



**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:** March 8, 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 10-102593 AD**

#### **GENERAL INFORMATION**

**Applicants/Owners:** Russell and Nan Steinebach  
604 NE 151st Ave  
Portland, OR 97230-4709

**Site Address:** 604 NE 151ST AVE

**Legal Description:** INC PT VAC ST E OF & ADJ LOT 14 BLOCK 2, MURMURING PINES  
**Tax Account No.:** R594000720  
**State ID No.:** 1N2E36BD 01400  
**Quarter Section:** 2945

**Neighborhood:** Wilkes Community Group, contact Alice Blatt at 503-253-6247.  
**Business District:** Gateway Area Business Association, contact Fred Sanchez at 503-256-3910.  
**District Coalition:** East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

**Plan District:** Glendoveer  
**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:** The applicants wish to construct a 320 square foot carport in front of the existing house. The proposed carport will be approximately 10.5 feet tall, measured at the mid-point of the pitched roof and be open on all four sides. The applicants are requesting an Adjustment to waive the garage (carport) standard that does not allow garages to be located closer to the street lot line than the street-facing wall of the house (Zoning Code Section 33.110.253.F.3). The carport will be set back 30 feet from the front (NE 151st Avenue) property line and 10 feet from the side (north) property line.

**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 is met.

**ANALYSIS**

**Site and Vicinity:** The 8,000 square foot lot is a through lot with street frontage on both NE 151<sup>st</sup> Avenue and 152<sup>nd</sup> Avenue. The home's front door and driveway faces NE 151<sup>st</sup> Avenue. The site is developed with a single-story, ranch-style home. In 2002 the applicants received building permits to enclose a carport on the north side of the house and convert it into living space.

This lot and other nearby homes in the Whispering Pines Subdivision are characterized as one-story homes constructed in the 1950s, with open front rear yards and mature Douglas firs scattered throughout the subdivision. The development is characterized by the "Ascot Zoning" standards, having deep front yards, wider side- and rear-yard setbacks and mature trees and landscaping. NE 151<sup>st</sup> Avenue has a 50-foot right-of-way and is developed with a 28-foot roadway and curbs.

**Zoning:** The site is zoned R10, Single-Dwelling Residential 10,000 and is within the Glendoveer Plan District boundary. 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 Glendoveer Plan District, applies setback standards that supersede the base zone (R10). Buildings must be set back 30 feet from the front property line, 10 feet from the side property line and 15 feet from the rear property line.

**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 **January 25, 2010**. The following Bureaus have responded with no issues or concerns:

- Bureau of Transportation Engineering
- Water Bureau
- Fire Bureau

The Bureau of Environmental Services and Site Development Section of BDS responded with the following comment: On-site infiltration of stormwater for the carport will be required at building permit. A simplified infiltration test may be required. The rain drain to perforated pipe, as shown on the submitted site plan does not meet City standards. The applicant is advised to refer to the 2008 Stormwater Management Manual. (Exhibit E.1 and E.2)

The Bureau of Parks-Forestry Division responded with the following comment: The trees along the NE 152<sup>nd</sup> Avenue frontage are within the City right-of-way. All existing street trees must be protected and preserved. Exhibit E.3)

The Life Safety Plans Examiner Section of BDS notes that a lateral design analysis by an Architect or Engineer licensed in Oregon and based on the Oregon Structural Specialty Code is required. (Exhibit E.4)

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on January 25,

2010. One written response has been received from the Neighborhood Association in response to the proposal.

Alice Blatt, Interim Chair of the Wilkes Community Group stated that the board members discussed the proposal. The Wilkes Community Group letter noted the following concerns/questions:

- The proposal will certainly not “equally or better meet the purpose of the regulation being modified”.
- In this neighborhood there is no other open carport in front of the living area of any home so the subjective determination of whether the proposed open carport in this location will more prominent or will significantly detract from the livability or appearance of the residential area is difficult to evaluate.”
- The proposal is not compatible with the surrounding community.
- Any condition that might be applied to decrease the prominence of the structure, such as lower the roof height or shorten the depth, would seem appropriate.
- With reference to its possible future conversion to an enclosed garage, the neighborhood would encourage additional review for both appearance and safety impacts.

