



CITY OF PORTLAND  
Bureau of Development Services  
1900 SW Fourth Avenue, Suite 5000  
Portland, OR 97201 **P524**  
**Land Use Decision Enclosed**  
**Case # LU 11-101706 AD**

16

**Return Service Requested**



**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](http://www.portlandonline.com/bds)

**Date:** February 25, 2011  
**To:** Interested Person  
**From:** Mark Bello, Land Use Services  
503-823-7810 / [Mark.Bello@portlandoregon.gov](mailto:Mark.Bello@portlandoregon.gov)

## **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 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 11-101706 AD**

#### **GENERAL INFORMATION**

**Applicant:** Michael Johnston  
2957 NE 67th Ave  
Portland, OR 97213

**Site Address:** 2957 NE 67TH AVE

**Legal Description:** BLOCK 5 LOT 6, BELLE CREST  
**Tax Account No.:** R065300500  
**State ID No.:** 1N2E29BC 00100  
**Quarter Section:** 2737

**Neighborhood:** Roseway, contact Denise Gorrell at 503-319-3259.  
**Business District:** Portland International District Business Association, contact Thomas Wright at 503-249-3926.  
**District Coalition:** Central Northeast Neighbors, contact Alison Stoll at 503-823-3156.

**Zoning:** R5a, Single-dwelling Residential 5,000 with "h" aircraft landing overlay zoning  
**Case Type:** AD, Adjustment Review  
**Procedure:** Type II, an administrative decision with appeal to the Adjustment Committee.

**Proposal:**  
The applicant is proposing to construct a new, 2-story, 14' x 24' structure that would be set back one-foot from the south property line. The ground floor is to be a garage/shop with garage doors on the east façade. Storage is proposed for the second story and no heating or plumbing is proposed for the structure.

The R5 zone requires a 5-ft. setback and an adjustment is requested to allow the garage setback to be reduced from five-ft. to one-ft.

#### **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

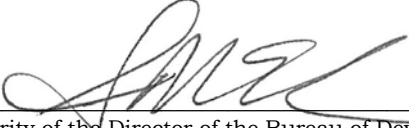
that approval criteria A. through F. of Section 33.805.040, Adjustment Approval Criteria, have been met.

## ADMINISTRATIVE DECISION

Approval of an Adjustment to 33.110.220 to allow the required minimum side setback to be reduced from five feet to one-ft. per the approved site plans, Exhibits C-1 through C-6, signed and dated February 22, 2011, 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.6. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 11-101706 AD. No field changes allowed."

**Staff Planner: Mark Bello**

**Decision rendered by:**  **on February 23, 2011**

By authority of the Director of the Bureau of Development Services

**Decision mailed: February 25, 2011**

**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 7, 2011, and was determined to be complete on January 20, 2011

*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 7, 2011.

*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: May 20, 2011.**

**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 11, 2011** 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](http://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 **March 14, 2011.**
- 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.

