



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
Paul L. Scarlett, Director
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www.portlandoregon.gov/bds

Date: April 17, 2015
To: Interested Person
From: Kathleen Stokes, Land Use Services
503-823-7843 / Kathleen.Stokes@portlandoregon.gov

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 mailed copy of this document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, 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 15-125348 AD

GENERAL INFORMATION

Applicant: Keith Abel, Keith Abel Design, LLC
5757 Ridgeway Court / Lake Oswego, OR 97035

Owners: Michael D and Lisa H Whitlock
3339 SW Ridge Drive / Portland, OR 97219-6213

Site Address: 3339 SW RIDGE DR

Legal Description: BLOCK 2 LOT 19, INDIAN HILLS
Tax Account No.: R414600430
State ID No.: 1S1E29DB 04500
Quarter Section: 4026
Neighborhood: Markham, contact John Gibbon at 503-708-6708.
District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.
Zoning: R7 (Residential 7,000, Medium Density Single-Dwelling)
Case Type: Adjustment Review
Procedure: Type II, administrative decision with appeal to Adjustment Committee.

Proposal: A portion of the existing garage is proposed to be converted to allow the addition of a new bedroom, bath and mudroom. The building wall of this additional living space will be brought forward an additional 3.5 feet toward the street lot line that abuts SW Ridge Drive. A new L-shaped addition will be added to the east side of the remaining portion of the garage. This addition will also bring the garage closer to this street lot line. Title 33, the Portland Zoning Code requires that garages be no closer to the street lot line than the longest street facing wall of the living area of the house. (Street-facing walls are those walls that are oriented directly toward the street or at an angle of no more than 45 degrees. On corner lots, the regulation applies to the side of the house that has the main entrance).

Exceptions to this regulation are approved through Adjustment Reviews if all of the relevant approval criteria are met, or if the criteria can be reasonably met through conditions of approval. Therefore, the applicant is requesting approval of an Adjustment to Code Section 33.110.253.F, to reduce the street lot line setback for the garage addition from the distance of

approximately 44 feet, 9 inches, that is established by the longest street facing wall of the house, to a distance that varies from about 18 feet, 3.5 inches to 18 feet, 5.5 inches from the south street abutting property line.

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

ANALYSIS

Site and Vicinity: The site is a 10,000 square-foot lot that is located on the northeast corner of the intersection of SW 34th Place and SW Ridge Drive. The site is developed with a one-story, single-dwelling residence that was built in 1964. The residence has a modified V-shape, with the west wall parallel to the SW 34th Place right-of-way. The structure also includes a garage that is attached to the east end of the house but angles southeastward toward the Ridge Drive right-of-way. The garage is accessed by a driveway that runs on a diagonal, to the northeast from SW Ridge Drive.

The area around the site is developed with other single-dwelling residences that are generally of similar age and proportions as the applicant's house. To the north and northwest, there are some areas of Environmental zoning that include some undeveloped parcels. This area also has low density multi-dwelling development in the R2 zone.

Zoning: The site is zoned R7, or Residential 7,000, Medium Density Single-Dwelling. This zone designation is intended for areas with adequate public services but minor development constraints. Single-dwelling residential will be the primary use. The maximum density is generally 6.2 units per acre or an average of one lot for every 7,000 square feet.

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 **March 19, 2015**. The following Bureaus have responded with no issues or concerns:

- Environmental Services (BES) stated that there are no concern with approval of the requested Adjustment. The BES response noted that a method of stormwater disposal that does not impact adjacent properties and/or structures must be shown at the time of building permit submittal. (Exhibit E-1).
- Transportation Engineering stated, "no concerns," and provided a comment that noted that, "if the driveway is narrowed, at the time of building permit the curb cut will also need to be narrowed," (Exhibit E-2).
- Water Bureau stated that they had no issues regarding the requested Adjustment and provided information on the existing water service and requirements for any needed extension of the service (Exhibit E-3).
- Life Safety Plan Review Section of BDS reminded the applicant that a building permit will be required for the proposed addition (Exhibit E-4).
- Fire Bureau, Site Development Section of BDS and Parks-Forestry Division each provided a response of, "no concerns," with no additional comments (Exhibit E-5).

