



**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 10, 2010  
**To:** Interested Person  
**From:** Sheila Frugoli, Land Use Services  
503-823-7817 / [frugolis@ci.portland.or.us](mailto:frugolis@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 10-100459 AD**

**GENERAL INFORMATION**

**Applicant/Owner:** Heidi H Bell  
2135 SW Laurel St  
Portland, OR 97201

**Site Address:** 2135 SW LAUREL ST

**Legal Description:** BLOCK 77 LOT 5 EXC W 1.5' S 40' OF LOT 6 EXC W 1.5', CARTERS  
ADD TO P

**Tax Account No.:** R140405370

**State ID No.:** 1S1E04CB 01400

**Quarter Section:** 3227

**Neighborhood:** Southwest Hills Residential League, contact Nancy Seton at 503-224-3840.

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

**Zoning:** R10, Single-Dwelling Residential 10,000

**Case Type:** AD, Adjustment Review

**Procedure:** Type II, an administrative decision with appeal to the Adjustment Committee.

**Proposal:** In order to remodel and expand the kitchen and master bedroom at the rear of the house, the applicant has requested an Adjustment to exceed the building coverage standard. The applicant plans to add 255 square feet to the master bedroom and 251 square feet to the kitchen. This will result in the total building coverage increasing by approximately 14 percent from 3,179 square feet to 3,685 square feet. The maximum allowed building coverage for this 8,865 square foot lot is 2,830 square feet.

## ANALYSIS

**Site and Vicinity:** The residential lot is developed with a one-story, with basement, single-dwelling residence. The dwelling is set back approximately 17 feet from the front lot line and 29 feet from the rear property line. The existing east and west side building setbacks are approximately 8.5 feet and seven feet, respectively. The front portion of the lot is relatively flat, with the northern half sloping down toward SW Myrtle Street. A mature hedge runs along much of the rear (north) property line.

The surrounding area is developed predominantly with two-story homes. The homes in the immediate vicinity generally are older and likely pre-date existing zoning regulations. Setbacks from lot lines, particularly side lot lines are varied, with many side setbacks being less than the minimum required 10 feet. Because many of the homes are relatively large, building coverage on some of the lots exceeds the current allowance.

**Zoning:** The site and surrounding properties are located in an R10, Single-Dwelling Residential 10,000 zone. The use regulations of the Single-Dwelling zones are intended to create, maintain and promote single-dwelling neighborhoods. The development standards work together to preserve the character of neighborhoods, and 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. The development standards are generally written for houses on flat, regularly shaped lots.

**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 on January 14, 2010. The following Bureaus have responded with no issues or concerns:

- Bureau of Transportation Engineering
- Water Bureau
- Fire Bureau
- Bureau of Parks-Forestry Division

The Bureau of Environmental Services (BES) responded with comments that identify requirements that must be addressed at building permit review. Specifically, BES staff noted that before the stormwater from the roof drains may be released into the combined sanitary/stormwater sewer to address pollution reduction and flow control requirements, the roof drains must be directed to a flow-through planter as part of the development. Further, city plumbing records indicate the house at 2135 SW Laurel shares a sewer branch (party sewer) with 2151 and 2161 SW Laurel. Where plumbing modifications or further development is proposed, BES will require changes to the nonconforming sewer (Exhibits E.1 and E.2).

The Site Development Section of BDS responded with comments noting that the applicant must follow BES requirements for stormwater discharge and address the nonconforming sewer connection (Exhibit E.3).

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on January 14, 2010. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## 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 to provide 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:** Zoning Code Section 33.110.225 describes the purpose of the building coverage standard as follows:

***Purpose.** The building coverage standards, together with the height and setback standards control the overall bulk of structures. They are intended to assure that taller buildings will not have such a large footprint that their total bulk will overwhelm adjacent houses. Additionally, the standards help define the character of the different zones by limiting the amount of buildings allowed on a site.*

Based upon Zoning Code Table 110-4, up to 2,830 square feet may cover the 8,865 square foot site. The proposed 506 square-foot addition, combined with the existing building footprint of the home, the coverage will exceed the maximum allowance by 855 square feet. The enlarged home will cover approximately 41.5 percent, rather than the allowed 32 percent. The house is a one-story structure with basement. From SW Laurel Street, it appears as a one-story. The lot slopes down from the street. The basement level is only visible on the west and north sides of the home. Most of the residential lots are sloped and are developed with large, multi-story homes. On the south side of SW Laurel, the homes are significantly elevated above the street. Similarly, the residential lots to the north, with frontage on SW Myrtle sit lower than the homes on SW Laurel Street.

