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

Date: April 5, 2013

To: Interested Person

From: Sheila Frugoli, Land Use Services
503-823-7817 / Sheila.Frugoli@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 April 26, 2013**. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 13-129202 AD, in your letter. It also is helpful to address your letter to me, Sheila Frugoli, Senior Planner.

CASE FILE NUMBER: LU 13-129202 AD

Applicant: Denny Boone, Contractor
Boone Remodel, Inc.
8835 SW Canyon Ln
Portland OR 97225

Owner: Virginia B Wheeler
2142 SW Laurel St
Portland, OR 97201-2368

Site Address: 2142 SW LAUREL ST

Legal Description: BLOCK 88 LOT 7&8 TL 4800, CARTERS ADD TO P
Tax Account No.: R140406350
State ID No.: 1S1E04CB 04800
Quarter Section: 3227

Neighborhood: Southwest Hills Residential League, contact Nancy Seton at 503-224-3840.
Business District: None
District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.

Plan District: None
Zoning: R10, Single-Dwelling Residential 10,000

Case Type: AD, Adjustment Review
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal: In order to construct a new 3-car detached garage, the applicant is requesting an Adjustment to reduce the required 10 foot side and rear setback to allow the garage to be located within 5 feet of both the south (rear) and east (side) property lines. And, a 1-foot deep roof eave will extend within 4 feet of the south and east property lines, respectively. There will be no door and window openings on the south and east building walls.

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. The relevant criteria are:

A. Granting the adjustment will equally or better meet the **purpose** of the regulation to be modified;

33.110.220.A Purpose: The setback regulations for buildings and garage entrances serve several purposes:

- They maintain light, air, separation for fire protection, and access for fire fighting;
- They reflect the general building scale and placement of houses in the city's neighborhoods;
- They promote a reasonable physical relationship between residences;
- They promote options for privacy for neighboring properties;
- They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;
- They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity; and
- They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.

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 C, E, or I zone, the proposal will be consistent with the desired character of the area; and

E. Any impacts resulting from the adjustment are mitigated to the extent practical.

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 April 3, 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.

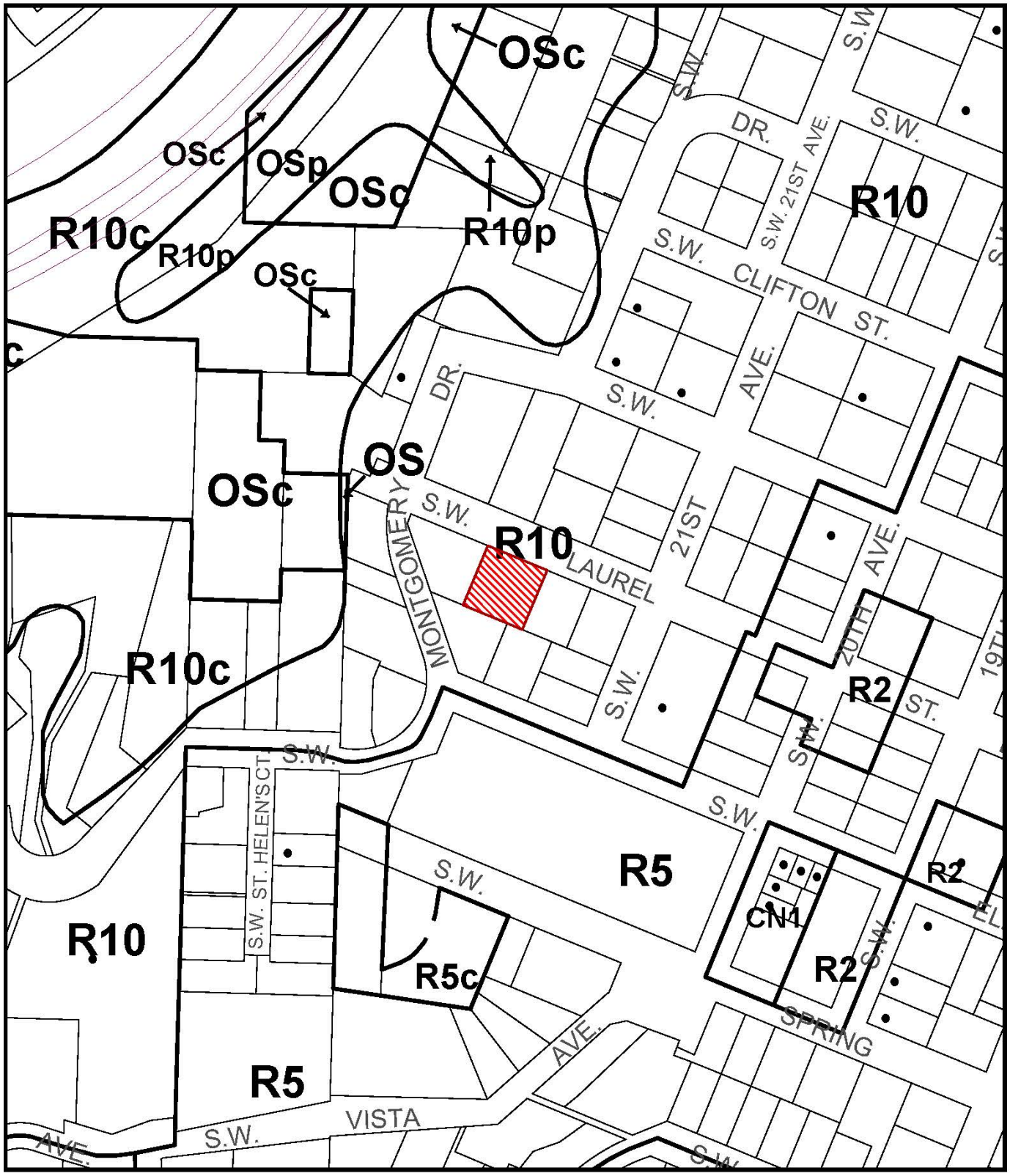
There is a fee charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver.

