

To:

City of Portland, Oregon **Bureau of Development Services**

Land Use Services

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner Paul L. Scarlett, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

Date: August 27, 2013 Interested Person

Kathleen Stokes, Land Use Services From:

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 September 17, 2013. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 13-160924 AD, in your letter. It also is helpful to address your letter to me, Kathleen Stokes.

CASE FILE NUMBER: LU 13-160924 AD

Applicant: Nick York, Balanced Energy Solutions

> 612 NE 74th Avenue Portland, OR 97213

Dennis Meiners and Leslie Lee **Owners:**

> 8225 SW 3rd Avenue Portland, OR 97219-4659

Site Address: 8225 SW 3RD AVE

Legal Description: BLOCK 33 LOT 3, CARSON HTS

Tax Account No.: R139704850 State ID No.: 1S1E22CC 02900

Quarter Section: 3828

Neighborhood: South Burlingame, contact Betsy Shand at 503-545-8331.

Business District:

District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.

R5 (R5,000, High Density Single-Dwelling Residential) Zoning:

Case Type: Adjustment Review

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

Proposal: The property owners are proposing to convert their existing garage to living space. The garage door would be replaced with windows and the driveway in front of the garage would be used for the legal on-site parking space. The Zoning Code requires that there be at least one on-site parking space. The space must be at least 9 feet wide and 18 feet deep and must be located outside of the 10-foot-deep front building setback area. Exceptions to this requirement 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 applicant is requesting approval of an Adjustment to Code Section 33.266.120 C, to reduce the required setback for the parking space from 10 feet to 6 feet from the front property line.

The purpose statement for this regulation is as follows: The size and placement of vehicle parking areas are regulated in order to enhance the appearance of neighborhoods.

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 May 29, 2013 and determined to be complete on August 23, 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.

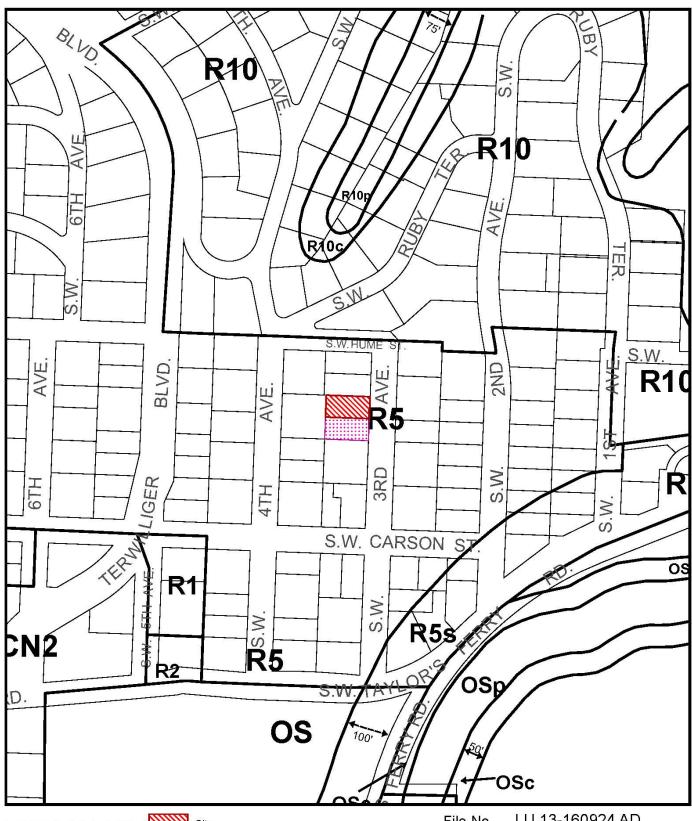
APPEAL OF THE FINAL CITY DECISION

After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, 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 Site Also Owned



LU 13-160924 AD File No. 3829 1/4 Section_ 1 inch = 200 feet Scale, 1S1E22CC 2900 State_ld Exhibit_ В (Jun 03,2013)