The proposed kitchen and bedroom additions, at the back of the house, will not extend beyond the required building setbacks, will not change the height of the structure and/or roof line or conflict with other zoning code development standards. A one-story, with basement, addition that meets setback requirements will not overwhelm adjacent homes or depart from the desired character of the R10 zone. Thus, the proposal supports the purpose of the building coverage standard and therefore satisfies this criterion.

- 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 residential area is developed with single dwelling residences. Most of the homes were constructed in the early 1900s, in the grand architectural styles of that period. Although different from the predominant architectural style of other nearby homes, the design of the additions will honor the original architecture of the house—a mid-century ranch. The scale of the home and roofline will not change. And, similar windows and matching siding will be used as exterior finishes. Views to the addition from the northern abutting lot will continue to be screened by the dense vegetative hedge. The larger footprint will not create impacts that will diminish the livability of the adjacent residences. Therefore, 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 requested. This criterion is not applicable.

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

**Findings:** City designated resources are shown on the zoning map by the 's' overlay; historic resources are designated by a large dot, and by historic and conservation districts. The site is not within either overlay zone; thus, this criterion is not applicable.

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

**Findings:** There are no discernible impacts that would result from granting the requested adjustment. 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 within an environmental zone, which is designated on the zoning map by either a "c" or "p" overlay. Therefore, 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 or Modification via a land use review prior to the approval of a building or zoning permit.

## CONCLUSIONS

The applicant has demonstrated that the applicable Adjustment approval criteria have been met. The request to exceed the building coverage allowance for the additions will result in development that still meets the intent of the regulation and will not adversely impact the appearance or livability of the surrounding residential neighborhood.

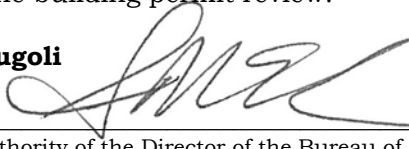
## ADMINISTRATIVE DECISION

Approval of an Adjustment to exceed the building coverage development standard (Section 33.110.225) from 2,830 to 3,685 square feet, for a 506 square-foot addition to the house, per the approved plans, Exhibits C.1 through C.5, signed and dated February 8, 2010, 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.5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 10-100459 AD."

NOTE: Stormwater management, as well as other building permit requirements, must be addressed as part of the building permit review.

**Staff Planner: Sheila Frugoli**

**Decision rendered by:**  **on February 8, 2010**

By authority of the Director of the Bureau of Development Services

**Decision mailed: February 10, 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 January 5, 2010, and was determined to be complete on January 12, 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 January 5, 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. Unless further extended by the applicant, **the 120 days will expire on: May 12, 2010.**

**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 February 24, 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](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 **February 25, 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:

