



**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: 08-104280 AD
LOCATION: 6918 N Michigan Avenue**

The administrative decision for this case was appealed to the Adjustment Committee by Kimberly Gray. A public hearing was held on May 20, 2008. The original administrative analysis, findings and conclusions were adopted by the Adjustment Committee and are attached for reference.

I. GENERAL INFORMATION

Applicant	Jennifer L. Kapnek 6918 N. Michigan Avenue Portland, OR 97217
Appellant:	Kimberly Gray 6918 N Michigan Avenue Portland, OR 97217
BDS Staff Representative:	Kathleen Stokes
BDS Administrative Decision:	Approval with conditions
Public Hearing:	Hearing was held on May 20, 2008.
Testified at the Hearing:	Kathleen Stokes, BDS Staff Representative Kimberly Gray, appellant Jennifer L. Kapnek, applicant
Site Address:	6918 N. Michigan Avenue
Legal Description:	LOT 3&4 BLOCK 1, PARKWAY
Tax Account No.:	R649400030
State ID No.:	1N1E15BD 05200
Quarter Section:	2329
Neighborhood:	Piedmont, Kat Halpenny at 360-798-9951.
Business District:	North Portland Business Assoc, Steve Weir at 503-283-3883.
District Coalition:	North Portland Neighborhood Svcs, Mary Jaron Kelley at 503-823-4099.
Zoning:	R5 (R5,000, High Density Single-Dwelling Residential)
Case Type:	AD (Adjustment)
Procedure:	Type II, an administrative decision with appeal to the Adjustment Committee.

II. ADJUSTMENT COMMITTEE DECISION

Deny the appeal and uphold the administrative decision of approval subject to the original conditions outlined in the Administrative Decision (attached), as follows:

Approval of an Adjustment to Code Section 33.110.220 to reduce the minimum required rear building setback for the gable end wall, from five feet to zero, in general compliance with the approved site plan and elevation drawings, Exhibits C-1 through C-2, signed and dated April 1, 2008, subject to the following condition:

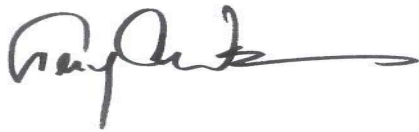
- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-104280 AD."

The applicant prevailed and the appeal was denied.

Staff Planner: Kathleen Stokes

Final Decision Rendered on May 20, 2008 and mailed on May 30, 2008

The original staff findings, conclusions and decision were adopted by the **PORTLAND ADJUSTMENT COMMITTEE** on May 20, 2008



By _____

Portland Adjustment Committee
Terry Amundson, Chair

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 197.620 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].

NOTE: If the decision is for denial of the adjustment request and no permits will be issued or actions taken delete the following paragraphs.
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Recording the final decision. This is the final local decision on this application. You may record this decision the day following the mailed/filed date shown above.

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.

Expiration of this approval. This decision expires 3 years from the date it is recorded unless:

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

Applying for your 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. Applicant's Statement
 1. Application, copies of original building permits, narrative, drawings
 2. Supplemental information, February 5, 2008
 3. Building Code Appeal Decision
 4. Request to extend 120 timeframe for final local decision, March 21, 2008
 5. Response to neighbors' letter of opposition (sent March 24, 2008, 7:51 PM, Pacific Standard Time by email. Computers are not yet set to daylight time—Due to sending after office hours, considered to be March 25, 2008, date received by staff)
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Elevation Drawings (attached)
- D. Notification information:
 1. Mailing list
 2. Mailed notice
 3. Notice of Administrative Decision
 4. Mailing List for Notice of Administrative Decision
- E. Agency Responses:
 1. Life Safety Plan Review Section of BDS
- F. Correspondence:
 1. Bryan Anaclerio and Kim Gray, March 17, 2008
- G. Other:
 1. Letter from Kathleen Stokes to Jennifer Kapnek, February 5, 2008
- H. Appeal
 1. Appeal Statement
 2. Mailed Notice of Appeal
 3. Notice of Appeal mail list
 4. PowerPoint presentation
- I. Correspondence and comments
 1. Letter from Anne Taylor, received May 14, 2008
 2. Written copy of applicant's testimony and accompanying pictures, received May 20, 2008

Copies

Applicant

Appellant

All parties whom Wrote or Submitted Testimony at the Public Hearing

Neighborhood and/or Business Association(s)

Auditor's Office

Planning and Zoning

KAS/May 28, 2008

For further information on recording, please call the County Recorder at (503) 988-3034.

