



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner  
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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** September 10, 2013  
**To:** Interested Person  
**From:** Sheila Frugoli, Land Use Services  
503-823-7817 / [Sheila.Frugoli@portlandoregon.gov](mailto:Sheila.Frugoli@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 October 1, 2013.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 13-194015 AD, in your letter. It also is helpful to address your letter to me, Sheila Frugoli, Senior Planner.

## **CASE FILE NUMBER: LU 13-194015 AD**

**Applicant/Owner:** Kathleen Keppinger  
1983 SW Carter Lane  
Portland, OR 97201-2478

**Site Address:** 2862 NW WESTOVER RD

**Legal Description:** BLOCK 3 LOT 15, WESTOVER TERR  
**Tax Account No.:** R900000690  
**State ID No.:** 1N1E32AB 04500  
**Quarter Section:** 2926

**Neighborhood:** Hillside, contact Peter Stark at 503-274-4331. Northwest District, contact John Bradley at 503-313-7574.

**Business District:** None  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

**Plan District:** None  
**Zoning:** R7, Single-Dwelling Residential 7,000 zone

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

**Proposal:** The applicant is requesting an Adjustment Review to waive the required five foot setback for both the side building setback and the garage front entrance setback. The applicant intends to enlarge the existing garage, converting it from a one-car to a two-car garage. The existing garage is built up to the front property line. The garage addition will be

located within the front setback area, adjacent to the northwest property line. The western abutting lot is currently vacant and also owned by the applicant. A deck, with a railing, will be constructed on the roof of the proposed garage. The enclosed site plan, garage plan and exterior elevations illustrate the proposal.

The Portland Zoning Code allows garages to extend within 5 feet of the front property line if the lot is steeply sloped.

**Relevant Approval Criteria:** In order to be approved, this proposal must comply with the approval criteria of Title 33. Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. of Section 33.805.040, Adjustment Approval Criteria have been met. The relevant criteria are:

- A.** Granting the adjustment will equally or better meet the **purpose** of the regulation to be modified;

**33.110.220.A Purpose:** The setback regulations for buildings and garage entrances serve several purposes:

- They maintain light, air, separation for fire protection, and access for fire fighting;
- They reflect the general building scale and placement of houses in the city's neighborhoods;
- They promote a reasonable physical relationship between residences;
- They promote options for privacy for neighboring properties;
- They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;
- They 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; and
- They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.

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 C, E, or I zone, the proposal will be consistent with 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
- E.** Any impacts resulting from the adjustment are mitigated to the extent practical.

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 August 16, 2013 and determined to be complete on September 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](http://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.

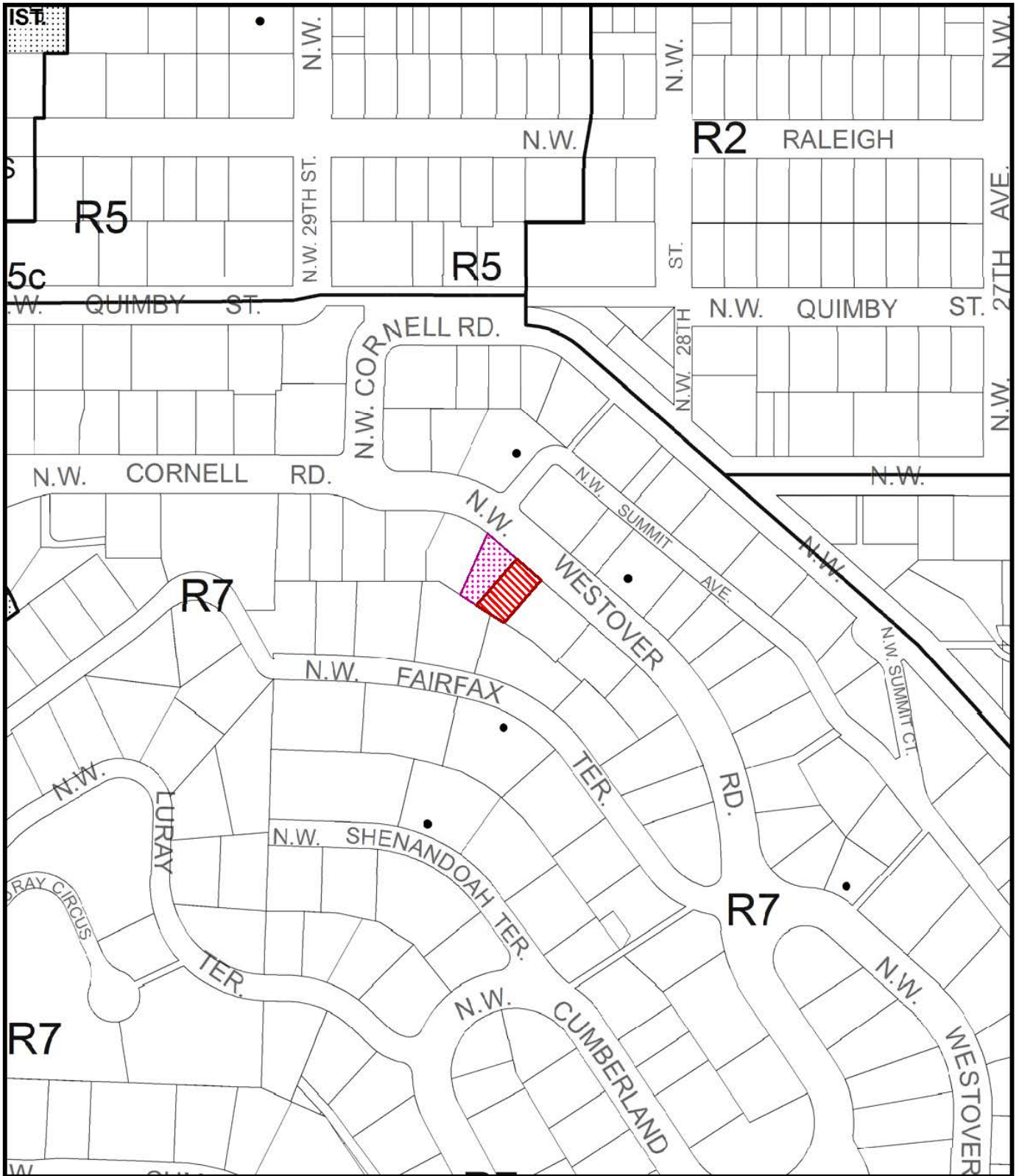
#### **APPEAL OF THE FINAL CITY DECISION**

