



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

FROM CONCEPT TO CONSTRUCTION

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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** December 8, 2011  
**To:** Interested Person  
**From:** Kathleen Stokes, Land Use Services  
503-823-7843 / [Kathleen.Stokes@portlandoregon.gov](mailto:Kathleen.Stokes@portlandoregon.gov)

## **NOTICE OF A TYPE II PROPOSAL IN YOUR NEIGHBORHOOD**

Development has been proposed in your neighborhood that 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 December 29, 2011.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 11-193661 AD, in your letter. It also is helpful to address your letter to me, Kathleen Stokes.

## **CASE FILE NUMBER: LU 11-193661 AD**

**Applicant:** Ed Harczo  
4616 SE Naef Rd  
Milwaukie, OR 97267

**Site Address:** 7401 SW CORBETT AVE

**Legal Description:** BLOCK 48 TL 1000, FULTON PK  
**Tax Account No.:** R300401800  
**State ID No.:** 1S1E22BC 01000  
**Quarter Section:** 3729

**Neighborhood:** South Portland NA., contact Jim Davis at 503-248-9820.  
**District Coalition:** Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.

**Zoning:** R5 (R5,000, High Density Single-Dwelling Residential)

**Case Type:** Adjustment Review  
**Procedure:** Type II, administrative decision with appeal to Adjustment Committee.

**Proposal:** The applicant is seeking to gain final approval for a two-story, 20 by 38-foot accessory structure (garage with storage above), that was built in 2001 under permit number 01-144582 RS, but was never approved as being completed. At the time of the issuance of the original permit, the property line was not shown accurately. It has since been determined that the structure is located only 9 inches from the rear (west) property line and 2 feet, 5 inches from the north side property line. The roof eaves are 14 inches wide on the north and south sides and so extend to 15 inches from the north property line, The extension of the eave is 12 inches on the east and west sides and so extends 3 inches over the property line on the west side. The applicant has determined that he will remove the eave extension on that side,

The development standards for the R5 zone require the building walls of most structures to be located a minimum of 5 feet from side and rear property lines. Roof eaves may extend for one-foot, to 4 feet from the side and rear property lines. Therefore, the applicant is requesting approval of adjustments to Code Section 33.110.220 to reduce the minimum setbacks for the building walls for the structure, from 5 feet to 9 inches from the rear (west) property line, and from 5 feet to 2 feet, 5 inches from the north side property line. The Adjustment requests would also reduce the minimum setback for the roof eave, from 4 feet to 15 inches from the north side 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 November 15, 2011 and determined to be complete on November 29, 2011 but was placed on hold until December 7, 2011 and the 120 days for a final local decision was extended for 9 days, to April 7, 2012.

