

# City of Portland, Oregon **Bureau of Development Services**

**Land Use Services** 

FROM CONCEPT TO CONSTRUCTION

Charlie Hales, Mayor Paul L. Scarlett, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

February 12, 2013 Date: 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 March 5, 2013. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 13-107629 AD AD, in your letter. It also is helpful to address your letter to me, Shawn Burgett.

## CASE FILE NUMBER: LU 13-107629 AD

Applicant: Michael A Schwarzenberger

> 3257 SE Sherman St Portland, OR 97214

Site Address: 3257 SE SHERMAN ST

Legal Description: BLOCK 1 TL 18200, VAN HOOMISSEN

Tax Account No.: R854900100 State ID No.: 1S1E01CD 18200

**Ouarter Section:** 3233

Neighborhood: Richmond, contact Douglas Klotz at 503-233-9161.

**Business District:** Division-Clinton Business Association, contact Darice Robinson at 503-

233-1888.

**District Coalition:** Southeast Uplift, contact Bob Kellett at 503-232-0010.

R5 (Single Family Residential 5,000 sq. ft.) Zoning:

Case Type: AD (Adjustment)

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

Committee.

### Proposal:

The owner has converted the existing garage on this site into living area. The conversion of the garage into living area moves the parking pad on the site out of conformance with the Zoning Code's setback standards. Zoning Code section 33.266.120.C.1.a states that required parking spaces are not allowed within a required front setback. In this case the front setback required

is 10 ft. Zoning Code section 33.266.120.D.1 states that a parking space must be at least 9 feet wide by 18 feet in depth.

The Zoning Code allows a garage with an associated driveway to be set back 18 ft. from a front property line in this zone. The garage (prior to the conversion to living area) was located 16'10" from the front property line and was considered a pre-existing non-conforming situation since it was less than 18 ft. in depth. However, if a garage is not located at the end of a driveway, the Zoning Code requires the parking pad to be located entirely outside of the required 10 ft. front setback. This standard requires driveways not leading to garages in the R5 zone to be at least 28 ft. in depth.

In this case, the applicant's driveway is approximately 16'10" in depth between the garage that has been converted to living area and the front property line, since 28 feet is required, the applicant has requested an adjustment to this standard.

#### 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 *(not applicable)*
- **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 January 22, 2013 and determined to be complete on February 6, 2013.

#### **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.

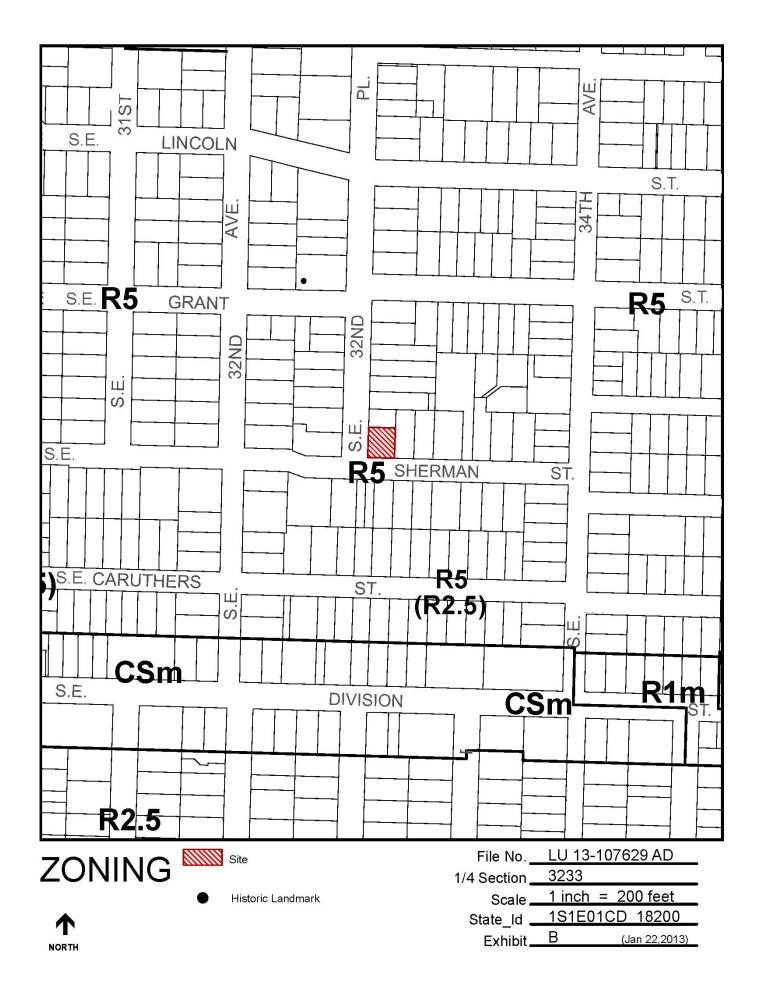
#### APPEAL OF THE FINAL CITY DECISION

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 Elevation



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LV 13-107629 AD

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	3257 SE Sheman St	3257 SE Sheman St SCALE 1"= 10" Portland OR 97214

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