Expiration of this approval. This decision expires 3 years from the date it is recorded unless:

- A building permit has been issued, or
- The approved activity has begun, or
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**Bureau of
Development Services**
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Date: April 3, 2008
To: Interested Person
From: Kathleen Stokes, Land Use Services
503-823-7843 / kstokes@ci.portland.or.us

**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 08-104280 AD

GENERAL INFORMATION

Applicant: Jennifer L Kapnek
6918 N Michigan Avenue
Portland, OR 97217

Site Address: 6918 N Michigan Avenue

Legal Description: LOT 3&4 BLOCK 1, PARKWAY
Tax Account No.: R649400030
State ID No.: 1N1E15BD 05200
Quarter Section: 2329

Neighborhood: Piedmont, Kat Halpenny at 360-798-9951.
Business District: North Portland Business Assoc, Steve Weir at 503-283-3883.
District Coalition: North Portland Neighborhood Svcs, Mary Jaron Kelley at 503-823-4099.

Zoning: R5 (R5,000, High Density Single-Dwelling Residential)

Case Type: Adjustment Review
Procedure: Type II, administrative decision with appeal to Adjustment Committee.

Proposal: The applicant replaced the roof on an addition on the east side of the house that abuts the east property line. The addition, which was previously approved under the 1954 building permit number 344008, was built of fire-proof materials and had a flat roof that had begun to leak. The flat roof was replaced with a pitched roof, with a gable that faces toward the east. Because the gable end raises the height of the wall that is nonconforming, due to the fact that there is no setback from the property line, approval of an exception to the required building setback must be approved to legalize the new roof. Therefore, the applicant is requesting approval of an Adjustment to Code Section 33.110.200 to reduce the minimum building setback from the east property line, from 5 feet to 0 feet, for the gable end of the roof. A building code appeal was approved for an alternative method of fire-proofing for the gable wall, requiring addition of 2 layers of 1-2 inch , type "X" gypsum board on the inside of the bale and wall extension. Adjustments to the Zoning Code standards are approved when the relevant approval criteria can be met.

Relevant Approval Criteria: To be approved, this proposal must comply with the approval criteria of 33.805.040 A.-F., Adjustments, cited below.

ANALYSIS

Site and Vicinity: The applicant's site is a 4,160-square-foot parcel that is located on the east side of North Michigan Avenue, between North Bryant and North Dekum Streets. The property consists of two 40-foot-wide lots, which provide 80 feet of street frontage, but are only 52.93 feet deep. This platting pattern creates a somewhat unusual configuration for a site that is internal to the block. The site is developed with a one-story, single-dwelling residence that was built in 1951. An addition was constructed on the rear of the house, with zero setback from the rear property line, under a permit that was approved by the City in 1954. The area around the site is developed with other single-dwelling structures that are generally one to one and one-half stories tall. Development occurred over several decades, providing a variety of architectural styles. The blocks to the west and the east of this face of North Michigan have plats that are more typical of older Portland neighborhoods, which are generally 50 feet wide by 100 feet deep. However, on the east side of Michigan Avenue, on this block, almost all of the lots are limited to the same depth as the applicant's site. The lots that are directly to the east, facing the west side of North Mississippi Avenue, were platted as parcels that are 40 feet wide and 122.04 feet deep.

Zoning: This site is zoned R5, High Density Single-Dwelling Residential. This zone is intended to provide opportunities for single-dwelling development. The development standards for the zone require buildings and other structures that are taller than 6 feet above grade level to be set back a minimum of 5 feet from the side and rear property lines.

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

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **February 26, 2008**. The following Bureaus have responded to indicate that there are no issues or concerns with approval of the requested adjustment:

- Environmental Services
- Transportation Engineering
- Water Bureau
- Fire Bureau
- Site Development Section of BDS noted that as long as the stormwater is not draining within 5 feet from all property lines, 2 feet from all foundations, and 6 feet from a basement and/or creating a nuisance to any private property; Site Development is not concerned with this adjustment to the setback. (No formal written comments provided).
- Life Safety Plan Review Section of BDS sent a written response that detailed some of the building code requirements that must be met during permit review (Exhibit E-1).
- Parks-Forestry Division

Neighborhood Review: One written response was received from the notified property owners in response to the notice of the proposal. The neighbors, who are opposed to approval of the requested adjustment, stated that the addition of a peaked roof to the nonconforming wall has changed the physical relationship between residences and reduced the amount of sunlight received in their back yard and garden space. The neighbors stated that the roof was unsightly and would detract from the livability, appearance and monetary value of their home. Additional issues were also raised, including the impact on their view to the west, the safety and quality of the roof, the lack of a building permit and disturbances from the construction crew. The letter alleged that the applicant had stated that she was trying to increase the value of her home by adding a higher roof line and making the home appear larger from the street. The neighbors also stated that the applicant had stated that she did not realize how large, intruding and massive the roof addition looked from their adjacent yard. (Exhibit F-1).

