



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

1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7300
Fax 503-823-5630
TTY 503-823-6868
www.portlandonline.com/bds

Date: August 20, 2010
To: Interested Person
From: Sheila Frugoli, Land Use Services
503-823-7817 / frugolis@ci.portland.or.us

NOTICE OF A TYPE II
CORRECTED 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 this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 10-151866 AD

GENERAL INFORMATION

Applicants/Owners: Michelle and Gary Allen
3636 NE Cesar E Chavez Blvd
Portland, OR 97212-1920

Site Address: 3636 NE CESAR E CHAVEZ BLVD

Legal Description: BLOCK 7 LOT 1, ROSSDALE BLOCKS 3-7
Tax Account No.: R729401080
State ID No.: 1N1E24DD 18800
Quarter Section: 2634

Neighborhood: Beaumont-Wilshire, contact Michael Rounds at 503-936-0740.
Business District: Beaumont Business Association, contact Kate Fischer at 503-549-4011.
District Coalition: Central Northeast Neighbors, contact Alison Stoll at 503-823-3156.
Plan District: None
Zoning: R5h, Single-Dwelling Residential 5,000 and h, Aircraft Landing overlay zone
Case Type: AD, Adjustment Review
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

CORRECTION: After a decision was mailed on August 17, 2010, it was discovered that the proposed garage was described as 240 square feet. This was a typographical error. The plans were analyzed and approved for a 2-car, 440 square foot garage (20 ft. by 22 feet). This revised decision corrects the error.

Proposal: The applicants plan to replace their existing carport with a new two-car, ~~240~~ **440** square foot garage. The garage will be located in the southeast corner of the lot, with an 18-foot deep driveway off NE Bryce Street. The applicants are requesting an Adjustment to waive the side building setback and to reduce the required rear (east) building setback from 5 feet to

approximately 1.5 feet and to waive the required 1-foot eave setback. A 6-inch eave will extend to the east property line.

Note: The Zoning Code allows detached garages to be built to the side and rear property lines in residential areas if the garage is at least 25 feet from the side street property line on corner lots. Because the proposed garage will be located 18 feet from the street property line, the building setback requirement applies.

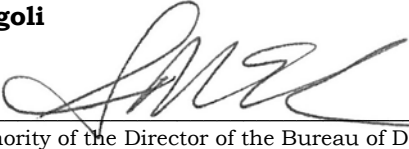
ADMINISTRATIVE DECISION

Approval of an Adjustment to: (1) waive the 5-foot south (side) building setback and reduce the east (rear) building setback from 5 feet to six inches and allow the eave to extend up to the east property line (33.110.220.B and Table 110) for a new **440** square-foot detached garage, subject to the following condition:

- A. As part of the building permit application submittal, each of the required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1 – C.3. The sheets on which this information appears must be labeled “Proposal and design as approved in Case File # LU 10-151866 AD.”

Note: Building Code (firewall) and stormwater management requirements must be addressed at building permit submittal.

Staff Planner: Sheila Frugoli

Decision rendered by:  **on August 13, 2010**

By authority of the Director of the Bureau of Development Services

Decision mailed: August 17, 2010

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 June 30, 2010, and was determined to be complete on July 9, 2010.

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 June 30, 2010.

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.

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 August 31, 2010** 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. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. 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 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, 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 **September 1, 2010 – (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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

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.

