



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

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

Date: March 25, 2010
To: Interested Person
From: Sylvia Cate, Land Use Services
503-823-7771 / scate@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 10-106493 AD

GENERAL INFORMATION

Applicant: Kim L Adams, property owner
3014 NE 20th Ave
Portland, OR 97212-3442

Representative: Ryan Zink, designer
Zink Design Services, LLC
3111 Cottonwood Ct
West Linn OR 97068

Site Address: 3014 NE 20TH AVE

Legal Description: BLOCK 26 LOT 17, IRVINGTON
Tax Account No.: R420405690
State ID No.: 1N1E26AD 05200
Quarter Section: 2732

Neighborhood: Irvington, contact Dean Gisvold at 503-284-3885.
Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.
District Coalition: Northeast Coalition of Neighborhoods, contact Lauren McCartney at 503-823-4135.

Zoning: R5, Single Dwelling Residential 5,000

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

Proposal:

The applicant proposes to add an art studio to the side of the existing garage and connect the studio area to the house. The existing garage is less than 1 foot away from the rear property line, which is allowed for garages that meet specific size and height requirements, which in this case are met. After receiving comments from the Neighborhood Association, the applicant

modified the proposal such that the proposed addition to the garage will meet the 5 foot setback. However, because the garage will be attached to the house and a small portion [4 feet by 4 feet 4 inches] of the northeast corner of the garage will be associated with the studio addition, the applicant is requesting an Adjustment to allow the garage to remain where it is located, less than 1 foot away from the side and rear property line. The attached revised site plan and elevation provide a graphical depiction of the modified proposal.

Relevant Approval Criteria:

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.

ANALYSIS

Site and Vicinity: The site is a rectangular lot, 5,000 square feet in area, and developed with a single dwelling residence built circa 1914. The site has 50 feet of frontage along NE 20th. Lots and parcels in all directions for at least 2 blocks are developed with residential uses

Zoning: The site is zoned Single Dwelling Residential 5,000. The R5 zone is a high density single-dwelling zone. The R5 zone allows attached and detached single-dwelling structures and duplexes.

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 18, 2010**. The following Bureaus have responded with no issues or concerns:

- Fire Bureau
- Bureau of Parks-Forestry Division

The Bureau of Environmental Services responded with no objection to the proposed side building setback associated with the proposed addition to the garage.

The Bureau of Transportation Engineering responded with no objection to this proposal provided that on-site parking is retained.

The Water Bureau responded with no objections to the proposed property upgrades/modifications. There is an existing 5/8" metered service (Serial #11111827, Account #2967710100) which provides water to this site from the existing 6" CI main in NE 20th Ave.

The Site Development Section of BDS responded with no objection to approval of the proposed Adjustment to setback requirements. At the time of building permit review, plans must show an approved means of stormwater disposal. Site Development would not object to use of splash blocks, provided that they discharge to vegetated areas at least 5 feet from property lines, 10 feet from structures on adjacent property, and 2 feet from the garage foundation.

The Life Safety/Plans Examination Section of BDS responded that Exterior walls less than three feet to a property line shall be one-hour fire-rated with no openings allowed. Roofs and eaves may not project closer than 2 feet to a property line. Eaves between 2 and 3 feet to a property line must be protected on the underside as required for one-hour fire-rated construction.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on February 18, 2010. A total of two written responses have been received from members of the Land Use Committee for the Irvington Community [Neighborhood] Association. Both letters express concerns and opposition to the proposal, because of the reduced setback for the addition. Comments were also made regarding access for fire fighting because of the proposed

attachment of the garage to the house. Staff note: The Fire Bureau has no concerns about 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 providing 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 for the setback regulations is found at 33.110.220 A which states:

The building setback regulations serve several purposes:

- They maintain light, air, separation for fire protection, and access for fire fighting;
- They reflect the general building scale and placement of houses in the City's neighborhoods;
- They promote a reasonable physical relationship between residences;
- They promote options for privacy for neighboring properties;
- They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;
- They 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; and
- They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.

The applicant has modified the proposal such that the addition to the garage will be set back the required 5 feet from the rear property line. However, because the garage will be attached to the house and because a small portion [4 feet by 4 feet 4 inches] of the northeast corner of the garage will be associated with the studio addition, the garage structure is subject to the setback Adjustment. The location of the existing, detached garage is allowed because it meets certain size and height thresholds. However, once the garage is attached to the existing house, and the proposed addition is added to the garage structure, the setback regulations are applicable. In reality, there will be no significant change that will be externally apparent to adjacent property owners, nor will there be any significant change of views from the street. The garage will continue to provide a reasonable relationship to adjacent structures, off site parking will be maintained, access to fire fighting is not impacted, nor does the Fire Bureau indicate any concerns about the proposal. Due to the building code requiring a fire wall construction and the 5 foot setback for the addition, there will be no impact on privacy for neighboring properties. The adjustment to allow the existing garage to remain in the setback even though it will be attached to the house will not impact the front setback and the adjustment provides adequate flexibility to allow the garage to remain as it is located. There will be no impact to area for a car to park in front of the garage. For these reasons, 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 will have no impact on the livability or the appearance of the immediately surrounding residential area, because the existing garage will be updated in its current location and the proposed addition will meet the 5 foot setback. The addition will provide the property owner with enhanced livability via additional living area on the lot. For these reasons, 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. 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: 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. 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

