



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

FROM CONCEPT TO CONSTRUCTION

Charlie Hales, Mayor
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www.portlandoregon.gov/bds

Date: April 26, 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 May 17, 2013.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 13-136473 AD, in your letter. It also is helpful to address your letter to me, Kathleen Stokes.

CASE FILE NUMBER: LU 13-136473 AD

Applicant: David B Hinckley
4805 NE 106th Ave
Portland, OR 97220

Site Address: 4805 NE 106TH AVE

Legal Description: BLOCK 7 LOT 18, PARKROSE & RPLT
Tax Account No.: R647301270
State ID No.: 1N2E22BC 01700
Quarter Section: 2541

Neighborhood: Parkrose Neighborhood Assoc., contact EPNO at 503-823-4550.
Business District: Parkrose Business Association, David Ableidinger at 503-258-2607.
District Coalition: East Portland Neighborhood Office, Richard Bixby at 503-823-4550.

Zoning: CGh, General Commercial, with an Aircraft Landing (height) Overlay

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

Proposal: The applicant is proposing to construct a new garage on this site. The proposed structure would be about 199 or 200 square feet in size, with a height of 10 feet, to the ridge point. The proposed location is in the southwest corner of the property, about one-foot away from the south side and rear or west property lines. In the commercial zones, residential uses are allowed, but for most development, the same standards apply, whether the use is residential or commercial. In the CG zone, there are no building setback requirements except for instances where the property is abutting the property line of a residentially-zoned lot. In those instances, a 5-foot building setback is required, for building walls that are no more than 15 feet tall. This site abuts a residentially-zoned property on the south side. Exceptions to this setback standard are approved through Adjustment Reviews, when 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 33.130.215, to reduce the minimum 5-foot setback from the south side property line to one-foot for the wall of the proposed garage and zero feet for the roof eave.

The purpose statement for the regulation states that, "The required building setbacks promote streetscapes that are consistent with the desired character of the different commercial zones. The setback requirements for areas that abut residential zones promote commercial development that will maintain light, air and the potential for privacy for adjacent residential zones."

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 April 5, 2013 and determined to be complete on April 24, 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.