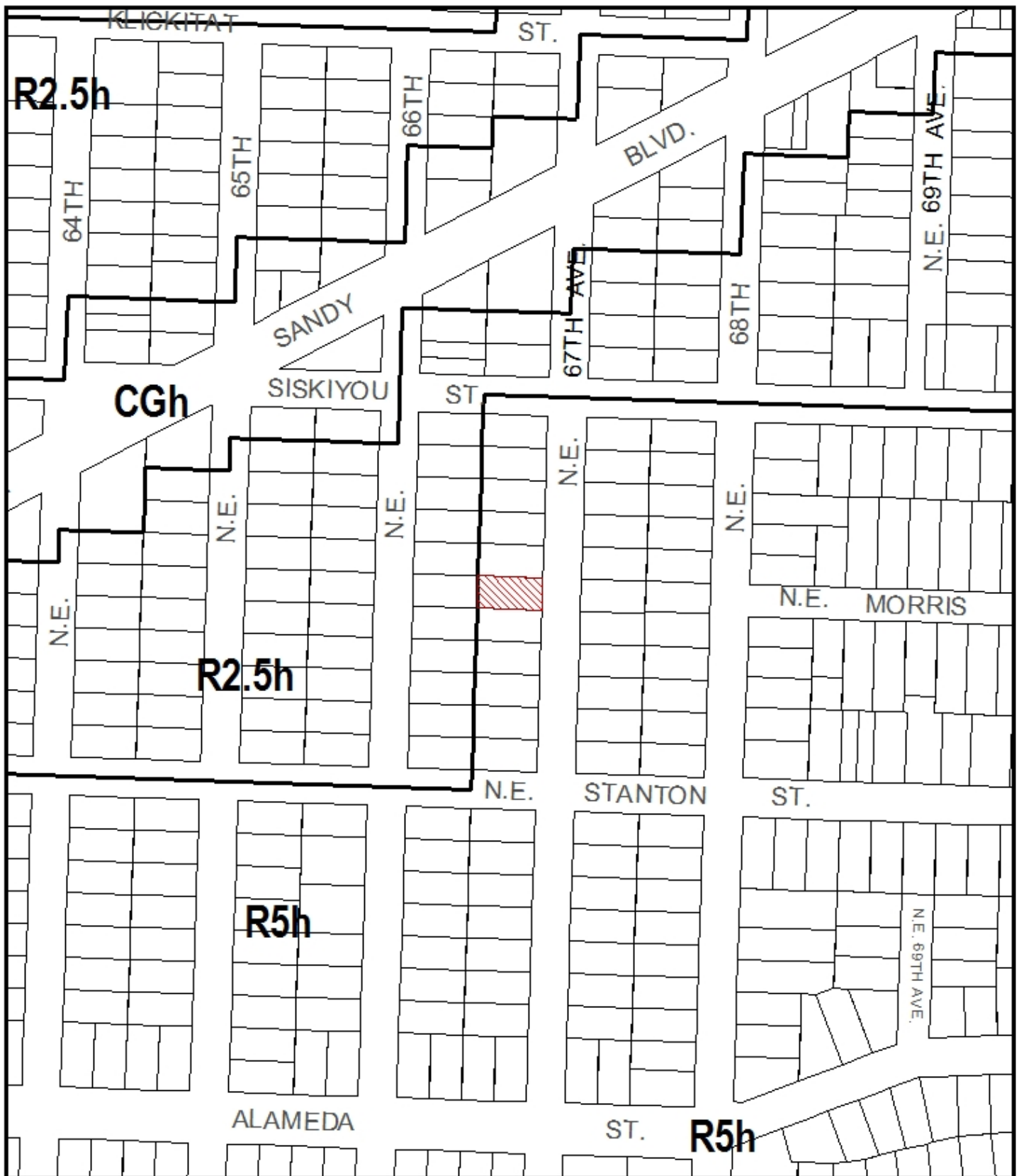
**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. East Elevation (attached)
  - 3. North and South Elevation (attached)
  - 4. West Elevation (attached)
  - 5. Section
  - 6. Section
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation Engineering and Development Review
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Site Development Review Section of BDS
  - 6. Bureau of Parks, Forestry Division
  - 7. Life Safety, BDS
- F. Correspondence:
  - Use this format.
    - 1. Jennifer Van Houten, December 17, 2010, supports adjustment request
    - 2. Maxine Schippers, February 5, 2011, supports adjustment request
- G. Other:
  - 1. Original LU Application
  - 2. Site History Research
  - 3. Incomplete Letter to Applicant, January 14, 2011



# ZONING



Site



NORTH

File No.	LU 11-101706 AD
1/4 Section	2737
Scale	1 inch = 200 feet
State_Id	1N2E29BC 100
Exhibit	B (Jan 12,2011)

