



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner  
Paul L. Scarlett, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** October 20, 2011  
**To:** Interested Person  
**From:** Kathy Harnden, Land Use Services  
503-823-3581 / [Kathy.Harnden@portlandoregon.gov](mailto:Kathy.Harnden@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 November 10, 2011.** Please mail or deliver your comments to the address above, and include the Case File Number, LU 11-181812 AD, in your letter. It also is helpful to address your letter to me, Kathy Harnden.

## **CASE FILE NUMBER: LU 11-181812 AD**

**Applicant:** Lloyd J & Kirsten J Calhoun  
5506 SE 47th Ave  
Portland, OR 97206

**Site Address:** 5506 SE 47TH AVE

**Legal Description:** BLOCK 98 N 1/2 OF LOT 4, WOODSTOCK  
**Tax Account No.:** R928906610  
**State ID No.:** 1S2E18CA 12600  
**Quarter Section:** 3635

**Neighborhood:** Woodstock, contact Terry Griffiths at 503-771-0011.  
**Business District:** Woodstock Community Business Association, contact Lori Boisen at 503-760-7968.  
**District Coalition:** Southeast Uplift, contact Leah Hyman at 503-232-0010.

**Plan District:** None  
**Other Designations:** None

**Zoning:** R5 – R-5000, high density, single-dwelling residential

**Case Type:** Adjustment (AD)  
**Procedure:** Type II, an administrative decision with appeal to the Hearings Officer.

**Proposal:**

The applicant constructed a 16 by 24-foot two-story garage structure with upstairs storage area, accessed by a pull-down ladder, in the southeast corner of his property. The south side

garage wall is located 3 feet, 7 inches from the side (south) property line and the eave is located 2 feet, 1 inch from this property line. In addition, the rear of the building is located 4 feet, 3 inches from the rear (east) property line, and the eave is located 2 feet from the property line. The Portland Zoning Code, Title 33, requires accessory structures that are over 6 feet tall to be located a minimum of 5 feet from the side and rear property lines in the R5 zone. Eaves may project up to 4 feet from these property lines.

Exceptions to these regulations are approved through Adjustment Reviews if all of the relevant approval criteria are met or can be met through conditions of approval. Therefore, the applicant requests approval of an adjustment to the 5-foot side and rear setbacks for the structure from 5 feet to 3'-7" on the side (south) property line and 5 feet to 4'-3" for the rear (east) property line.

The applicant also requests approval of Adjustments to Code Section 33.110.220, to reduce the required side and rear setbacks for the roof eaves from 4 feet to 2'-1" on the side (south) property line and from 4 feet to 2 feet on the rear (east) property line.

*The purpose of building setback requirements are to maintain light, air, separation for fire protection, and access for fire fighting. Setback standards also reflect the general building scale and placement of development in the City's neighborhoods and promote a reasonable physical relationship between residences. They promote options for privacy for neighboring properties and 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.*

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

- A.** Granting the adjustment will equally or better meet the purpose of the regulation to be modified; 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 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
- 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
- D.** City-designated scenic resources and historic resources are preserved; and
- E.** Any impacts resulting from the adjustment are mitigated to the extent practical; and.
- F.** If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable.

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 September 30, 2011 and determined to be complete on **October 19, 2011**.

#### **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](http://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.

