



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
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Date: February 1, 2013
To: Interested Person
From: Sheila Frugoli, Land Use Services
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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 the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 12-218301 AD

GENERAL INFORMATION

Applicant: Linda Oster, Architect / Quatrefoil Inc.
404 SE 80th Ave. / Portland, OR 97215

Owners: Arthur E Wells and Julia H Tomes
1736 SE Taggart St / Portland, OR 97202

Site Address: 1736 SE TAGGART ST

Legal Description: BLOCK 23 E 1/2 OF LOT 5 E 1/2 OF N 24 1/2' OF LOT 6, TIBBETTS ADD

Tax Account No.: R834301700

State ID No.: 1S1E11AB 15100

Quarter Section: 3332

Neighborhood: Hosford-Abernethy, contact Joanne Stainbrook at 503-231-9245.

Business District: Division-Clinton Business Assoc., Darice Robinson at 503-233-1888.

District Coalition: Southeast Uplift, contact Bob Kellett at 503-232-0010.

Plan District: None

Zoning: R2.5, Single-Dwelling Residential 2,500

Case Type: AD, Adjustment Review

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

Proposal: The applicant is requesting an Adjustment to reduce the required side (east) building setback for a 57 square foot addition to the rear of the existing attached garage and a 285 square foot addition above the garage. The existing garage is located 2 feet, 3 inches from the east property line. The owners plan to remodel the existing garage with a new exterior finish and windows and construct an upper-story addition that will be used as a family room. The addition will have windows on all sides and an elevated balcony facing SE Taggart. A planter, that is intended to address stormwater management requirements will be constructed between the building wall and the east property line.

The applicant is requesting an Adjustment to reduce the required side (east) building setback from 5 feet to 2 feet, 3 inches and to reduce the setback for the eave overhang, from the

required 4 feet to 1 foot, 3 inches.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. of Section 33.805.040, Adjustment Approval Criteria have been met.

ANALYSIS

Site and Vicinity: The site is 3,725 square foot corner lot with a home that was originally constructed in the late 1800s. The immediate area is made up of mostly single dwelling residences that were built in the early 1900s. There are also multi-dwelling residential buildings nearby and a religious institution at the northeast corner of SE Taggart and SE 17th Avenue.

Both SE Taggart Street and SE 18th Avenue are 60-foot rights-of-way improved with 36-foot roadways, 4-foot planter strips, 6-foot sidewalks, and the property line is 2 feet behind the sidewalk.

Zoning: The zoning for this site is R2.5, Residential 2,500. The zone allows both single-dwelling and attached residences. The maximum density is generally 17.4 units per acre or one unit per 2,500 square feet. The single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households.

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 4, 2013**. The following Bureaus have responded with no issues or concerns regarding the Adjustment request:

- Water Bureau
- Fire Bureau
- Bureau of Environmental Services
- Bureau of Transportation
- Bureau of Parks-Forestry Division

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on January 4, 2013. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA**33.805.040 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 statement for setbacks is found under Section 33.120.220.A, as follows:

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 multi-dwelling development 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 proposed addition will be over the attached garage. The exterior walls of the addition will include windows. The addition will be lower in height than the primary roofline of the home. Both the windows and the lower roof line will make the addition less prominent from street view. Because the addition will retain the same distance from the property line that is established with the existing garage, the reduced setback for the addition will not negatively affect light or air, and retains adequate separation for fire separation and fire fighting access. Both the staff from the Fire Bureau and the BDS Life Safety Plans Review Section note no concerns regarding fire separation and protection. The adjacent and nearby lots have homes that are 1.5 and 2 stories tall. Many of the single-dwelling residences on this block, and nearby, reflect the architectural style of homes built in the late 1800 and early 1900s. Most of the homes appear, at least on one side, to be closer to the side property line than the required 5 feet. The proposed addition will not depart from the predominant development pattern of the residential area. Finally, the addition will be separated by at least 60 feet from the closest homes, those that are located on the other side (east) of SE 18th Avenue. Hence, the addition will not affect privacy.

For the reasons stated above, the proposed addition meets this approval 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 proposed 57 square foot addition is not excessively large. As stated above, the reduced setback for the addition will not detract from the livability of the residential area. The submitted plans show that the appearance of the addition will be in keeping with the surrounding development of the area. This approval 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. Therefore, this criterion does not apply.

