

RECEIVED

MAY 15 8 51 AM 1980

149580

ACCEPTANCE

GEORGE YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.

BY _____

Portland, Oregon, _____ May 8, _____ 1980

GEORGE YERKOVICH
Auditor of the City of Portland,
Room 202, City Hall
Portland, Oregon 97204

Dear Sir:

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 149580 to reduce the off-street parking from the required five spaces to four spaces in order to change occupancy from a single-family residence to a commercial office building for Tax Lot 12, Block 36, King's Second Addition, at 325 N.W. 21st Avenue,

and in consideration of the benefits to be received thereunder by me I hereby agree to abide by and perform each and all of the terms and provisions thereof applicable to me.

Very truly yours,

G. Randolph Grout

VICE PRESIDENT

*G. Randolph Grout

[CORPORATE
SEAL]

2254 NW Lovejoy Portland, OR 97210
Address

APPROVED AS TO FORM
Approved as to form:

Christopher P. Thomas

CITY ATTORNEY
City Attorney

*When an acceptance is required from a firm or corporation the Acceptance must be signed by an officer of the firm or corporation stating his or her official title, and corporations must affix the corporate seal.

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BY



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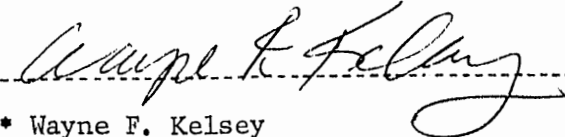
GEORGE YERKOVICH
Auditor of the City of Portland,
Room 202, City Hall
Portland, Oregon 97204

Dear Sir:

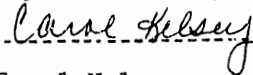
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Very truly yours,



* Wayne F. Kelsey



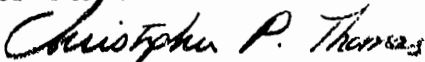
Carol Kelsey
325 NW 21st Portland, OR 97209

Address

[CORPORATE
SEAL]

APPROVED AS TO FORM

Approved as to form:



CITY ATTORNEY
City Attorney

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Very truly yours,

[CORPORATE
SEAL]

* R. J. Paskewitz

P. O. Box 852 Brandon, Manitoba CANADA
Address

APPROVED TO FORM
Approved as to form:

Chas. A. Hines

CITY ATTORNEY
City Attorney

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AUD 50-25-640

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GEORGE YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.

BY

May 8,

19 80

Portland, Oregon,

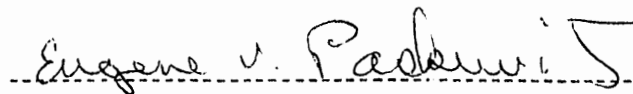
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Very truly yours,


[CORPORATE
SEAL]

* Eugene V. Paskewitz

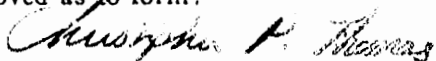
108-1739 rue maurice, Thetford Mines Quebec

Address

CANADA G6G 2Z9

APPROVED AS TO FORM

Approved as to form:



CITY ATTORNEY

City Attorney

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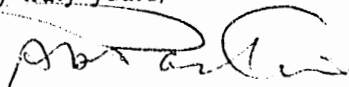
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Very truly yours,

[CORPORATE
SEAL]

* A. H. Paskewitz

653 Richmond Ave. Kamloops, B.C. CANADA

Address

V2B 1T4

APPROVED AS TO FORM
Approved as to form.

CITY CLERK

*When an acceptance is required from a firm or corporation the Acceptance must be signed by an officer of the firm or corporation stating his or her official title, and corporations must affix the corporate seal.

ORDINANCE NO. 149580

An Ordinance adopting findings and granting a variance to reduce the off-street parking from the required five spaces to four spaces in order to change occupancy from a single-family residence to a commercial office building for Tax Lot 12, Block 36, KING'S SECOND ADDITION, at 325 N.W. 21st Avenue, in a C2 Zone, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. The applicant, G. Randolph Grout; Gene Paskewitz, deedholder; R. J. Paskewitz, deedholder; A. H. Paskewitz, deedholder; and Carol and Wayne Kelsey, contract purchasers, seek a variance for Tax Lot 12, Block 36, KING'S SECOND ADDITION, located at 325 N.W. 21st Avenue, Portland, Oregon, to reduce the off-street parking from the required five spaces to four spaces, in order to change the occupancy from a single-family residence to a commercial office building.
2. An application complying in all respects with all requirements of Title 33, Planning and Zoning, of the Code of the City of Portland, Oregon, seeking such a variance has been received.
3. The applicant has paid the proper fee for the filing of such petition.
4. The Variance Committee, by report and decision dated March 26, 1980, (Planning Commission File No. VZ 28-80) after and as a result of a duly authorized and conducted public hearing held on February 12, 1980, has recommended that the variance requested for Tax Lot 12, Block 36, KING'S SECOND ADDITION, located at 325 N.W. 21st Avenue, Portland, Oregon, be denied.
5. An appeal was filed to the City Council.
6. The City Council, on April 30, 1980, after due deliberation of the appeal, in open session, adopted the following findings and granted the variance.