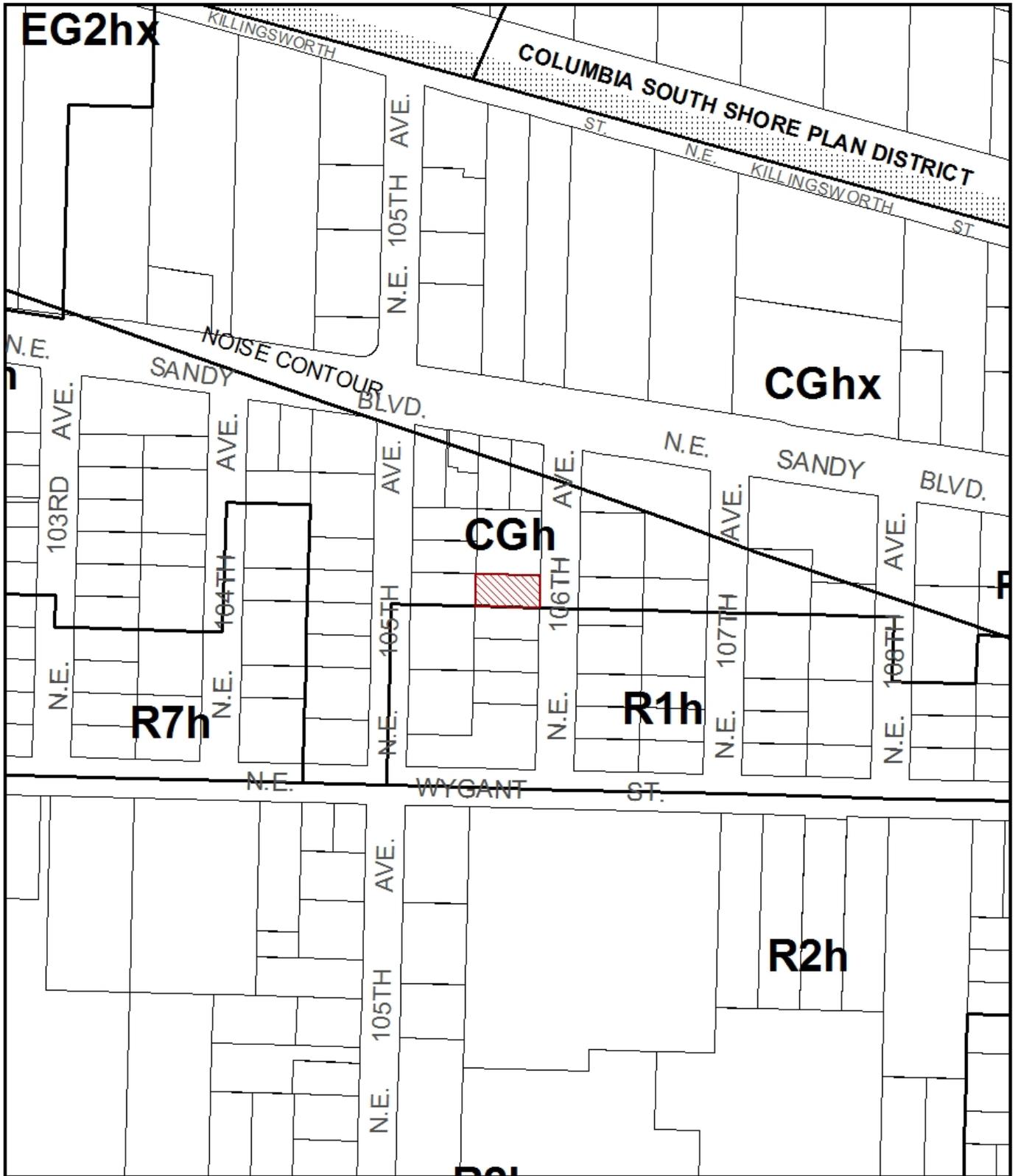
APPEAL OF THE FINAL CITY DECISION

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:

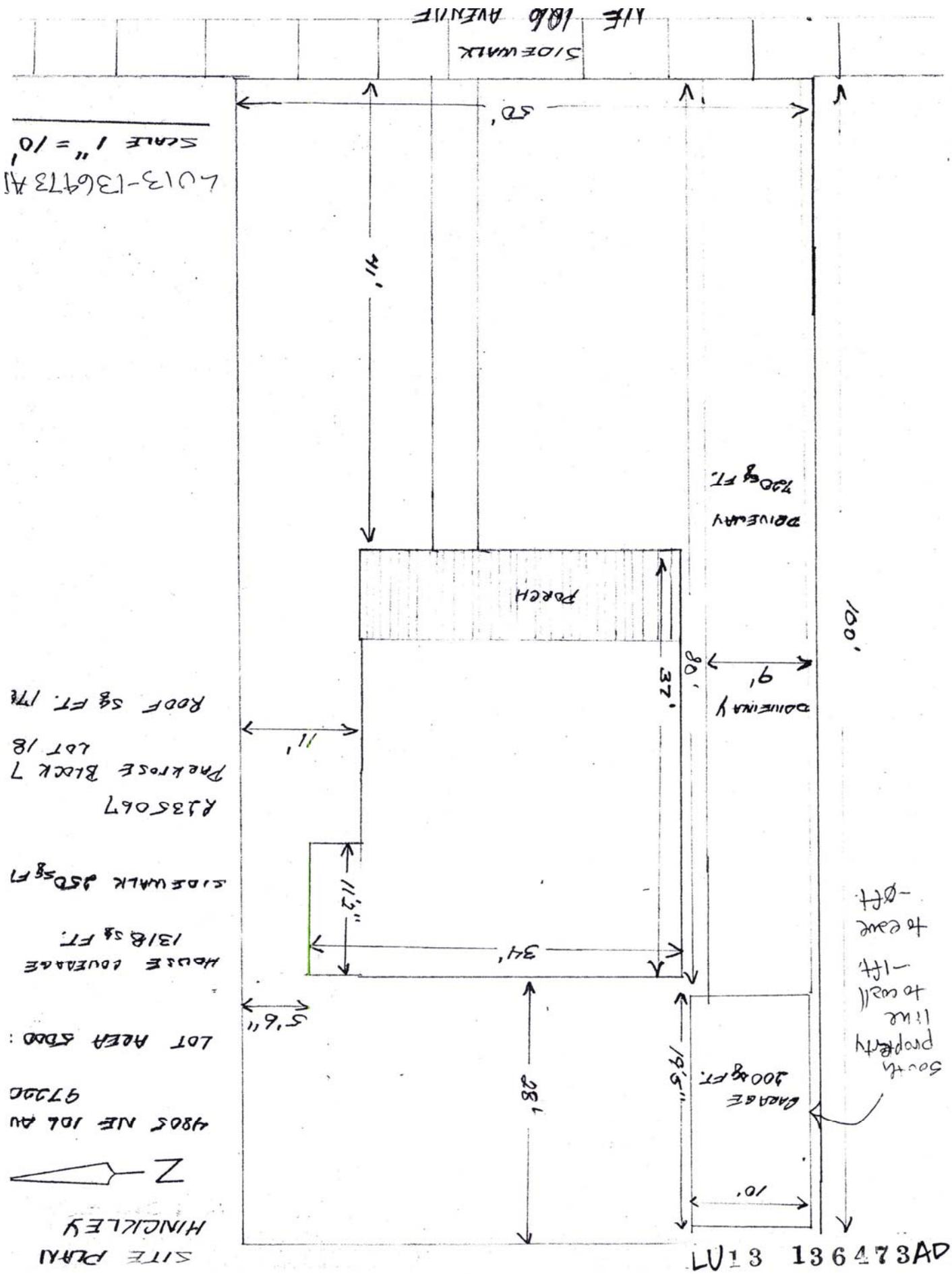
Zoning Map
Site Plan
Elevation Drawings



ZONING



File No.	<u>LU 13-136473 AD</u>
1/4 Section	<u>2541</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N2E22BC 1700</u>
Exhibit	<u>B (Apr 09, 2013)</u>



L013-136473A1
 SCALE 1" = 10'

ROOF 58 SQ. FT. 176
 LOT 18
 PARCELS BLK 7
 R235067

SIDE WALK 250 SQ. FT.
 HOUSE COVERAGE
 1318 SQ. FT.

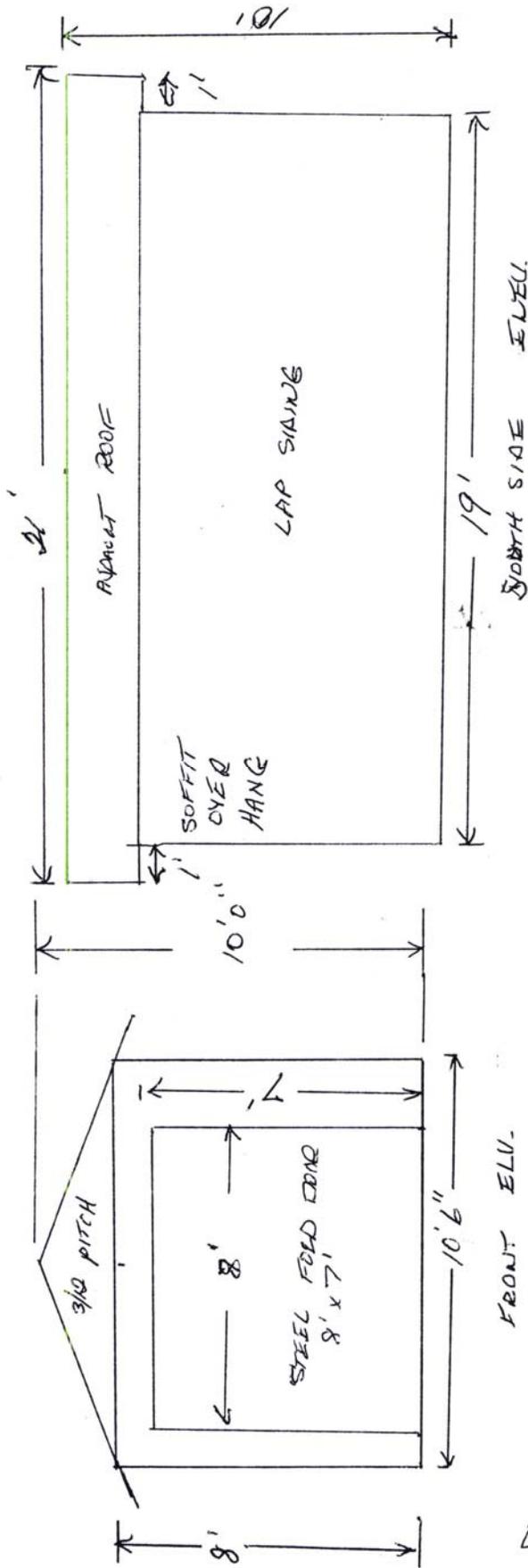
LOT AREA 5000
 4805 NE 106 AV
 97300

SITE PLAN
 HINGLLEY

DAB2749318136473AD

199 SQ FT GARAGE

10'6" WIDE x 19' DEEP



ON 6" CONCRETE PAD

LO13-136473 AD
DAVID HINCKLEY
4805 NE 106 AVE
PORTLAND 97240