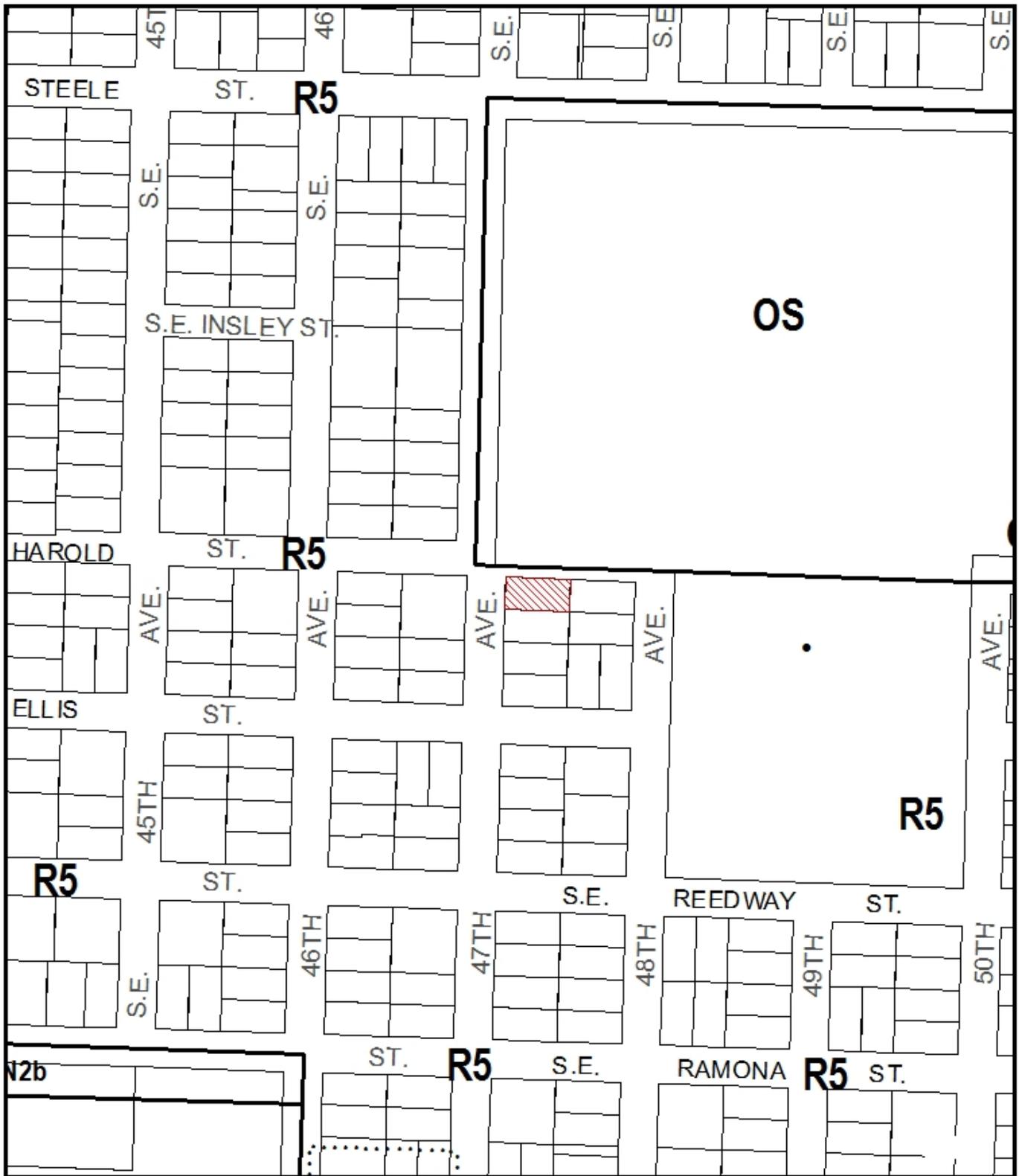
#### **APPEAL OF THE FINAL CITY DECISION**

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



# ZONING



Site



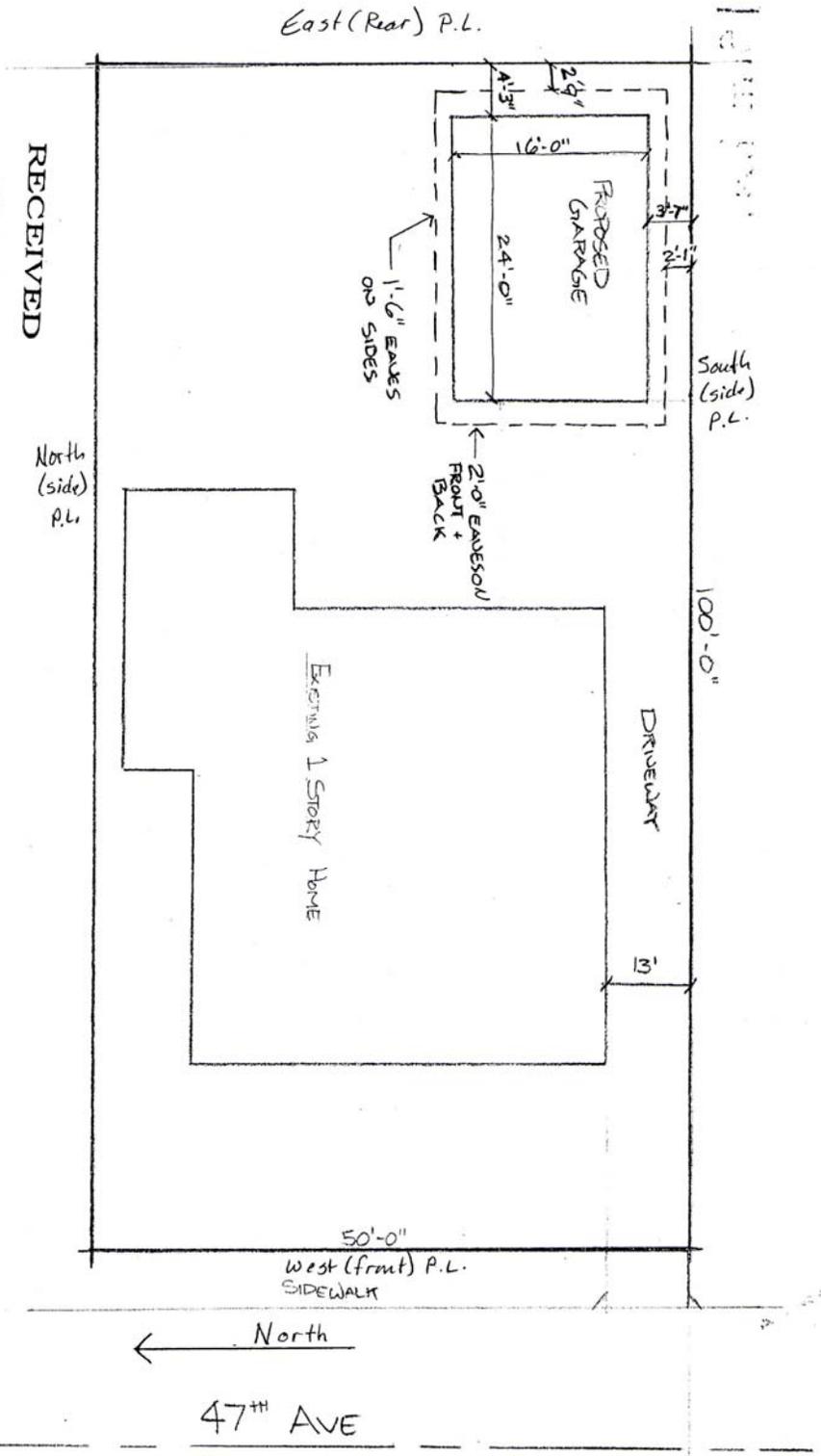
Historic Landmark



File No.	LU 11-181812 AD
1/4 Section	3635
Scale	1 inch = 200 feet
State_Id	1S2E18CA 12600
Exhibit	B (Oct 07, 2011)

**SITE PLAN**

SCALE: 1" = 10'-0"



RECEIVED

OCT 13 2011

LOT COVERAGE:  
 LOT AREA = 5000 sq ft  
 EXISTING BLD AREA = 1014 sq ft  
 REPOSED BLD AREA = 384 sq ft

NOTES:  
 LOT IS FLAT NO CHANGES TO BE MADE  
 GRADE ELEVATIONS MATCH EXIST.  
 CITY WATER & SEWER  
 ROOF IS 5:12 COMPOSITION ROOF

PROJECT ADDRESS:  
 5506 SE 47th AVE PORTLAND, OR 97206