



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

FROM CONCEPT TO CONSTRUCTION

Charlie Hales, Mayor
Paul L. Scarlett, Director
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www.portlandoregon.gov/bds

Date: April 15, 2013
To: Interested Person
From: Mark Bello, Land Use Services
503-823-7810 / Mark.Bello@portlandoregon.gov

NOTICE OF A TYPE II PROPOSAL IN YOUR NEIGHBORHOOD

Development has been proposed in your neighborhood. The proposed development requires a land use review. The proposal, review process, and information on how to respond to this notice are described below. A copy of the site plan and zoning map is attached. I am the staff person handling the case. Please call me if you have questions regarding this proposal. Please contact the applicant if you have questions regarding any future development on the site.

Because we must publish our decision within 28 days, **we need to receive your written comments by 5 p.m. on May 6, 2013.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 13-119233 AD, in your letter. It also is helpful to address your letter to me, Mark Bello.

CASE FILE NUMBER: LU 13-119233 AD

Applicant/Owner:	Owner:
Kevin L Kraus 1810 SE Pine Street Portland, OR 97214	Steve Dotterrer 1810 SE Pine Street Portland, OR 97214

Site Address: 2018 SE OAK ST

Legal Description: TL 16600 0.10 ACRES, SECTION 35 1N 1E
Tax Account No.: R941350440
State ID No.: 1N1E35DD 16600
Quarter Section: 3032

Neighborhood: Buckman, contact Susan Lindsay at 503-725-8257.
Business District: East Burnside Business Association, contact Matt Bender at 503-803-4224.
District Coalition: Southeast Uplift, contact Bob Kellett at 503-232-0010.

Zoning: R2.5 Residential 2,500

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

Proposal:

The applicant wishes to build an Accessory Dwelling Unit (ADU) inside the existing basement. The existing vehicle area between the house and street will be redesigned as an outdoor area for the new tenant.

Two Adjustments are requested:

- Eliminate the zoning code development standard that requires off-street parking (33.266.110)
- Allow the ADU entrance to be a second entrance that faces SE Oak Street (33.205.030 C)

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are cited in Section 33.805.040 of the Zoning Code:

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

Purpose of minimum parking requirement: The purpose of required parking spaces is to provide enough on-site parking to accommodate the majority of traffic generated by the range of uses which might locate at the site over time. Sites that are located in close proximity to transit, have good street connectivity, and good pedestrian facilities may need little or no off-street parking.

Purpose of ADU design standards: Standards for creating accessory dwelling units address the following purposes:

- *Ensure that accessory dwelling units are compatible with the desired character and livability of Portland’s residential zones;*
- *Respect the general building scale and placement of structures to allow sharing of common space on the lot, such as driveways and yards;*
- *Ensure that accessory dwelling units are smaller in size than houses, attached houses, or manufactured homes; and*
- *Provide adequate flexibility to site buildings so that they fit the topography of sites.*

and

B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area; and

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

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

These adjustment requests are required because the project would not meet the parking and ADU zoning code development standards noted above.

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. This application was submitted on February 22, 2013 and determined to be complete on March 7, 2013.

DECISION MAKING PROCESS

The Bureau of Development Services will make a decision on this proposal.

We will consider your comments, and

- Approve the proposal.
- Approve the proposal with conditions.
- Deny the proposal.

The neighborhood association listed on the first page of this notice may take a position on this application. They may also schedule an open meeting prior to making their

recommendation to the Bureau of Development Services. Please contact the person listed as the neighborhood contact to determine the time and date of this meeting.

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 extended at the request of the applicant.

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.

APPEAL PROCESS

If you disagree with the Bureau of Development Services administrative decision, you can appeal the decision to the Adjustment Committee. This review body will hold a public hearing for the appeal. When the decision is mailed, the criteria used to make the decision and information on how to file an appeal will be included. If you do not send any comments, you can still appeal the decision. There is a 14-day deadline to file an appeal beginning on the day the decision is mailed. The reason for the appeal must be specifically defined in order for the review body to respond to the appeal. If an appeal is filed, you will be notified of the time and location of the appeal hearing.

There is a fee charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver.

