



**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](http://www.portlandoregon.gov/bds)

**Date:** April 21, 2014  
**To:** Interested Person  
**From:** Andrew Gulizia, Land Use Services  
503-823-7010 / [Andrew.Gulizia@portlandoregon.gov](mailto:Andrew.Gulizia@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 May 12, 2014.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 14-129431 AD, in your letter. It also is helpful to address your letter to me, Andrew Gulizia.

## **CASE FILE NUMBER: LU 14-129431 AD**

**Applicant:** Kevin Partain  
Urban Visions  
223 NE 56th Ave.  
Portland, OR 97213  
(503) 421-2967

**Property Owner:** Sage and Jaclyn Eaton  
2110 SE 47th Ave.  
Portland, OR 97215

**Site Address:** 2110 SE 47th Ave.

**Legal Description:** BLOCK 5 LOT 3-5 TL 5400, TABASCO ADD  
**Tax Account No.:** R818101560  
**State ID No.:** 1S2E06CD 05400  
**Quarter Section:** 3235  
**Neighborhood:** Richmond, contact Douglas Klotz at 503-233-9161.  
**Business District:** Division-Clinton Business Association, contact Darice Robinson at 503-233-1888.  
**District Coalition:** Southeast Uplift, contact Bob Kellett at 503-232-0010.  
**Plan District:** None  
**Zoning:** R5 – Single-Dwelling Residential 5,000  
**Case Type:** AD – Adjustment Review  
**Procedure:** Type II administrative decision with appeal to the Adjustment Committee

**Proposal:**

This site is comprised of two separate platted lots: Lot 3 and Lot 4 of the Tabasco Addition subdivision. The house on this site was constructed on Lot 3, while the detached garage was constructed on Lot 4. The applicant plans to demolish the detached garage on Lot 4 and apply to confirm Lot 4 as a separate buildable lot. Because this plan would leave the existing house on Lot 3 without an off-street parking space, and at least one off-street parking space per dwelling is required by Zoning Code Section 33.266.110.B.1, the applicant is requesting an Adjustment to the parking space requirement of Section 33.266.110.B.1 for the existing house on Lot 3. (Note: No Adjustment is requested for Lot 4, so an off-street parking space would be required for any new dwelling on that lot.)

**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; 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
- 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 March 20, 2014 and determined to be complete on April 16, 2014.

**DECISION MAKING PROCESS**

The Bureau of Development Services will make a decision on this proposal. We will consider your comments, and do one of the following:

- 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.