The applicant sent a response to the neighbors' letter, in which she stated that only the peak of the roof extends to the maximum height that is visible from the neighbors' property. The roof

was designed with a long shallow slope to be compatible with the existing one-story ranch style home. The applicant explained that requesting approval of an adjustment is part of the process to be able to gain a building permit for the new roof. The letter went on to state that the sunlight and view that the neighbors claim are impacted by the view of the roof are only affected by the highest peak of roof and not by a solid building wall. The applicant stated that if the same roof were placed at the required 5-foot setback, that the sunlight and view would be impacted in the same way. Finally, the applicant refuted the statements that were attributed to her by the neighbors, saying that she had never said that she was trying to make her house look bigger by adding the new roof, but was only trying to resolve a problem by providing improved drainage and water movement (Exhibit A-5).

Staff note: Some of the statements that were discussed in these letters are not relevant to the approval criteria for this land use review. Private views are not protected by the City's Zoning Code. While appearance and livability are cited as approval criteria, monetary value is not. Noise is regulated by the City's noise ordinance, Title 18, not Title 33, and is not a part of this review. Disputes over private conversations have been reported here but will not be considered by City staff.

ZONING CODE APPROVAL CRITERIA

33.805.10 Purpose of 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 to provide 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. stated below, have been met.

- A.** Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: The relevant purposes of building setback requirements are

- to maintain light, air, separation for fire protection, and access for fire fighting
- to reflect the general building scale and placement of development in the City's neighborhoods and promote a reasonable physical relationship between residences
- to promote options for privacy for neighboring properties and
- to 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.

The development standards for lots in the R5 zone require structures to be set back a minimum of 5 feet from side and required rear property lines. The applicant is requesting approval of an adjustment to reduce the rear setback for the roof alteration that added a gable wall to the top of an existing nonconforming masonry wall.

The proposed design calls for 1-hour fire rated construction for the new building wall and roof, within the area that is less than three feet from the property line, in accordance with building code regulations. At approximately 35 feet, the structure is fairly wide, but the roof has a very shallow pitch, rising only 5 feet, 5 inches above the wall at the 16-foot, 2-inch tall peak. The wall was built legally in its present location. However, if the applicant had moved the wall back to meet the five-foot setback requirement, the addition could have been raised to two stories, with a peaked roof above. The height limit would be 30 feet, measured to the midpoint of the slope of the roof. The roof that was added to the existing wall has less impact

on air and light than a structure, such as the one described above, that would be allowed by right, under the Code standards at five feet. Because the fire code requires that there be no window, doors or other openings on walls that are closer than 3 feet from property lines, there will be no impacts on privacy. The low profile of the new roof is in keeping with the character of the ranch-style house that exists on the site. The former flat roof proved to be impractical, over time, in the wet Oregon climate and was replaced with a pitched roof that has a very shallow slope to keep it in balance with the scale and placement of the surrounding development. Therefore, the proposed setback equally meets the purposes 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: The proposal to reduce the required setback from the rear property line will not have a significant impact on the appearance or livability of the residential area because it will still meet the purpose of the setback requirement, by preserving fire safety, privacy, light and air. The proposed development will still reflect the scale and placement of buildings in the area and preserve a reasonable relationship between residences. The proportionate scale of the structure is compatible with the character of the existing development on the site. The structure is behind the garage and house and will have no impact on the appearance from the street. As described in the findings for Criterion A, above, the neighbors on the property to the rear would be impacted just as significantly, or more so, by development that the Code would allow without an Adjustment at the required five-foot setback. Therefore, there are no inherent impacts on livability or appearance of the residential area as a result of this request 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: Only one adjustment is being requested. Therefore, this criterion does not apply.

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

Findings: There are no scenic or historic resources on the site. Therefore, this criterion does not apply.

