



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

FROM CONCEPT TO CONSTRUCTION

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**Date:** March 14, 2013  
**To:** Interested Person  
**From:** Staci Monroe, Land Use Services  
503-823-0624 / [staci.monroe@portlandoregon.gov](mailto:staci.monroe@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 30 days, **we need to receive your written comments by 5 p.m. on April 4, 2013.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 13-117456 AD AD AD, in your letter. It also is helpful to address your letter to me, Staci Monroe.

### **CASE FILE NUMBER: LU 13-117456 AD –CONVERT A DETACHED GARAGE INTO AN ACCESSORY DWELLING UNIT**

**Applicant:** Lionel Ramirez, 503-753-5538  
7025 SE 36th Avenue  
Portland OR, 97202

**Owner:** James and Anastasia Shulevitz  
2008 NE Siskiyou Street  
Portland, OR 97212-2465

**Site Address:** 2008 NE SISKIYOU STREET

**Legal Description:** BLOCK 26 N 1' OF LOT 19 LOT 20, IRVINGTON  
**Tax Account No.:** R420405720  
**State ID No.:** 1N1E26AA 17600  
**Quarter Section:** 2732  
**Neighborhood:** Irvington, contact Dean Gisvold at 503-284-3885.  
**Business District:** North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.  
**District Coalition:** NE Coalition of Neighborhoods, Shoshana Cohen at 503-388-5004.  
**Plan District:** None  
**Other Designations:** Irvington Historic District  
**Zoning:** R5 – Single Family Residential 5,000 zone  
**Case Type:** AD – Adjustment Review for 3 Adjustments  
**Procedure:** Type II, an administrative decision with appeal to the Adjustment Committee

**Proposal:**

The applicant seeks approval of three Adjustments to convert an existing detached garage into an Accessory Dwelling Unit (ADU). The existing single-story garage resides in the southeast

corner of the site, 29'-0" from the north property line along Siskiyou Street. The proposal includes a one-story addition at the north end of the structure reducing the setback from Siskiyou to 21'-0". The conversion of the garage into living area for an ADU requires the following three Adjustments:

Side & Rear Setbacks (Zoning Code Section 33.110.253.C & D)

In the R5 zone, the required side and rear building setback is 5'-0". The garage is located 1'-0" from the east property line and 2'-0" from the south property line. Section 33.110.253.C states that existing detached garages in the side and rear setbacks may be converted to another type of detached structure so long as they meet the regulations of Section 33.110.253.D. This section requires a 25'-0" from the side street lot line (21'-0" proposed), 24'-0" maximum dimension (28'-0" proposed), and may not include any living space (living unit proposed). Therefore, since the proposal does not meet these requirements, an Adjustment to the 5'-0" side and rear setback is necessary.

Accessory Dwelling Unit Design Standards (Zoning Code Section 33.202.030.C.8 and 11)

Section 33.202.030.D.4.d states when floor area is added to existing detached structures to allow for an ADU conversion, the entire structure must meet the design standards of Section 33.202.030.C. Given the addition on the north end, the structure would need to have a pitched roof with eaves of similar depth to match the house on the site. The existing condition of the garage, flat roof with a parapet and no eaves, is proposed to remain and a similar treatment is proposed on the addition, hence the Adjustment request.

Parking in Side Setback (Zoning Code Section 33.266.120.C.2)

Converting the garage relocates the required parking space to the driveway between the modified structure and the north lot line along Siskiyou. Zoning Code section 33.266.120.C.1.a states that required parking spaces are not allowed within a required side setback. In this case, the side setback is 5'-0". Zoning Code section 33.266.120.D.1 states that a parking space must be at least 9' wide by 18' deep, which results in a driveway at least 23'-0" in depth. The proposed driveway is 21'-0" in depth, hence the Adjustment request.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. 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 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 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 February 19, 2013 and determined to be complete on **March 11, 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 [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 %Appeal Body%. 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 fee waivers.** Multnomah County may cover the appeal fees for their recognized associations. An appeal filed by a recognized association must be submitted to the City with either the appropriate fee or the attached form signed by the County. Contact Multnomah County at 503-988-3043, 1600 SE 190<sup>th</sup>, Portland, OR 97233.