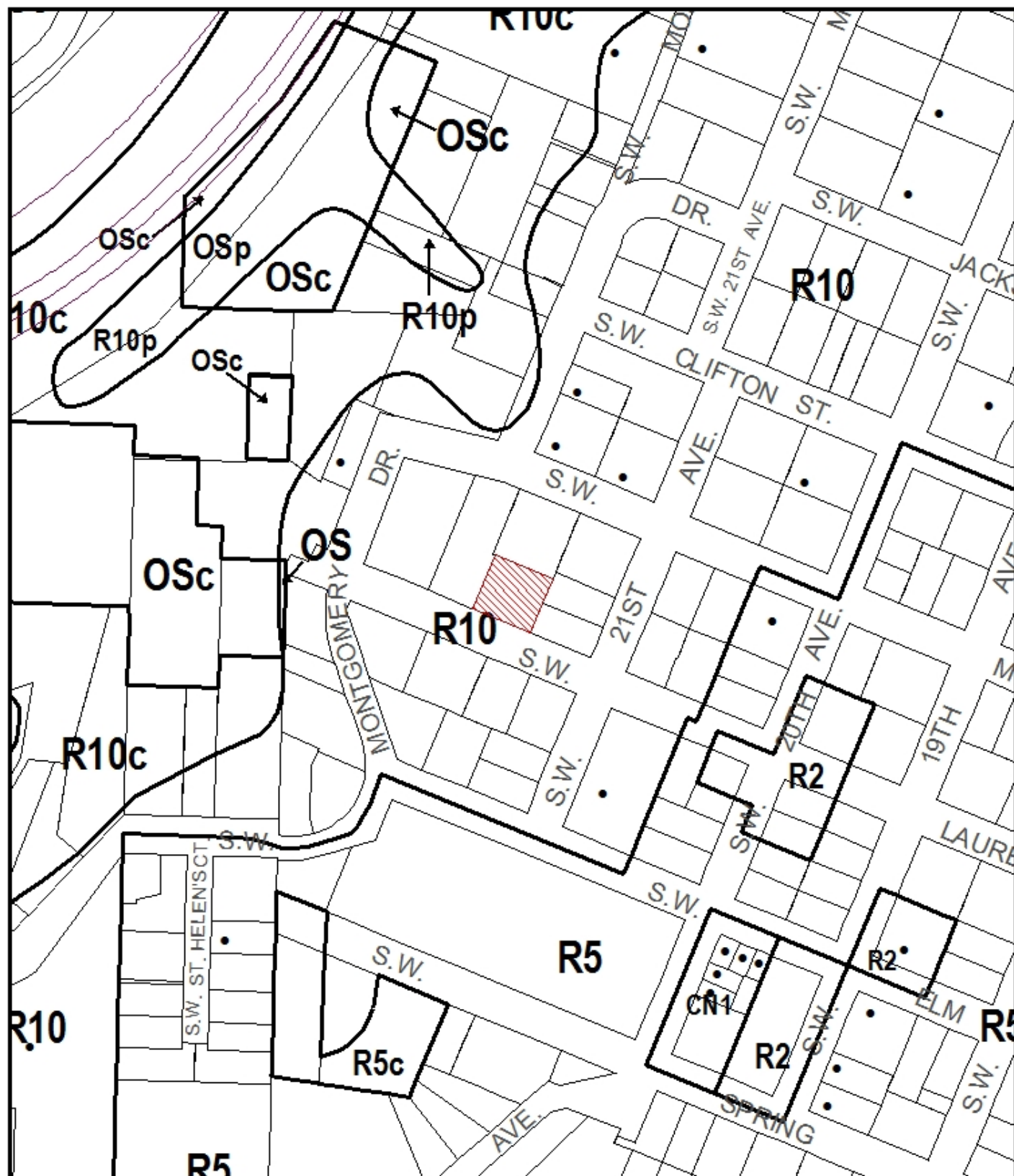
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Existing South and Proposed South Elevation (attached)
  - 3. Existing North and Proposed North Elevation (attached)
  - 4. Existing East and Proposed East Elevation (attached)
  - 5. Existing West and Proposed West Elevation (attached)
  - 6. Photos of House
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
    - a. Memo dated January 25, 2010
    - b. E-mail from Ben Kersens, BES to Sheila Frugoli, dated January 27, 2010
  - 2. Site Development Review Section of BDS
  - 3. TRACS print-out showing "no concern" from PBOT, Water, Fire, City Forestry
- F. Correspondence - NONE
- 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).**



NORTH

File No. LU 10-100459 AD

1/4 Section 3227

Scale 1 inch = 200 feet

State Id 1S1E04CB 1400

Exhibit B (Jan 06, 2010)



City of Portland - Bureau of Development Services

Planner

Date

2/8/10

\*Approved\*

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

adjacent house

adjacent house

adjacent house

adjacent house

adjacent house

(e) house

(e) driveway

(e) sidewalk

sw laurel street

adjacent garage

site address:  
2135 sw laurel street  
portland, or 97201

lot coverage:  
lot area: 8,865 sf  
max lot coverage: 2,830 sf  
existing lot coverage: 3,179 sf  
new lot coverage: 3,685 sf

site plan  
scale: 1/16"=1'-0"

