

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 23, 2013 **To:** Interested Person

From: Kate Marcello, Land Use Services

503-823-7538 | kate.marcello@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 Tuesday, May 14, 2013. Please mail or deliver your comments to the address at the bottom of the page, and include the case file number, LU 12-207136 DZM, in your letter. It also is helpful to address your letter to me, Kate Marcello.

CASE FILE NUMBER: LU 12-207136 DZM New Single-Family House on Future Flag Lot

Applicant: Todd Hutchinson | (503) 725-5549

5324 SE 89th Ave | Portland, OR 97266-3822

Owners: Malcolm, Lynette and Todd Hutchinson

5324 SE 89th Ave $\,|\,$ Portland, OR $\,97266\text{-}3822$

Site Address: 5324 SE 89th Avenue

Legal Description: BLOCK 1 S 1/2 OF LOT 9, EVERGREEN PK

Tax Account No.: R262100370 **State ID No.:** R262100370 1S2E16BD 10000

Quarter Section: 3539

Neighborhood: Lents; contact Cora Potter at 503-823-4550

Business District: 82nd Avenue

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

4550

Plan District: None

Zoning: Residential 2,000 (R2) base zone;

Alternative Design Density (a) overlay zone

Case Type: Design Review (DZ)

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

Commission)

PROPOSAL: The applicant requests Design Review approval for a new single-family house on a future flag lot. The existing lot located at 5324 SE 89th Avenue will undergo a Land Division – Partition (case number LU 12-143733 LDP), so that the flag lot can be created. This Design Review must be approved before the Land Division process can be completed.

The existing lot is 8,300 square feet in area. After the Land Division – Partition, the flag lot will be 3,512 square feet in area, and the lot where the existing house is located will be about 4,785 square feet in area.

A driveway comprised of pervious pavers will provide access to the new house. A parking space for the new house will be located at the end of the driveway, in the southeast corner of the flag lot.

The new house will have a footprint of approximately 544 square feet. The one-story portion of the house will be clad in vertical wood siding and have composite slate roofing. A concrete patio approximately 96 square feet in area will be located at the main entrance and will wrap around the south façade.

Two stacked steel shipping/cargo containers will comprise the two-story portion of the new house. The footprint of the shipping containers is 20'-0" long x 8'-0" wide. The total height of the containers is 17'-8". An entry door will be installed on the south elevation of the ground-floor container. Wood stairs located on the north façade will provide access to the entry door of the second-floor container. An eco-roof will be located atop the second-floor container.

Per 33.405.070.D of the Zoning Code, proposals taking advantage of the provisions of the Alternative Design Density ("a") Overlay Zone must meet the Community Design Standards or be approved through Design Review. This proposal is taking advantage of the "a" overlay zone, but the proposal does not meet the Community Design Standards. Therefore, Design Review is required prior to the issuance of building permits and prior to approval of the associated Land Division – Partition (LU 12-143733 LDP).

A Modification is requested as part of this Design Review. In the *Parking and Loading* chapter of the Zoning Code, 33.266.120.D.2 states: "The minimum driveway width on private property is 9 feet." A section of the existing driveway is 6'-0" wide, adjacent to an existing large evergreen tree to be retained. This 6'-0"-wide section of the driveway will be part of the driveway used to access the new house on the flag lot. Therefore, a Modification is needed.

RELEVANT APPROVAL CRITERIA: In order to be approved, this proposal must comply with the approval criteria of Title 33 (Portland Zoning Code). The relevant criteria are:

- The Community Design Guidelines
- 33.825.040.A through B: Approval Criteria for Modification through Design Review

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 20, 2012 and determined to be complete on April 15, 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, or
- 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 Design Commission. 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.

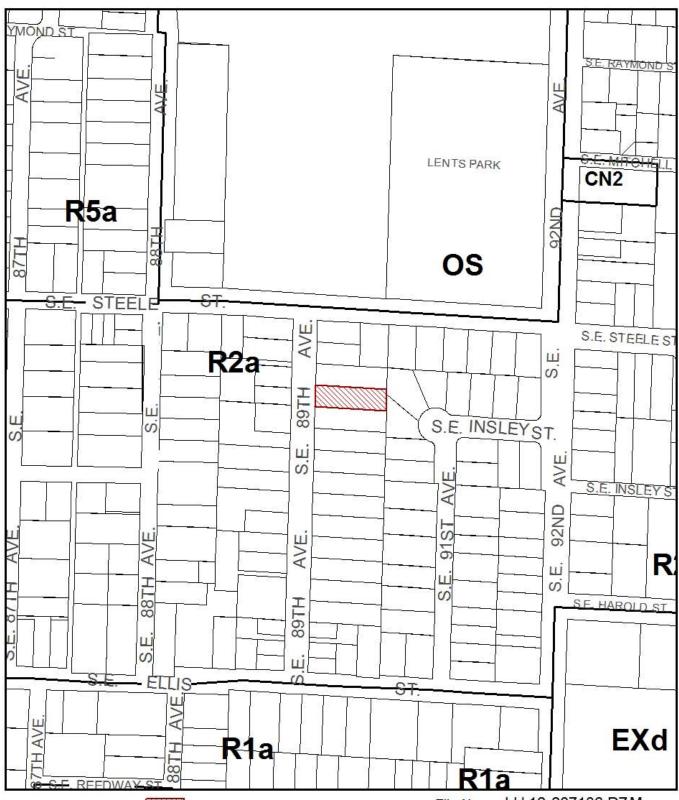
APPEAL OF THE FINAL CITY DECISION

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 Proposed Site Plan Proposed Elevation Drawings