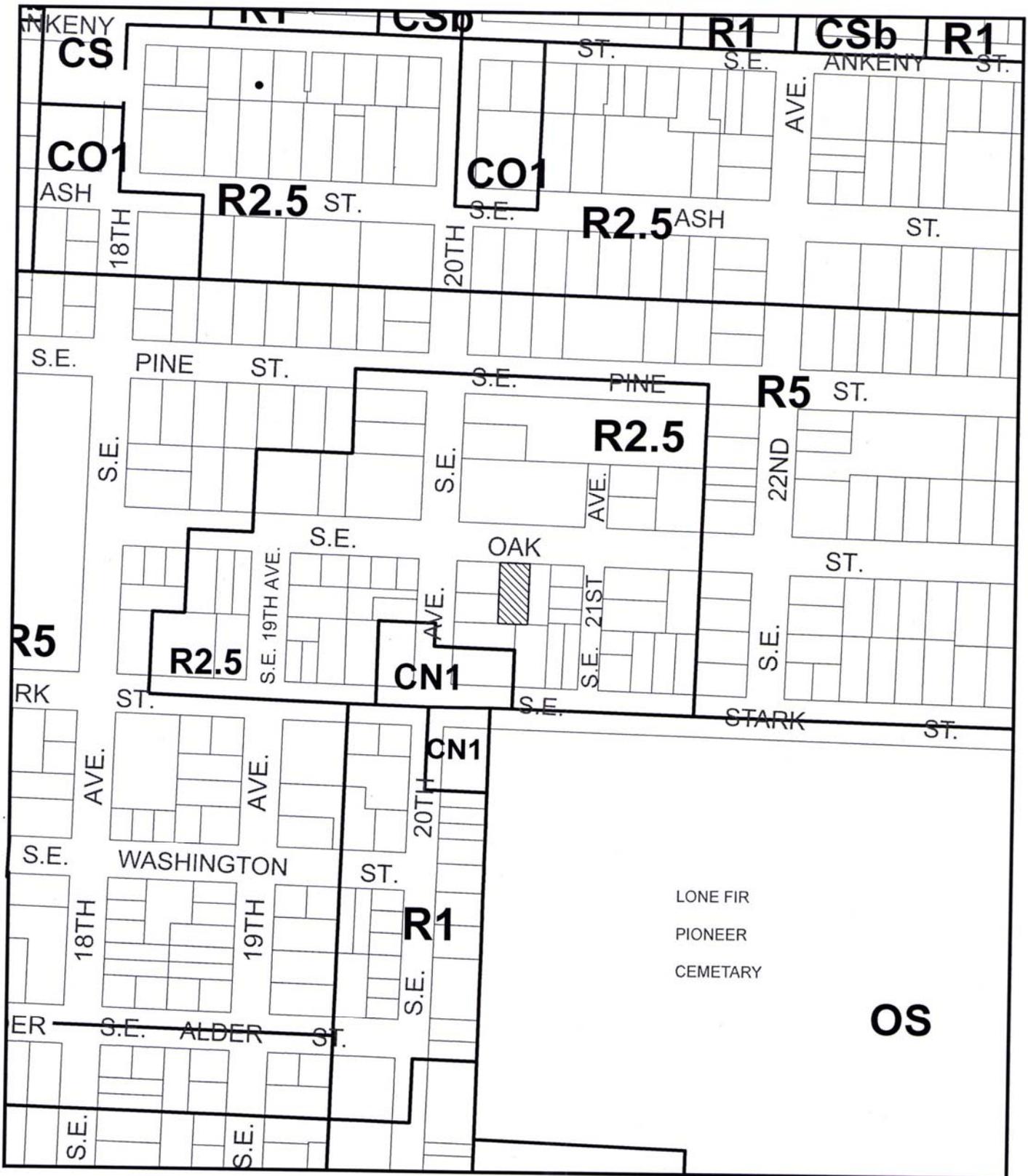
APPEAL OF THE FINAL CITY DECISION

After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265. Issues that may provide the basis for an appeal to LUBA must be raised prior to the comment deadline or prior to the conclusion of the hearing if a local appeal is requested. If you do not raise an issue with enough specificity to give the Bureau of Development Services an opportunity to respond to it, that may also preclude an appeal to LUBA on that issue.