NOW, THEREFORE, the Council directs:

- a. Supported by the following findings, a variance is granted to G. Randolph Grout, applicant; Gene Paskewitz, deedholder; R. J. Paskewitz, deedholder; A. H. Paskewitz, deedholder; and Carol and Wayne Kelsey, contract purchasers, for Tax Lot 12, Block 36, KING'S SECOND ADDITION, located at 325 N.W. 21st Avenue, Portland, Oregon, to reduce the off-street parking from the required five spaces to four spaces, in order to change the occupancy from a single-family residence to a commercial office building and declaring an emergency.
- b. Findings.
 1. A variance is needed because the zoning controlling Tax Lot 12, Block 36, KING'S SECOND ADDITION, located at 325 N.W. 21st Avenue,

Portland, Oregon, requires one off-street parking space for each 700 square feet of office space. The structure in question would have 3,500 square feet of commercial office space and would require five off-street parking spaces.

2. A variance may be granted:

"If literal interpretation and enforcement of the regulations of this title applicable to a property would result in practical difficulties or unnecessary hardships.

"(a) Generally, any variance granted shall satisfy all of the following general requirements:

"(1) It will not be contrary to the public interest or to the intent and purpose of this title and particularly to the zone involved.

"(2) It shall not permit the establishment within a zone of any use which is not a permitted use within that zone or the establishment of any use for which a Conditional Use is required within that zone. Prohibition is not applicable to nonconforming uses . . .

"(3) It will cause substantial adverse effect upon property values or environmental conditions in the immediate vicinity or in the zoning in which the property of the applicant is located.

"(4) It will relate only to the property that is owned by the applicant."

3. The variance in question is a major variance because it is a modification of parking requirements. Portland City Code Section 33.98.015(b)(1), states:

Major variances may be granted if:

"A. The variance is required in order to modify the impact of exceptional or extraordinary circumstances or conditions that apply to the subject property or its development that do not apply generally to other properties in the vicinity; or

"B. The variance is required in order to allow enjoyment by the appellant of a property right possessed by a substantial portion of the owners of properties in the same vicinity, while resulting in a comparatively trivial detriment to the neighborhood."

4. The proposed variance should be granted because literal interpretation and enforcement of the regulations of this title applicable to the property would result in unnecessary hardship because much of the area is commercial and other variances, to reduce required off-street parking, have been granted in the surrounding area.

ORDINANCE No.

5. The purpose of the variance is to enable a structure to be used for office purposes, a permitted use in a C2 General Commercial Zone; therefore:
 1. The variance will not be contrary to the public interest or the intent and purpose of this title and particularly to the zone involved.
 2. The variance will not permit the establishment within a zone of any use which is not a permitted use within that zone.
 3. The variance will not cause substantial adverse effect upon property values or environmental conditions in the immediate vicinity or in the zone in which the property of the applicant is located.
 4. The variance only relates to the property that is owned by the applicant.
 6. The variance satisfies the general requirements for major variances because the variance allows enjoyment by the appellant of a property right possessed by a substantial portion of the owners of properties in the same vicinity, while resulting in a comparatively trivial detriment to the neighborhood.
- c. The applicant has paid the proper fee for filing for a variance.
- d. This variance will not be effective until the applicant, and property owner, if different, has accepted the terms thereof in writing by filing the appropriate form with the auditor and recording the decision with the proper county records office.

Section 2. The Council declares:

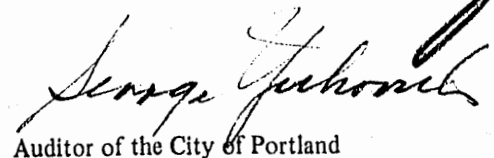
That an emergency exists because there should be no delay in the beneficial use of the above described property; therefore, this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, **MAY 7 1980**

Mayor McCready
RMSpetter/fg
May 6, 1980


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

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

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

Calendar No. 1571-1

ORDINANCE No. 149580

Title

An Ordinance adopting findings and granting a variance to reduce the off-street parking from the required five spaces to four spaces in order to change occupancy from a single-family residence to a commercial office building for Tax Lot 12, Block 36, KING'S SECOND ADDITION, at 325 N.W. 21st Avenue, in a C2 Zone, and declaring an emergency.

Filed MAY 6 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By

Deputy

INTRODUCED BY
Mayor McCready

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration <i>CMP</i>
Safety
Utilities
Works

BUREAU APPROVAL
Bureau: <i>RHS</i>
Prepared By: _____ Date: _____
RMSpetter/fg May 6, 1980
Budget Impact Review:
<input type="checkbox"/> Completed <input type="checkbox"/> Not required
Bureau Head:

NOTED BY
City Attorney
City Auditor <i>GR</i>
City Engineer