

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

Paul L. Scarlett, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

Charlie Hales, Mayor

FROM CONCEPT TO CONSTRUCTION

Date: June 20, 2013

To: Interested Person

From: Sheila Frugoli, Land Use Services

503-823-7817 / Sheila.Frugoli@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 July 11, 2013**. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 13-161097 AD, in your letter. It also is helpful to address your letter to me, Sheila Frugoli, Senior Planner.

CASE FILE NUMBER: LU 13-161097 AD

Applicants/Owners: Brian and Susan Hatt

7037 SW 33rd Pl Portland, OR 97219

Representative: Gregg Creighton, Architect

Creighton Architecture 252 A Avenue, Suite 300 Lake Oswego, OR 97034

Site Address: 7037 SW 33RD PL

Legal Description: S 1/2 OF LOT 10 EXC PT IN ST N 15' OF LOT 11 EXC PT IN ST,

WESTERN VIEW

Tax Account No.: R897000230 **State ID No.:** 1S1E20AB 04800

Quarter Section: 3726

Neighborhood: Multnomah, contact Susan Rudloff at 503-358-2316.

Business District: None

District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.

Zoning: R7, Single Dwelling Residential 7,000 zone

Case Type: AD, Adjustment Review

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

Committee.

Proposal: The applicants are requesting an Adjustment to reduce a required side (south) building setback from 5 feet to 3 feet, in order to replace an upper-story deck and sunroom/dining area with a 2-story addition. A roof eave will extend within 2 feet of the south property line. The addition on the main level will be 431 square feet and contain a master bedroom and bath. The lower level (daylight basement) will be 386 square feet, with two bedrooms and a bath designated in the new space.

According to permit records, the existing deck and sunroom/dining room was not built per plans (permit # BLD 89-01536). It appears the project was never inspected and did not receive final City permit approval. The application states that given the poor quality of the construction, the deck and sunroom/dining addition needs to be replaced or removed. As part of this project, the home will be remodeled and the applicants intend to remove four trees that are located near the south property line.

The attached proposed site plan identifies the new building footprint and the trees that will be removed. The attached building elevations compare the existing and proposed exterior walls of the home.

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. The relevant approval criteria are as follows:

A. Granting the adjustment will equally or better meet the <u>purpose</u> of the regulation to be modified; and

33.110.220.A Purpose: The building setback regulations serve several <u>purposes</u>:

- 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:
- Setback requirements along transit streets create an environment that is inviting to pedestrians and transit users; 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.

and

- **B.** If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in a C, E, or I zone, the proposal will be consistent with the desired character of the area; and
- **E.** Any impacts resulting from the adjustment are mitigated to the extent practical.

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 May 29, 2013 and determined to be complete on June 17, 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.

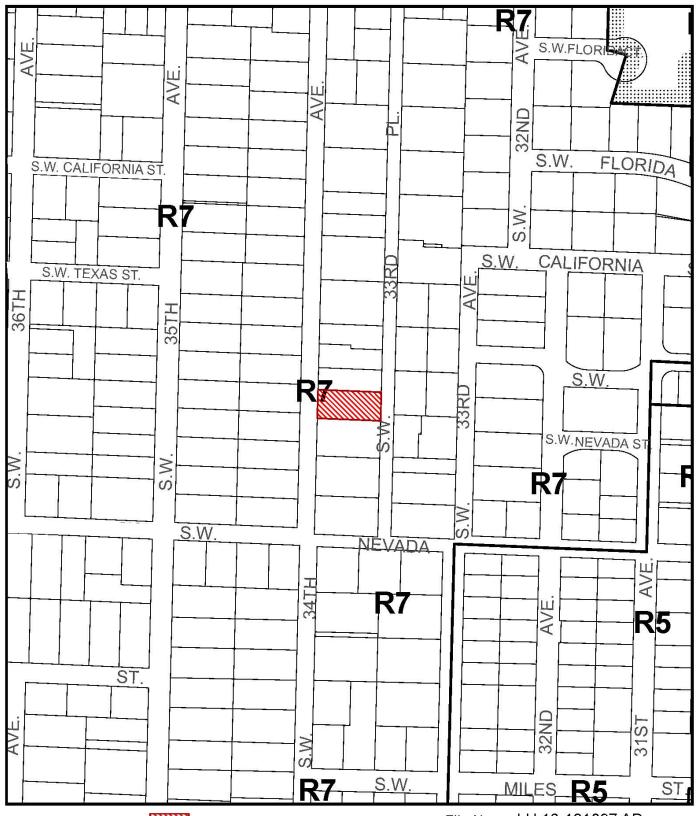
APPEAL OF THE FINAL CITY DECISION

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 Plans – Existing and Proposed East Elevations – Existing and Proposed West Elevations – Existing and Proposed South Elevations – Existing and Proposed



ZONING Site

LU 13-161097 AD File No. 3726 1/4 Section 1 inch = 200 feet Scale 1S1E20AB 4800 State_ld В (Jun 03,2013) Exhibit.