I.U.10-100459 AD

Exhibit C.1

a1

bell residence  
2135 sw laurel street  
portland, oregon 97201

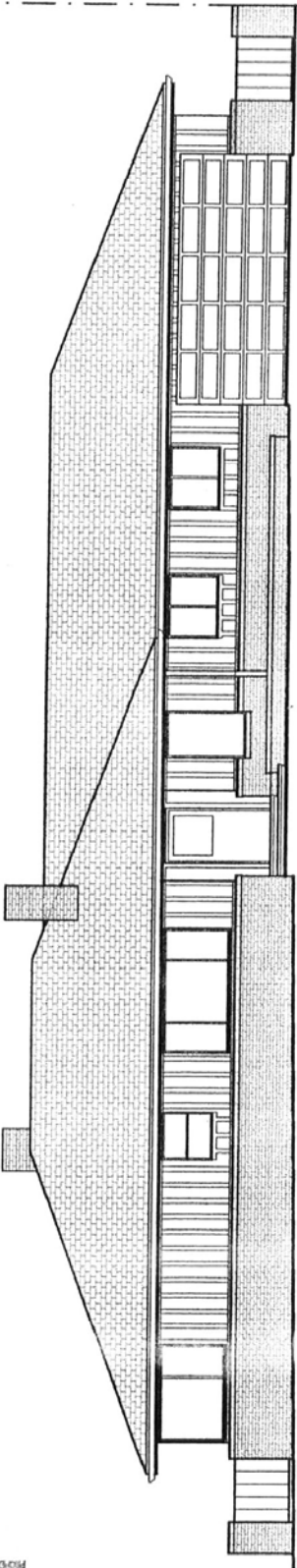
adjustment application  
exhibits

site plan

scale as noted  
11-21-08

nyhoff design llc  
2005 no 24 avenue portland or 97213  
phone: 503.227.1111  
www.nyhoffdesign.com

PROPERTY LINE



(e) house

1 existing south elevation

scale: 1/8"=1'-0"

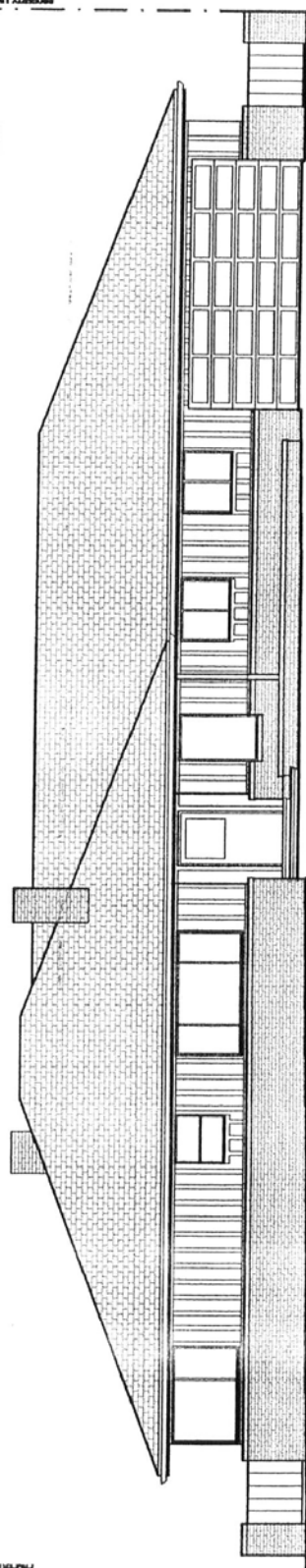
\*Approved\*

City of Portland - Bureau of Development Services

Planner S. Krug Date 2/3/10

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PROPERTY LINE



(e) house

2 proposed south elevation

scale: 1/8"=1'-0"

bell residence  
2135 sw laurel street  
portland, oregon 97201

nyhoff design llc  
2005 sw avenue portland or 97212  
503.238.1440  
info@nyhoffdesign.com