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
North and West Elevations – Proposed Garage
South and East Elevations – Proposed Garage



ZONING

Site

Historic Landmark

NORTH

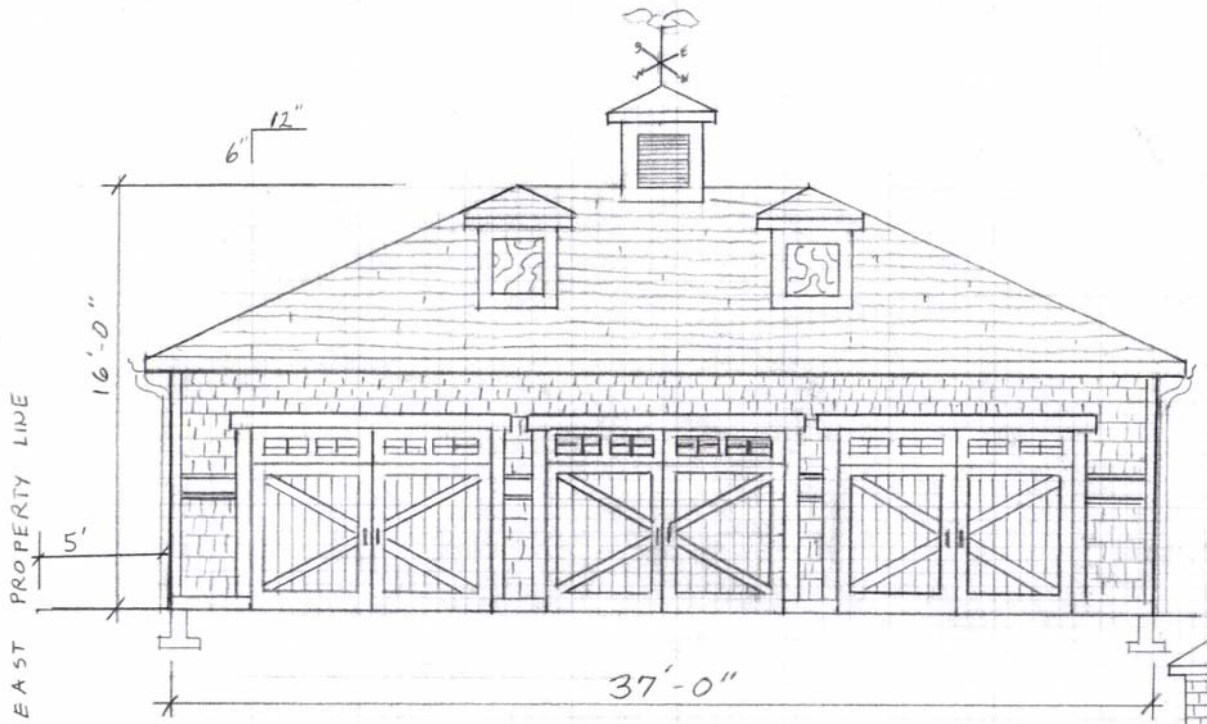
File No.	LU 13-129202 AD
1/4 Section	3227
Scale	1 inch = 200 feet
State_Id	1S1E04CB 4800
Exhibit	B (Mar 20,2013)