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: As found under criterion A and B, the Adjustment will not result in impacts that require mitigation. 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 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

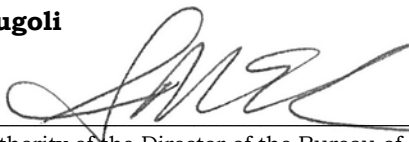
As reflected in the findings, this proposal meets the applicable approval criteria and therefore should be approved.

ADMINISTRATIVE DECISION

Approval of the Adjustment to reduce the required side setback from 5 to 2 feet for an addition to an attached garage, per the approved plans, Exhibits C.1 and C.2, signed and dated January 30, 2013, 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 and C.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 12-218301 AD".

Staff Planner: Sheila Frugoli

Decision rendered by:  **on January 30, 2013**

By authority of the Director of the Bureau of Development Services

Decision mailed: February 1, 2013

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 December 21, 2012, and was determined to be complete on **December 28, 2012.**

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 December 21, 2012.

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.

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 15, 2013** 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. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. 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 **February 19, 2013.**
- 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.

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:

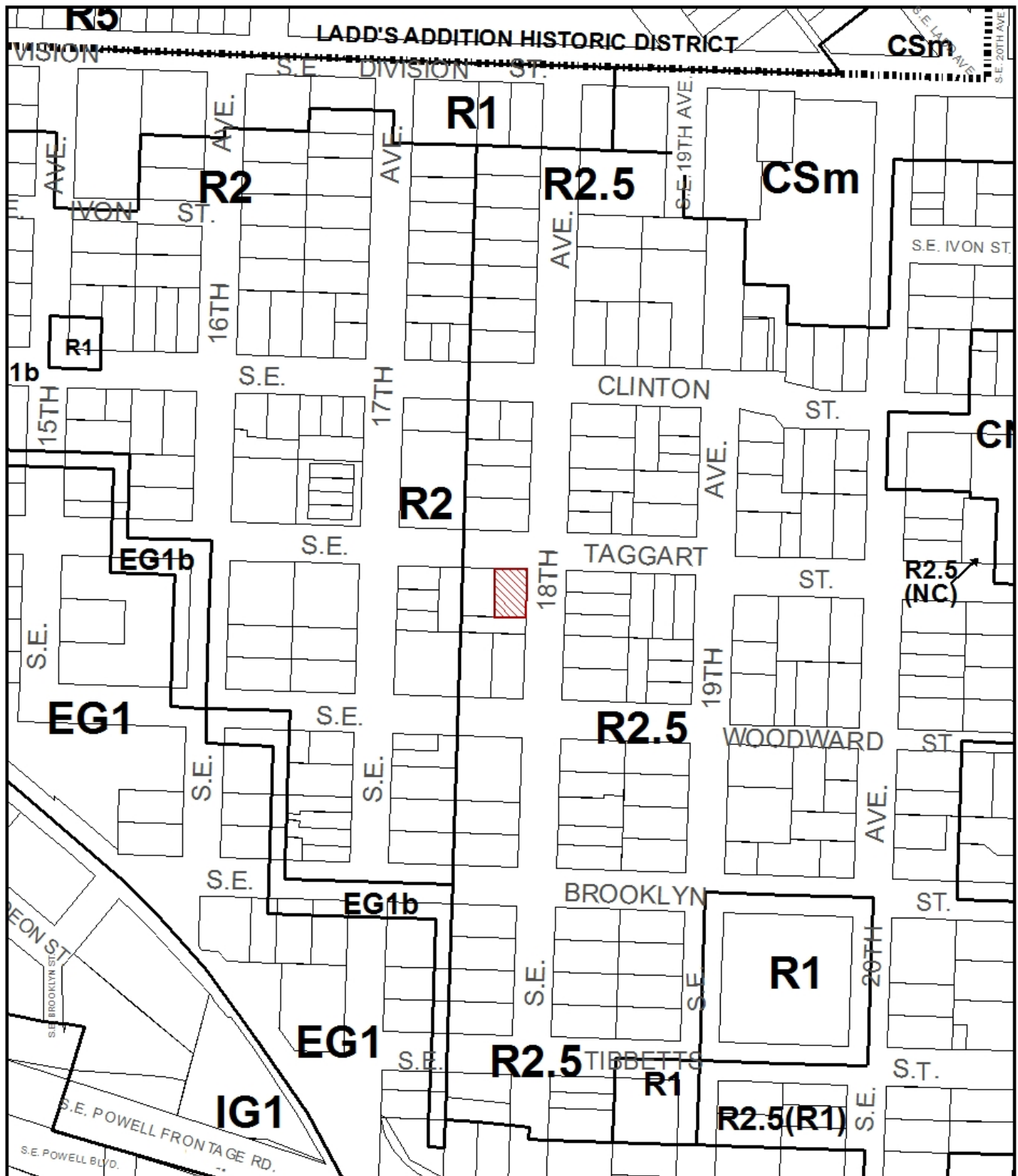
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan and South/Back Elevation (attached)
 - 2. North/Front and East/Side Elevations (attached)
 - 3. Photos of Existing Home and Photos of Nearby Homes and Garages
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Water Bureau
 - 3. Life Safety Plan Review Section of BDS
 - 4. TRACS Print-out Showing "No Concern" from Fire Bureau, Site Development Review Section of BDS, Bureau of Parks, Forestry Division, and Bureau of Transportation Engineering and Development Review
- 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).