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

Findings: The flat roof that previously existed on the addition to the house on the applicant's site had failed, over the years. In the wet Northwest Oregon climate, the roof had developed serious leakage into the interior of the dwelling. The decision to replace the flat roof with a pitched roof, that could better withstand the Portland rain, was a reasonable solution. The roof was designed to have a minimal pitch, rising only 5 feet, 5 inches above the existing wall, at the peak. Since the Portland Zoning Code directs height to be measured to the midpoint of the slope of a peaked roof that has a pitch of 12 in 12 or less, the height of the roof is considered to be 13 feet, 3.5 inches. If the wall were moved back 5 feet, thereby losing about 175 square feet of floor area on the ground floor, a much taller structure could have been constructed, regaining floor area on a second story. Such a structure could have been 30 feet at the midpoint of the slope of the roof. With the same roof pitch as the roof that was added to the existing wall, such a structure would be 37 feet, 3.7 inches at the peak. Therefore, the design of the roof that was added mitigates the impacts of the roof addition, due to its shallow pitch and 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 is not located in an 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.

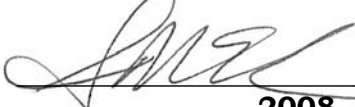
CONCLUSIONS

All of the relevant approval criteria have been met. Approval of the request to reduce the required setback from the rear property line is not expected to have any significant impacts on the adjacent properties or on the livability or appearance of the residential area. The roof that was added to the existing wall, in order to resolve the drainage problem that resulted from the flat roof, has a very shallow pitch. It is in keeping with the low profile of the ranch style house that is on the site. The structure has less impact than a structure that would meet the Code standard and be built with a second story to make up the first floor area that would be lost by moving the wall back from the rear property line. The Adjustment request can be approved, subject to compliance with the site plan and elevation drawings.

ADMINISTRATIVE DECISION

Approval of an Adjustment to Code Section 33.110.220 to reduce the minimum required rear building setback for the gable end wall, from five feet to zero, in general compliance with the approved site plan and elevation drawings, Exhibits C-1 through C-2, signed and dated April 1, 2008, 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.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-104280 AD."

Decision rendered by:  **on April 1, 2008**

By authority of the Director of the Bureau of Development Services

Decision mailed: April 3, 2008

Staff Planner: Kathleen Stokes

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 23, 2008, and was determined to be complete on February 21, 2008.

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 23, 2008.

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 requested that the 120-day review period be extended to allow time to respond to the letter of opposition that was received from the applicant's neighbors, as stated with Exhibit A-4. The time frame for the decision was postponed from March 21 until March 25, 2008, per this request.

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 April 17, 2008** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., 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. Recognized neighborhood associations are not subject to the appeal fee. 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 contact the receptionist at 503-823-7967 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 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 **April 18, 2008 – (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.
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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

- B. Applicant's Statement
 - 6. Application, copies of original building permits, narrative, drawings
 - 7. Supplemental information, February 5, 2008
 - 8. Building Code Appeal Decision
 - 9. Request to extend 120 timeframe for final local decision, March 21, 2008
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- B. Zoning Map (attached)
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- E. Agency Responses:
 - 2. Life Safety Plan Review Section of BDS
- G. Correspondence:
 - 1. Bryan Anaclerio and Kim Gray, March 17, 2008
- G. Other:
 - 1. Letter from Kathleen Stokes to Jennifer Kapnek, February 5, 2008