## 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:** The purpose of the standards for garages (Section 33.110.253.A) is:

- *Together with the window and main entrance standards, ensure that there is a physical and visual connection between the living area of the residence and the street;*
- *Ensure that the location and amount of the living area of the residence, as seen from the street, is more prominent than the garage;*
- *Prevent garages from obscuring the main entrance for pedestrians, rather than automobiles, is the prominent entrance;*
- *Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk; and*
- *Enhance public safety by preventing garages from blocking views of the street from inside the residence.*

The applicant requests an Adjustment to allow the proposed 320 square foot carport to extend 8 feet closer to the street lot line than the wall of the house. The mid-century ranch style home is L-shaped. The southern third of the home extends approximately 7 feet in front of the main area of the house. The proposed carport will be located approximately 4 feet from the wall of the main area of the house. There is a 3-foot deep roof eave along the western (front) building wall.

The applicant proposed a structure with a 4/12 pitch roof. In order to ensure that the carport does not dominate the front entrance of the house and is not more prominent than the living area of the house, a condition will require the structure be redesigned so that the roof pitch and roof trim match the dormer gable on the southern portion of the home (that extends closer to the street). This will create a visual connection between the two structures.

The carport roof will extend within inches of the eave of the home. The proposed 20 foot-wide carport will be supported by 6"x6 wood posts, not by walls. The openness of the structure will further diminish its prominence. To ensure that the structure remains less visible, a condition will not allow adding full or partial walls on the north and south sides of the structure and/or a garage door. Only if approved through a subsequent Adjustment Review could the carport be converted to a garage or other detached structure.

Lastly, the carport (garage) entrance will be set back 30 feet from the front property line. The open carport will not block views of the street for the homes on the abutting lots.

With conditions, this proposal will equally meet the intent of the garage setback standard.

**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:** As indicated above, the carport will be required to match the roof line of the house, creating symmetrical roof lines on the two structures that extend to NE 151<sup>st</sup> Avenue. The garage has been designed to meet the side and front setback requirements. Even though this is a through lot, with street frontage on two sides, there is no other location on the lot where a garage or carport could be constructed without conflicting with Zoning Code development standards. The proposed carport is not excessively large. It will allow space for two standard sized automobiles to park under cover. The open carport will not significantly detract from the appearance of the residential area.

As summarized on pages 2 and 3, a letter was submitted from Alice Blatt, Interim Chair, Wilkes Community Group. Ms. Blatt raised concerns that there are no other similar garages/carports in the immediate vicinity and that it may detract from the appearance of the area. In order to address concerns raised by the neighborhood association, conditions will require a matching roof line and will not allow the owners from later adding walls, converting the carport into a garage or detached structure. With these conditions, 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. There are no such resources present on the site. Therefore, this criterion is not applicable.

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

**Findings:** Conditions are applied to address criterion A and B. No additional impacts need to be mitigated. Therefore, this criterion does not apply.

**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 within the environmental overlay zones. 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

The prominence of the carport will be lessened by the requirement that the roof slope and trim match the dormer gable on the south side of the house. In order to assure that the carport remains open and less visible a condition will not allow the addition of walls and a garage door. With these conditions of approval, the proposal meets all of the applicable approval criteria and should be approved.

## ADMINISTRATIVE DECISION

Approval of the Adjustment to the garage wall street lot line standard (PCC 33.110.250.E.4) to allow the proposed 320 square foot carport entrance that faces NE 151<sup>st</sup> Street to extend an additional 20 feet beyond the main facade of the house, per the approved site plan, Exhibits C.1, signed and dated March 3, 2010 subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B and C) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 10-102593 AD." All requirements must be graphically represented on the required plans and must be labeled "REQUIRED."
- B. The carport roof must match, in pitch and trim, the dormer gable on the southern portion of the home (that extends closer to the street).
- C. The addition of full or partial walls on the north and south sides of the structure and/or a garage door is not allowed.

**Staff Planner: Sheila Frugoli**

**Decision rendered by:**  **on March 3, 2010**

By authority of the Director of the Bureau of Development Services

**Decision mailed: March 8, 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 13, 2010, and was determined to be complete on January 20, 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 13, 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 20, 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 March 22, 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 **March 23, 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.