ZONING

Site

File No. LU 12-207136 DZM

1/4 Section 3539

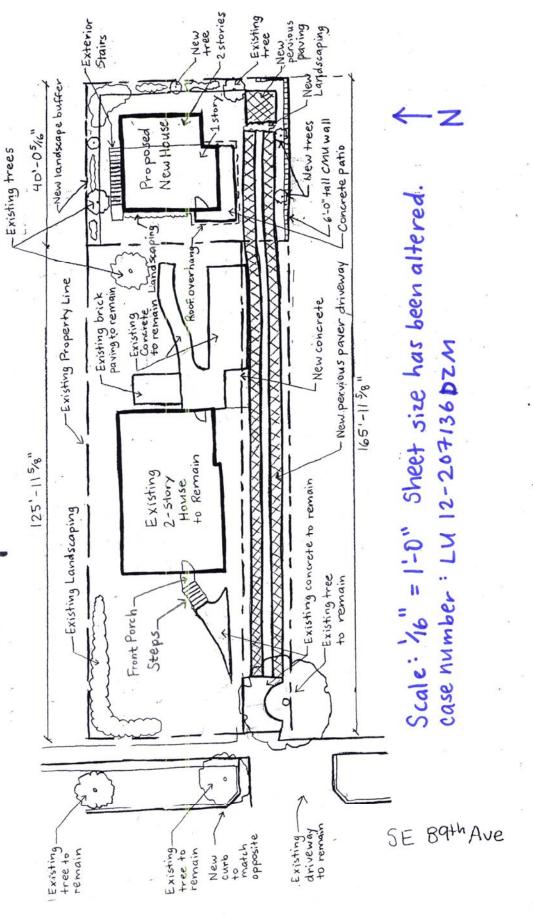
Scale 1 inch = 200 feet

State_Id 1S2E16BD 10000

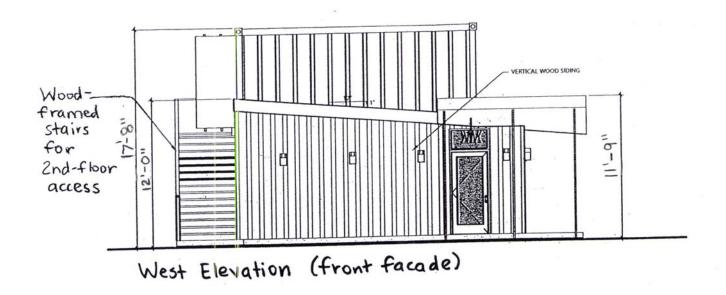
Exhibit B (Nov 20,2012)

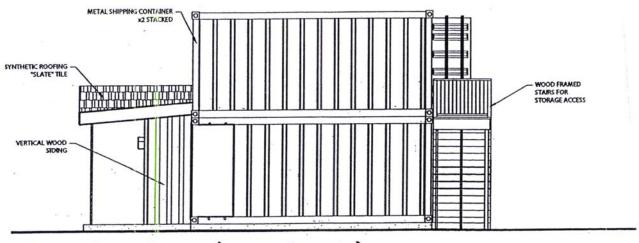


Proposed Site Plan



Proposed New House



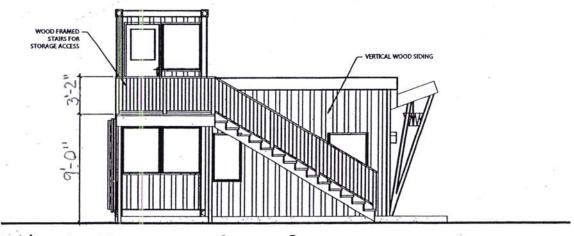


East Elevation (rear facade)

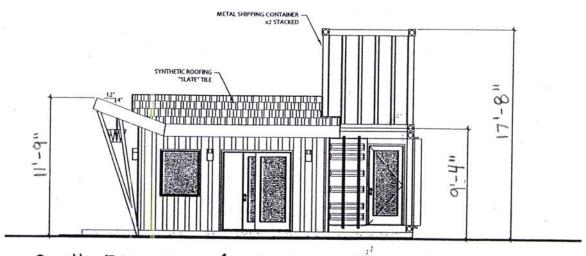
case number: LU 12-207136 DZM

Scale: 18" = 1'-0" Sheet size has been altered.

Proposed New House



North Elevation (side facade)



South Elevation (side facade)

case number: LU 12-207136 DZM

Scale: 1/8" = 1'-0" Sheet size has been altered.