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).

Enclosures:

Zoning Map
Site Plan
Proposed Elevation



ZONING

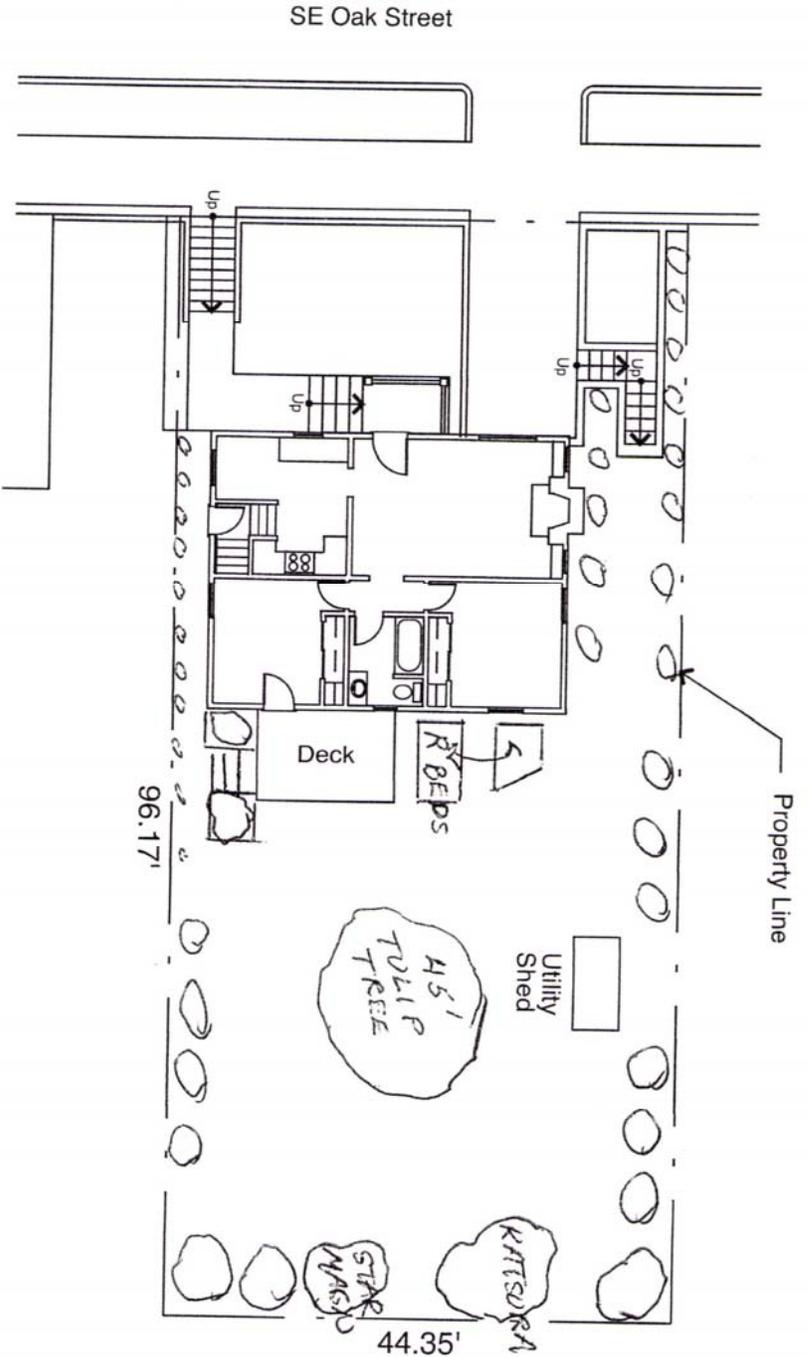
 Site



File No. LU 13-119233 AD
 1/4 Section 3032
 Scale 1 inch = 200 feet
 State_Id 1N1E35DD 16600
 Exhibit B (Feb 27, 2013)