Neighborhood Review: Two responses to the notice of the proposal have been received from neighbors or other interested persons. John Gibbon provided comments as the land use representative for the Markham Neighborhood but noted that the neighborhood group had not had time to meet officially to discuss the proposal. His letter noted he has some potential concerns that are not directly related to the purpose of the regulation that is being adjusted. These concerns are regarding storm water runoff and also issues related to traffic speeds on SW Ridge Drive (Exhibit F-1).

The second letter received by staff for this case was actually comprised of comments from a neighbor that were in response to the first letter. Kaspar Murer who lives several blocks to the east of the site agreed that speeding on SW Ridge Drive has been an issue for residents of the subdivision. He also agreed that stormwater drainage and occasional flooding are ongoing issues along Quail Creek (Exhibit F-2).

Staff note: The concerns raised in these letters are potentially important but are not related to the impacts that might occur from this proposal and so there is no nexus for their consideration under the purview of this land use review. Speeding in a residential zone is a topic that is dealt with by the City of Portland Bureau of Transportation and their traffic calming programs. The stream that is discussed in the letters is located approximately 1,200 feet to the west/southwest of the subject site for this review. Any potential stormwater impacts from this proposal will be required to be addressed, with appropriate mitigation, through the building permit review process.

ZONING CODE APPROVAL CRITERIA

33.805.010 Purpose of Adjustments The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

33.805.040 Adjustment Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. stated below, have been met.

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

Findings: The applicants are requesting approval of an Adjustment to Code Section 33.110.253.F, in order to reduce the street lot line setback for the garage addition from the distance of approximately 44 feet, 9 inches, that is established by the longest street facing wall of the house, to a distance that varies from about 18 feet, 3.5 inches to 18 feet, 5.5 inches from the south street abutting property line.

The purpose for this regulation and other regulations related to garages are stated in the Code, as follows: "These standards

- *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 from the street and ensure that 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 house is a somewhat unusual modified V-shape, with the main entrance located near the nadir point of the valley of the V. The longest street facing wall is more or less perpendicular to SW Ridge Drive, while the garage forms the other wing of the V and is situated at an angle of about 30 degrees to Ridge Drive. The proposed remodeling project is to convert about one-half of the existing garage space to living area, with a small addition forward, toward the southwest corner of the lot. The project also includes a second addition to the south/southeast wall of the remaining garage area, to expand it back to two bays and also to add an extra 8 feet on the northeast corner for a work area. Because the longest street-facing wall of the dwelling unit will remain the western wing of the house, at about 44.75 feet from the street lot line, and because the proposed garage addition will move the

garage wall closer to the street lot line than its already nonconforming position (to as close as 18 feet, 3.5 inches), the request is being made for this exception to the regulation.

The proposal will not prevent a physical or visual connection between the house and the adjacent street. It will not detract from the prominence of the living area of the dwelling unit. When viewed from the adjacent street frontage, the eye is drawn to the centralized location of the main entry and the proposed addition of decorative pavers and landscaping along the wall that leads to entry will make the entry even more prominent than before. The location of the garage will not create an environment that is unfriendly to pedestrians and it will not block the view from the street to the inside of the residence. Therefore, the purpose of the regulation is equally met and so, also, 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 replacement area in the southern portion of the garage will have windows on the street facing wall and the new garage doors that are proposed will enhance the view of the garage from that side. The addition to the front of the former garage area that is being converted to living area will bring that face further forward and the addition of decorative pavers and landscaping will make the front entrance a better focal point for the residence. With these proposed details, which will be required as a part of approval of this proposal, the aspect of the structure will not detract from either the appearance or the livability of the residential area. Therefore, with these requirements, this criterion can be met.

- C.** If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: Only one adjustment is being requested. Therefore, this criterion does not apply.

