
 - a. Sarah Horton
 - b. John Beaucamp & Maggie Winkel
 - c. Susan & Robert Hatfield Jr.
 - d. Charles Frasier
 - e. Mary Weaver Chapin
 - f. M. J. Steen
15. Letter from Will Gwyn, received August 2, 2012
16. Letter from Nancy Seton, SWHRL, received August 3, 2012
17. Letter from Shadya Takla, received August 6, 2012
18. E-mail from Victor Takla, received August 6, 2012

(Received During Hearing)

19. PowerPoint Presentation, Douglas Hardy
20. PowerPoint Presentation, Applicant/Appellant Schwartz

(Received After Hearing)

21. Letter from Jeffrey L. Kleinman requesting 120 day extension, received August 7, 2012

(Received by 4:30 pm, August 14, 2012; New Evidence from All Parties)

22. E-mail from Bill Frerichs, received August 14, 2012
23. E-mail from Jeffrey L Kleinman with attachments, received August 14, 2012
 - a. Letter from Jeffrey L. Kleinman, dated August 14, 2012
 - b.1. Building illustration at northeast corner with landscape detail (attached)
 - b.2. Building illustration of east facade
 - b.3. Building illustration at northeast corner
 - b.4. Building illustration of south façade
 - c. Site plan (attached)
 - d.1. Floor plan
 - d.2. East elevation (attached)
 - d.3. West elevation (attached)
 - d.4. North elevation (attached)
 - d.5. South elevation (attached)
 - e.1. Landscape specification (arborvitae)
 - e.2. Photo of proposed landscape (arborvitae)
 - e.3. Landscape specification (vine maple)
 - e.4. Photo of proposed landscaping (vine maple)
 - e.5. Blind detail
 - e.6. Blind specification
24. E-mail from Claire Coleman-Evans, Bridlemile NA, received August 14, 2012
25. E-mail from Victor Takla with attachment, received August 14, 2012

(Received by 4:30 pm, August 21, 2012; Response to Evidence from All Parties)

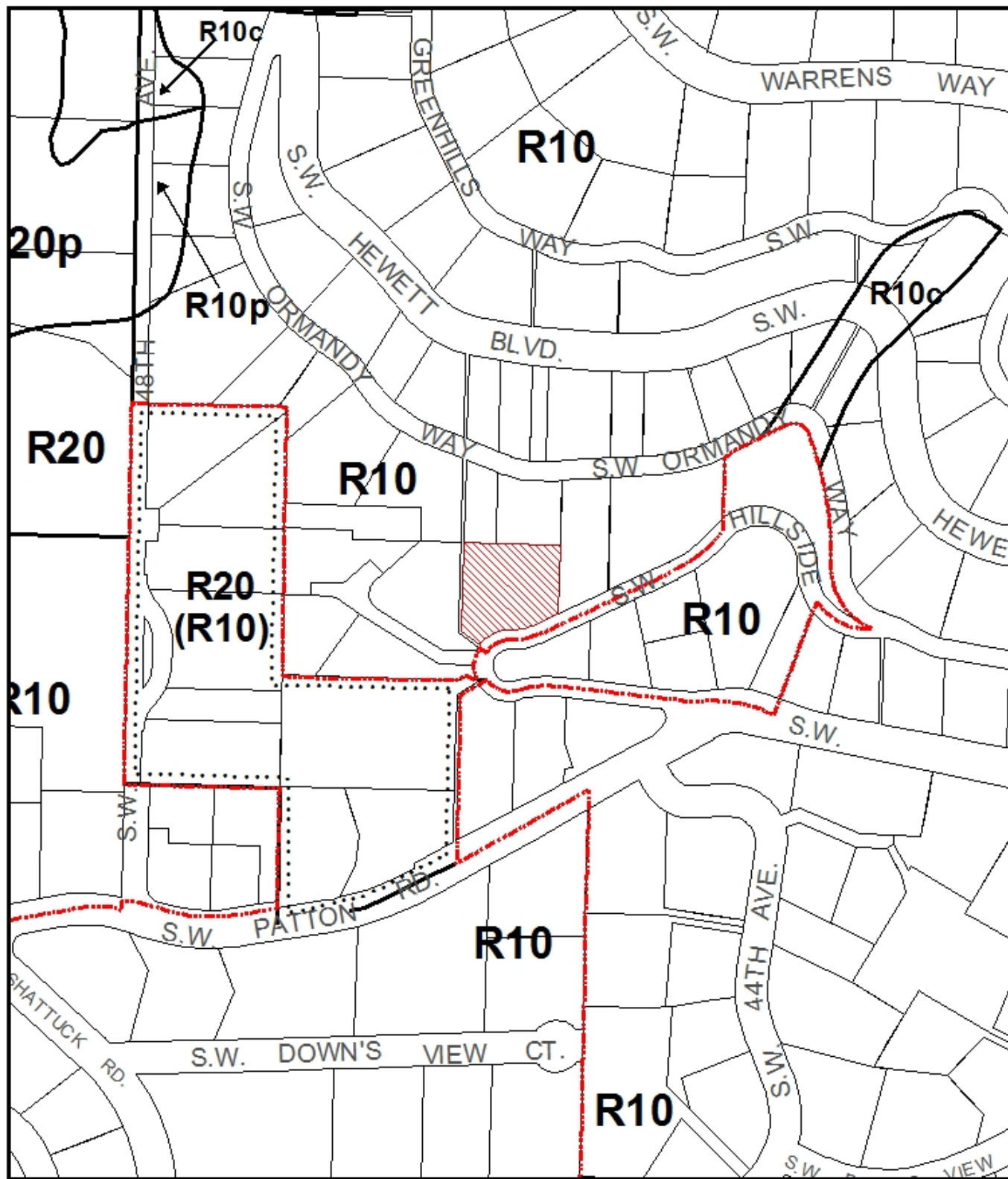
26. E-mail and letter from Paul and Grace Jeffreys, received August 20, 2012
27. E-mail and letter from Michael Caplan, received August 20, 2012
28. Memo from Douglas Hardy, dated August 20, 2012
29. E-mail and letter from Victor Takla, received August 21, 2012