#### **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.

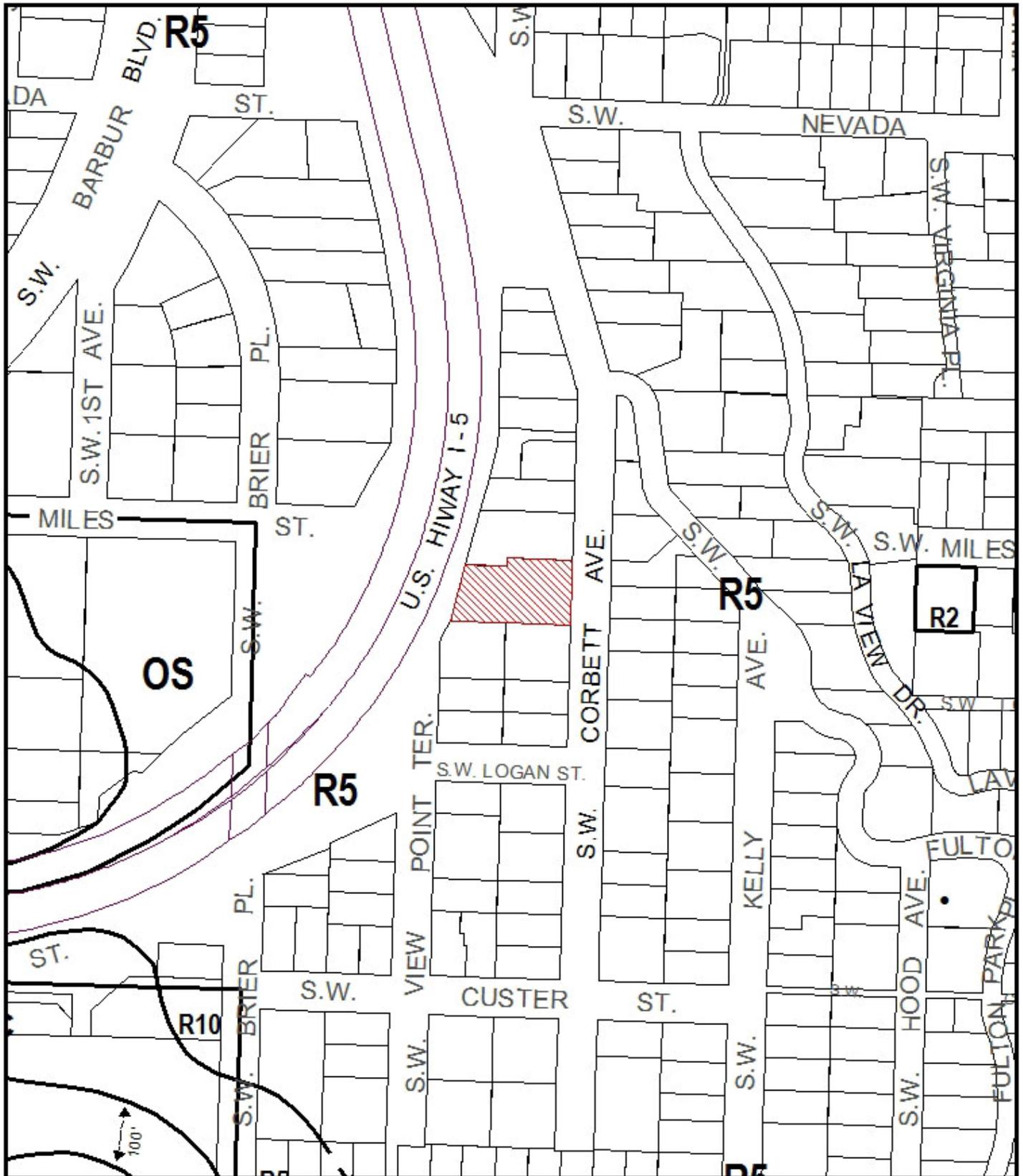
#### **APPEAL OF THE FINAL CITY DECISION**

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  
Elevation Drawings



# ZONING

 Site

File No. LU 11-193661 AD

1/4 Section 3729

Scale 1 inch = 200 feet

State\_Id 1S1E22BC 1000

Exhibit B (Nov 16, 2011)



**BUILDING COVERAGE**

**LOT AREA**

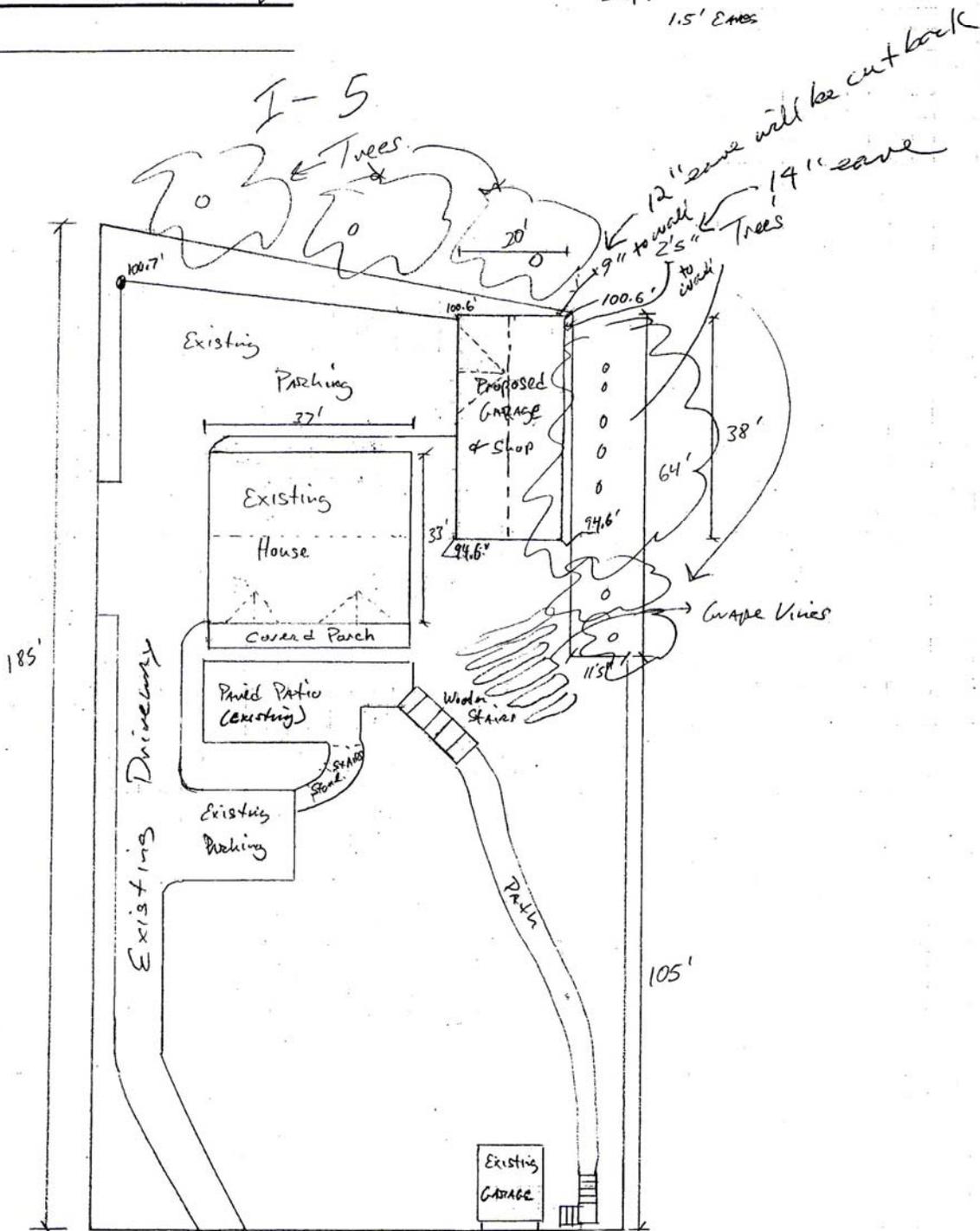
BUILDING FOOTPRINT 760 Sq. Ft. 13,500 Sq. Ft.

