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: November 5, 2013

To: Interested Person

From: Amanda Rhoads, Land Use Services
503-823-7837 / Amanda.Rhoads@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 November 26, 2013**. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 13-216527 AD, in your letter. It also is helpful to address your letter to me, Amanda Rhoads.

CASE FILE NUMBER: LU 13-216527 AD

Applicant: Fred Winter
Sellwood Remodeling & Management
PO Box 82081
Portland, OR 97282

Owner: Patrick Kessi
PHK NM LLC
PO Box 10163
Portland, OR 97296

Site Address: 4731 N WILLAMETTE BLVD

Legal Description: BLOCK 1 LOT 14, COLLEGE CREST
Tax Account No.: R169200180
State ID No.: 1N1E17BB 15500
Quarter Section: 2325
Neighborhood: University Park, contact Andrew Noethe at 503-679-2347.
Business District: North Portland
District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.
Plan District: None
Zoning: R5s – Residential 5,000 with Scenic Resources Overlay Zone
Case Type: AD – Adjustment
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal:
The applicant has proposed to convert the existing attached garage into living space. The conversion of the garage into living area moves the parking pad on the site out of conformance with the Zoning Code's setback standards. Zoning Code section 33.266.120.C.1.a states that required parking spaces are not allowed within the first ten feet from a front lot line or in a required front setback. In this case the front setback required is ten feet. Zoning Code section 33.266.120.D.1 states that a parking space must be at least 9 feet wide by 18 feet in depth.

The Zoning Code allows a garage with an associated driveway to be set back 18 feet from a front property line in this zone. However, if a garage is not located at the end of a driveway, the Zoning Code requires the 18-foot-deep parking pad to be located entirely outside of the required 10 ft. front setback. This standard requires driveways not leading to garages to be at least 28 feet in depth.

In this case, the applicants' driveway is 25 feet 6 inches long between the front property line and the proposed living area. The applicant has requested an Adjustment to allow car parking in 2.5 feet of the ten-foot required front setback.

Note: The applicant's driveway only measures 25 feet 6 inches long along the western edge of the driveway. The house angles away from the street, meaning the driveway is 2 feet 2 inches longer measured on the east side of the driveway. The applicant is requesting the largest Adjustment needed, 2.5 feet into the front setback, to ensure the entire driveway is in compliance.

The Adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations.

Relevant Approval Criteria:
Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. below have been met.

- **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 an 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 *(not applicable)*
- **D.** City-designated scenic resources and historic resources are preserved; *(not applicable)*
- **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; *(not applicable)*

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 October 29, 2013 and determined to be complete on November 1, 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.

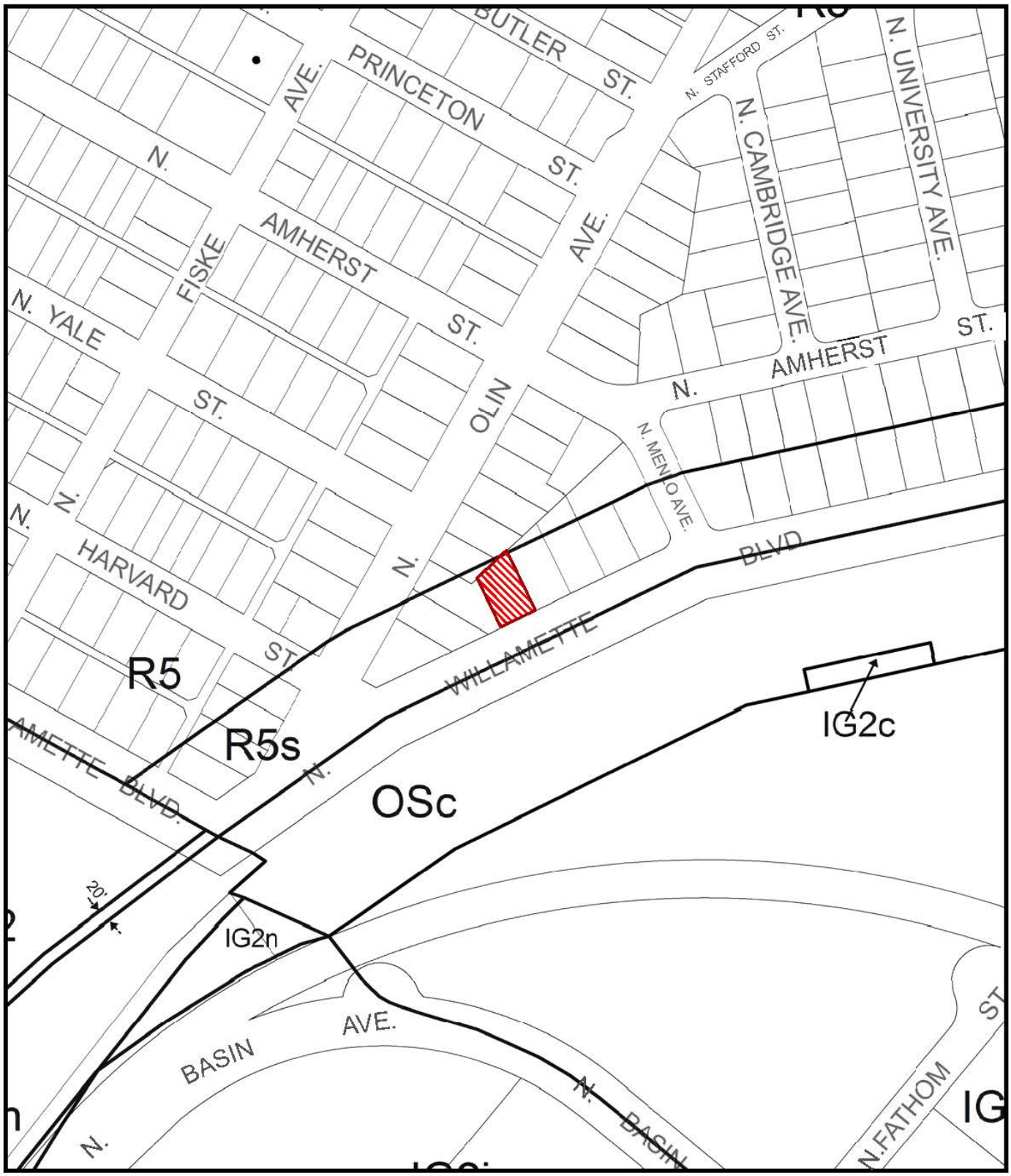
There is a fee charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver.