- 30. E-mail from Shadya Takla, received August 21, 2012
- 31. Letter from Jeffrey L. Kleinman, received August 21, 2012

(Received by 4:30 pm, August 28, 2012; Final Rebuttal from Applicant/Appellant)

- 32. Letter from Jeffrey L. Kleinman, received August 28, 2012

DCH/October 2, 2012



ZONING



Site



NORTH

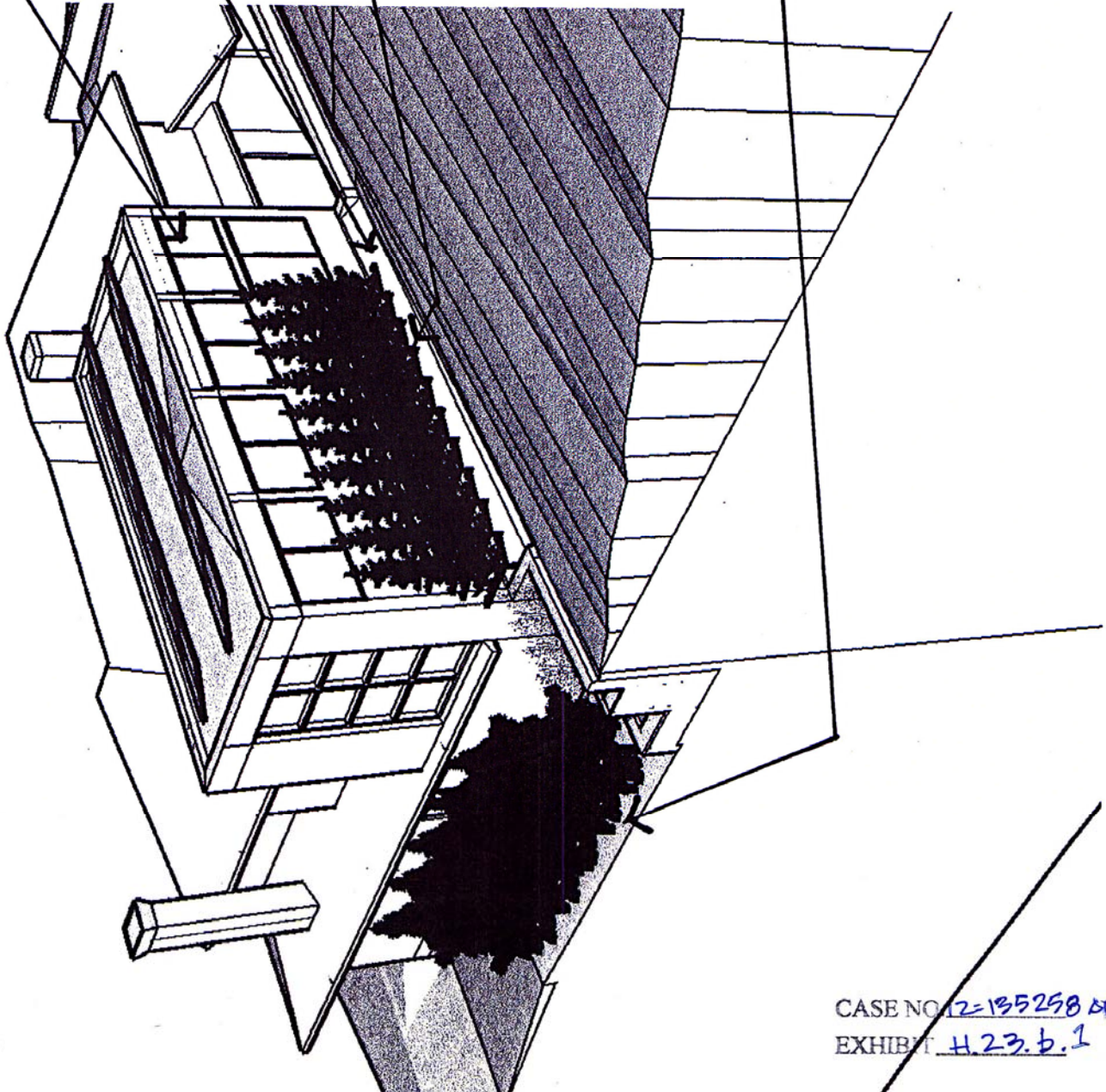
File No.	LU 12-135258 AD
1/4 Section	3324
Scale	1 inch = 200 feet
State_Id	1S1E07AD 2300
Exhibit	B (May 01,2012)