adjustment application  
exhibits

unshaded south  
elevations

scale as noted  
11-21-09

a2

I, U10-100459 AD  
Exhibit C.2

bell residence  
2135 sw laurel street  
portland, oregon 97201

nyhoff design llc  
2025 SW 24 Avenue Portland, OR 97212  
info@nyhoffdesign.com

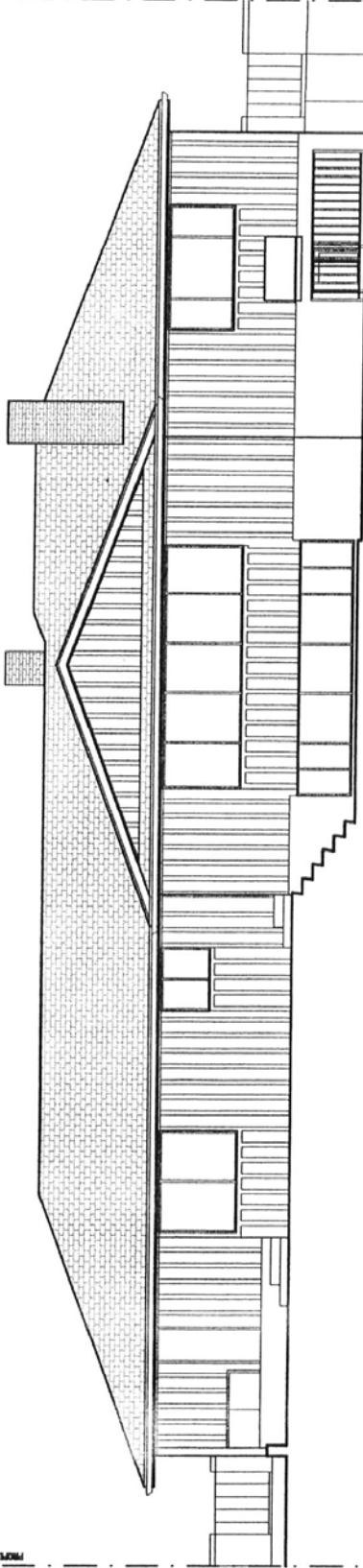
adjustment application  
exhibits

north  
west and west  
elevations

scale as noted  
11-21-09

a3

PROPERTY LINE



(e) house

1 existing north elevation

scale: 1/8"=1'-0"

