**Date:** October 5, 2012 **To:** Interested Person

**From:** Shawn Burgett, Land Use Services

503-823-7618 / shawn.burgett@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 October 26, 2012. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 12-149752 AD, in your letter. It also is helpful to address your letter to me, Shawn Burgett.

# CASE FILE NUMBER: LU 12-149752 AD

**Applicant:** Mike Coyle

Faster Permits

14334 NW Eagleridge Lane

Portland, OR 97229

**Owner:** Eric Rystadt

Main Street Development Inc.

PO Box 91096 Portland, OR 97291

Site Address: NW ROYAL BLVD

**Legal Description:** BLOCK 4 LOT 3, ROYAL **Tax Account No.:** R731000680, R731000680

**State ID No.:** 1N1E31CB 02500, 1N1E31CB 02500

Quarter Section: 3023

**Neighborhood:** Forest Park, contact Jerry Grossnickle at 503-289-3046.

**Business District:** None

**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

**Plan District:** Northwest Hills - Forest Park and Skyline subdistricts

**Zoning:** R20 (Single Family Residential 20,000 sq. ft.)

Case Type: AD (Adjustment)

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

Committee.

## Proposal:

The applicant is proposing to build a new home at the site and has requested adjustments to several Zoning Code standards. The site is steeply sloped (over 20%) downward from NW Royal Blvd. The proposed main entrance is set back 4.62 from the front property line along NW Royal

Blvd. and does not conform to current Zoning Code setback standards of 10 ft for this site. In addition, the southwestern corner of the proposed home is located approximately 8 ft. from its southern (side) property line. The zoning code requires a 10 ft. side setback. The proposed home measures approximately 29 feet in height when measured from street grade along NW Royal Blvd. The Zoning Code limits height to 23 ft. in measured at street grade, for lots that are steeply sloped (20% or more) downward from the street (33.110.215.D.1). The Zoning Code allows the required 20 ft. front setback (in the R20 zone) to be reduced to 10 ft. and the required 18 ft. garage entrance setback to be reduced to 5 ft. on steeply sloped lots (33.110.220.D.4). However, the Zoning Code requires the height (23 ft. maximum) limit in the area of the reduced setback to be lowered one foot for every foot of reduced setback (33.110.220.D.4.C). Since the applicant is proposing to locate the front of the home 4.62 ft. from NW Royal Blvd., and the garage entrance 6.28 ft. from NW Royal Blvd, this requirement would limit the proposed building height within the reduced front and garage setbacks to between 7 ft. (front of house) and 11 ft. (detached garage).

The applicant is requesting three adjustments to standards found in Zoning Code:

- 1) Zoning Code section 33.110.220.D.4.A requires a 10 ft. front setback from the street on steeply sloped (20% grade) lots. The applicant has proposed to locate the front of the home 4.62 ft. from the front property line along NW Royal Blvd.
- 2) Zoning Code section 33.110.220 (Table 110-3) requires a 10 ft. building setback between a structure and the side property lines. The applicant is proposing an 8 ft. side setback between the proposed home and the adjacent property line to the southeast.
- 3) Zoning Code section 33.110.215.D.1 limits building height to 23 ft. on steeply sloped lots when all required setbacks are met. Zoning Code section 33.110.220.D.4 allows a reduced front setback (10 ft.) and garage entrance setback (5 ft.) for steeply sloped lots in correlation with a requirement that reduces height one foot for every one foot of reduced setback area (33.110.220.D.4.C). Based on the applicant's proposed front setback (4.62 ft.) and garage entrance setback (6.28 ft.), the building/garage area height within the setbacks would be limited to between 7 ft. and 11 ft; the applicant has proposed a building height of 29 ft.

## 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.

## 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 <u>purpose</u> 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 an 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; (not applicable)
- **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; (not applicable)

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 June 13, 2012 and determined to be complete on September 28, 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 <a href="https://www.portlandonline.com">www.portlandonline.com</a>.

#### 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.

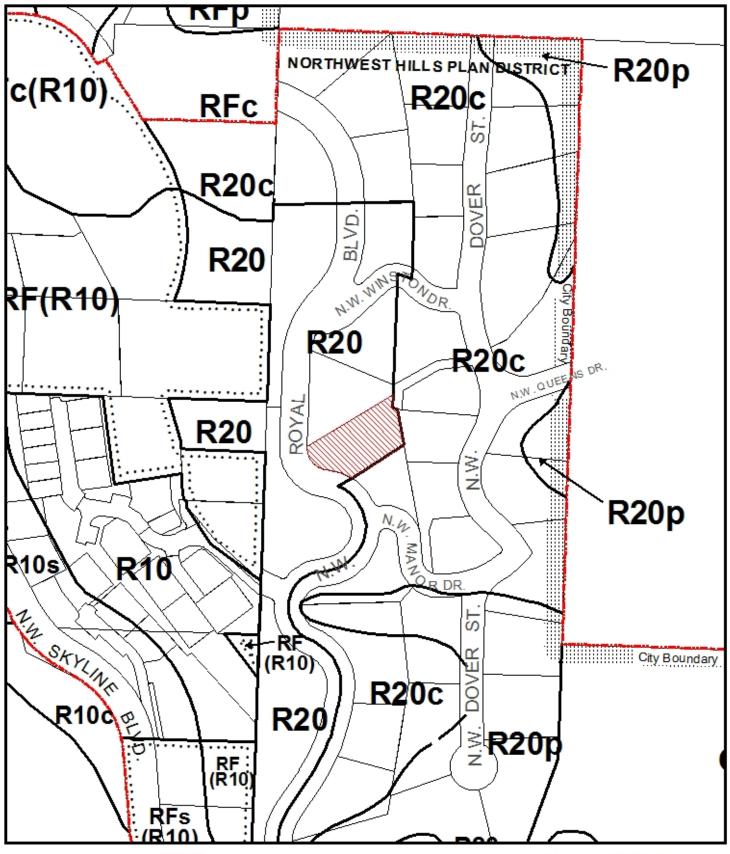
There is a fee charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver.

#### 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** 



File No. LU 12-149752 AD

1/4 Section 3023

Scale 1 inch = 200 feet

State\_Id 1N1E31CB 2500

Exhibit B (Jun 19,2012)