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

Findings: City-designated scenic resources are shown on the City's zoning maps by an "s" or Scenic Overlay Zone. City-designated historic resources are shown on the City's zoning maps, either as an adopted landmark, or as a site that is located within the boundaries of a Conservation or Historic District. There are no City-designated scenic or historic resources on the site. Therefore, this criterion does not apply.

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

Findings: No potential impacts from approval of the requested Adjustment have been identified by staff. Therefore, no mitigation is needed and this criterion is met.

- F.** If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable.

Findings: Environmental zones are designated with either a lower case "c," for the Environmental Conservation Overlay, or "p," for the Environmental Protection Overlay. The site is not located in an environmental zone. Therefore, this criterion does not apply.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

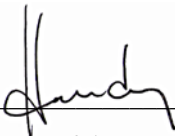
The proposal can meet all of the relevant approval criteria, subject to general compliance with the site plan and elevation drawings. The addition to the garage will not prevent the physical and visual connection between the living area of the residence and the adjacent street. It will not create a situation where the site is dominated by the garage or where the main entrance is blocked from view by the garage. The pedestrian environment will not be negatively impacted and the garage will not block vision to impact public safety. With the proposed details, including windows on the side of the garage addition, a wall that moves closer to the street on the converted portion of the former garage, new attractive doors on the newly remodeled garage entrance and the addition of decorative pavers and landscaping to enhance the main entrance, there is not expected to be anything that would detract from the appearance or the livability of the residential area. The proposal can be approved, subject to general compliance with the approved exhibits that show these project features.

ADMINISTRATIVE DECISION

Approval of an Adjustment to Code Section 33.110.253.F, to reduce the street lot line setback for the garage addition from the distance of approximately 44 feet, 9 inches, that is established by the longest street facing wall of the house, to a distance that varies from about 18 feet 3.5 inches to 18 feet, 5.5 inches from the south street abutting property line, in general compliance with the approved site plan and elevation drawings, Exhibits C-1 through C-2, signed and dated April 15, 2015, 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.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 15-125348 AD."

Staff Planner: Kathleen Stokes

Decision rendered by:  on **April 15, 2015**

By authority of the Director of the Bureau of Development Services

Decision mailed: **April 17, 2015**

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 February 26, 2015, and was determined to be complete on **March 17, 2015**.

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 February 26, 2015.

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: July 15, 2015.**

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 May 1, 2015** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th 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 %Appeal Body% 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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, 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 %Appeal Body% 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 **May 4, 2015– (the first business 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.

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:

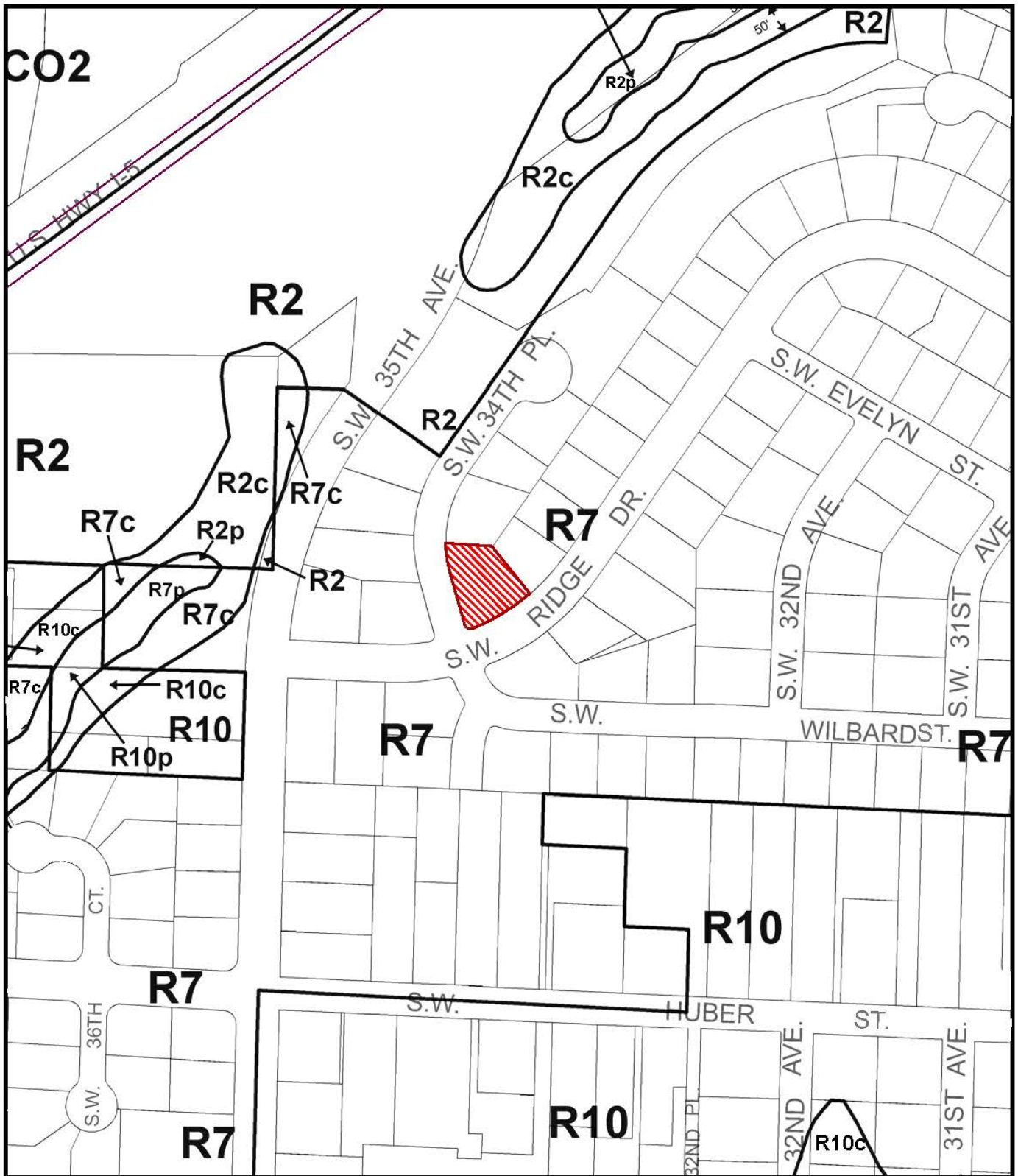
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Application and original plans and narrative
 - 2. Supplemental information, received March 13, 2015
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Elevation drawings (attached)
- 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. Life Safety Plan Review Section of BDS
 - 5. Summary of responses from City service agencies, including Fire Bureau, Site Development Review Section of BDS and Bureau of Parks, Forestry Division
- F. Correspondence:
 - 1. John Gibbon, received April 9, 2015
 - 2. Kaspar Murer, received April 10, 2015
- G. Other: (none)

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. LU 15-125348 AD
 1/4 Section 4026
 Scale 1 inch = 200 feet
 State_Id 1S1E29DB 4500
 Exhibit B (Mar 02, 2015)

86°03' 8 17° 14' 00" E PROPERTY LINE

5' SETBACK

16'-0"

71.98' 88° 38' 07" E PROPERTY LINE
5' SETBACK

City of Portland - Bureau of Development
 Approved by: *A. Stokoe*
 Date: 11/11/2011
 to the review of zoning

