



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

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Portland, Oregon 97201
503-823-7300
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TTY 503-823-6868
www.portlandonline.com/bds

Date: July 29, 2009
To: Interested Person
From: Crystal Hitchings, Land Use Services
503-823-7583 / Crystal.Hitchings@ci.portland.or.us

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has **approved** a portion of a proposal and **denied** a portion of 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 09-137110 AD

GENERAL INFORMATION

Applicant: Jeff Dood
Urbaspace LLC
538 SE 20th Avenue, #C
Portland, OR 97214

Property Owners: Boguslaw and Irena Miziolek
3242 NE 13th Avenue
Portland, OR 97212-2203

Site Address: 3242 NE 13TH AVE

Legal Description: LOT 20 BLOCK 72, IRVINGTON
Tax Account No.: R420415540
State ID No.: 1N1E26BA 13700
Quarter Section: 2731

Neighborhood: Irvington, contact Dean Gisvold at 503-284-3885.
Sabin Community Association, contact David Sweet at 503-493-9434.

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

Proposal:

The applicant is requesting an Adjustment to zoning code Section 33.110.220 and Table 33.110-3, Setbacks, in order to allow the construction of a new, attached, one-car garage with a new roof-top deck to replace an existing attached one-car garage. The new garage will be

constructed within the same footprint of the existing garage, which is located 2 feet from the south side property line, but it will be located slightly forward of the previously existing garage. The proposed new garage is 11.5 feet wide, 18 feet, 2 inches long, and 11.5 feet in height, and is proposed to have a new roof-top deck with a 3-foot high wooden railing.

The R5 zone requires a minimum side setback of 5 feet. The R5 Zone allows uncovered horizontal structures, such as decks, which are more than 2.5 feet above the ground and which are attached to buildings, to extend into the setback up to 20% of the total depth of the setback, but no closer than 3 feet from a property line. In this case, the R5 zone requires a 5-foot side setback, and therefore the deck would be allowed to extend up to 1-foot into the side setbacks by right, and be located 4 feet from the side property line. The proposed deck is located 2 feet from the south side property line and is 11.5 feet above the ground. The R5 Zone allows vertical accessory structures (the deck railing) within required building setbacks if they are no larger than 3 feet in width, depth, or diameter, and no taller than 8 feet. The deck railing is 3 feet in height and extends for the entire 18.5-foot length of the deck.

Therefore, 2 Adjustments to **Section 33.110.220** and **Table 110-3**, Setbacks and **Section 33.110.250, Accessory Structures**, are necessary to allow the following accessory structures to be located within the setbacks:

1. To allow the new garage to be located 2 feet from the south side property line;
2. To allow the roof-top deck to be located 2 feet from the south side property line; and roof-deck railing to be located 2 feet from the west side property line.

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 5,000 square foot site is located at the southeast corner of the intersection of NE 13th Avenue and NE Klickitat Street. The site is currently developed with a single-dwelling, single-story home originally built in 1926, and an attached one-car garage. The home is located slightly forward of the center of the site, and the site is characterized by open front and rear yards and minimal side yards. The site is accessed from NE 13th Avenue, with a driveway along the south property line and an attached garage at the SE corner of the house.

Within 200 feet of the site, development is single-dwelling residential. Lots are east-west oriented and are 5,000 square feet in size. Houses are constructed in a range of sizes and styles, and are typically located in approximately the center or just toward the street from the center of the lots. Most homes have attached or detached garages. Most detached garages appear to be located within the side and rear setbacks, and several of the attached garages also appear to be located in side setbacks. There do not appear to be any rooftop decks on these garages.

Zoning: The site and surrounding vicinity is zoned R5, which is a single-dwelling residential zone. The single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the comprehensive plan policies and designations for single-dwelling housing. The R5 zone is a high density single-dwelling zone and allows attached and detached single-dwelling structures and duplexes. The R5 zone requires a 5-foot side building setback.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A “Request for Response” was mailed on July 1, 2009. The following Bureaus have responded with no issues or concerns (Exhibits E.1-E.3):

- Fire Bureau
- Bureau of Transportation Engineering
- Bureau of Parks-Forestry Division

The following Bureaus have no concerns with the request and have submitted additional comments to assist with the building permit process:

- Site Development Section of BDS (Exhibit E.4): Site Development has no objection to approval of the proposed Adjustment to property line setback requirements, provided that a stormwater management system that conforms to the Stormwater Management Manual can be shown on the plans at the time of building permit review.
- Life Safety Bureau (Exhibit E.5)
- Bureau of Environmental Services (Exhibit E.6)
- Water Bureau (Exhibit E.7)

Neighborhood Review: A “Notice of Proposal in Your Neighborhood” was mailed on July 1, 2009. Three written responses have been received from the Neighborhood Association and from a notified property owner in response to the proposal.