\*Approved\*

City of Portland - Bureau of Development Services

Planner

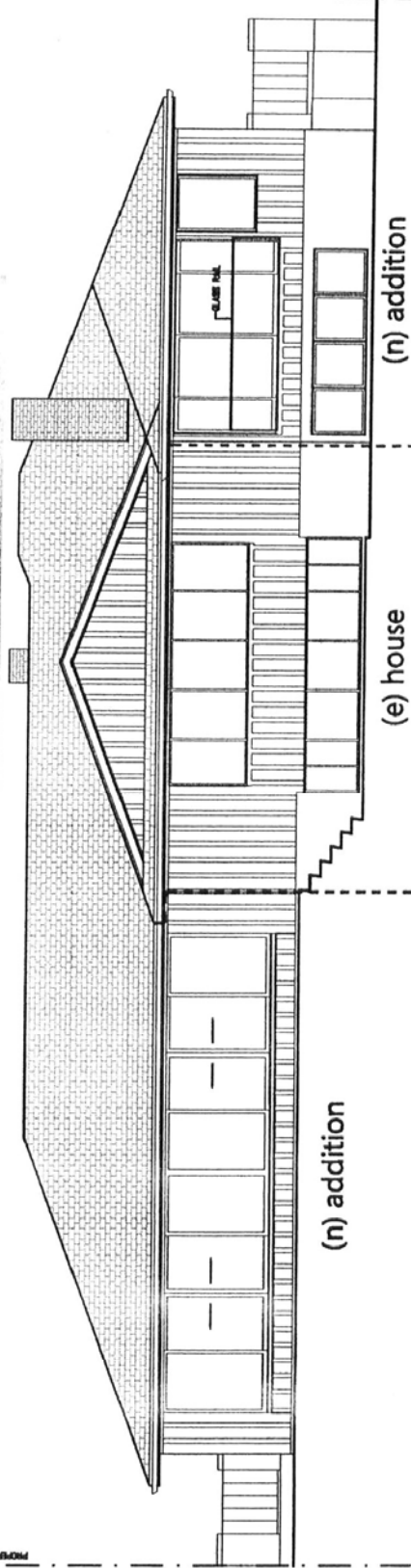
S. Frugoli

Date

2/8/10

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

PROPERTY LINE



(n) addition

(e) house

(n) addition

2 proposed north elevation

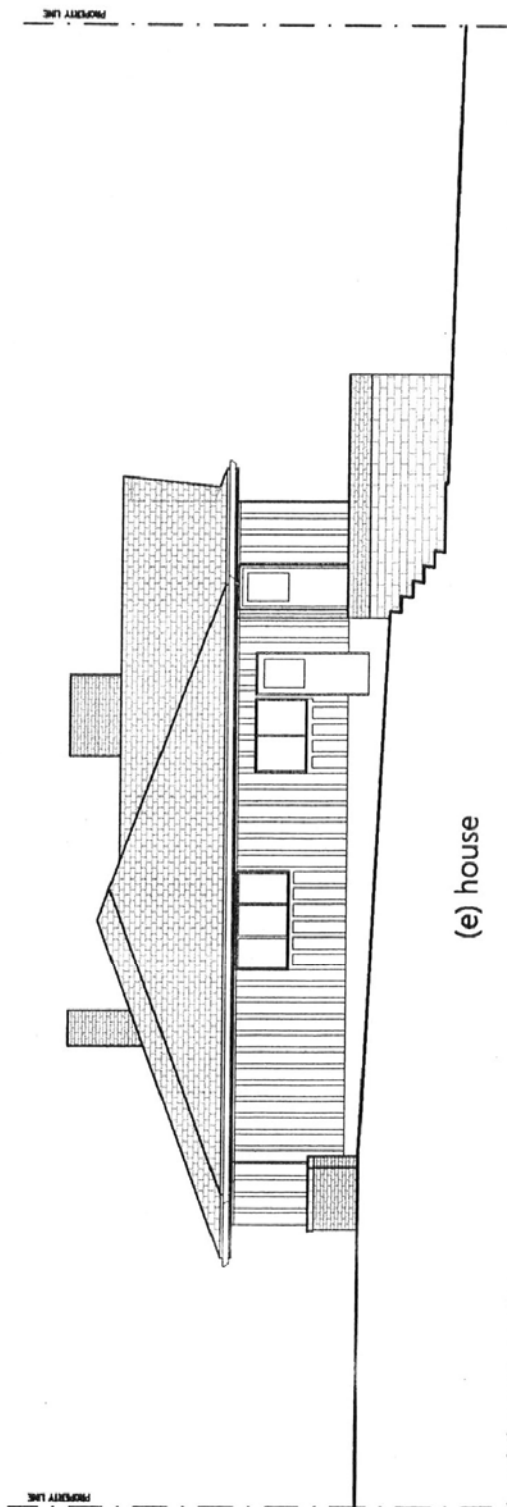
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LU 10-100459AD