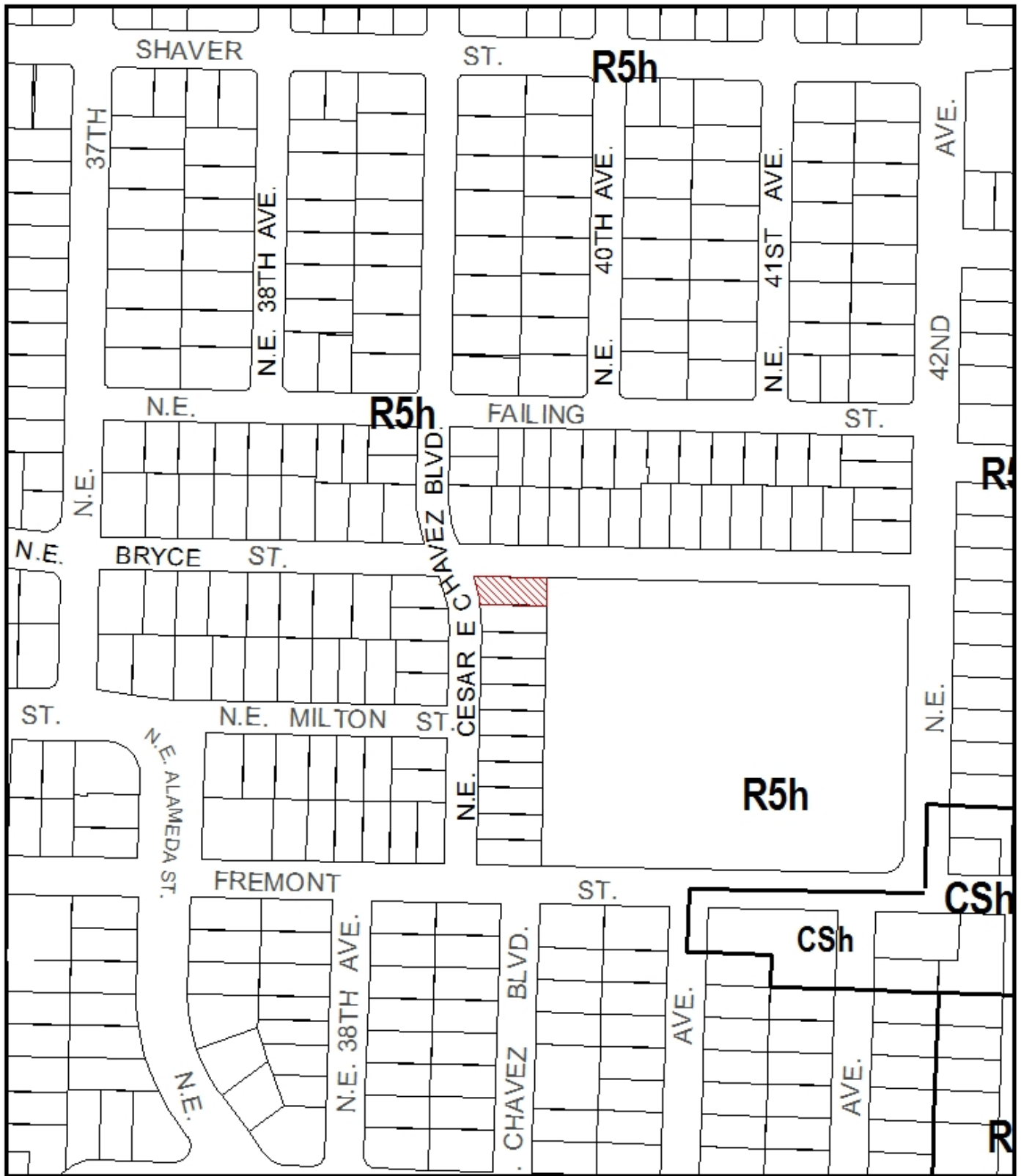
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Written response to approval criterion
 2. Signed petition from 14 nearby households (neighbors) supporting the requested Adjustment
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Proposed Site Plan (attached)
 2. Proposed North and South Garage Building Elevations (attached)
 3. Proposed West and East Garage Building Elevations (attached)
 4. Existing Site Plan
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Bureau of Environmental Services
 2. Life Safety Plan Review Section of BDS
 3. Bureau of Transportation Engineering and Development Review

4. Water Bureau
 5. TRACS Print-out showing “no concerns” from City bureaus/sections
- F. Correspondence:
1. DonnaLee Palin, July 15, 2010, supports the project.
- G. Other:
1. Original LU Application
 2. Site History Research