BLACKOUT SHADES

BERM AT NORTH SIDE
OF ADDITION
SLOPE RATIO 2.5H:1V

PLANTING NORTH
PYRAMIDAL ARBOREVIATE
THUJA OCCIDENTALIS
PYRAMIDALIS
SPACING: 5' O.C.
HEIGHT: 4-5'

PLANTING EAST
VINE MAPLE
ACER CIRCINATUM
SPACING: 5' O.C.
SIZE: 5 GAL.



CASE NO. 12-135298-00
EXHIBIT H.23.b.1

PROPOSED ADDITION / Site Plan

1 OF 2

REVISIONS:
NO DATE

DATE:
08-14-12

SCALE:
NTS

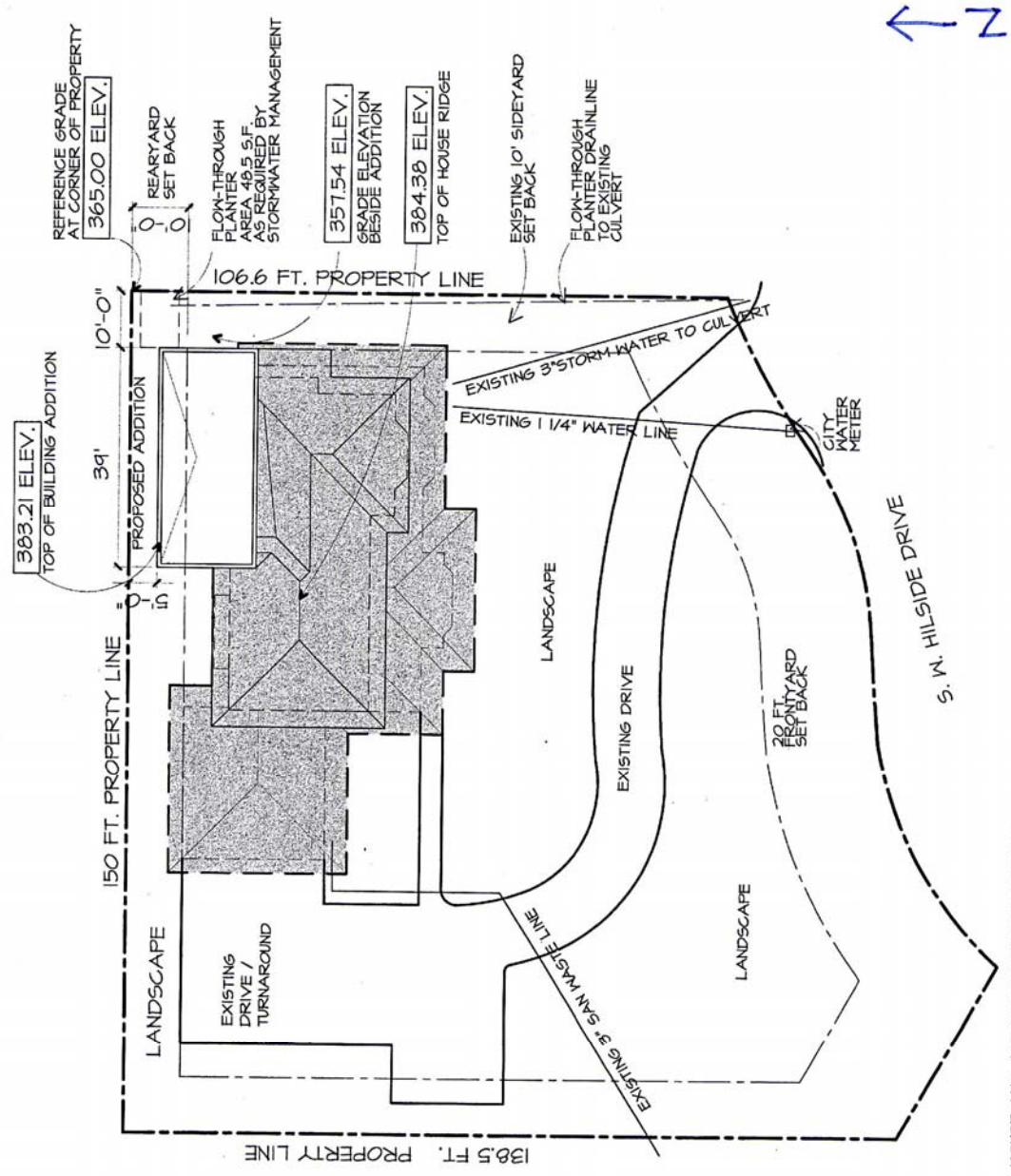
DRAWN BY:
DB

JOB:
0

REGISTERED ARCHITECT
DENNIS E. BATKE
PORTLAND, OREGON

Proposed Residence Remodel
Schwartz Residence
4607 SW Hillside Dr.
Portland
OREGON

DENNIS BATKE ARCHITECT
1810 NW Overton St.
Portland, Oregon 97201
PHONE 503 - 242-9391
FAX 503 - 222-3470



GRADES OBTAINED FROM FOSTER & MADDOX SURVEYING, INC. GRADES REFERENCE TO NORTH EAST CORNER OF SITE 365.00 ELEV.

EXISTING ELEVATIONS	
394.38	TOP OF HOUSE RIDGE
357.54	GRADE AT ADDITION
26.84	HEIGHT OF RIDGE ABOVE GRADE (26'-10")

PROPOSED ADDITION ELEVATIONS	
383.21	TOP OF ADDITION (PARAPET)
