City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

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

Date: June 10, 2013

To: Interested Person

From: Mark Bello, Land Use Services
503-823-7810 / Mark.Bello@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 July 1, 2013**. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 13-110211 AD, in your letter. It also is helpful to address your letter to me, Mark Bello.

CASE FILE NUMBER: LU 13-110211 AD

Owner: Kevin B Coleman
5105 SE 41st Ave
Portland, OR 97202

Applicant: Richard Ellison
Richard Ellison Remodel And Repair
2828 SE Ankeny St.
Portland, OR 97214

Site Address: 5105 SE 41ST AVE

Legal Description: BLOCK 10 LOT 4, PORTERS ADD
Tax Account No.: R667201290
State ID No.: 1S1E13AD 00400
Quarter Section: 3534

Neighborhood: Woodstock, contact Terry Griffiths at 503-771-0011.
Business District: Woodstock Community Business Association, contact Sean Daugherty at 503-754-2636.
District Coalition: Southeast Uplift, contact Bob Kellett at 503-232-0010.

Zoning: R5 Residential 5,000

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

Proposal: The applicant proposes to "legalize" a detached structure built within a five-foot minimum setback area along the south/side property line. The requested adjustment to this development standard is to reduce the minimum setback from five feet to zero feet.

Relevant Approval Criteria:
In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are:

- [Adjustment] Approval Criteria, Section 33.805.040

(Web link: http://www.portlandoregon.gov/bps/article/54249)

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 January 29, 2013 and determined to be complete on June 6, 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.

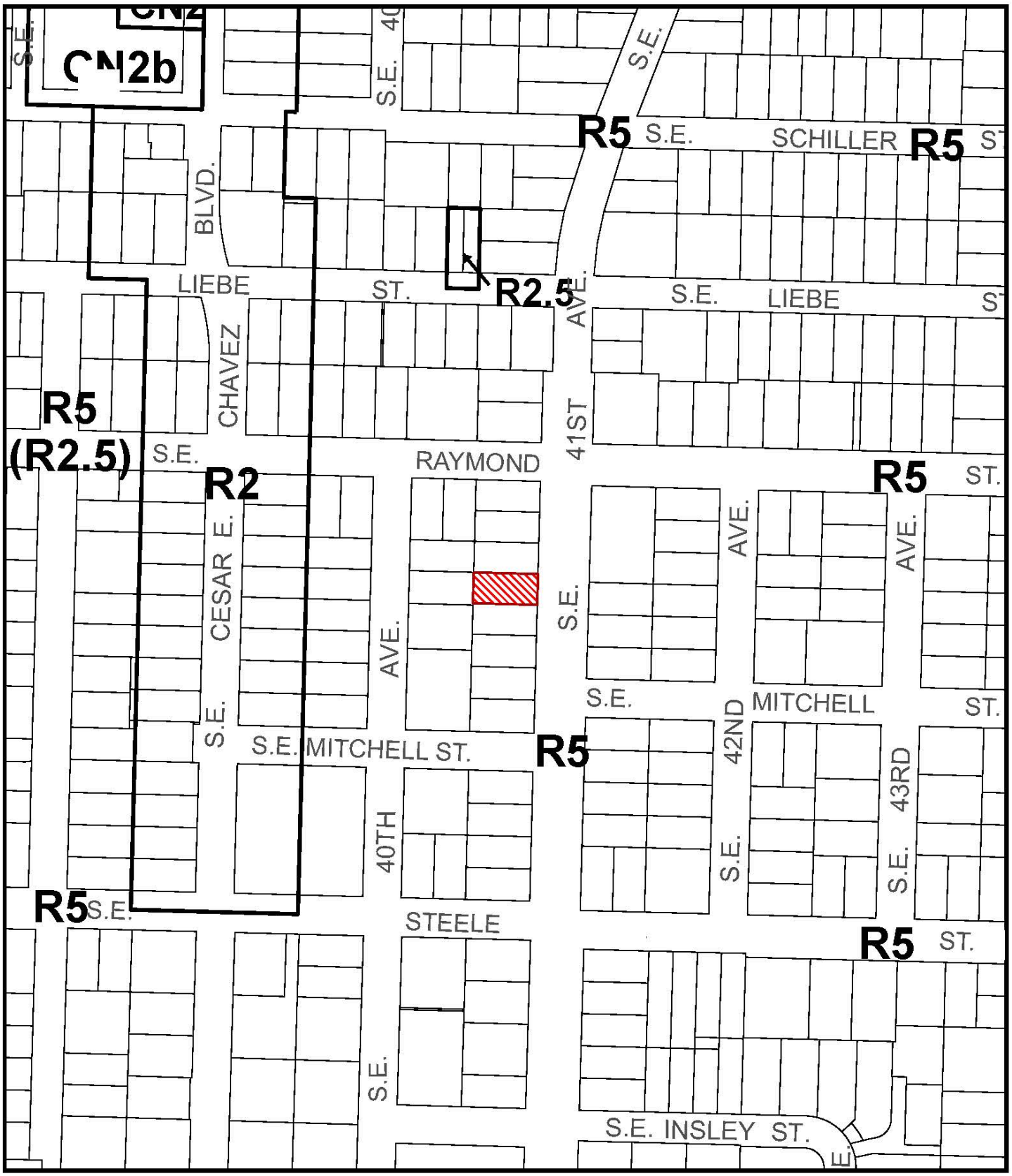
APPEAL PROCESS
If you disagree with the Bureau of Development Services administrative decision, you can appeal the decision to the Adjustment Committee. This review body will hold a public hearing for the appeal. When the decision is mailed, the criteria used to make the decision and information on how 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
Elevations