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



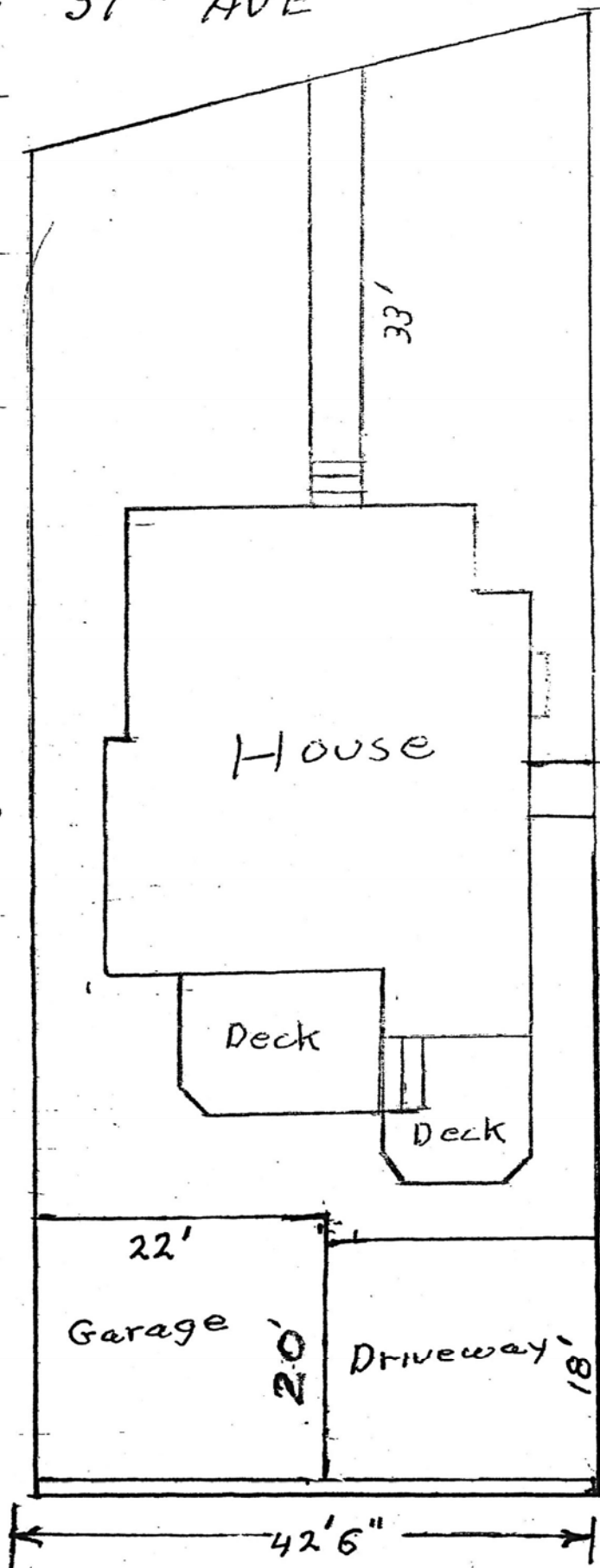
NORTH

File No. LU 10-151866 AD
 1/4 Section 2634
 Scale 1 inch = 417 feet
 State_Id 1N1E24DD 18800
 Exhibit B (Jul 07,2010)

