

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

Fax: (503) 823-5630 TTY: (503) 823-6868

www.portlandoregon.gov/bds

Charlie Hales, Mayor Paul L. Scarlett, Director

Phone: (503) 823-7300

FROM CONCEPT TO CONSTRUCTION

Date: May 3, 2013

Interested Person To:

From: Kathleen Stokes, Land Use Services

503-823-7843 / Kathleen.Stokes@portlandoregon.gov

# REVISED NOTICE OF A TYPE II PROPOSAL IN YOUR NEIGHBORHOOD

Development has been proposed in your neighborhood that requires a land use review. **This is** the second notice of this proposal because the first notice did not include an additional Adjustment to the minimum floor area requirement, which is described more fully, below.

The proposal, review process, and information on how to respond to this notice are also 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 24, 2013. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 13-115408 AD, in your letter. It also is helpful to address your letter to me, Kathleen Stokes.

## CASE FILE NUMBER: LU 13-115408 AD

**Applicant:** Kevin Partain, Urban Visions

> 223 NE 56th Ave Portland, OR 97213

Owner: Frank Gandette, Kimco Properties

> PO Box 1540 Sandy OR 97055

Site Address: 1921 N SCHOFIELD ST

Legal Description: BLOCK 22 LOT 33, KENTON

R445910720, R445910720, R445910710 Tax Account No.:

State ID No.: 1N1E09DA 09801, 1N1E09DA 09801, 1N1E09DA 09800

2228 Quarter Section:

Neighborhood: Kenton, contact Steve Rupert at 503-317-6573.

**Business District:** Kenton Business Association, Jessie Burke at 971-404-9673. Interstate Corridor Business Association, Alexsandra Johnson at 503-735-4420.

North Portland Neighborhood Services, Mary Jaron Kelley at 503-823-

**District Coalition:** 

Plan District: Kenton (also Kenton Historic Conservation District)

Zoning: R2ad (R2,000, Low Density Multi-dwelling Residential, with Alternative

Design Density Overlay and Design Overlay)

Case Type: Adjustment Review

Procedure: Type II, administrative decision with appeal to Adjustment Committee. **Proposal:** The applicants are proposing construction of two new single-dwelling residences on two existing 25-foot-wide lots. The proposed structures include elements that are required to meet the standards of the R2 base zone and also the Community Design Standards, which are a means of meeting the requirements of the Design Overlay designation. One of these elements, a covered front entry porch that has a minimum area of six feet in width and four feet in depth extends into the required side building setback. The porch decks and posts are proposed to be located two feet from the side property lines on each lot and the roofs on the porches would extend to one foot from the side property lines. Exceptions to development standards are approved through Adjustment Reviews when the relevant approval criteria are met or if the criteria can be met through conditions of approval. Therefore, the applicants are requesting adjustments to Code Section 33.120.220 B, to reduce the minimum building setbacks for the proposed porches, from 5 feet to 2 feet from the side property lines and also to reduce the minimum setback for the porch roof eaves, from four feet to one foot from the respective side property lines for each lot.

These lots are also located in the Kenton Plan District. The plan district includes special regulations for floor area for some areas. These lots are located in an area that requires a minimum Floor Area Ratio (FAR) of 1:1. This means that there must be an amount of floor area in the structures on each lot that is equal to the area of the lot. In this case, the regulation requires that each 2,500 square-foot lot have 2,500 square feet of floor area in the structures that are on the lot. The proposed residences have approximately 2,000 square feet of floor area. The applicants are requesting approval of an Adjustment to Code Section 33.538.230 to waive the minimum FAR requirement for the proposed development.

The purpose of building setback requirements are to maintain light, air, separation for fire protection, and access for fire fighting. Setback standards also reflect the general building scale and placement of development in the City's neighborhoods and promote a reasonable physical relationship between residences. They promote options for privacy for neighboring properties and 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.

The purpose of the minimum floor area requirement in the Kenton Plan District is to ensure a level of development along Denver Avenue that is compatible with the existing buildings.

**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 February 12, 2013 and determined to be complete on April 2, 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.