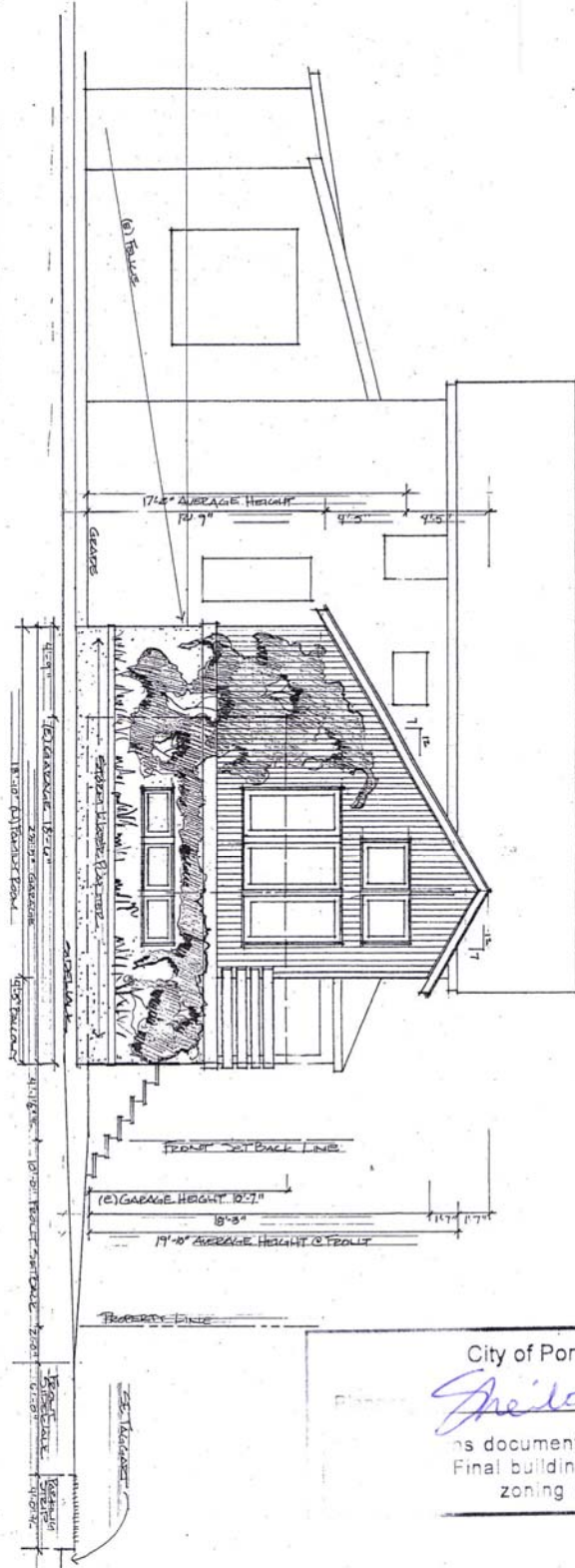
ZONING



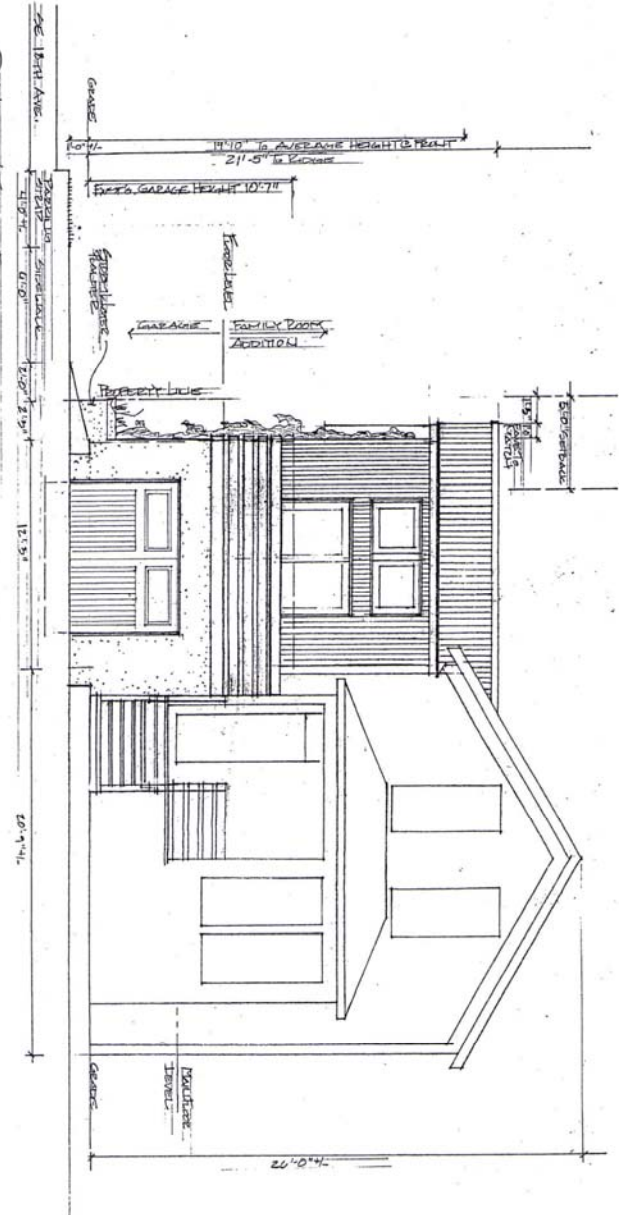
File No.	LU 12-218301 AD
1/4 Section	3332
Scale	1 inch = 200 feet
State_Id	1S1E11AB 15100
Exhibit	B (Dec 27, 2012)

LW12-218301 AD

B EAST / SIDE ELEVATION
1/4" = 1'-0"



A NORTH / FRONT ELEVATION
1/4" = 1'-0"



City of Portland - BDS - Land Division Review