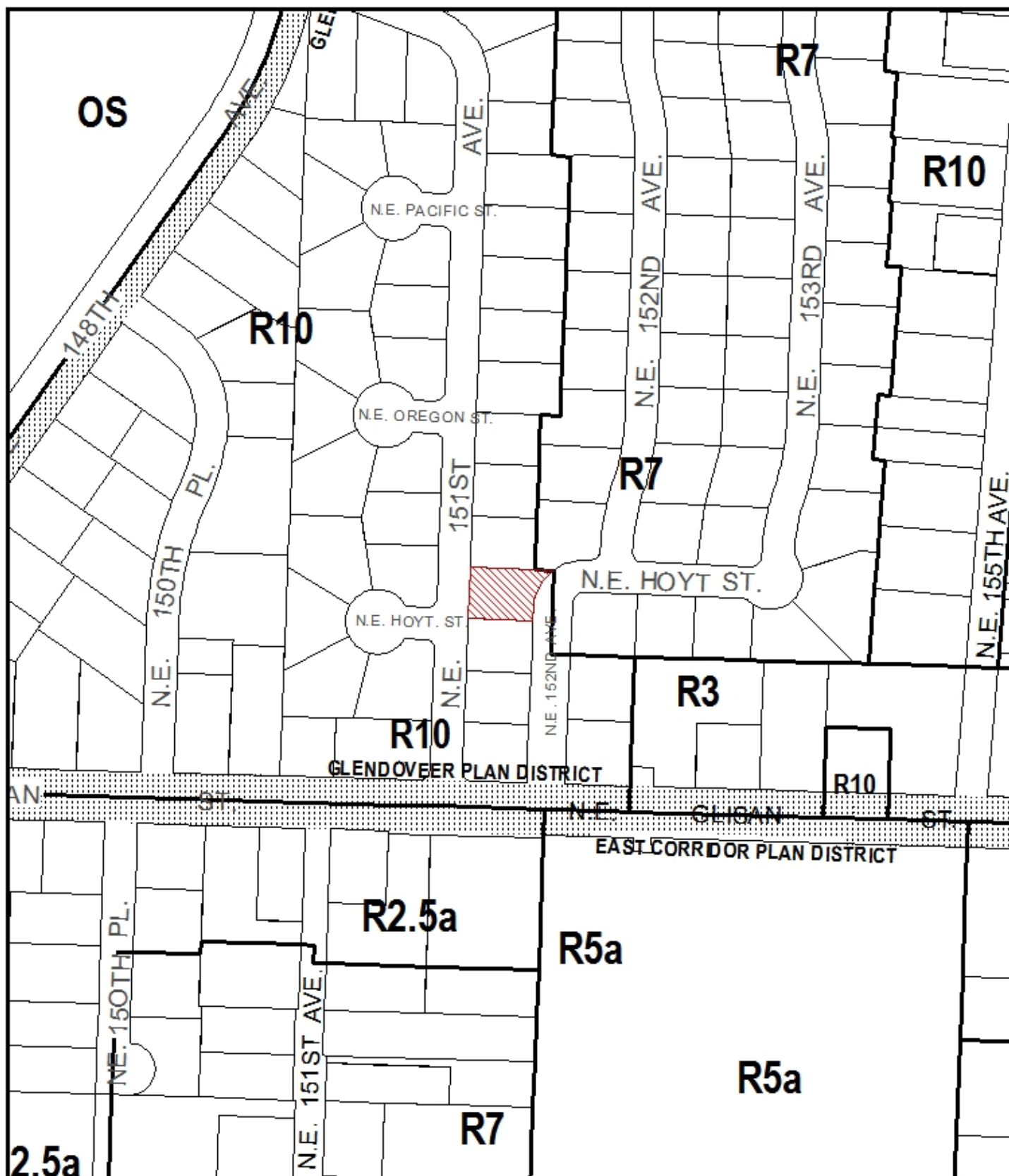
**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Proposed Site Plan (attached)
  - 2. Proposed Front View Elevation
  - 3. Proposed Side View and Street View Elevations
  - 4. Photos of Other Garages/Carports in Neighborhood
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Site Development Review Section of BDS
  - 3. Bureau of Parks, Forestry Division
  - 4. TRACS Printout – Bureaus Responding with “No Concerns”
- F. Correspondence:
  - 1. Alice Blatt, Interim Chair, Wilkes Community Group, raised questions and concerns.
- 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

This site lies within the:  
GLENDOVEER PLAN DISTRICT

File No. LU 10-102593 AD

1/4 Section 2945,2946

Scale 1 inch = 200 feet

State Id 1N2E36BD 1400

Exhibit B (Jan 14,2010)

# IMPERVIOUS AREA

DRIVEWAY 500 Sq. Ft.

PATIO 288 Sq. Ft.

WALK 135 Sq. Ft.

ROOF AREA  
(INCL. OVERHANG) 2717 Sq. Ft.