Exhibit C.3

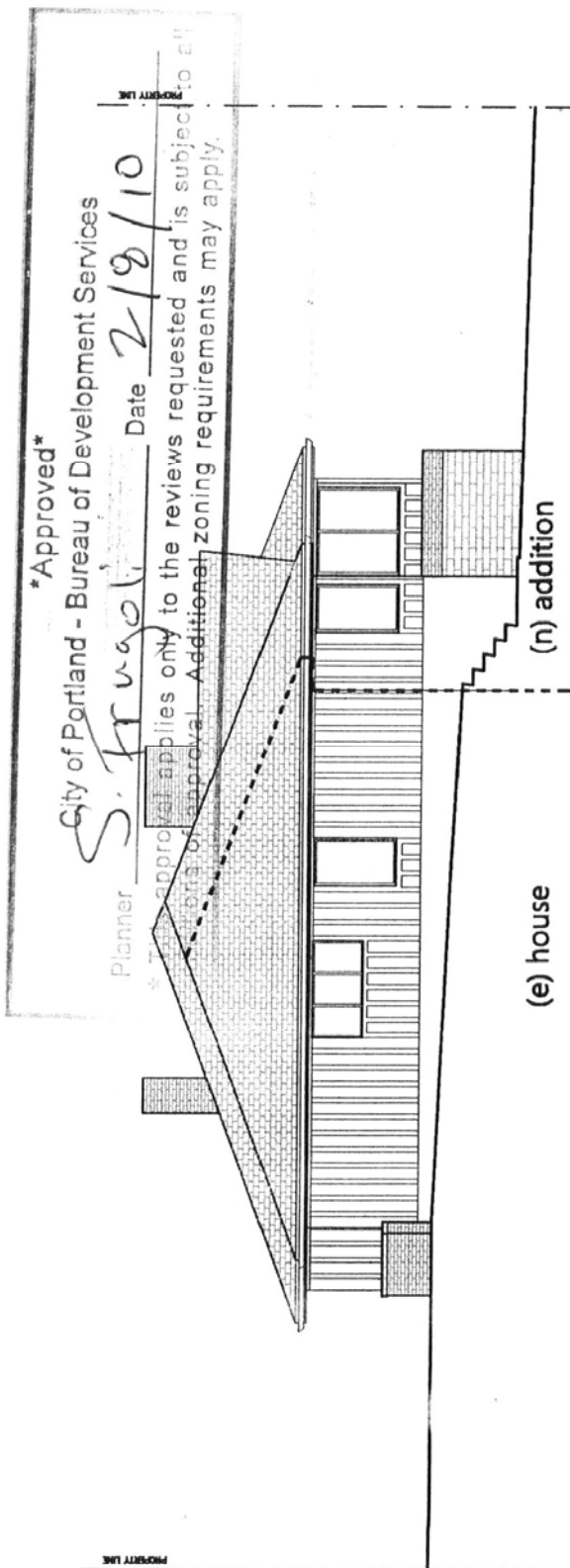
ny h o f f d e s i g n l l c 2005 NW 24 Avenue Portland, OR 97212 503.273.1440 nyh@nyhoffdesign.com	adjustment application exhibits	north-east-south-east elevations
		scale as noted 11-21-08 a4

bell residence  
 2135 SW Laurel Street  
 Portland, Oregon 97201



1 existing east elevation

scale: 1/8"=1'-0"



2 proposed east elevation

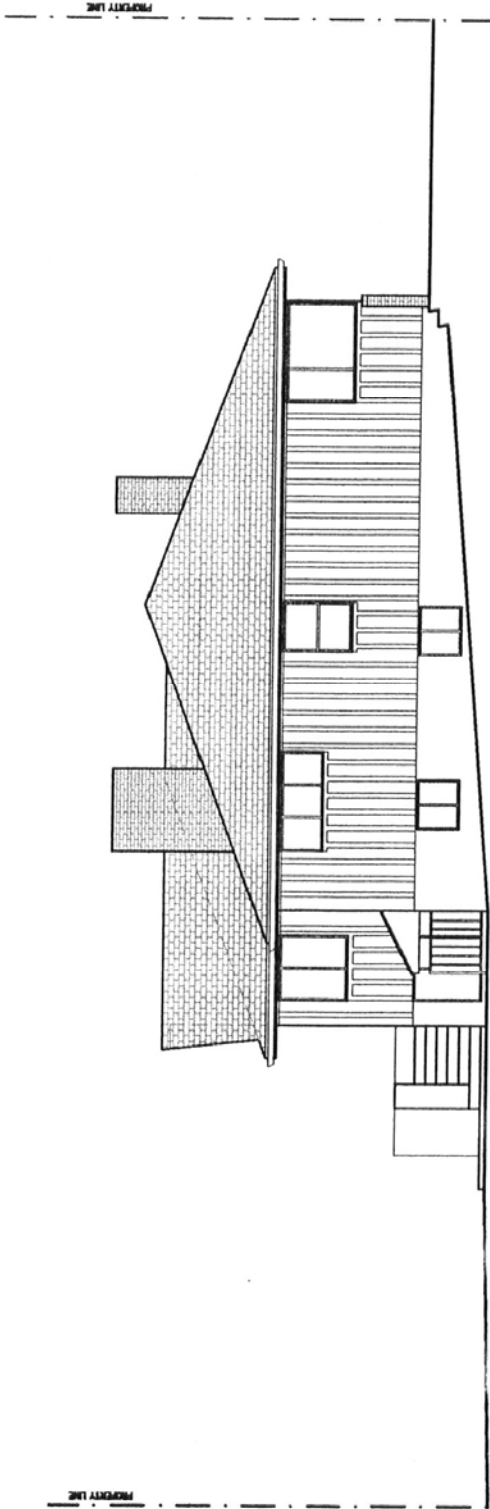
scale: 1/8"=1'-0"