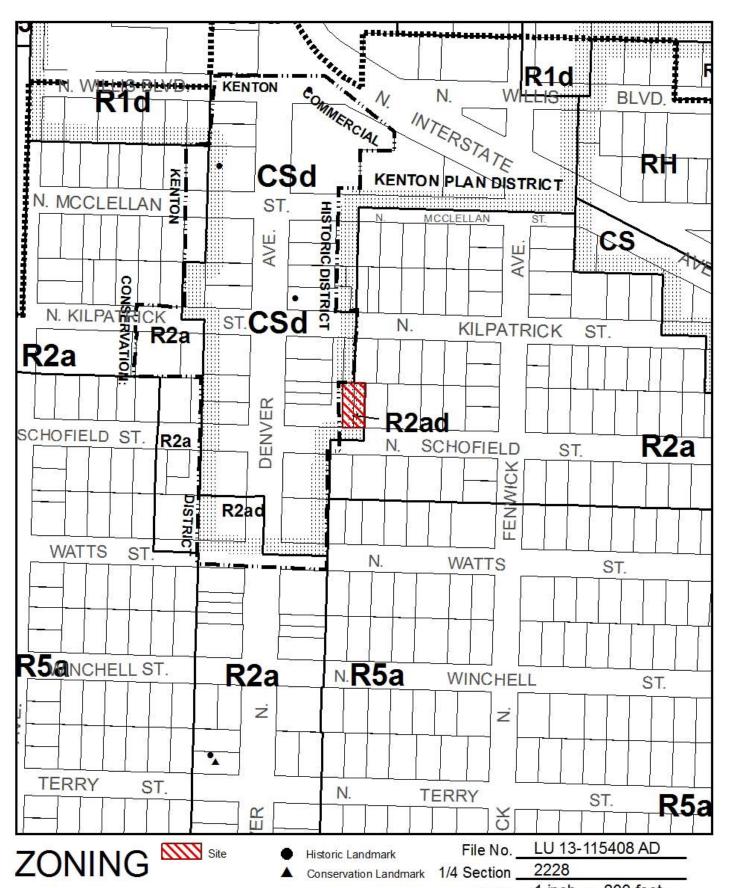
### APPEAL OF THE FINAL CITY DECISION

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:**

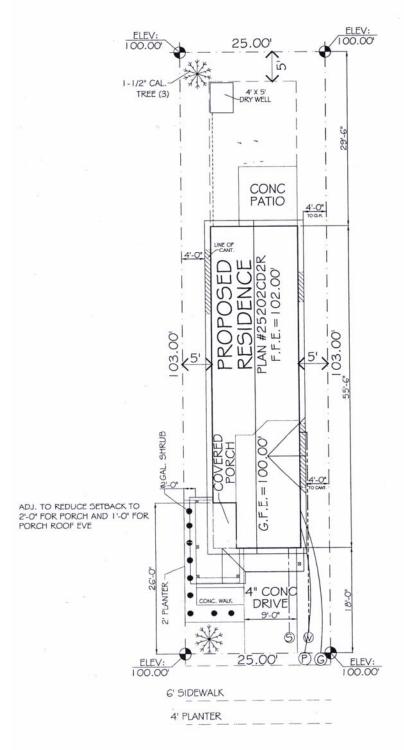
Zoning Map Site Plan Elevation Draw



NORTH

KENTON PLAN DISTRICT AREA

1 inch = 200 feet Scale 1N1E09DA 9800 State Id В (May 01,2013) Exhibit

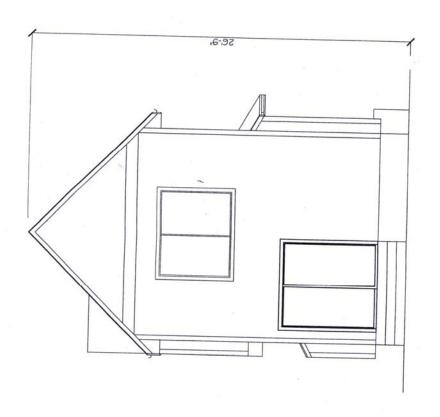


N SCHOFIELD AVE.

<b>IMPERVIOUS</b>	SURFACE	AR

DRIVEWAY	162 SQ F	
PATIO	100 SQ F	
PORCH	97 SQ F	
HOUSE (INC. EAVES)	1063 SQ	
TOTAL	1422 SQ	

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# REAR ELEVATION

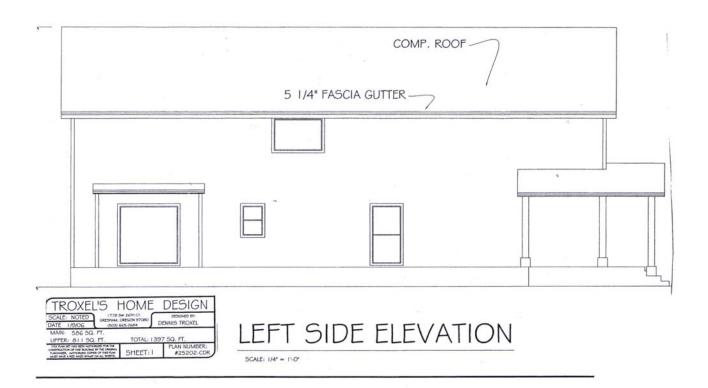
FRONT ELEVATION

SCALE: 1/4" = 1'-0"

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DECO ROCK 24" MIN . ON FRONT FACADE 0-9 COMP. ROOFING — 2" X 8" BARGE BD. (TYP.) / 5 1/4" FASCIA GUTTER — 24" DECORATIVE VENT 3 I/2\* TRIM @ WINDOWS # EXT. DRS. (TP.) " LAP SIDING @ ALL SIDES 5/4 X 4" CORNER BDS. 8" DECO POST-

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