SITE PLAN

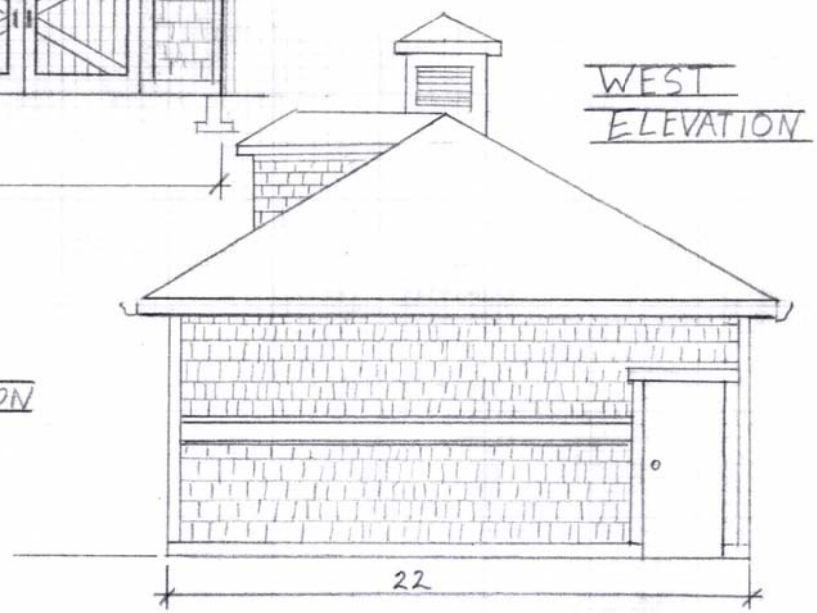
SCALE 1" = 10'-0"