N.E. 39TH AVE

Proposed RECEIVED

JUN 30 2010

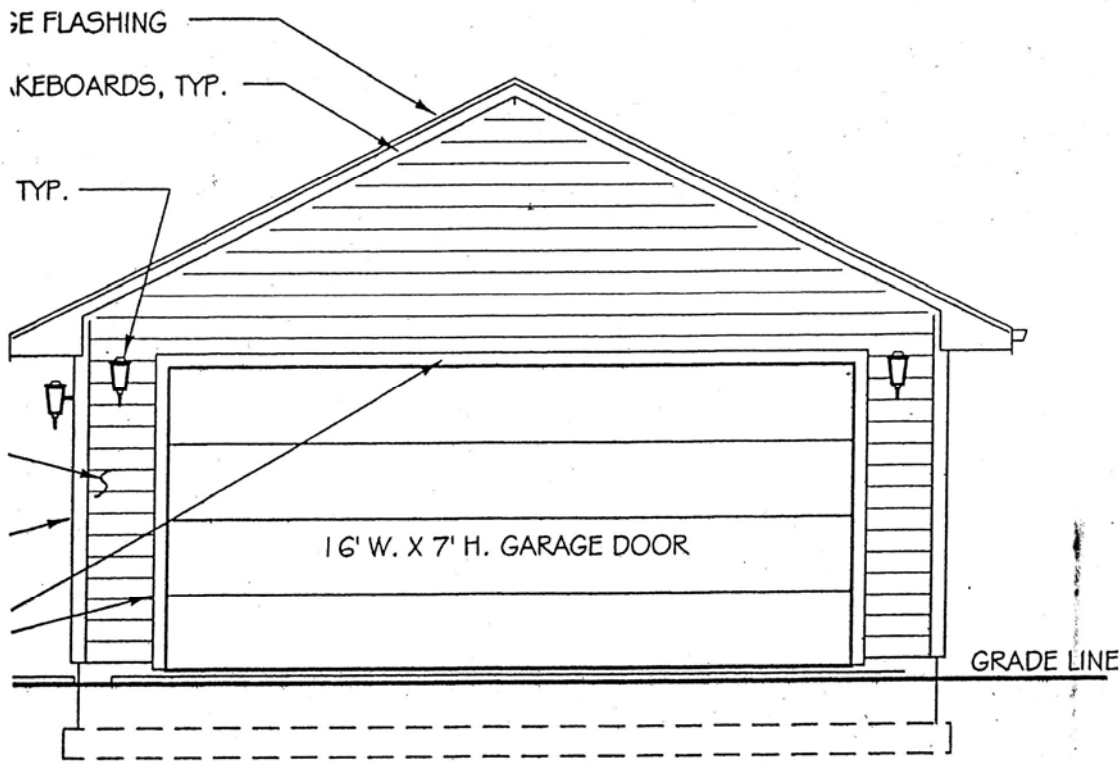


acres B, E, N
11,9411

Approved
City of Portland - Bureau of Development Services
Planner Sheila Fucoli Date Aug 13, 2010
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