\*Approved\*  
 City of Portland - Bureau of Development Services  
 Planner S. Prugel Date 2/8/10  
 \*This approval applies only to the reviews requested and is subject to all  
 conditions of approval. Additional zoning requirements may apply.

LU 10 - 100459 AD

Exhibit C.4

bell residence 2135 sw laurel street portland, oregon 97201	ny h o f f d e s i g n l l c nyh@nyhoffdesign.com 2025 34 avenue portland or 97212	adjustment application exhibits	residential west elevations	scale as noted 11-21-08	a5

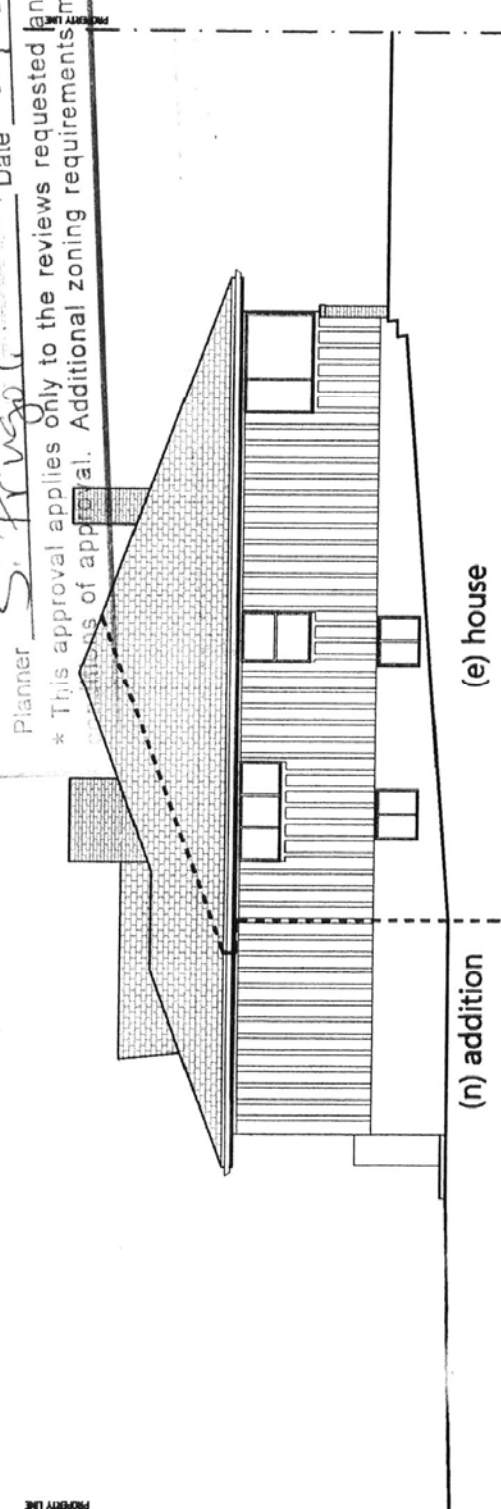


(e) house

1 existing west elevation

scale: 1/8"=1'-0"

\*Approved\*  
City of Portland - Bureau of Development Services  
Planner S. Krug Date 2/2/10  
\* This approval applies only to the reviews requested and is subject to all  
conditions of approval. Additional zoning requirements may apply.



(n) addition (e) house

2 proposed west elevation

scale: 1/8"=1'-0"

LU10-100459 AD  
Exhibit C.5