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 97301-1283. 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



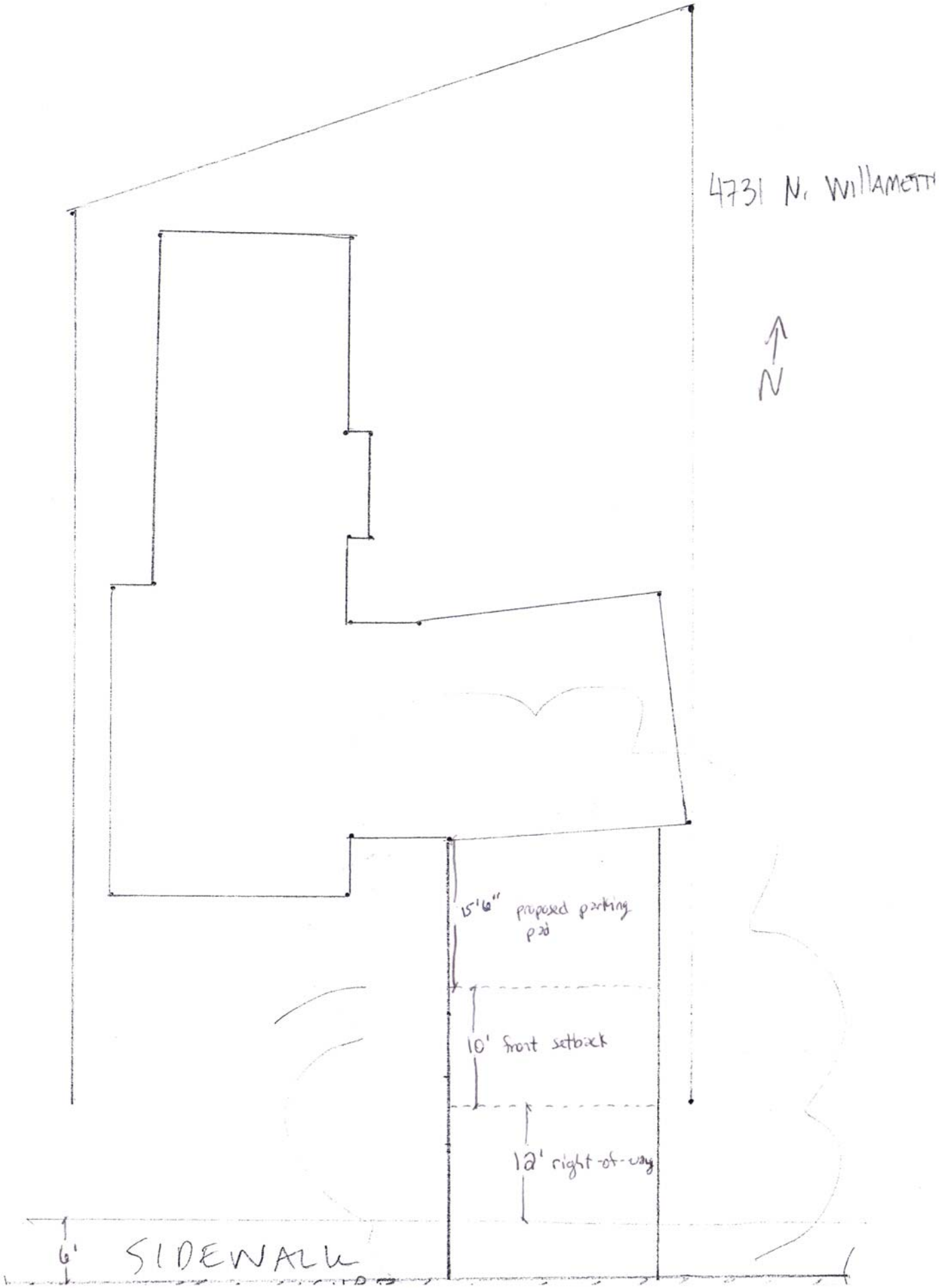
ZONING

Site

Historic Landmark

NORTH

File No.	LU 13-216527 AD
1/4 Section	2325
Scale	1 inch = 200 feet
State_Id	1N1E17BB 15500
Exhibit	B (Oct 22,2013)


4731 N. WILLAMETTE
N
15'6" proposed parking pad
10' front setback
12' right-of-way
6'
SIDEWALK