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  
Proposed Garage Floor Plan  
Proposed Exterior Elevations

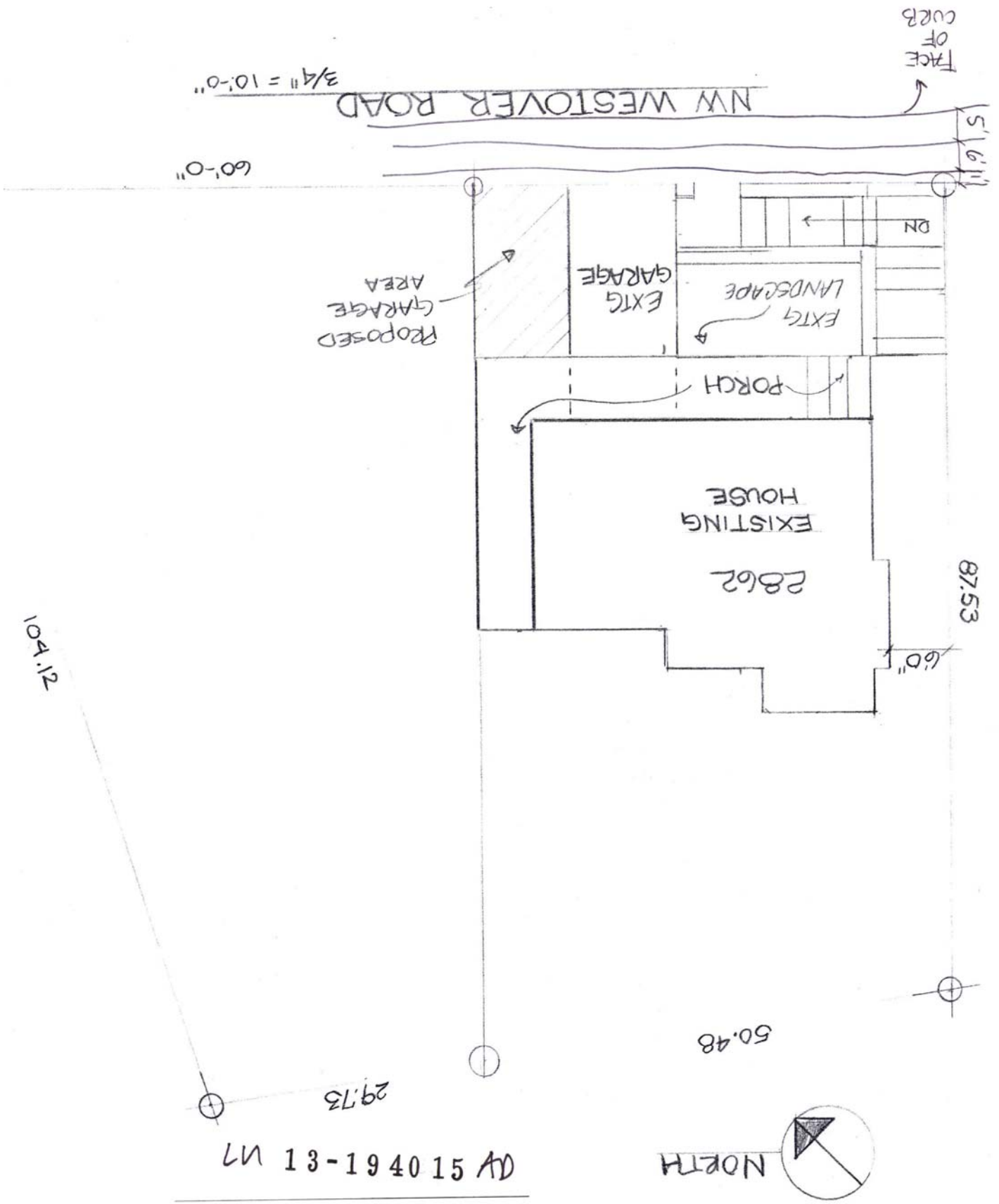


# ZONING

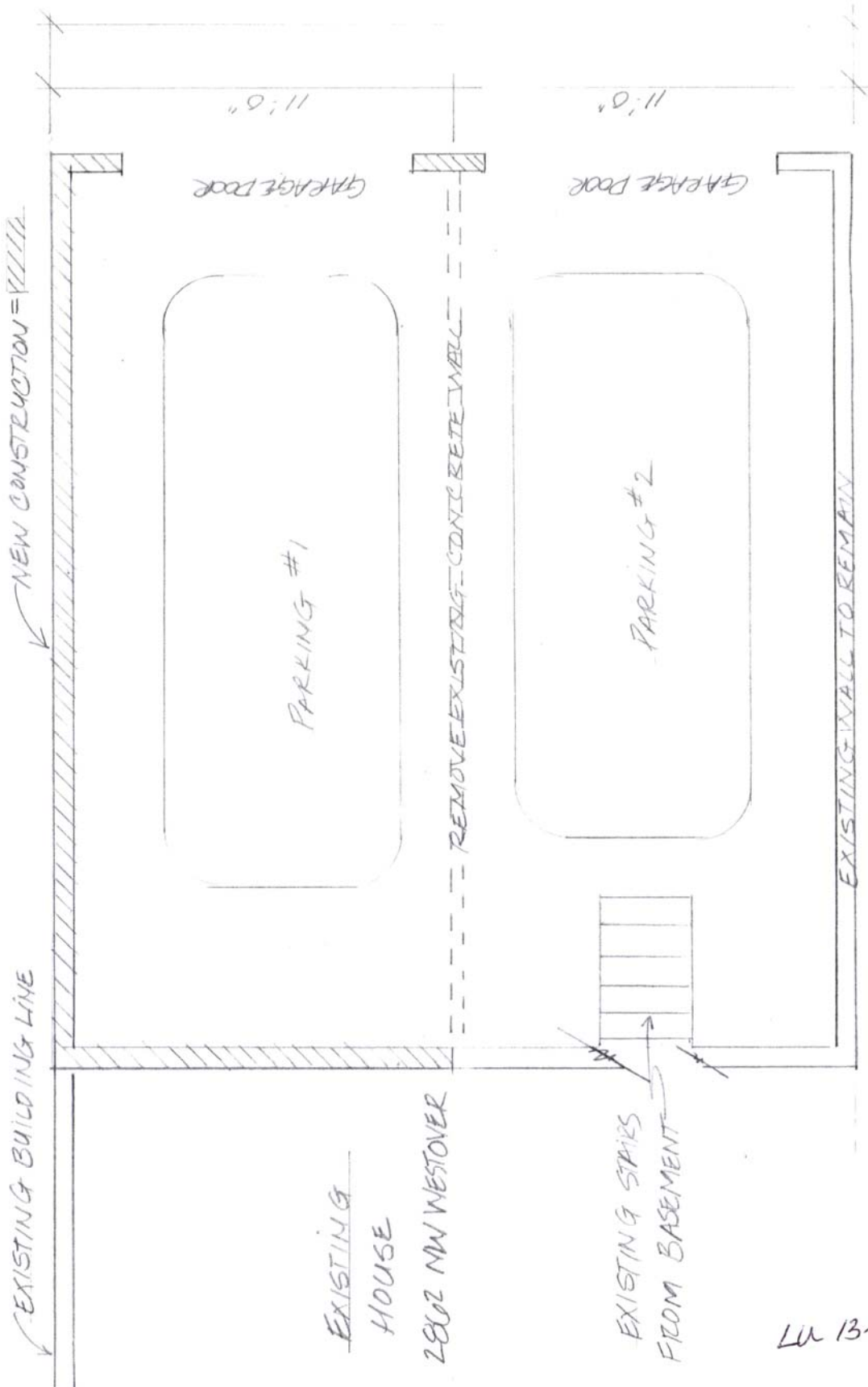
-  Site
-  Also Owned
-  Historic Landmark