Shelley Krueger Date Jan. 30, 2013

This document the feasibility of meeting the Community Design Final building plans will be subject to additional planning and zoning review before a permit is issued.

LW12-218301 AD

Tomes/Wells Residence

Family Room Addition

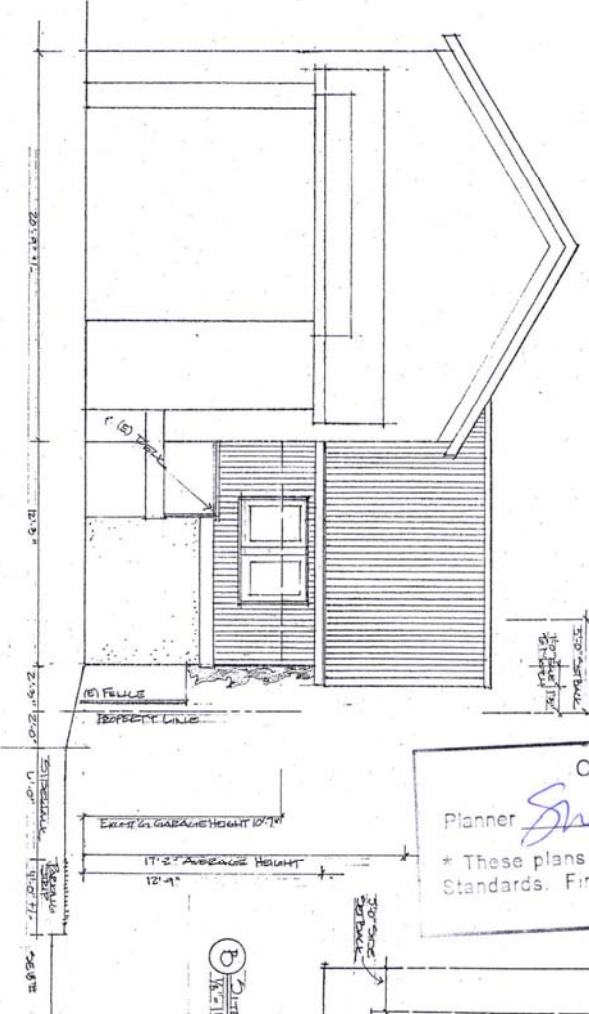
1736 SE Taggart Street Portland, Oregon 97202