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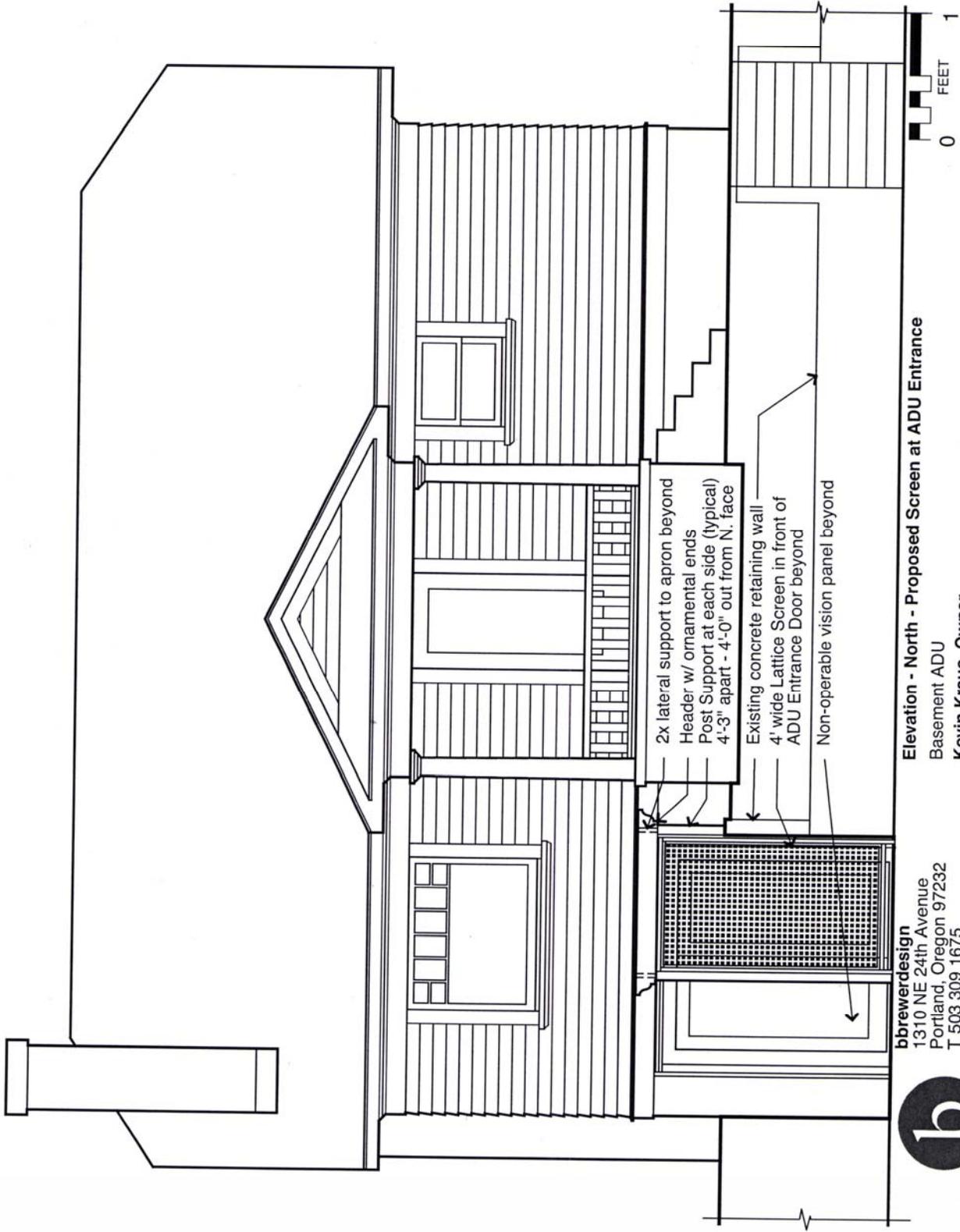


Site Plan - Showing 1st Floor - Existing Conditions
 Basement ADU

Kevin Kraus, Owner
 2018 SE Oak Street
 Portland, Oregon 97214



LU-3 119233 AD



2x lateral support to apron beyond
 Header w/ ornamental ends
 Post Support at each side (typical)
 4'-3" apart - 4'-0" out from N. face
 Existing concrete retaining wall
 4' wide Lattice Screen in front of
 ADU Entrance Door beyond
 Non-operable vision panel beyond

Elevation - North - Proposed Screen at ADU Entrance

Basement ADU

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