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



ZONING



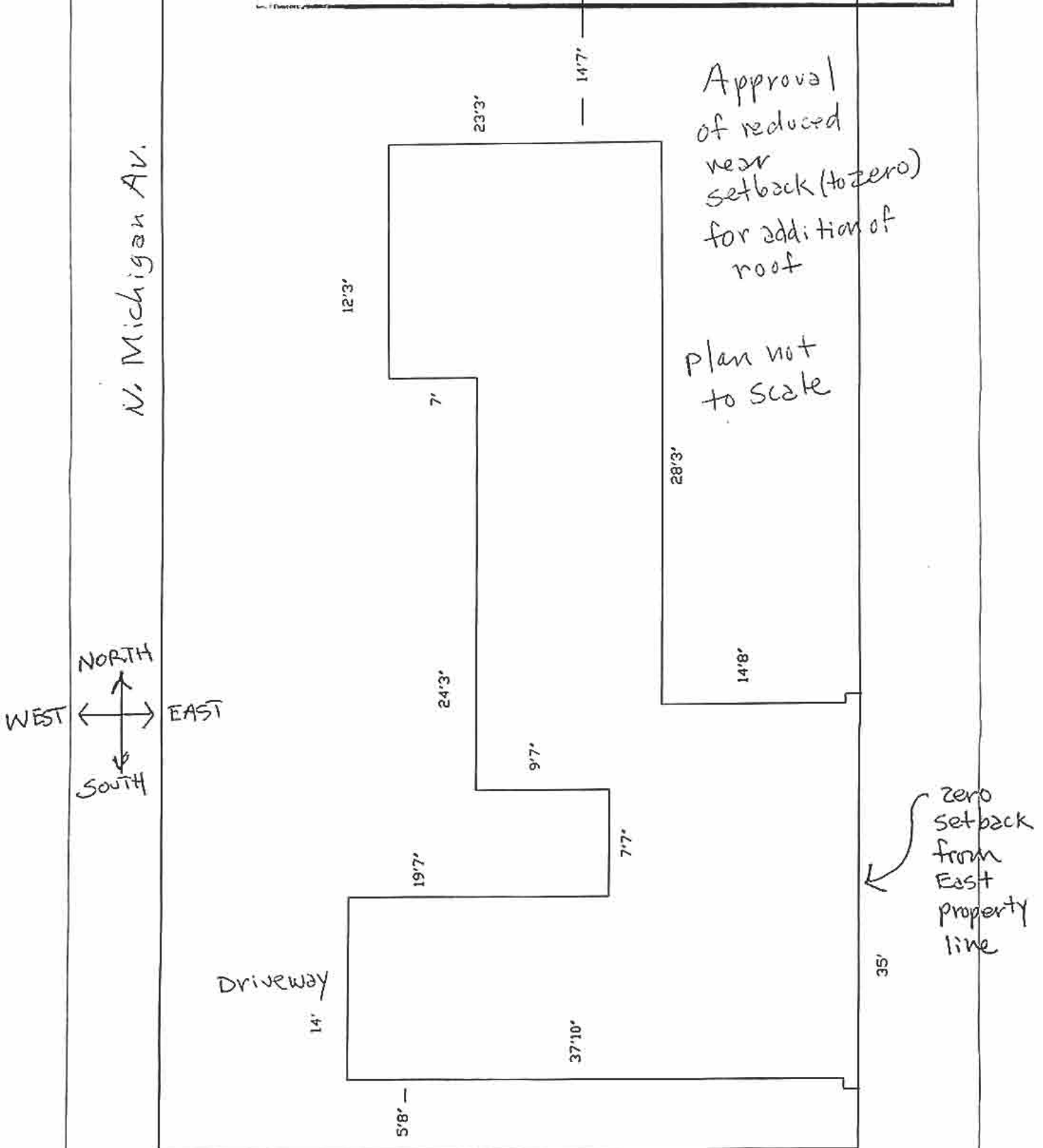
File No. LU 08-104280 AD
 1/4 Section 2329
 Scale 1 inch = 200 feet
 State_Id 1N1E15BD 5200
 Exhibit B (Jan 25, 2008)

Approved

City of Portland - Bureau of Development Services

Planner Kathleen A. Stokes Date April 1, 2008

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



LU 08-104280AD- 6918 N. Michigan Av.
Exhibit C-1

Approved

City of Portland - Bureau of Development Services

Planner Kathleen A. Stoices Date April 11, 2008

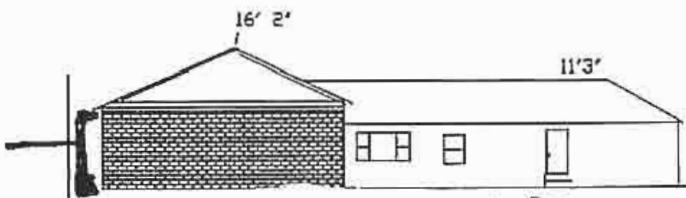
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

LU08-104280 AD

Exhibit C-2

Approval of reduced
rear setback (to zero)
for addition of roof

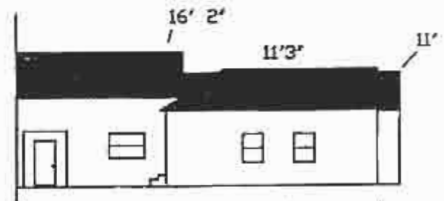
EXISTING WALL 10'7"



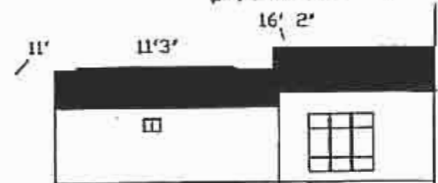
East (Rear)
Elevation



West (Front)
Elevation



NORTH
Elevation



SOUTH
Elevation