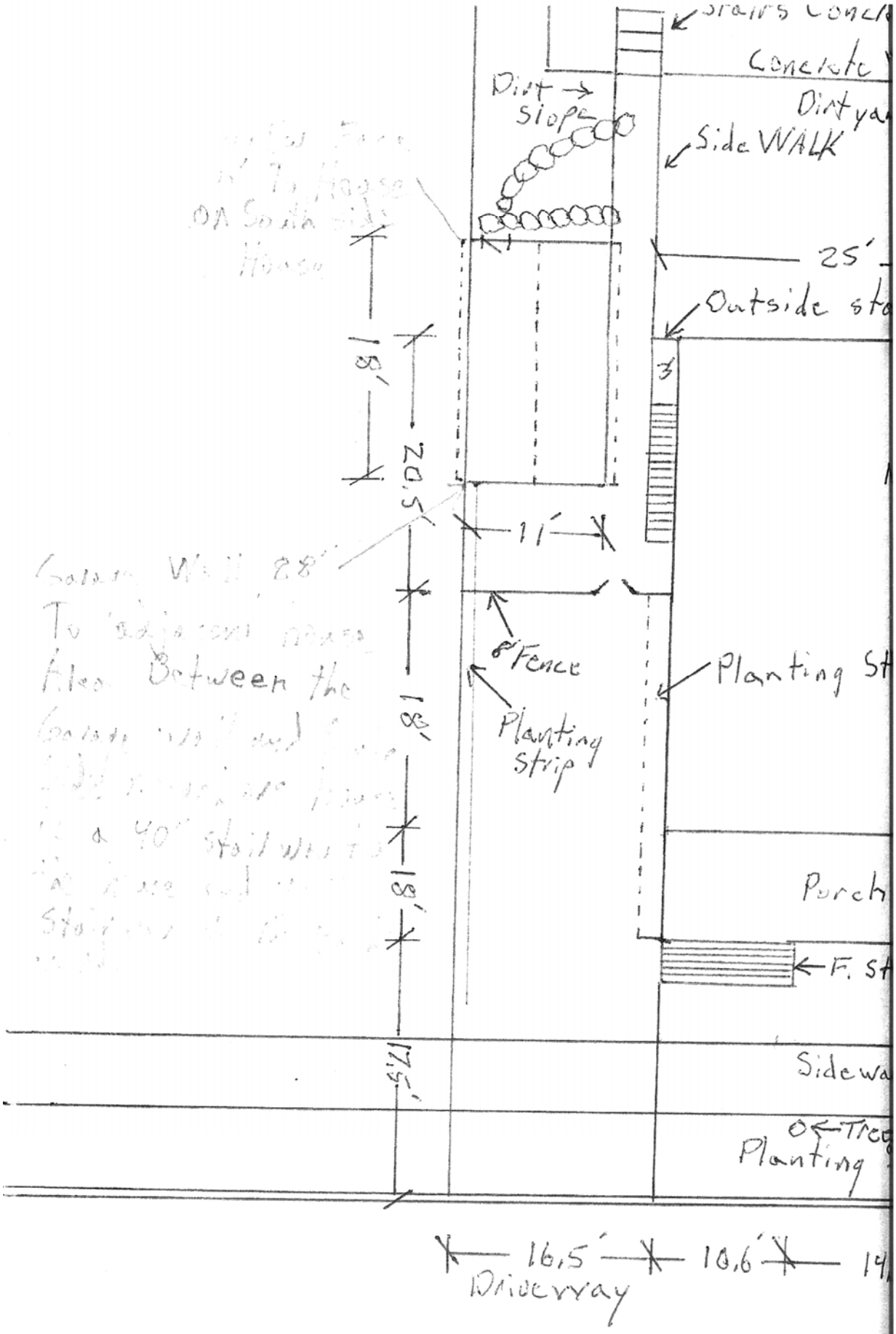


ZONING

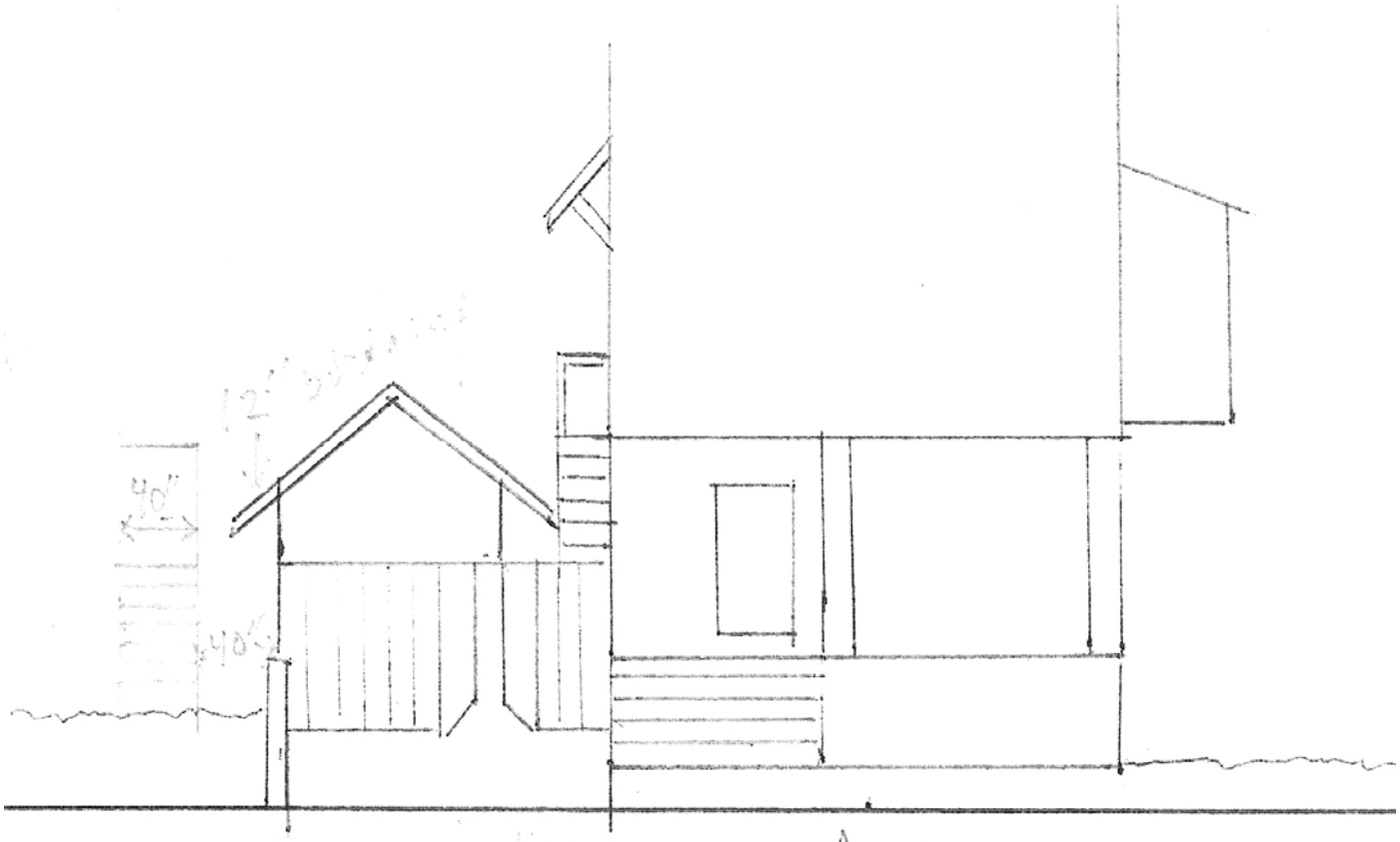
Site

NORTH

File No. LU 13-110211 AD
1/4 Section 3534
Scale 1 inch = 200 feet
State_Id 1S1E13AD 400
Exhibit B (Jan 29,2013)


Stairs Concr
Concrete
Dirt yar
Dirt → Slope
Side WALK
25'
Outside sta
3
18'
20.5'
11'
8' Fence
Planting Strip
Planting St
18'
18'
Porch
F. St
17.5'
Sidewa
Tree
Planting
16.5'
10.6'
Driveway

Side Facing North



Front of House

4

ADJUSTMENT
5' → 0'