

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

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

FROM CONCEPT TO CONSTRUCTION

Date: March 29, 2013

To: Interested Person

From: Kathleen Stokes, Land Use Services

503-823-7843 / 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. Copies of the site plan, elevation drawings and zoning map are 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 April 19, 2013**. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 13-129471 AD, in your letter. It also is helpful to address your letter to me, Kathleen Stokes.

CASE FILE NUMBER: LU 13-129471 AD

Applicant: Kym Nguyen

Concept Design & Associates

PO Box 8464 Portland OR 97207

Owner: AAV One LLC

8733 SE Division St #201 Portland, OR 97266-1470

Site Address: 13715 SE RHONE ST

Legal Description: S 110' OF E 80.8' OF LOT 28, O'CONNOR PK

Tax Account No.: R623801140 **State ID No.:** 1S2E11DB 00200

Quarter Section: 3444

Neighborhood: Powellhurst-Gilbert, Mark White at 503-761-0222.

Business District: Midway, Bill Dayton at 503-252-2017.

District Coalition: East Portland Neighborhood Office, Richard Bixby at 503-823-4550.

Plan District: Johnson Creek Basin

Zoning: R5a (R5,000, High Density Single-dwelling Residential with an

Alternative Design Density Overlay)

Case Type: Adjustment

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

Proposal: The applicant is proposing to convert the existing garage on this site for use as an accessory dwelling unit. In addition to the interior remodeling, the conversion will include replacing the garage door with a new entry door and adding a covered front porch. The 550

square-foot unit will meet the size requirements for ADUs because it is less than 75% of the size of the 852 square-foot primary dwelling unit. The height standard is also met, because the structure is less than 18 feet tall, at the average height of the highest gable. The special setback standard for ADUs requires that the building be set back 60 feet from the front property line or 6 feet behind the main house. This structure does not meet this standard because it is not set back 60 feet and is situated adjacent to the west side of the primary dwelling unit. Exceptions to this standard are approved through Adjustment Reviews, if all of the relevant approval criteria are met or if the criteria can be met through conditions of approval. Therefore, the applicant is requesting approval of an Adjustment to Code section 33.205.030 D.1, to reduce the required setback from the front property line, from 60 feet to 39 feet, thereby allowing the structure to be located next to the west side of the main house.

Standards for creating accessory dwelling units address the following purposes:

- Ensure that accessory dwelling units are compatible with the desired character and livability of Portland's residential zones;
- Respect the general building scale and placement of structures to allow sharing of common space on the lot, such as driveways and yards;
- Ensure that accessory dwelling units are smaller in size than houses, attached houses, or manufactured homes; and
- Provide adequate flexibility to site buildings so that they fit the topography of sites.

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 March 19, 2013 and determined to be complete on March 27, 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.

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.