SCHEMATIC  
DESIGN

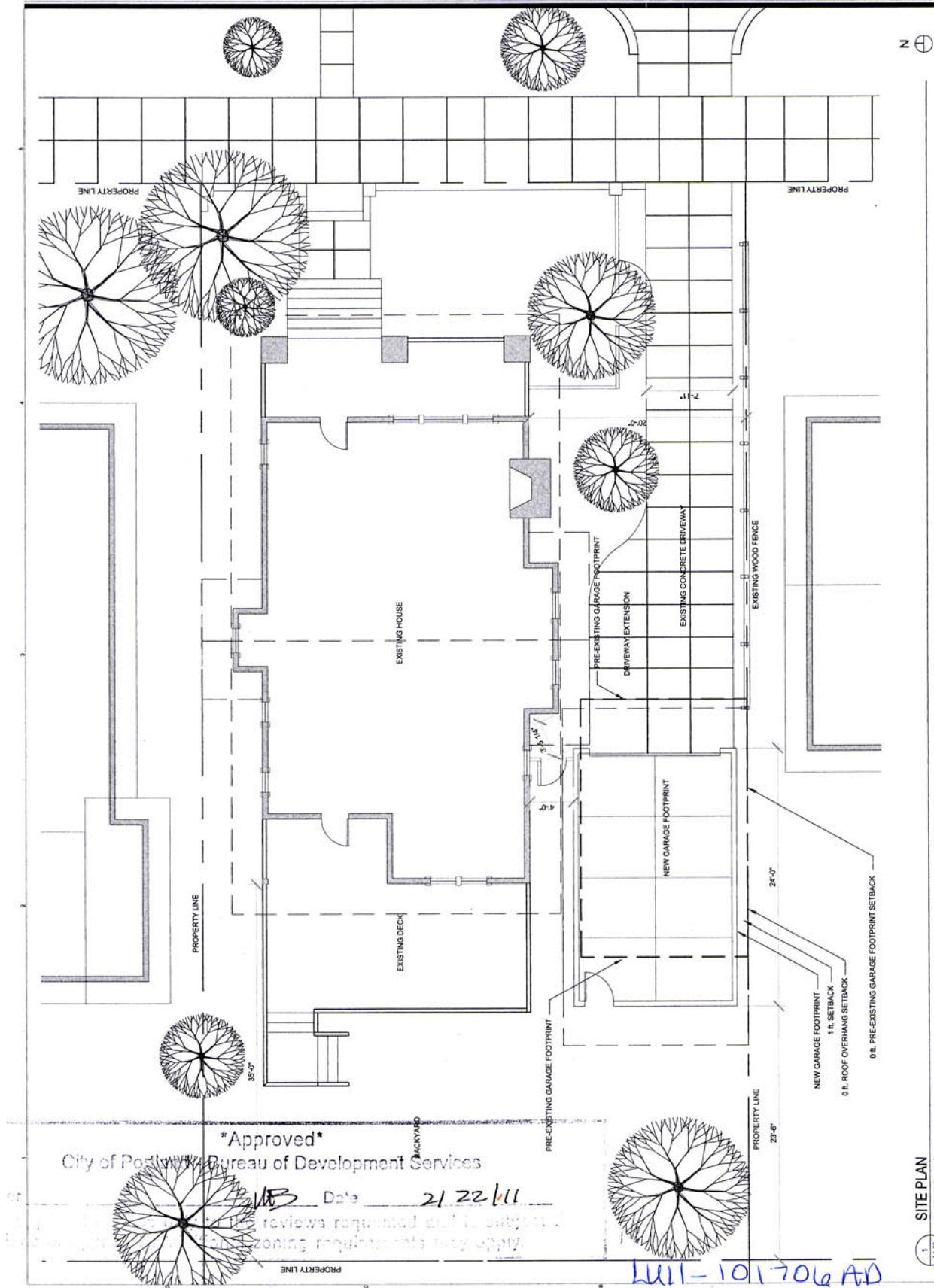
Johnston garage addition

1927 1/2 67th AVE  
PORTLAND, OR



A1.00

SITE PLAN



\*Approved\*  
City of Portland Bureau of Development Services

Date 21 22/11  
reviews requested and subject to zoning requirements may apply

SITE PLAN  
1  
DATE: 11-22-2021