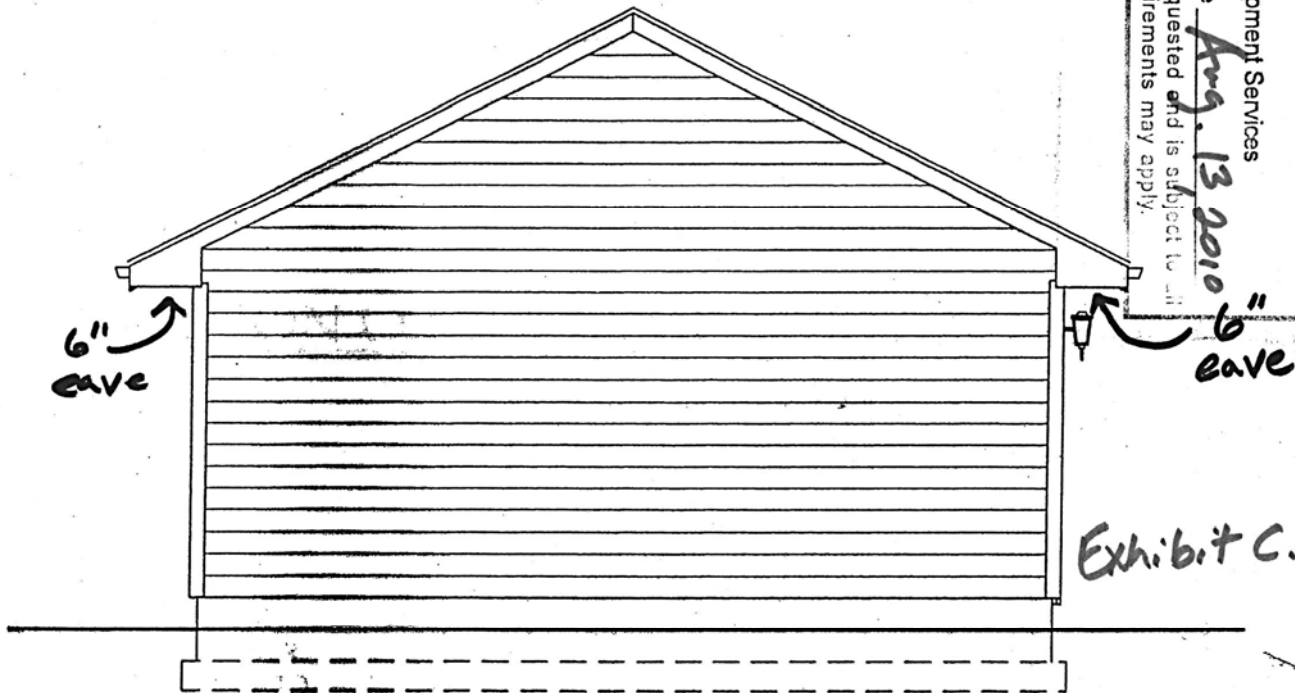
Exhibit C.1

LU 10-151866AD

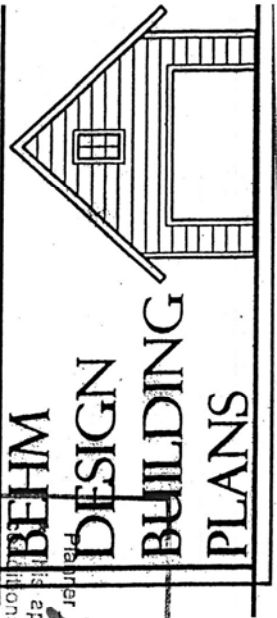


FRONT ELEVATION (NORTH)

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



REAR ELEVATION (SOUTH)