The Irvington Conservation Association (ICA) submitted two statements. The first raised questions about the scope of the proposal, and asked questions about whether or not permits had been obtained for the actual work being done, whether the scope of the work being done had been misrepresented to the city, and whether or not the project was subject to design review. Additionally, the ICA expressed concern about the potentially unsafe conditions of the jobsite, and questioned whether maintenance of the site complied with city codes, and requested that an inspector visit the site and immediately address any unsafe conditions.

Staff response: Active residential building permits are on file for raising the height of the first floor, adding a second floor, and adding a basement. The scope of work described in the permits reflects the work actually being done to the house. The Adjustment request is for the new (replacement) garage and new rooftop deck only. The site is not within a conservation district, plan district, or design overlay, and therefore no design review is required and only the R5 base zone standards apply. The inspections team was notified, and the assigned inspector conducted a follow-up site visit to confirm that as-built construction of the house matches the building plans, and that potential safety hazards are identified and addressed.

The second submission by ICA stated support of the comments and objections outlined in the nearby neighbor’s response, described below. The ICA expressed a lack of confidence that the new garage would be located with the same footprint as the previously existing garage.

Staff note: the proposed garage is located slightly forward of the previously existing garage, however, aerial photos of the old garage show that the proposed footprint size replicated the preexisting size, and therefore the setback is the same. Building inspectors will monitor the construction of the garage to insure it is located where it is approved to be located.

The response from a nearby neighbor described the renovation of the house, and stated that privacy between the houses had been greatly reduced by the pruning of a large evergreen tree on the applicant’s lot. Based on this reduction in privacy, the neighbor objects to the request to allow a rooftop deck to be located within the side setback. The neighbor also states that a rooftop deck would be out of character with surrounding development.

Staff response: Based on aerial photos, it is difficult to confirm that the tree in question is actually located on the subject site (it appears to be located on the adjacent site to the rear of the subject site, north of the respondent’s site).. Issues regarding the deck and its effect on privacy to

surrounding lots and its consistency with neighborhood character are discussed under approval criterion A and B below.

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 applicant is requesting an Adjustment to **Section 33.110.220, Setbacks**. The purpose statement for this regulation is as follows:

Purpose: 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.*

Adjustment #1, Garage in south side setback: The size and location of the garage is not significantly changed from the previously existing garage, and so does not significantly reduce light or air to the adjacent lot. The separation between the garage and the property line is not changed, and separation for fire fighting access remains adequate. The new garage will be constructed to meet current fire rating requirements, and therefore fire protection will be increased from previously existing conditions. Exterior walls less than three feet to a property line shall be one-hour fire-rated with no openings allowed. Roofs and eaves may project not closer than two feet to a property line without a building code appeal. Eaves less than three feet to a property line must be protected on the underside as required for one-hour fire-rated construction. The fire bureau has reviewed the proposal and expressed no concerns with the requested Adjustment.

The proposed garage is about 198 square feet in size and 11.5 feet in height. The garage is flat-roofed, and although the wall exceeds the maximum 10-foot wall height of detached garages allowed within the setback by right, the garage is 3.5 feet lower in overall height than a detached garage with a pitched roof that would be allowed by right in the setback. The garage will be constructed in the same location along the side property line and in generally the same location of the previously existing garage, is of a single story, and is designed to hold one vehicle. The proposed size and location of the garage reflects the general building scale and placement of other garages in the neighborhood.

The proposed garage and adjacent home are located approximately 10 feet apart, which is representative of the typical physical relationship between homes in the neighborhood. Separation between homes ranges from less than 10 feet to over 20 feet. Additionally, the garage is located at the same setback as the previously existing garage, and the physical separation is not decreased. Therefore, a reasonable physical separation is maintained.

The garage does not contain windows or doors on the south façade, and therefore options for privacy for the adjacent property are maintained.