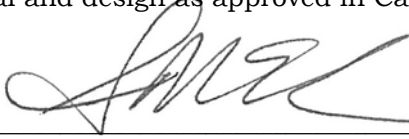
The applicant proposes to add an art studio to the side of the existing garage and connect the studio area to the house. The existing garage is less than 1 foot away from the rear property line, which is allowed for garages that meet specific size and height requirements, which in this case are met. After receiving comments from the Neighborhood Association, the applicant modified the proposal such that the proposed addition to the garage will meet the 5 foot setback. However, because the garage will be attached to the house and a small portion [4 feet by 4 feet 4 inches] of the northeast corner of the garage will be associated with the studio addition, the applicant is requesting an Adjustment to allow the garage to remain where it is located, less than 1 foot away from the side and rear property line. The revised proposal meets all of the applicable approval criteria and therefore should be approved.

ADMINISTRATIVE DECISION

Approval of:

- An Adjustment to 33.110.220 to allow the existing garage to remain at less than 1 foot from the side and rear property lines with the addition of a studio area [that meets the 5 foot setback] and an attached hallway to both, per the approved site plans, Exhibits C-1 through C-4, signed and dated March 22, 2010, 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.4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 10-106493 AD."

Staff Planner: Sylvia Cate

Decision rendered by:  **on March 22, 2010**
By authority of the Director of the Bureau of Development Services

Decision mailed: March 25, 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 26, 2010, and was determined to be complete on February 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 26, 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: June 13, 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 April 8, 2010** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Adjustment Committee is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Adjustment Committee an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed,* The final decision may be recorded on or after **April 9, 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:

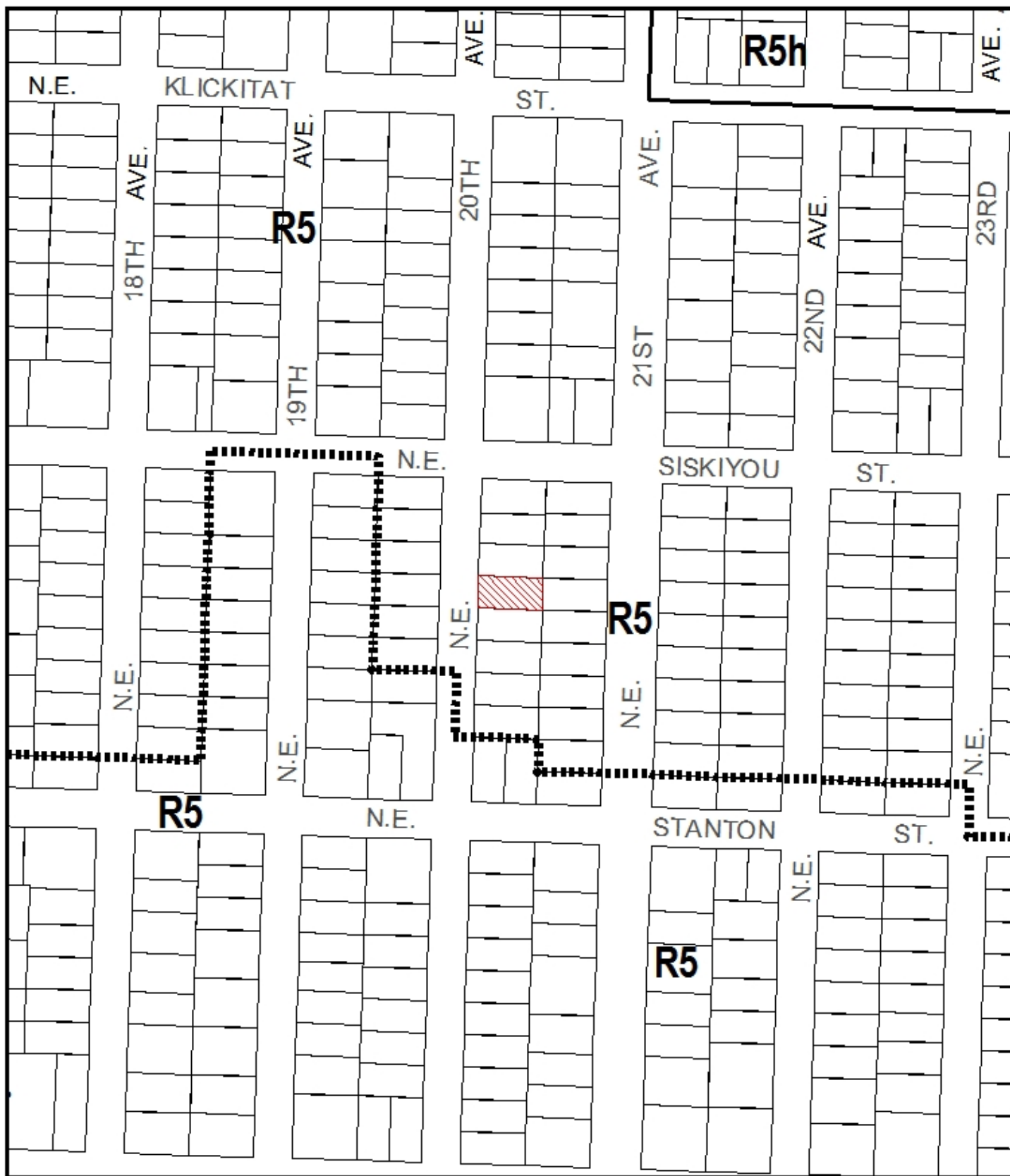
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Foundation Plan
 - 3. Floor plan
 - 4. Elevations
- 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
- F. Correspondence:
 - 1. Dean Gisvold, ICA Land Use Committee, March 11, 2010, concerns and opposition
 - 2. Caryn Urata, ICA Land Use Committee member, March 11, 2010, concerns and opposition
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING

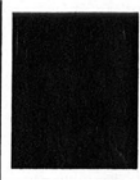


Site



NORTH

File No.	<u>LU 10-106493 AD</u>
1/4 Section	<u>2732</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N1E26AD 5200</u>
Exhibit	<u>B</u> (Jan 27, 2010)



ZINK
DESIGN SERVICES

Designer:
Ryan Zink
3111 Cottonwood Ct
West Linn, OR 97068
C 503/703-4233
R 503/703-4233
R 503/703-4233

Client:
Kim Adams
Addition
3014 NE 20th Ave,
Portland, OR 97212

LOT: 17
R #: R187930
Trk Lot: 1N1E76AD.5200
Prop ID: R432405690
Map #: 2733 OLD

REV SET 12/02/09
PERMIT SET 01/18/10
REV. PERMIT SET 01/20/10

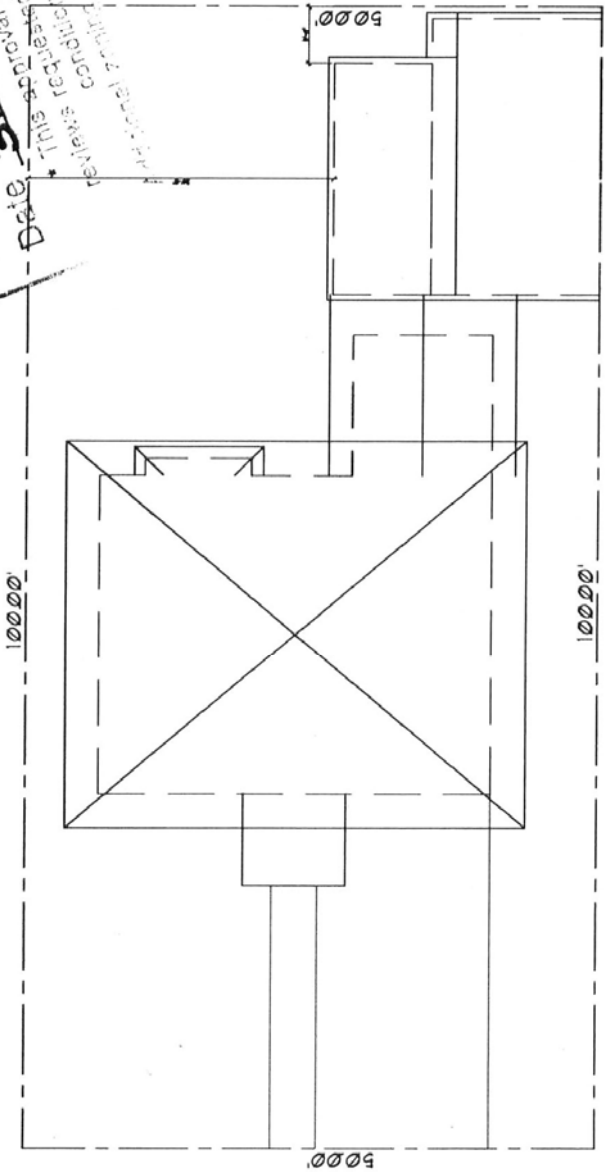
COVER SHEET

CV

* Approved *

City of Portland
Bureau of Development Services

Plan number 33320010
Date 3/3/2010
This approval applies only to the
conditions of approval
referred to in the permit application