L111-101706 AD

CI



SCHEMATIC  
DESIGN

Johnston garage addition

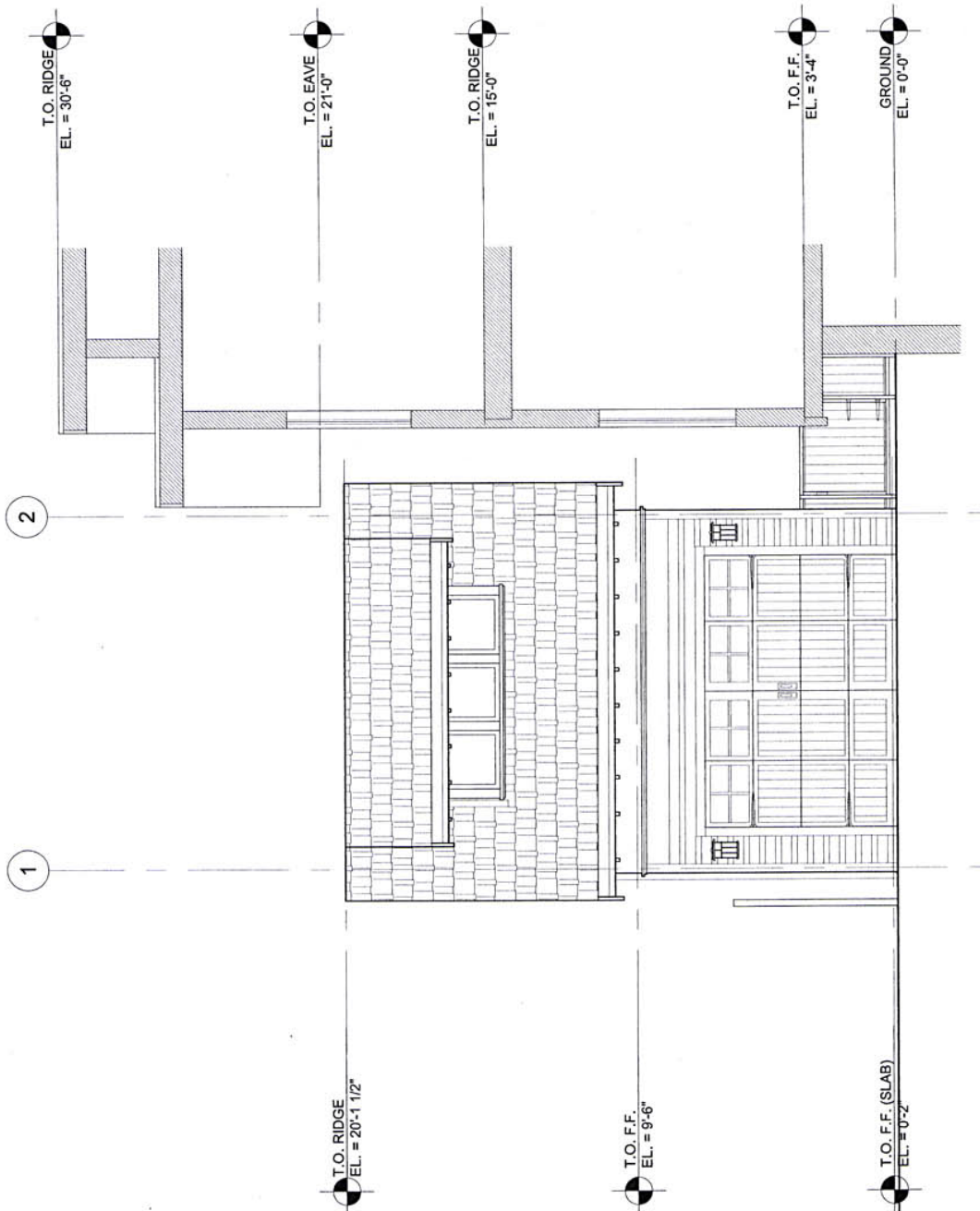
2657 NE 67TH AVE  
PORTLAND, OR

DATE	11-06-10
BY	100110
CHECKED BY	100110
PROJECT NO.	100110



A3.00

EAST ELEVATION



T.O. RIDGE  
EL. = 20'-1 1/2"

T.O. F.F.  
EL. = 9'-6"

T.O. F.F. (SLAB)  
EL. = 0'-2"