**APPEAL OF THE FINAL CITY DECISION**

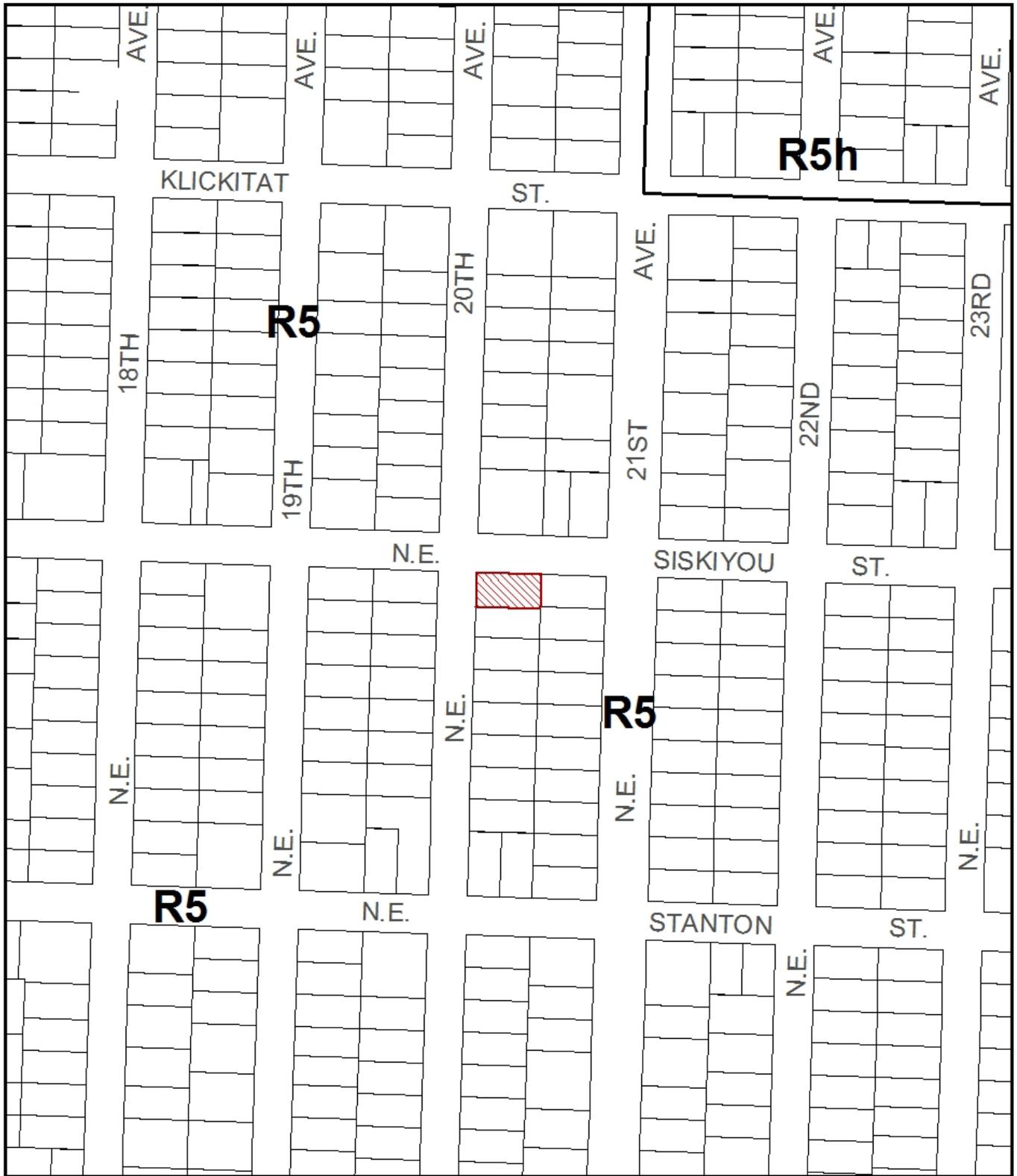
After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265. Issues that may provide the basis for an appeal to LUBA must be raised prior to the comment 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 and Building Elevations



# ZONING

 Site



This site lies within the:  
IRVINGTON HISTORIC DISTRICT

File No. LU 13-117456 HDZM  
 1/4 Section 2732  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E26AA 17600  
 Exhibit B (Feb 22, 2013)