357.54	GRADE AT ADDITION
25.67	HEIGHT OF PARAPET AT ADDITION (25'-8")

GENERAL NOTE REGARDING HOUSE AND ADDITION BUILDING HEIGHTS

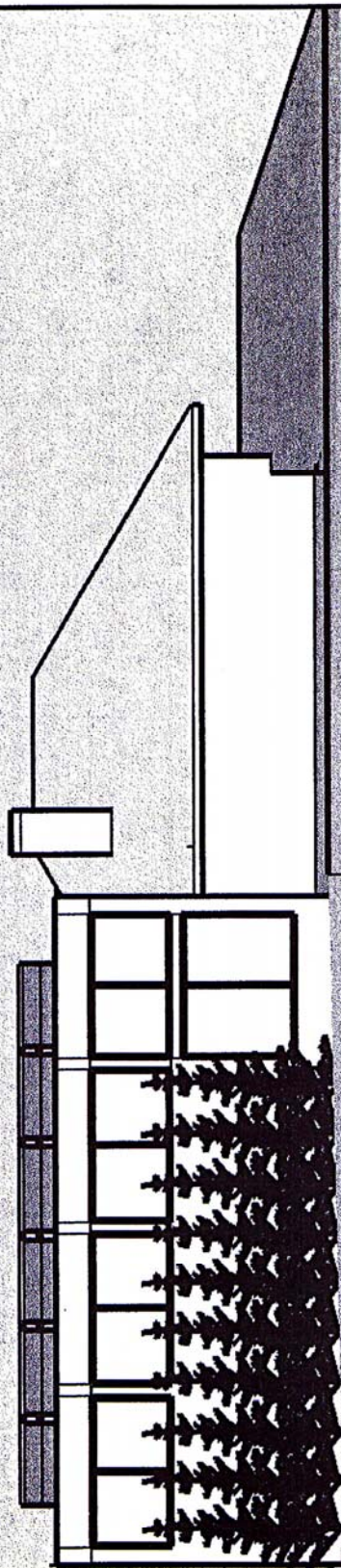
At the August 7 hearing we proposed an addition height of 25'-8" (18'-2" above the NE corner) to match the ridge line of the existing house roof. The height of the ridge line used in the materials was taken from construction permit documents. Since the date of the hearing, the actual ridge line has been surveyed and determined to be at a height of 26'-10", 1'-2" higher than shown on previous drawings. We will maintain the proposed addition height at 25'-8", which is 1'-2" below the ridge line of the existing roof, as shown in these updated drawings.

CASE NO. 12-135258 AD
EXHIBIT H. 23.c

PROPOSED * EXISTING
ADDITION

WEST ELEVATION

PROP. LINE



EXISTING

PROPOSED ADDITION

NORTH ELEVATION

PROP. LINE

CASE NO. 12-1352986D
EXHIBIT H.27.d.4

EXISTING * PROPOSED ADDITION *

PROPLINE

SOUTH (FRONT) ELEVATION