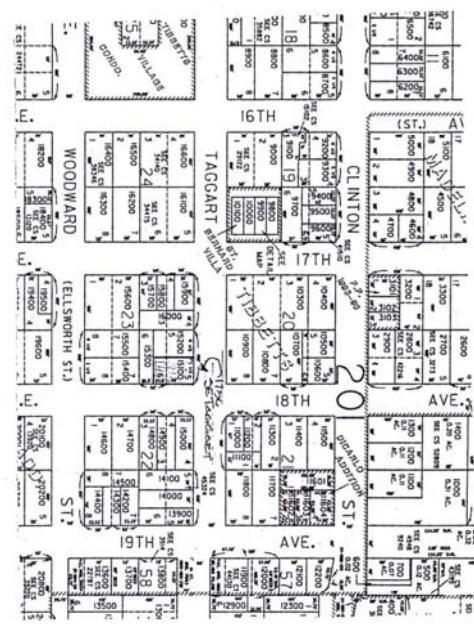
DATE: 12-20-12
SCALE: 1/4" = 1'-0"
SHEET: A-2

LU12-218301AD

A South / Back Elevation

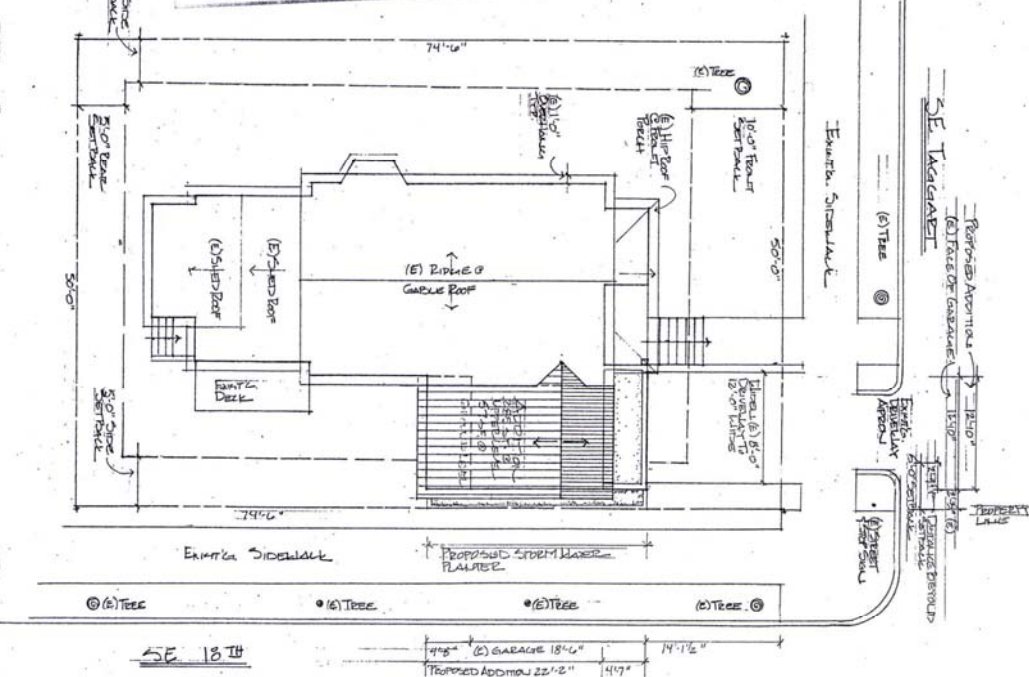


C VILLAGE MAP



City of Portland - BDS - Land Division Review
 Planner Shirley Frye Date Jan. 30, 2013
 * These plans document the feasibility of meeting the Community Design Standards. Final building plans will be subject to additional planning and zoning review before a permit is issued.

B Site Plan



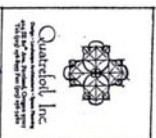
Property Description:
 1736 SE Taggart Street
 Portland, OR 97202
 Property ID: E28238
 Map: 2.333 OLD
 Zone: R2.5
 Lot Size: 3725 sq. ft.
 Subdivided Lot Coverage: 1.341 sq. ft. (13% of 725-10875-140875 sq. ft.)
 Proposed Lot Coverage: 1.297 sq. ft. (5% additional)

Tomes/Wells Residence

Family Room Addition

LU12-218301AD

1736 SE Taggart Street Portland, Oregon 97202



SHEET: A.1

SCALE:

DATE: 12-20-12