Date April 15, 2015

93.39' N 40° 17' 14" E PROPERTY LINE

5. SETBACK

prvers
and
landscaping
required

AREA OF WORK

Approval of Adj. instrument to reduce street lot setback for garage addition

3339 SW RIDGE DRIVE



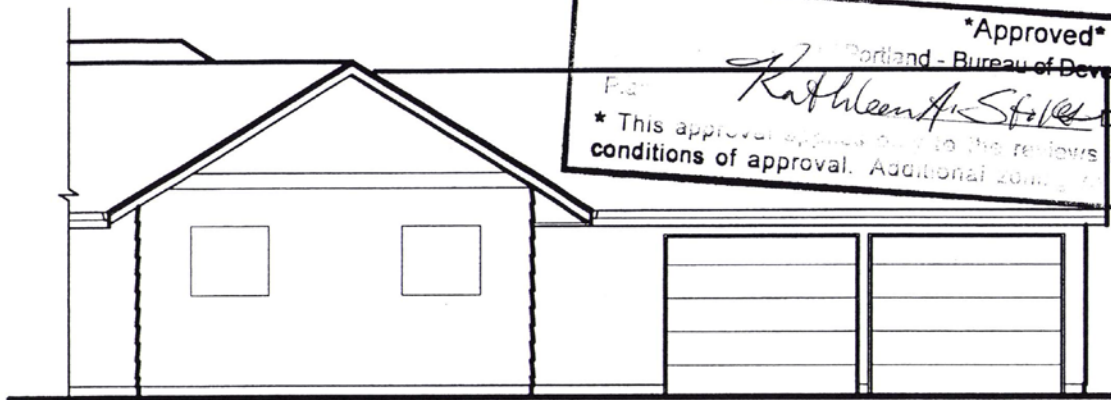
S I T E P L A N 1/8"=1'-0"

ZONE R-7 MAP 4026
NEW FOOT PRINT = 2,465 SF.
LOT AREA = 10,000 SF. LOT COVERAGE = 24.6%

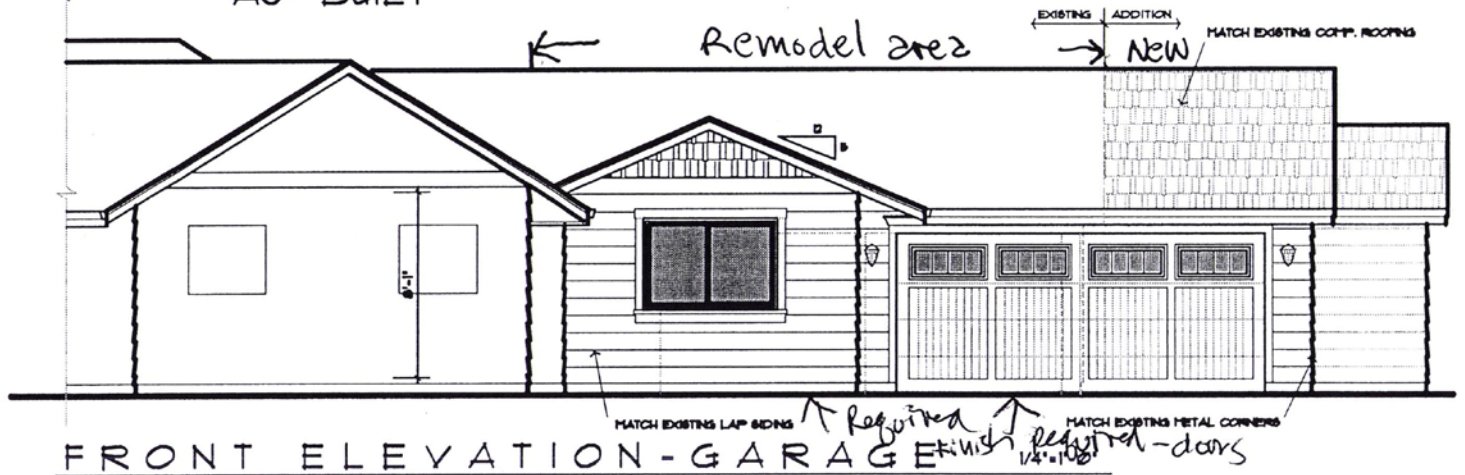
LV15-125348AD

Exhibit C-1

Approved
 Portland - Bureau of Development Services
 For: *Kathleen A. Stoltz* Date: *April 15, 2015*
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