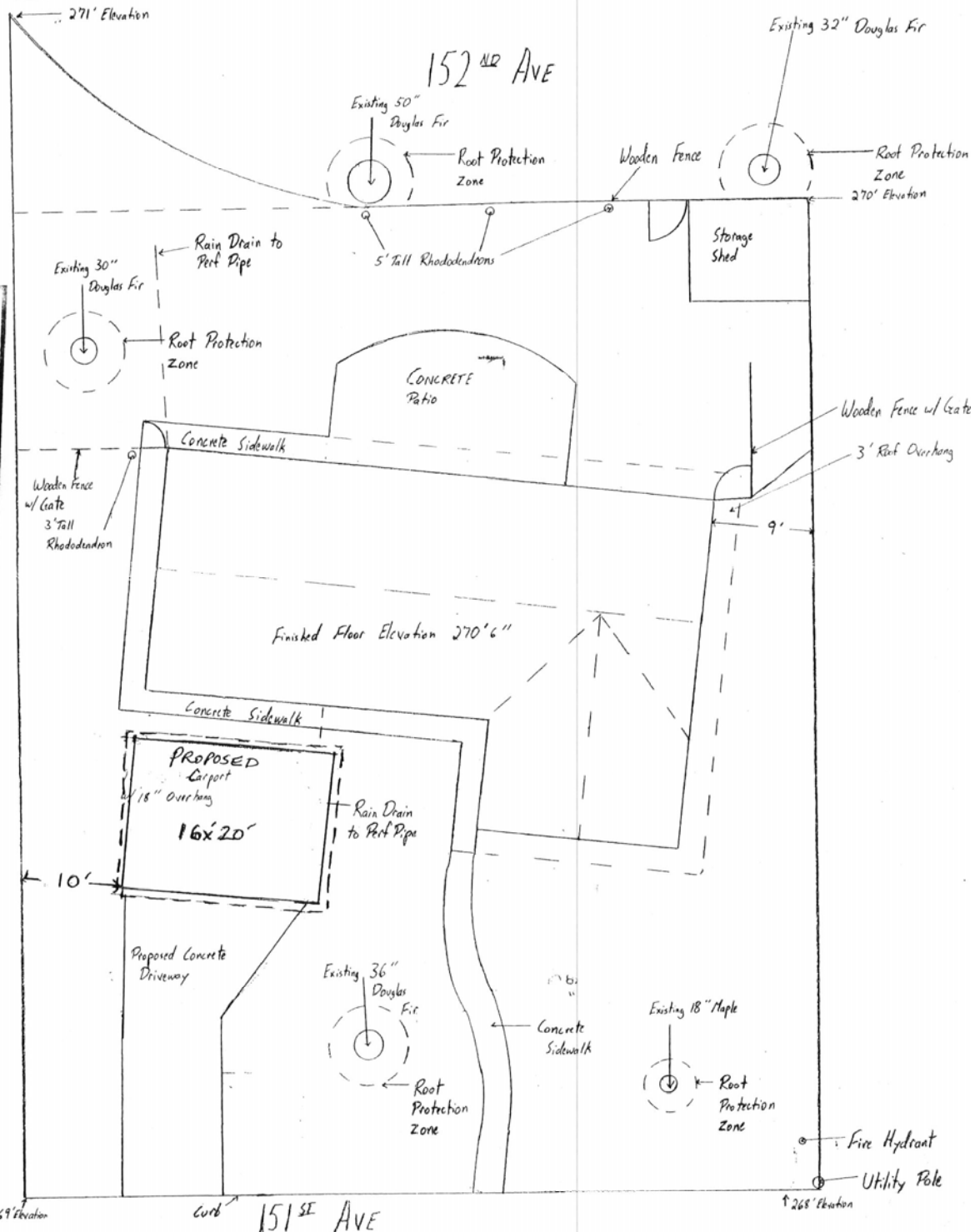
TOTAL 3640 SQ. FT.

# BUILDING COVERAGE

BUILDING FOOTPRINT 1928 Sq. Ft.

# LOT AREA

8300 Sq. Ft.



# PROJECT LEGAL

# PROJECT ADDRESS

Russ & Non Steinhilber

604 NE 151st Ave.

Portland, OR 97220

# SITE PLAN

SCALE 1" = 10'

2' 10'



LU 10 - 102593 AD

City of Portland - Bureau of Development Services  
Planner: Shrek 11/10/11  
Date: 3/3/10

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