SITE PLAN

Exhibit C-1



SITE PLAN
1/8" = 1'



ZINK
DESIGN SERVICES

Designer:
Ryan Zink
3111 Cedarwood Ct
West Linn, OR 97068
C: 503.701.9213
ryanzink@zinkdesignservices.com

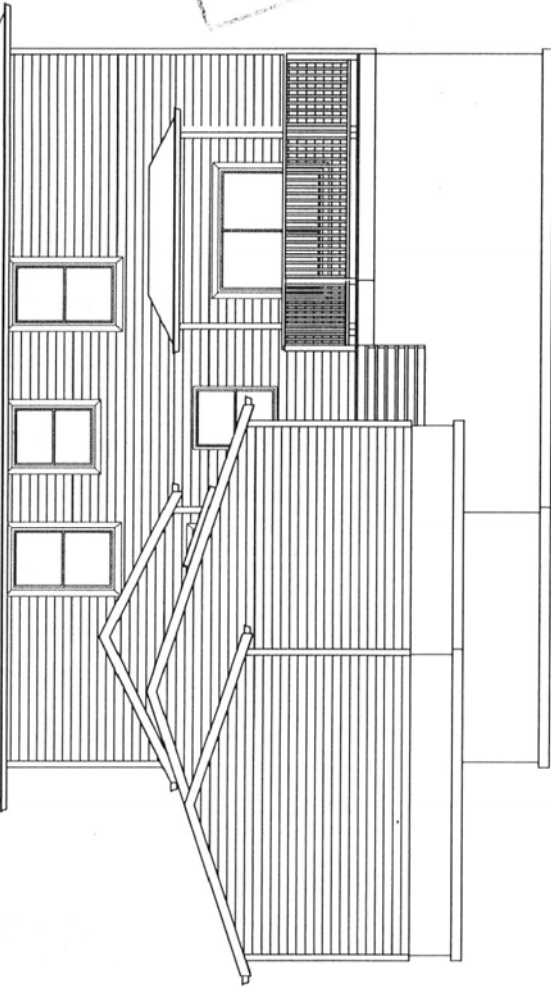
Client:
Kim Adams
Addition
3014 NE 20th Ave,
Portland, OR 97212

LOT: 17
R #1: R147930
R #2: R147930
Prop ID: R43040668
Map #: 2733 OLD

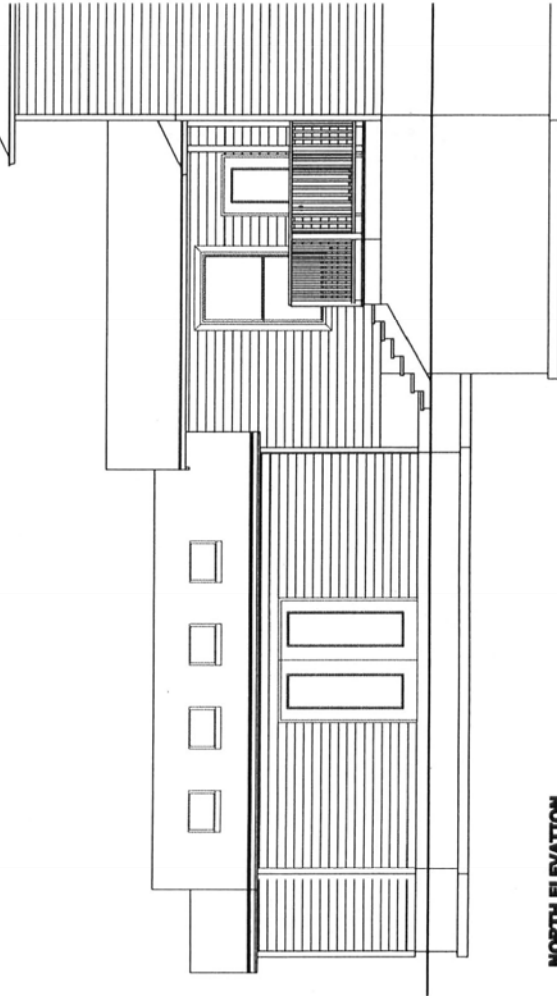
BID SET 12/02/09
PROJECT SET 01/24/10
REV. PROJECT SET 01/24/10

ELEVATIONS

A4



EAST ELEVATION
1/4" = 1'



NORTH ELEVATION
1/4" = 1'

EXHIBIT C-4

Additional zoning requirements may apply.
* This approval is subject to all
conditions of approval.
* This approval applies only to the
Bureau of Development Services
City of Portland
* Approved
Date: 01/22/10
0012200