\*Approved\*  
City of Portland - Bureau of Development Services

Date 2/22/11

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

1  
A3.00

LU-11-101706AD

C2



SCHEMATIC  
DESIGN

Johnston garage addition

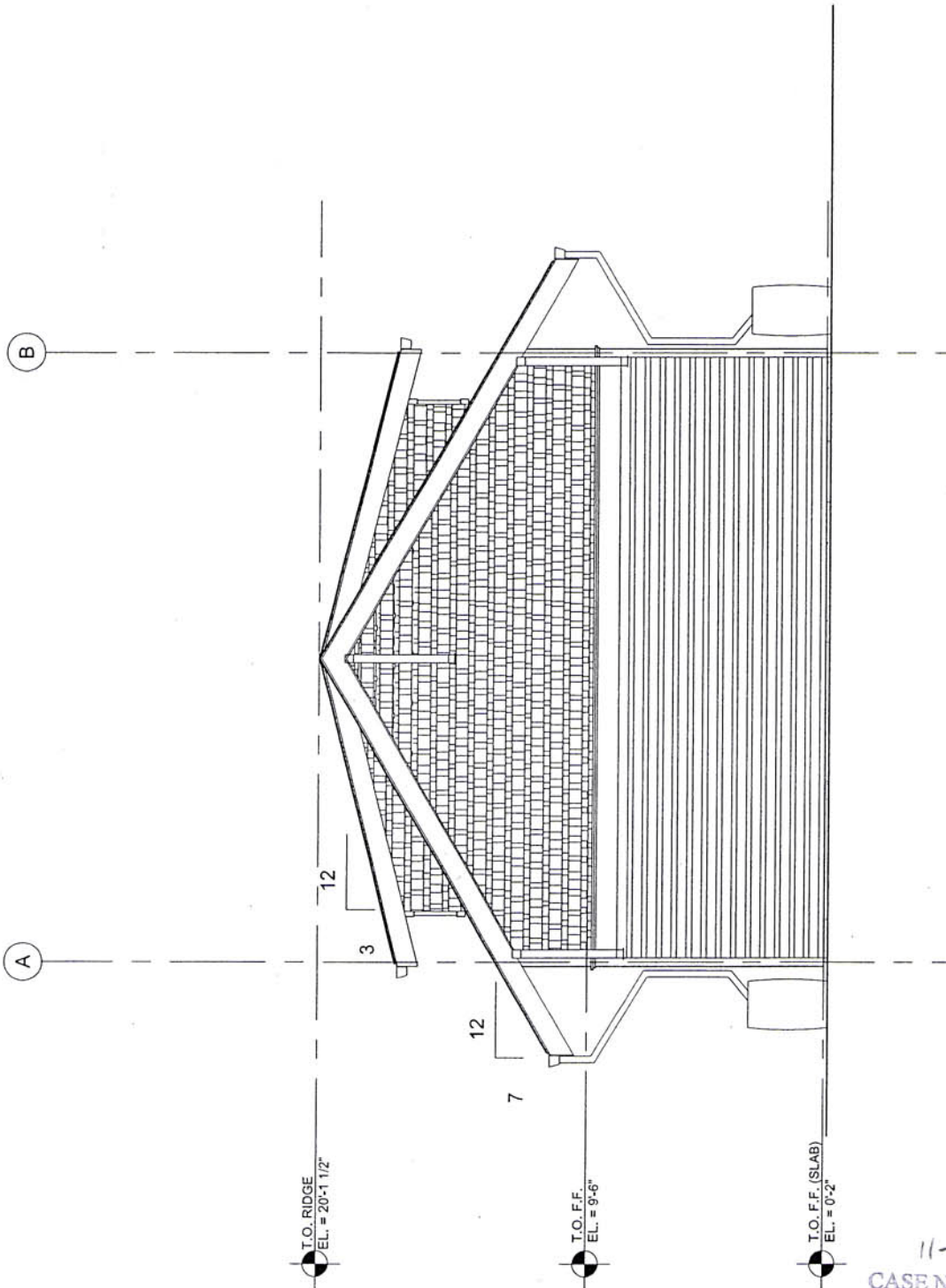
2557 NE 67th Ave  
PORTLAND, OR

NO DATE	PLD
PROJECT	AY
DATE	01/20/11
DATE	01/20/11
DATE	01/20/11



A3.10

NORTH + SOUTH  
ELEVATION



\*Approved\*  
City of Portland - Bureau of Development Services

Date 2/22/11

11-  
CASE NO.  
EXHIBIT

