

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

Date: December 4, 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 December 26, 2012. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 12-204638 AD, in your letter. It also is helpful to address your letter to me, Shawn Burgett.

CASE FILE NUMBER: LU 12-204638 AD

Applicant: Marlon D Warren

3805 NE 11th Ave Portland, OR 97212

Site Address: 3805 NE 11TH AVE

Legal Description: BLOCK 7 N 1/2 OF LOT 11 LOT 12, LINCOLN PK

Tax Account No.: R497101130

State ID No.: 1N1E23CD 12800

Ouarter Section: 2631

Neighborhood: Sabin Community Assoc., 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 Chris Lopez at 503-823-

4575.

R5a (Single Family Residential 5,000 with "a" alternative design density Zoning:

overlay)

Case Type: AD (Adjustment)

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

Committee.

Proposal:

The applicant has proposed to convert the second story of the existing 14 ft. wide by 26 ft. in depth detached garage from a studio/storage area into an Accessory Dwelling Unit (ADU). The first floor would remain as a garage. The proposed second floor ADU would provide 308 sq. ft.

of living area and 64 sq. ft. of storage within the 3rd floor cupola. The applicant has requested an adjustment to exceed the setback and height standards for an ADU.

Zoning Code section 33.205.030.D.1(a & b) requires ADU's to be setback 60 ft. from the front lot line or 6 ft. behind the existing home on the site. In this case, the existing detached garage is located 20 ft. from the front lot line, parallel to the existing home on the site.

Zoning Code section 33.205.030.D.2 limits the height of ADU's to 18 ft. (measured to the midpoint of the roof). In this case, the existing detached garage is approximately 29 feet in height.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are:

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 13, 2012 and determined to be complete on **November 29, 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.

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.

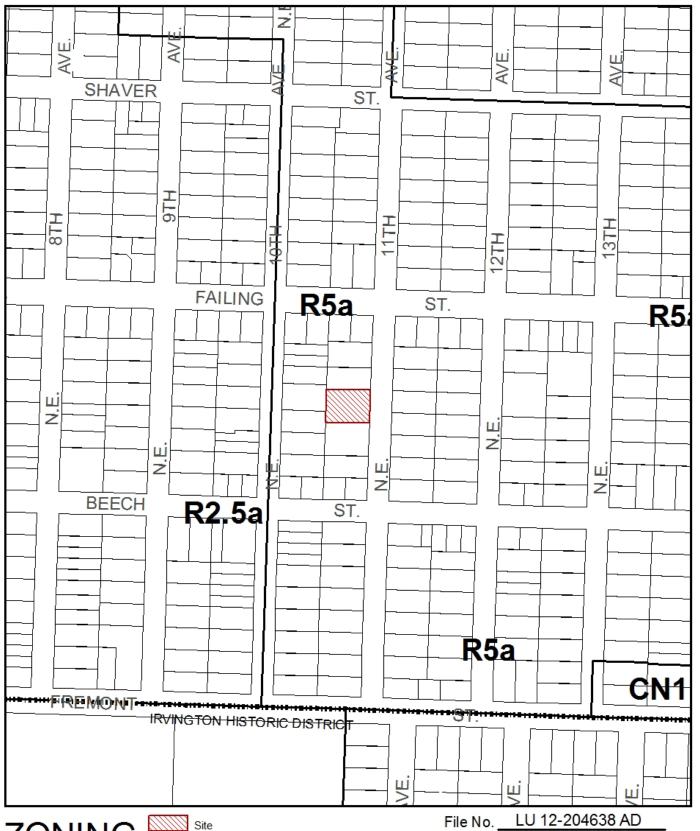
APPEAL OF THE FINAL CITY DECISION

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 Elevations



ZONING Site

File No. LU 12-204638 AD

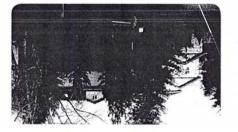
1/4 Section 2631,3719

Scale 1 inch = 200 feet

State_Id 1S123CB00601

Exhibit B (Nov 14,2012)





Ponderosa Pine

Western

45 Ft. High

Cherry Tree

100 Ft.

79 P.L.

SITE PLAN 1/8 SCALE • 3805 NE 11th, Portland, Oregon, 97212.

Request for Height adjustment 2009-119103-000-01-RS Residential Bld/Trade Accessory Structure Addition:

COVERAGE PERCENTAGE 18.3 % NEW LOT COVERAGE: 1360 SQ. FT. EXISTIN. LOT COVERAE: 1360 SQ. FT. LOT AREA 7500 SQ. FT LOT COVERAGE Ponderosa Pine Western 15 Ft. High PROPERTY LINE **НТЯОИ** LINCOLN PK, BLOCK 7 N 1/2 OF LOT 11, LOT 12 Zone R-5

24 AD

1770 6- 6.11

ZU FL

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I Existing Walk way 30 Ft. Drive way Front porch **Enisting** 14 FF 13 Ft. F 6 Ft. .14 8S I 14 Ft. Car garage 9vode UQA nisM 26 Ft. algniz 1 14 Ft. Covered Rear deck PROPERTY LINE 12 ft High Laurel hedge 16 Ft. Douglas Fir 45 Ft. High **REAR VIEW** Douglas Fir 45 Ft. High

Ponderosa Pine

Western

75 Ft.

45 Ft High

FRONT VIEW

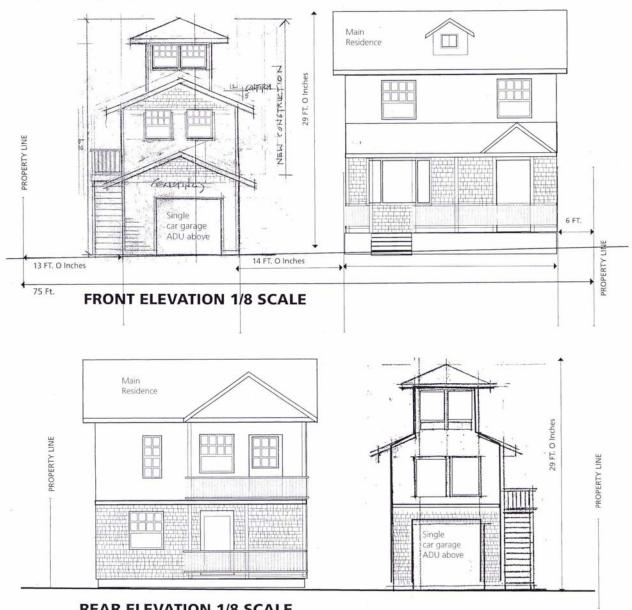
Douglas Fir

40 Ft. High

11TH AVENUE

ELEVATIONS 1/8 SCALE • 3805 NE 11th, Portland, Oregon, 97212.

2009-119103-000-01-RS Residential Bld/Trade Accessory Structure Addition: Request for Height adjustment



REAR ELEVATION 1/8 SCALE

SOUTH ELEVATION 1/8 SCALE



Single car garage ADU above

Main