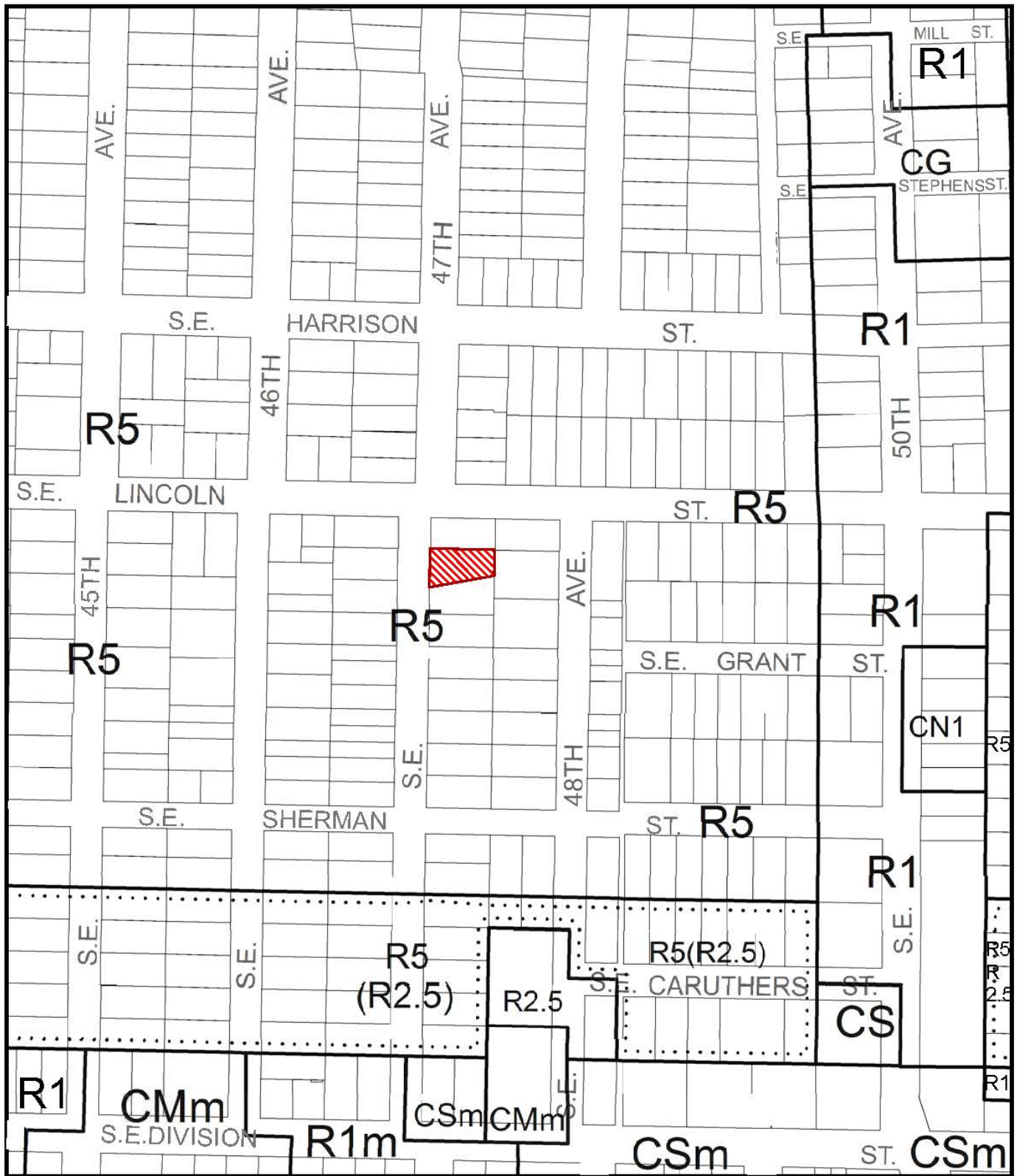
#### **APPEAL OF THE FINAL CITY DECISION**

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

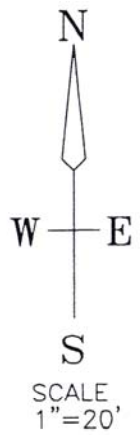


NORTH

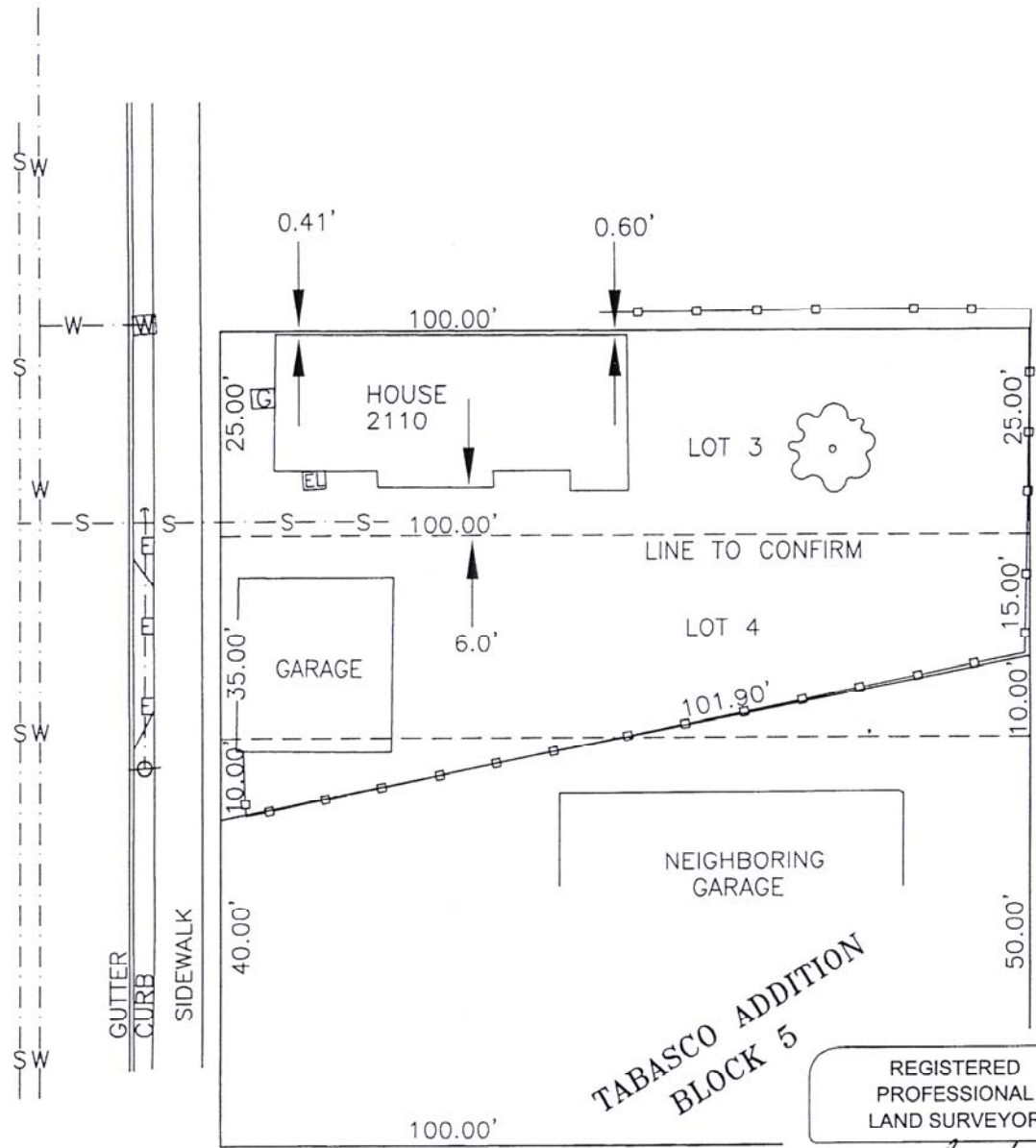
File No.	<u>LU 14-129431 AD</u>
1/4 Section	<u>3235</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S2E06CD 5400</u>
Exhibit	<u>B (Mar 25,2014)</u>

# LOT CONFIRMATION MAP

LOTS 3-5, BLOCK 5, TABASCO ADDITION,  
 LOCATED IN THE SW 1/4 OF SECTION 6, T.1S., R 2E., W.M.  
 CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON



S.E. 47TH AVENUE  
(50.00' WIDE)



**TABASCO ADDITION  
BLOCK 5**

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 25, 1990  
JOE H. FERGUSON  
2445

RENEWAL DATE 12/31/15

CLIENT: SAGE EATON  
2110 SE 47TH AVE  
PORTLAND, OR 97215

*Ferguson Land Surveying, Inc.*  
646 SE 106TH AVE. PORTLAND, OR 97216  
Phone (503) 408-0601 Fax (503) 408-0602

SHEET NO. 1 OF 1
JOB NO. 14-034
DRAFTED: 3/17/14 KF