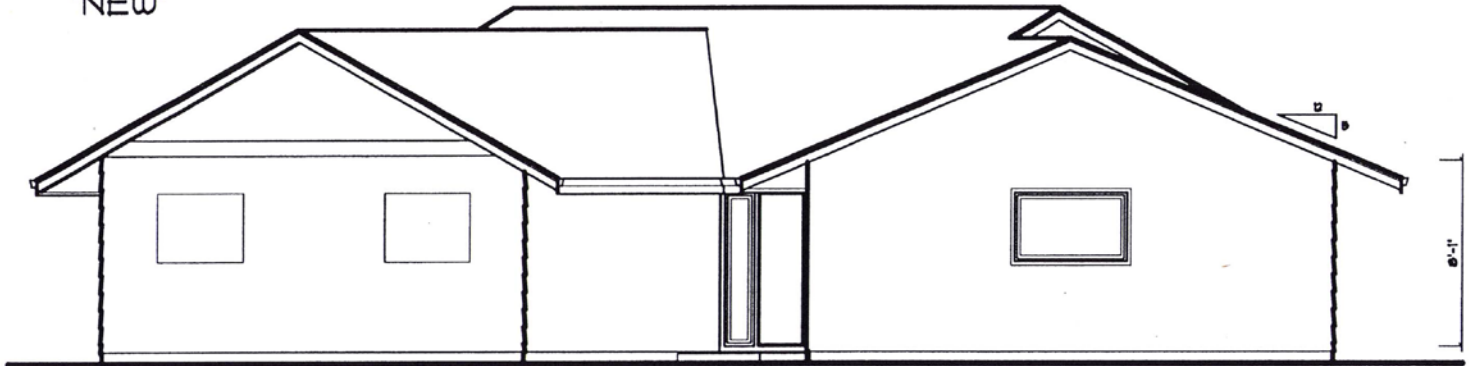


'AS- BUILT'



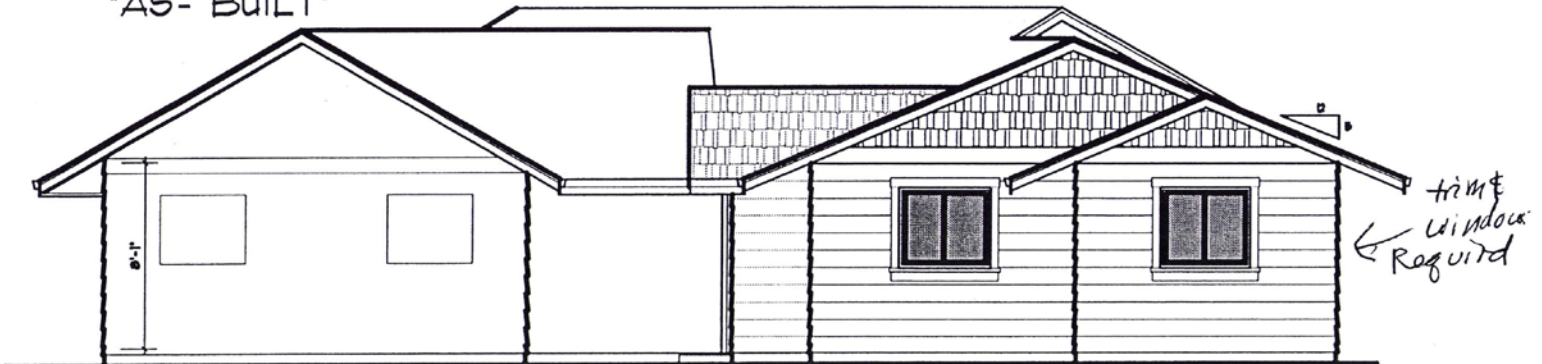
FRONT ELEVATION - GARAGE

'NEW'



SIDE ELEVATION - GARAGE

'AS- BUILT'



SIDE ELEVATION - GARAGE

'NEW'

LU15-125348 AD Exhibit C-2