OWNER: GINNY WHEELER
2142 SW LAUREL
PORTLAND OR 97225
3.19.13

13-129202 AD



NORTH ELEVATION



WEST ELEVATION

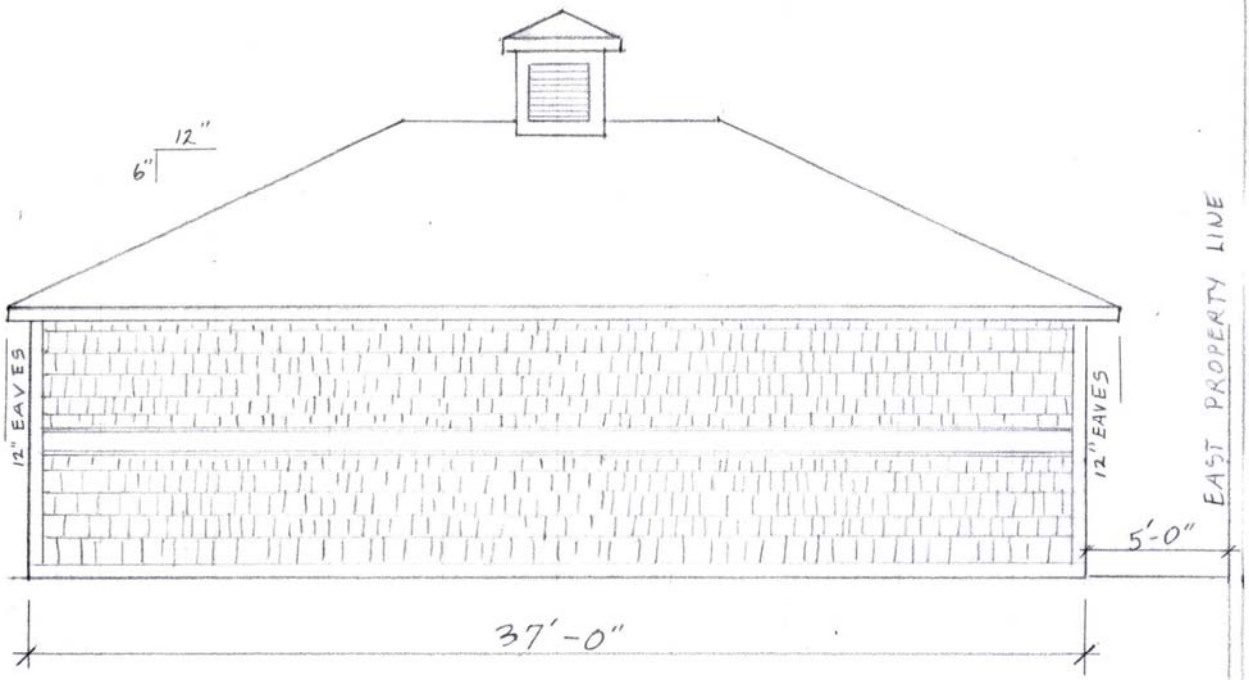
GINNY WHEELER

SCALE 1/4" = 1'-0"

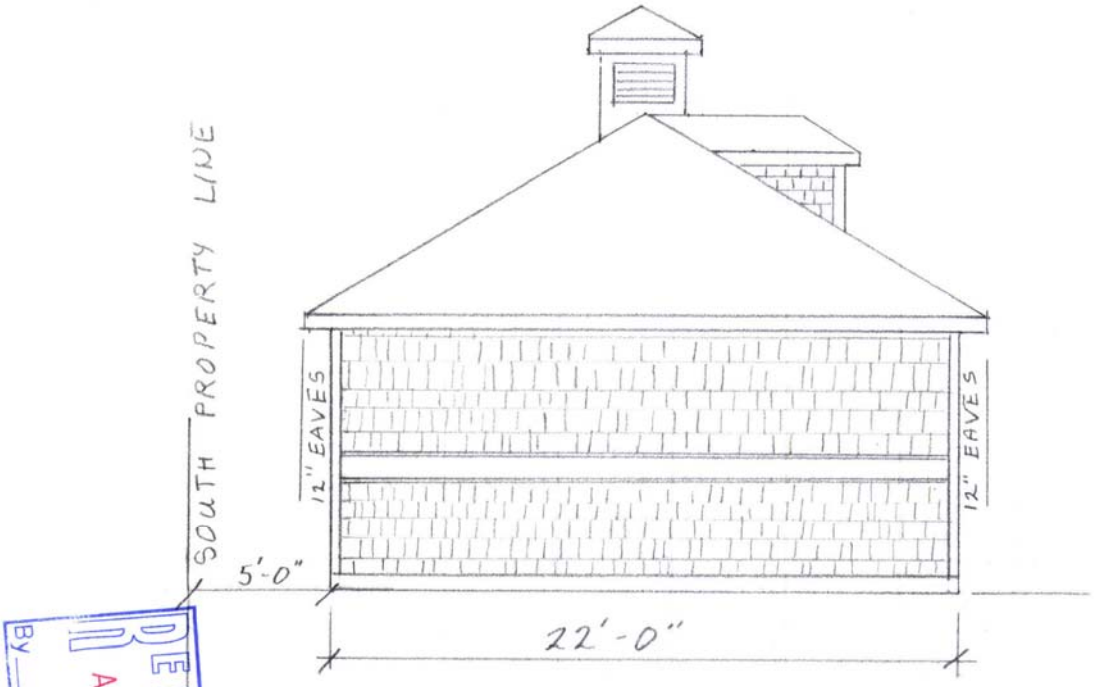
GARAGE ADDITION

DATE 3/19/13

LN 13-129202 AD



SOUTH ELEVATION



EAST ELEVATION

SCALE 1/4" = 1'-0"

LU 13-129202 AD

GINNY WHEELER

SINGLE STORY GARAGE

2145 SW LAUREL ST PORTLAND OR 97201

RECEIVED
APR 02 2013
BY