The request to locate the new garage in generally the same location as the previously existing garage allows flexibility to maintain use of the site without removing existing outdoor area and without further impinging on the use or outdoor area of adjacent sites.

For these reasons, the proposed garage meets the purpose statement for Setbacks. This approval criterion is met.

Adjustment #2; rooftop deck in south side setback: In addition to the purpose statement for setbacks, as stated above, this Adjustment is also subject to the purpose statement for **Accessory Structures, Section 33.110.250**, as follows:

This section regulates structures that are incidental to primary buildings to prevent them from becoming the predominant element of the site. The standards provide for necessary access around structures, help maintain privacy to abutting lots, and maintain open front setbacks.

The proposed rooftop deck occupies the same footprint as the proposed garage. Separation for fire protection and fire fighting access is adequate for the garage, and the deck would not further impinge into this separation and access. The proposed deck is composed of the roof of the garage, with an open style railing around it. Therefore, the deck and railing would not decrease light and air access for the adjacent property. Because the proposed rooftop deck occupies the roof of the garage, and the garage reflects a reasonable physical relationship between structures, the rooftop deck in itself does not significantly change the horizontal physical separation between structures. The associated railing does increase the amount of vertical structure located about 10 feet from the adjacent home, although due to the open nature of the railing, this is not significant.

The deck is located 29 feet from the adjacent lots to the rear, and does not significantly negatively affect privacy to or physical separation from those lots to the rear beyond the affect of a deck located at 4 feet from the property line, which is allowed by right per the exception that allows attached, uncovered horizontal structures more than 2.5 feet above the ground to extend into the setback up to 20% of the total depth of the setback.

The proposed deck platform is located 11.5 feet above the ground level and is located 2 feet from the side property line, approximately 10 feet from the adjacent home to the south. The deck railing is another 3 feet of structural height, for a total of 14.5 feet of vertical façade height. The neighborhood does not appear to contain other rooftop decks nor do there appear to be other decks located within side setbacks. Detached garages located within the setbacks generally appear to meet the height and footprint exceptions of Section 33.110.253. Homes are located comparatively close together. The proposed rooftop deck would locate an elevated, potentially high-use outdoor area close to the property line and close to another home with living area and windows facing the rooftop deck. People using the deck would have an elevated, open view into the windows of the adjacent home, significantly reducing privacy for that home.

For these reasons, the purpose statement for setbacks is not equally or better met by the rooftop deck request. Therefore, this approval criterion is not met. In order to insure that the area of roof not allowed to be covered by deck is not utilized as a deck, a condition of approval (condition C) is warranted to require that the area of roof not covered by deck shall be covered by roofing material.

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

Findings: Adjustment #1, attached garage in south side setback: The proposed garage is a replacement of the previously existing garage, and is constructed with the same footprint and of approximately the same height, but is located slightly forward of the original garage location. The one-car garage is a single-story in height and remains compatible with the residential area in its scale and location. No windows or doors are located on the south façade facing the adjacent lot. The garage is 29 feet from the adjacent property to the rear. Livability will not be significantly detracted from by replacing the preexisting garage. The garage is designed similarly to the previous garage, with a flat roof and simple architectural features. No information was given by the applicant on the siding materials of the garage, but in order to insure that the appearance of the garage is compatible with the home and surrounding residential area, a condition of approval (condition B) is warranted to require that the siding and trim of the garage shall match the siding and trim of the house.

Adjustment #2, rooftop deck in south side setback: The proposed rooftop deck is located 11.5 feet above the surrounding grade, 2 feet from the south side property line, and about 10 feet from the adjacent home. Windows of main living areas on the adjacent home face the common side property line. The location and height of the deck would enable people on the deck to look directly into the windows of the adjacent home. Privacy for the adjacent lot, and thus livability, will be significantly detracted from. For this reason, this approval criterion is not 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: Two Adjustments are being requested. The cumulative effect of the adjustments would replace a garage wall two feet from the common side property line, and would place a new elevated deck two feet from the common side property line, and about 10 feet from the adjacent home to the south.

The single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households. The R5 zone is a high density single-dwelling zone. The R5 zone allows attached and detached single-dwelling structures and duplexes. The request to allow the attached garage to be located in the side setback replaces a previously existing garage that serves as an accessory structure to an individual household. The garage and deck are accessory uses to the main home, and enhance the housing opportunities of that site. Housing opportunities on adjacent lots are not reduced by this request. This criterion is met.