**IMPERVIOUS AREA**

ROOF AREA (INCL. OVERHANG) 928.25 Sq. Ft.

TOTAL \_\_\_\_\_

Shop: 22' x 38'  
1.5' Eaves



S.W. Corbett LU 11-193661 AD

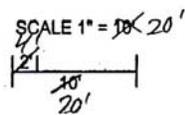
**PROJECT LEGAL**

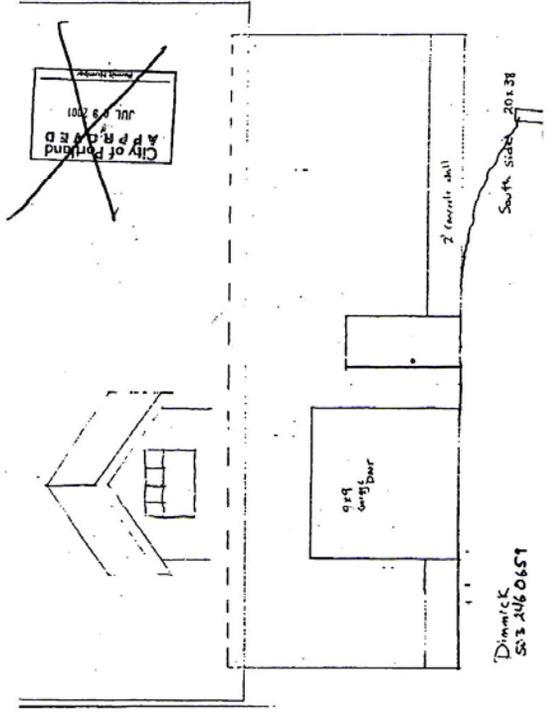
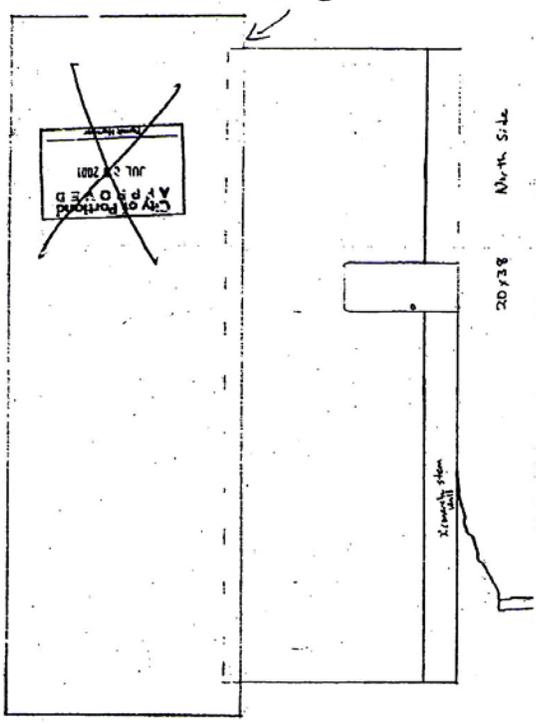
**PROJECT ADDRESS**

**SITE PLAN**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

7401 SW Corbett  
 Portland OR 97219





No concrete support on West Side

Dimmick  
503 246 0654

~~City of Portland APPROVED JUL 09 2001~~

14" eave

Guardrail attached to building

Finish Grade

P Concrete retaining wall

Front Elevation (East) 20x38  
L011-193661 AD

0' eave (will trim on west side)

Dimmick  
503 246 0654