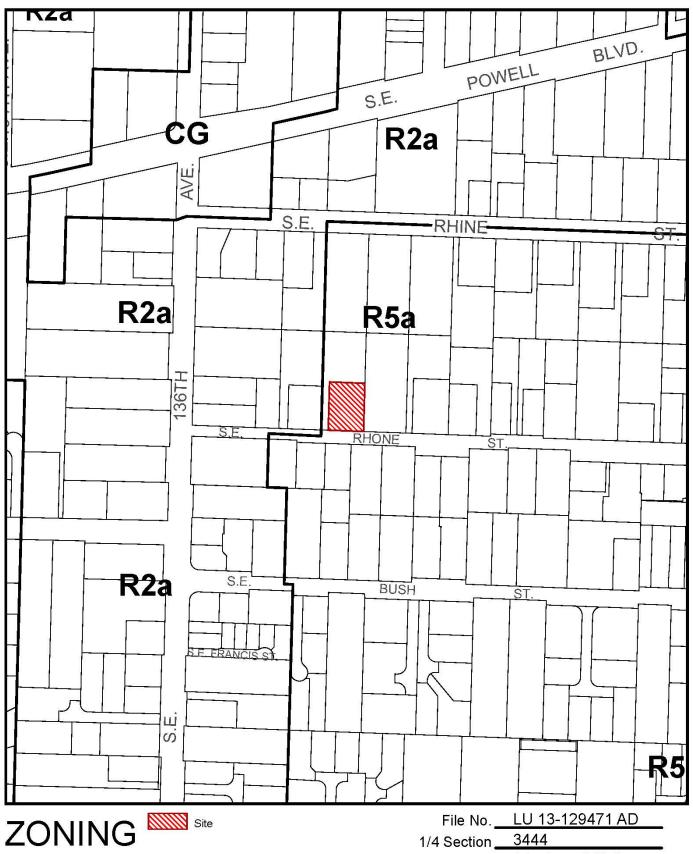
APPEAL OF THE FINAL CITY DECISION

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



3444 1/4 Section_ 1 inch = 200 feet Scale. 1S2E11DB 200 State_Id .

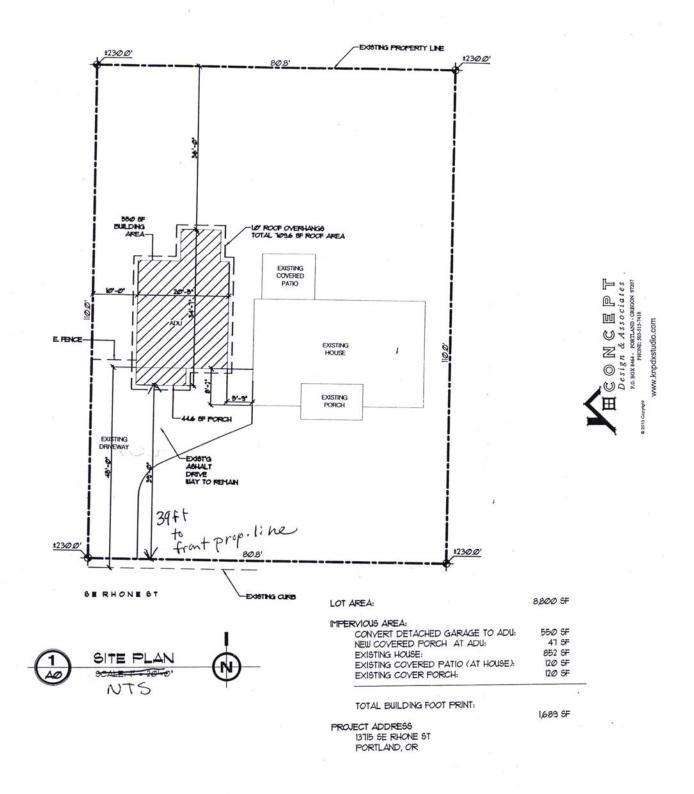
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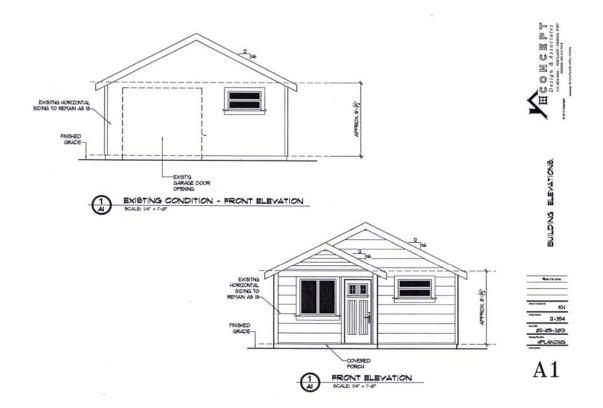
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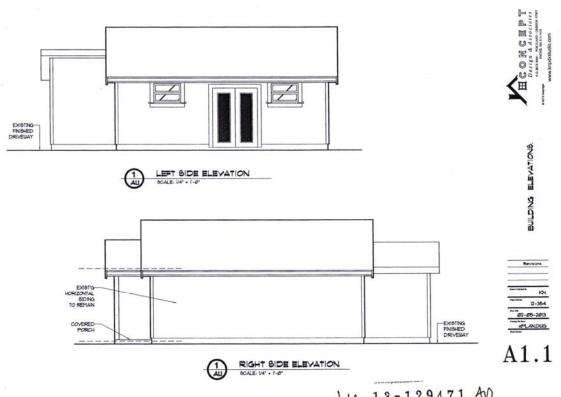
Exhibit_

NORTH

This site lies within the: JOHNSON CREEK BASIN PLAN DISTRICT







LN 13-129471 AD