BEHM

DESIGN

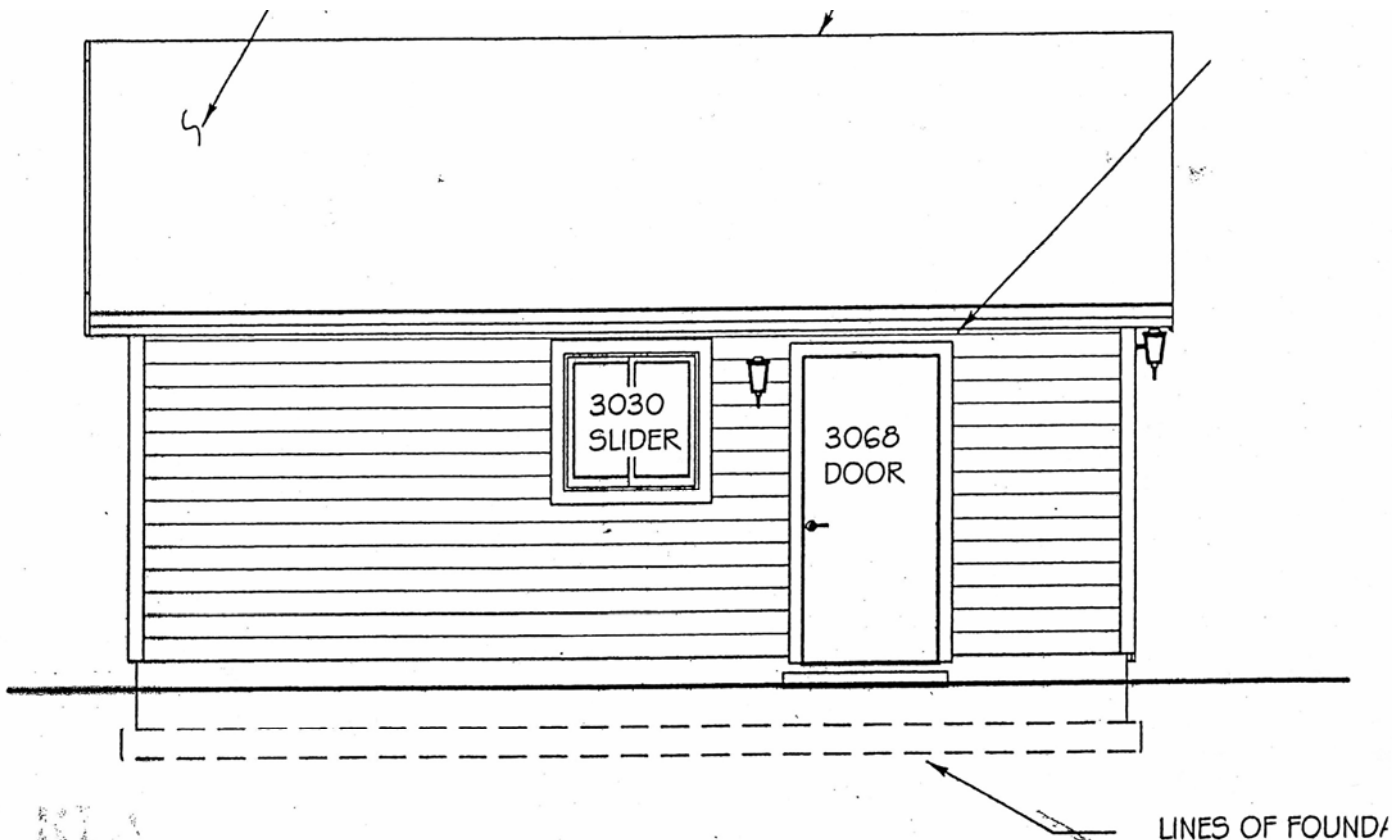
BUILDING

PLANS

City of Portland Bureau of Development Services
 Planner *Shale Krupar* Date *Aug. 13 2010*
 This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

Approved

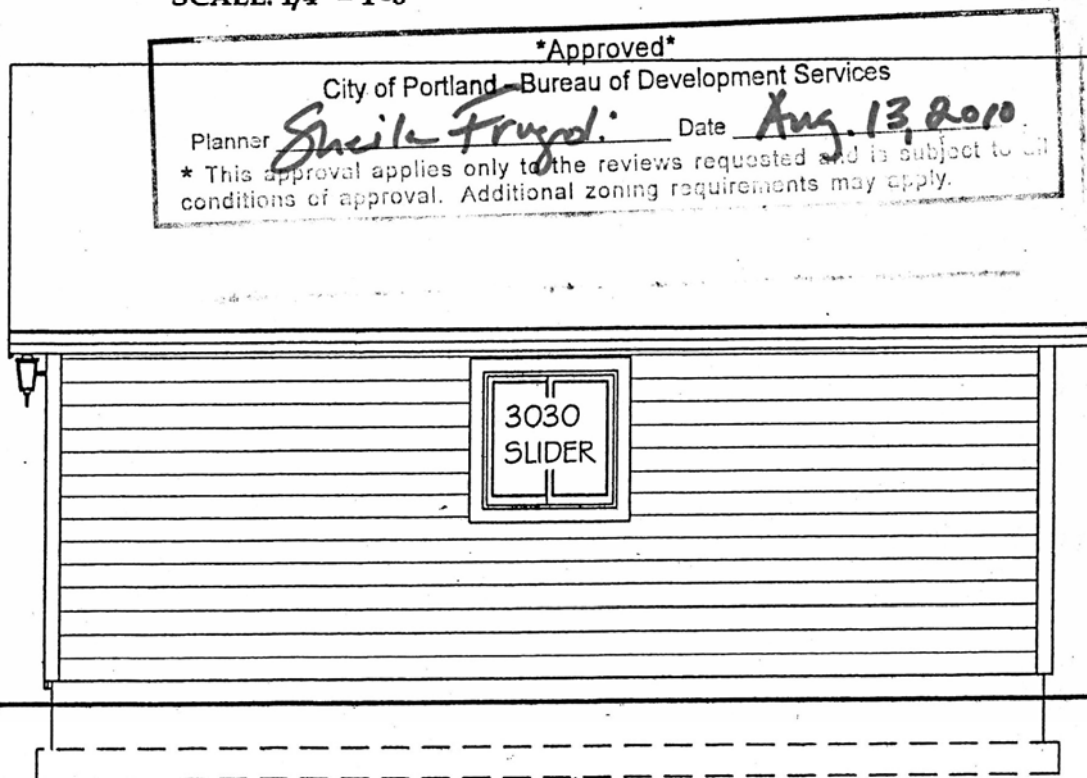
Exhibit C.2



LINES OF FOUNDATION

WEST / LEFT SIDE WALL ELEVATION

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



Approved

City of Portland - Bureau of Development Services

Planner Shirley Frydland Date Aug. 13, 2010

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Exhibit C.3

EAST / RIGHT SIDE WALL ELEVATION

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