NORTH + SOUTH ELEVATION  
SCALE: 1/4\"/>

0176  
C3

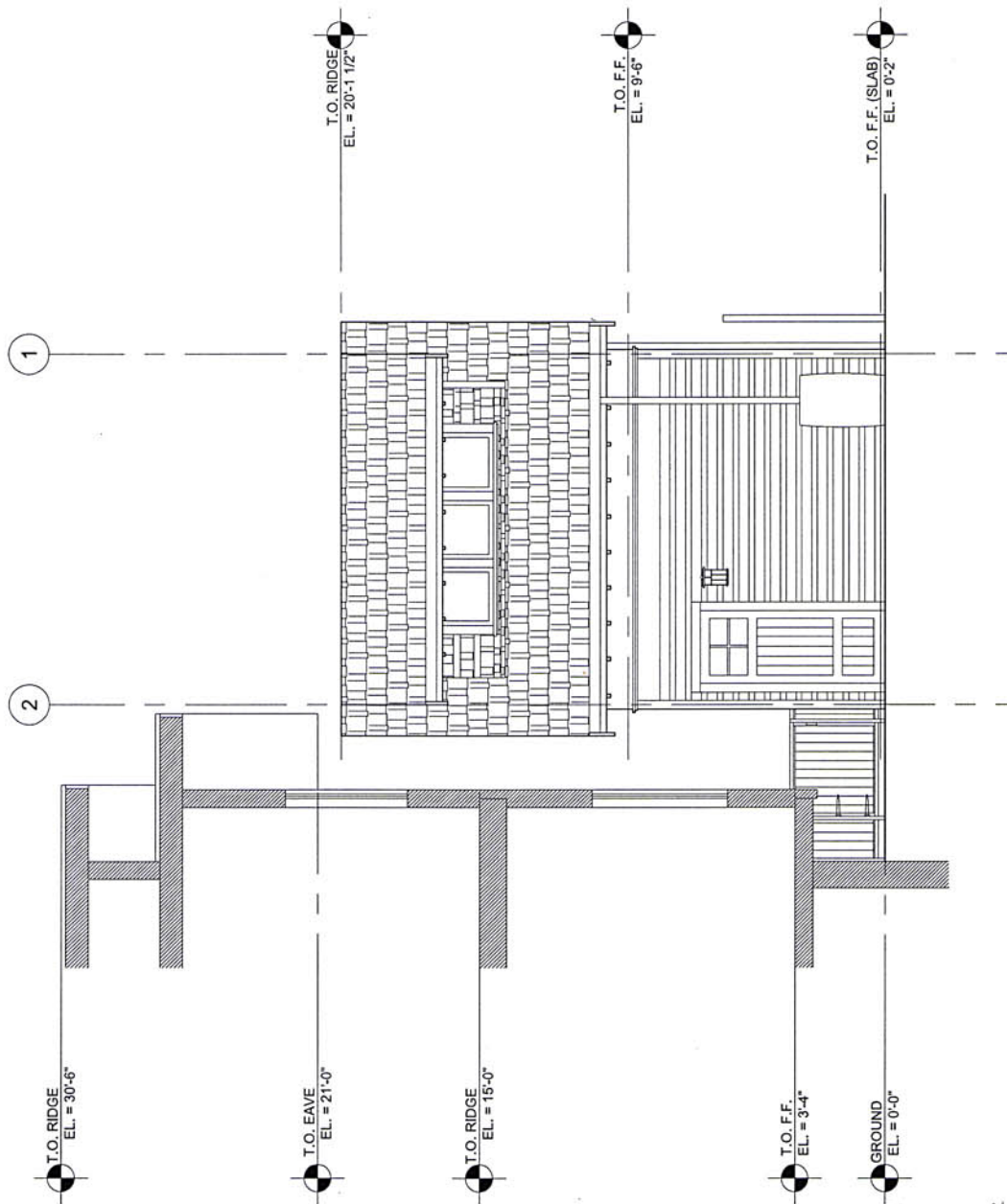
Subject to the reviews requested and is subject to additional zoning requirements may apply

Johnston garage addition

2957 NE 67TH AVE  
PORTLAND, OR[illegible]

A3.20

WEST ELEVATION



CASE NO. 11-  
EXHIBIT CC

WEST ELEVATION  
SCALE: 1/8" = 1'-0"  
A3.20

\*Approved\*

City of Portland - Bureau of Development Services

WB Date 2/22/11

to the reviews requested and is subject to additional zoning requirements may apply.