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 garage Adjustment. However, granting the rooftop deck to be located in the side setback would significantly reduce privacy for the adjacent lot to the south. This criterion is met for the garage request, but is not met for the deck request.

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.

The R5 zone requires a minimum side building setback of 5 feet. The R5 Zone allows uncovered horizontal structures, such as decks, which are more than 2.5 feet above the ground and which are attached to buildings, to extend into the setback up to 20% of the total depth of the setback, but no closer than 3 feet from a property line. In this case, the R5 zone requires a 5-foot side setback, and therefore the deck would be allowed to extend up to 1-foot into the side setbacks by right, and be located 4 feet from the side property line. Therefore, the rooftop deck may be located 4 feet from the south side property line by right. This land use review denies the request to locate the deck closer than four feet to the south side property line.

CONCLUSIONS

The proposal to allow the attached, single-car, single-story garage of the same footprint as and in approximately the same location as the previously existing garage equally meets the purpose statement for setbacks (with condition B requiring the siding and trim to match the house) and does not significantly detract from livability or appearance. Therefore, the request to allow the garage to be located in the south side building setback should be granted.

However, the proposal to allow the rooftop deck is out of character, location, and scale with surrounding development and does not equally meet the approval criterion for setbacks, and significantly detracts from the privacy and livability of the adjacent site. Approval criterion A, B, and E are not met by the proposal. Therefore, the Adjustment request to allow the rooftop deck to be located in the south side building setback should be denied.

ADMINISTRATIVE DECISION

Approval of an Adjustment to **Section 33.110.220 and Table 3.110-3, Setbacks**, in order to allow an attached, single-car new garage that is 11.5 feet in height, 11.5 feet in width, and 18 feet, 2 inches in depth to be located 2 feet from the south side property line; and

Denial of an Adjustment to **Section 33.110.220 and Table 3.110-3, Setbacks**, to allow the roof-top deck and deck railing to be located 2 feet from the west side property line;

per the approved site plans, Exhibits C-1 through C-3, signed and dated July 27, 2009, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 09-137110 AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The siding and trim of the garage shall match the siding and trim of the house.
- C. The area of roof not covered by deck shall be covered by roofing material

Staff Planner: Crystal Hitchings



Decision rendered by: _____ **on July 27, 2009.**

By authority of the Director of the Bureau of Development Services

Decision mailed: July 29, 2009

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 June 19, 2009, and was determined to be complete on June 29, 2009.

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 June 19, 2009.

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: October 27, 2009.**

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 August 12, 2009** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., 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 contact the receptionist at 503-823-7967 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 **August 13, 2009 – (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:

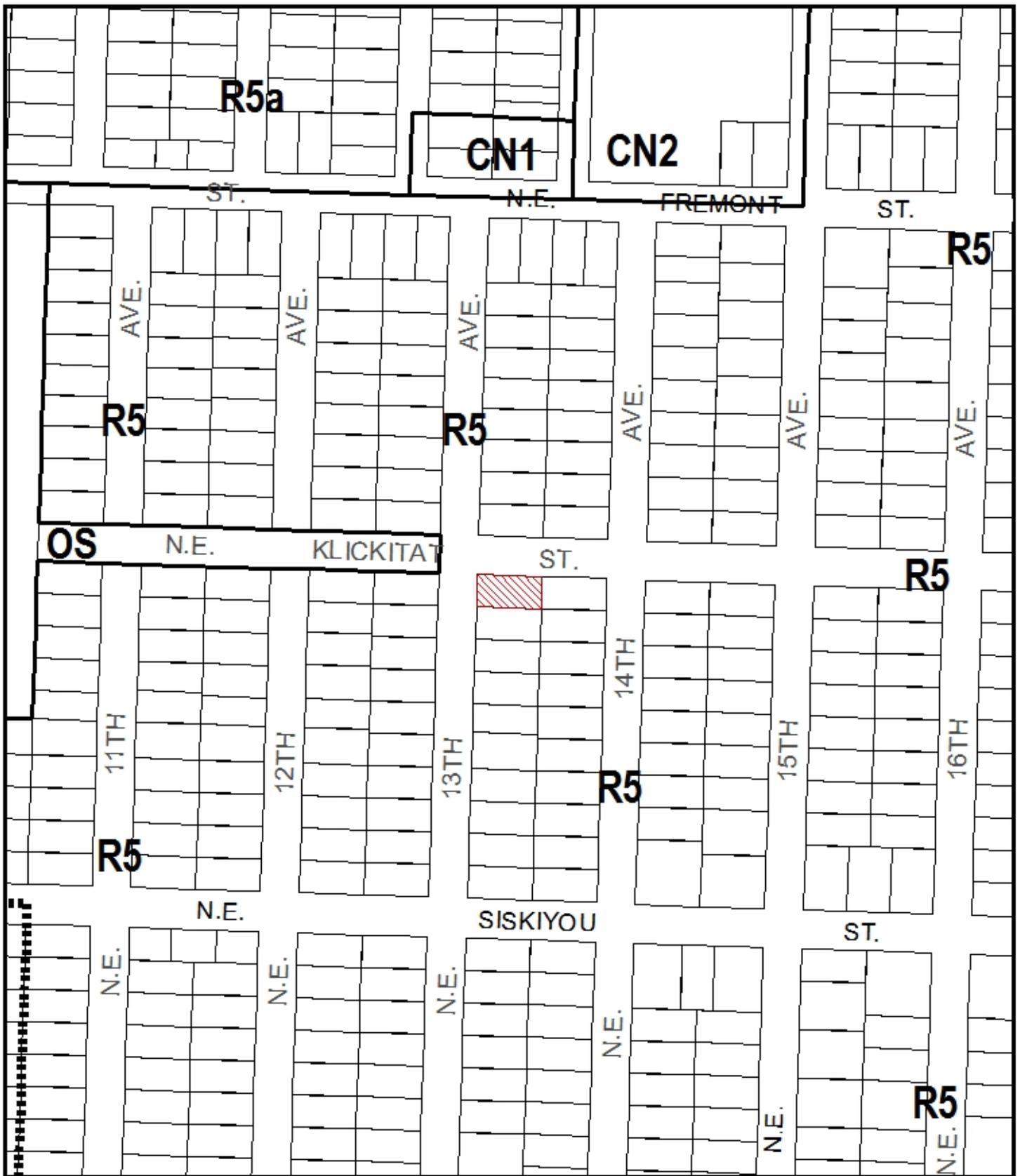
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. West (front) Elevation (attached)
 - 3. South (side) Elevation (attached)
 - 4. Site Photos
 - 5. Aerial Photo
 - 6. Aerial Building Footprint (GARTH data map)
 - 7. Aerial (bird's eye view) of previously existing garage and original home
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Fire Bureau
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Bureau of Parks, Forestry Division
 - 4. Site Development Review Section of BDS
 - 5. Life Safety Bureau
 - 6. Bureau of Environmental Services
 - 7. Water Bureau
- F. Correspondence:
 - 1. Dean Gisvold, Irvington Land Use Committee; July 8, 2009; concerns and questions about the proposal, review process, and conditions of the construction site
 - 2. Dave Pardue and Jill Walters; received July 22, 2009; concerns about privacy and recently limbed tree
 - 2.A Aerial photo and photo of tree discussed in response, supplied by staff
 - 3. Dean Gisvold, Irvington Land Use Committee; July 22, 2009; objection to deck, concern in ensuring that footprint of previously existing garage is maintained in new construction.
- 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. If you need special accommodations, please call 503-823-7300 (TTY 503-823-6868).