File No. LU 13-194015 AD  
 1/4 Section 2926  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E32AB 4500  
 Exhibit B (Aug 21, 2013)

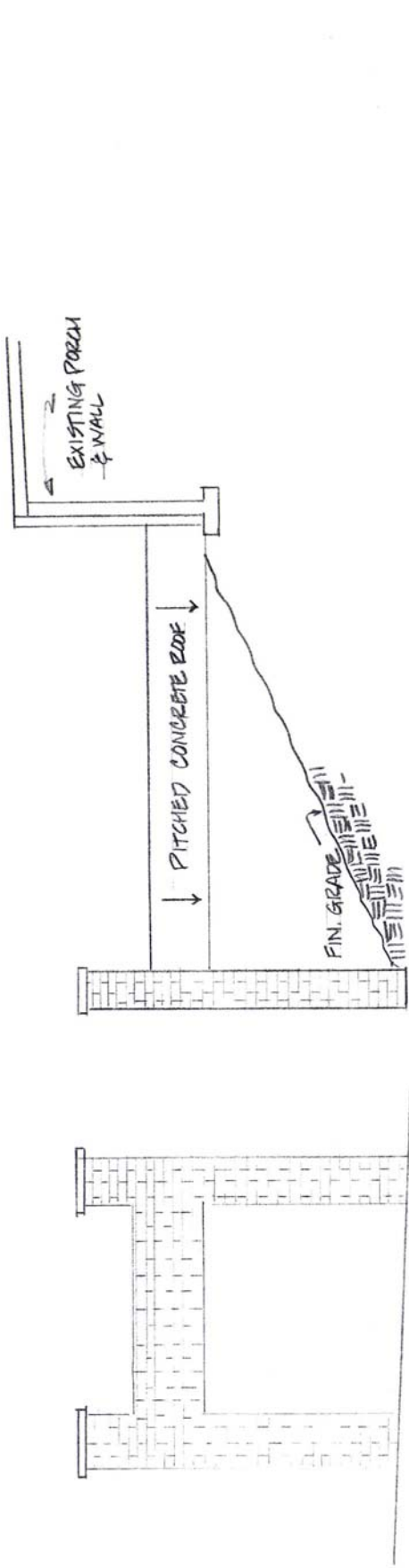


NW WESTOVER ROAD



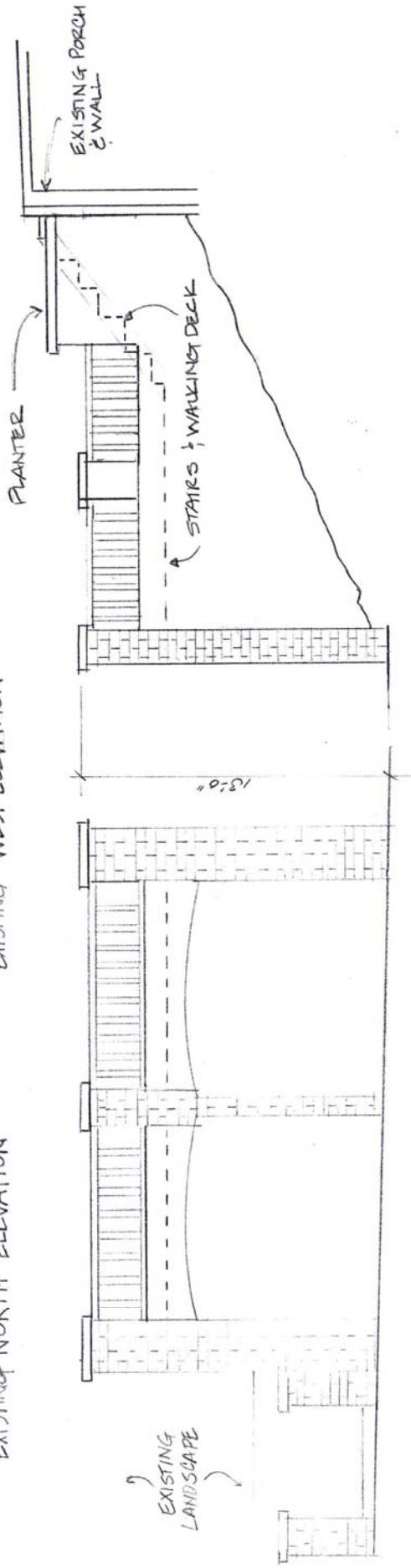
GARAGE PLAN  
SCALE 1/4" = 1'-0"

LU 13-194015 AD



EXISTING WEST ELEVATION

EXISTING NORTH ELEVATION



PROPOSED WEST ELEVATION

PROPOSED NORTH ELEVATION