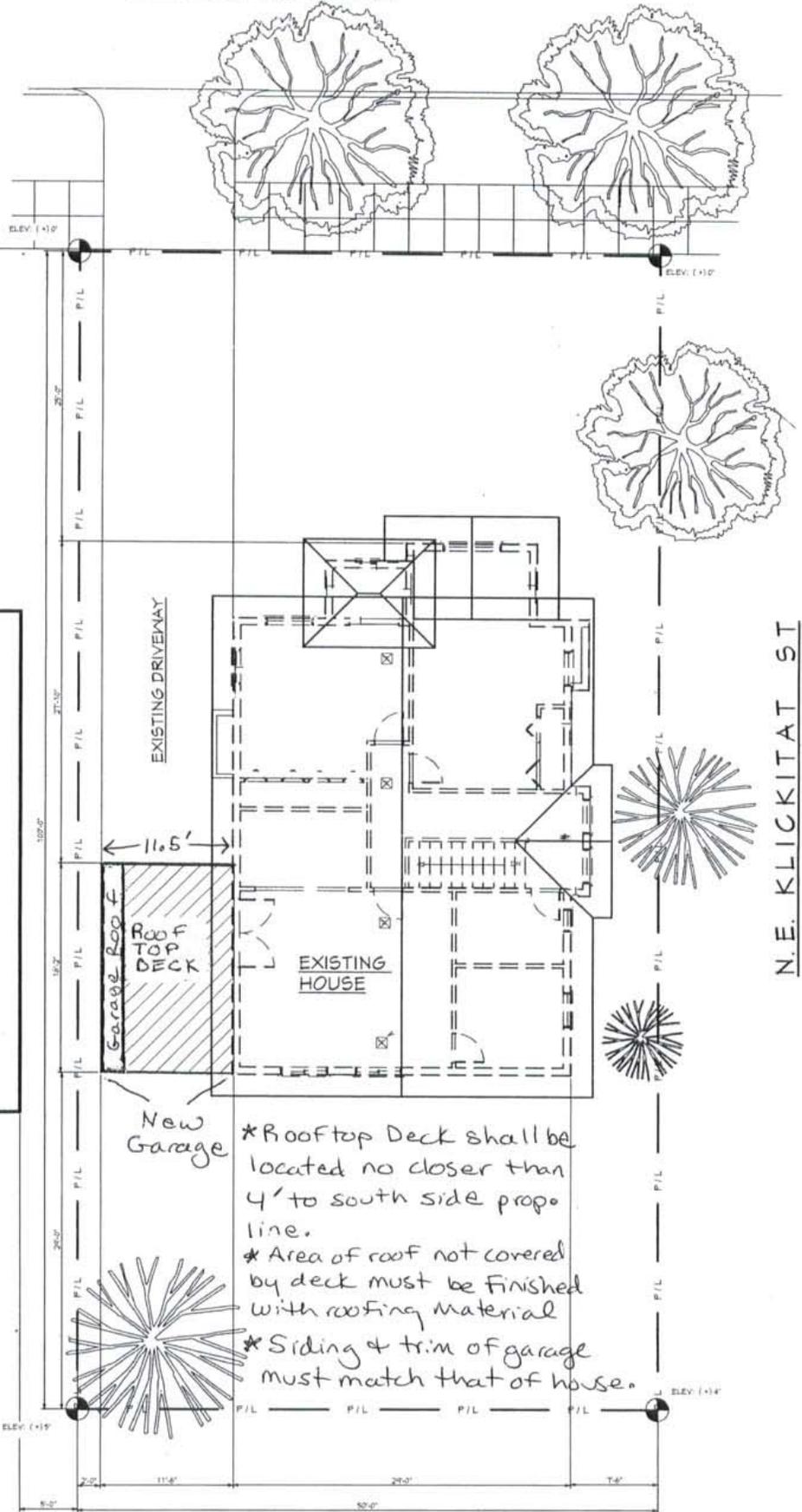
ZONING

 Site



File No.	<u>LU 09-137110 AD</u>
1/4 Section	<u>2731</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N1E26BA 13700</u>
Exhibit	<u>B (Jun 22,2009)</u>

N.E. 13TH AVE



N.E. KLICKITAT ST

Approved

City of Portland - Bureau of Development Services

Planner Crystal Hitchings Date 7-27-09

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

- * Rooftop Deck shall be located no closer than 4' to south side propo line.
- * Area of roof not covered by deck must be finished with roofing material
- * Siding & trim of garage must match that of house.



S I T E P L A N

1/10 = 1' - 0"

LU09-127110 AD
Exhibit C.1



SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

Exhibit C.3

Approved
 City of Portland
 Bureau of Development Services
 Planner Crystal Hitching
 Date 7-27-09
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

* Portion of garage roof not covered by deck shall be finished with roofing material.

* Rooftop deck shall not be located closer to south property line than 4'.

South Side
 ϕ - Property line



WEST ELEVATION

SCALE: 1/8" = 1'-0"

Exhibit C.2

RE-BUILD EXISTING GARAGE

* Garage siding & trim shall match house siding & trim.

Garage located 2' From South prop. line