



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: April 29, 2014
To: Interested Person
From: Andrew Gulizia, Land Use Services
503-823-7010 / 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 20, 2014.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 14-137356 AD, in your letter. It also is helpful to address your letter to me, Andrew Gulizia.

CASE FILE NUMBER: LU 14-137356 AD

Applicants/Owners: Rita Haberman and Joan Grimm
2720 SE 49th Ave / Portland, OR 97206

Site Address: 2720 SE 49th Ave.

Legal Description: BLOCK 5 LOT 10, WINDSOR HTS
Tax Account No.: R921802330
State ID No.: 1S2E07BA 14100
Quarter Section: 3335
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:

The applicant proposes to construct a new covered porch on the north side of the existing house to serve as an entry for a future accessory dwelling unit (ADU) inside the house. In the applicant's proposal, the porch would be three feet from the north side property line and the eave would be two feet from the north side property line. The applicant is requesting an Adjustment to Zoning Code Section 33.110.220 (Table 110-3), which requires a five-foot minimum setback from the side property line (four feet minimum for the eave).

Attached to this Notice are a site plan and building elevations depicting the proposal.

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 April 8, 2014 and determined to be complete on **April 25, 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.

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.

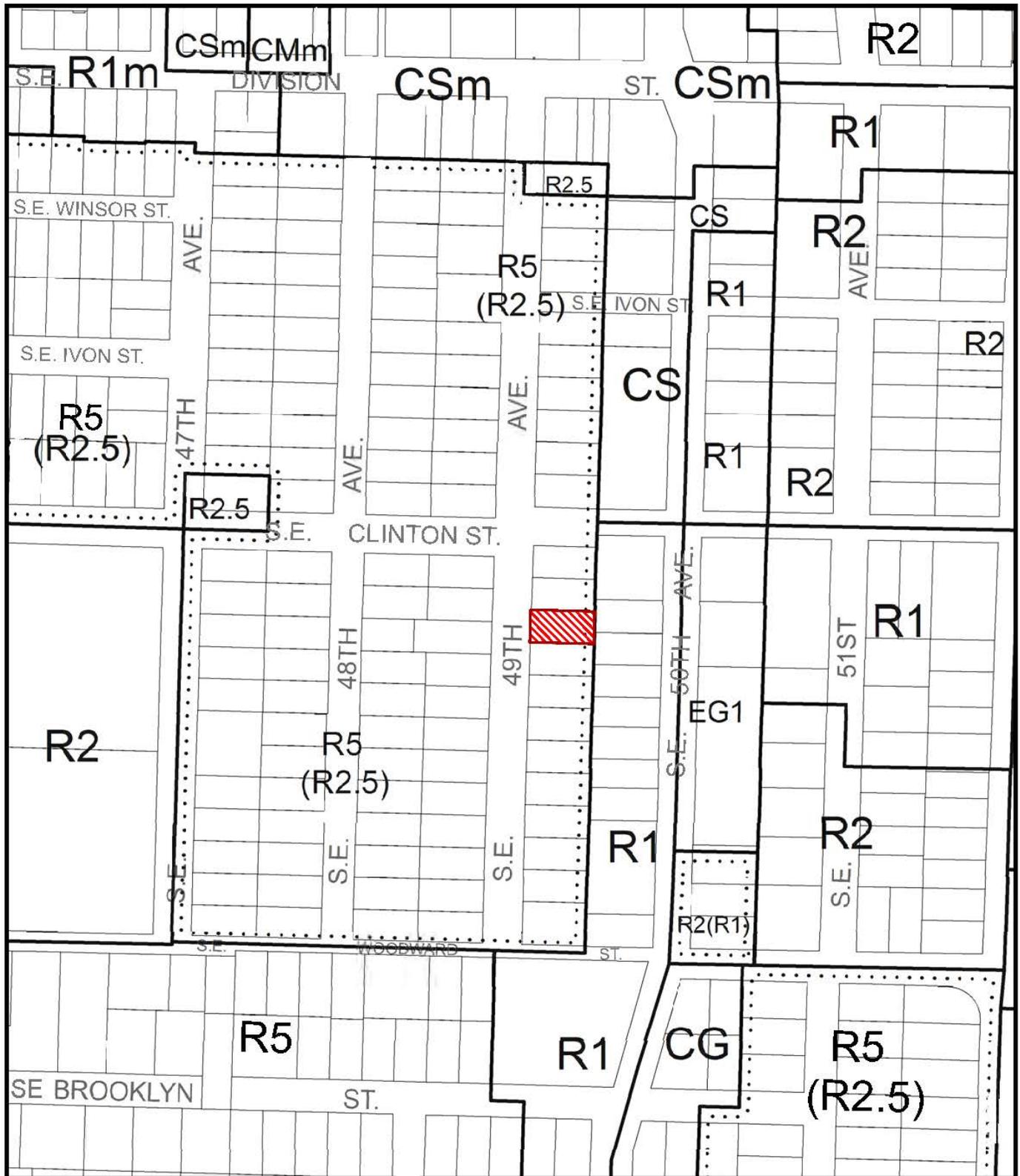
APPEAL OF THE FINAL CITY DECISION

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
Building Elevations



ZONING



Site

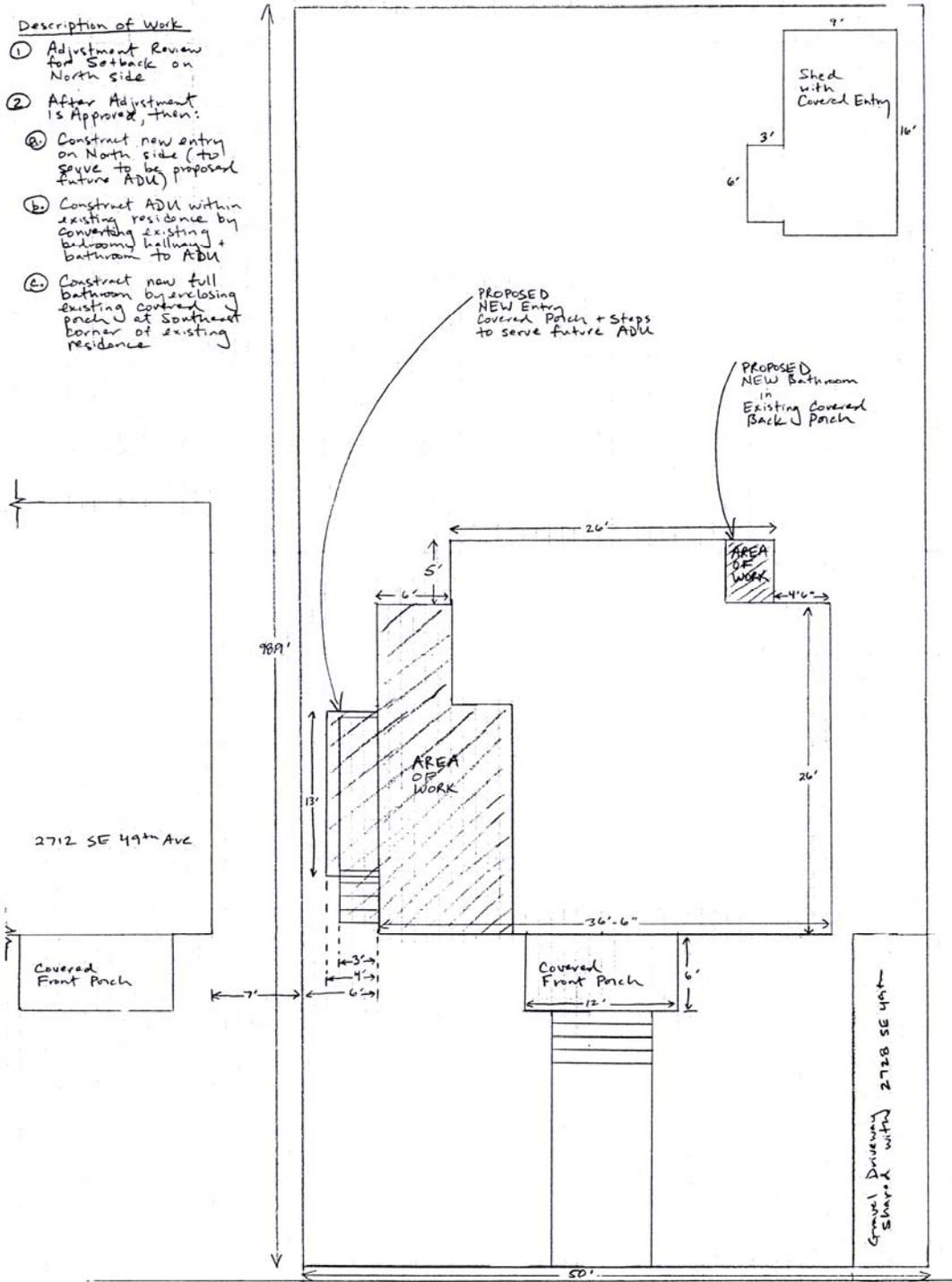


NORTH

File No. LU 14-137356 AD
 1/4 Section 3335
 Scale 1 inch = 200 feet
 State_Id 1S2E07BA 14100
 Exhibit B (Apr 09,2014)

Description of Work

- ① Adjustment Review for Setback on North side
- ② After Adjustment is Approved, then:
 - a. Construct new entry on North side (to serve to be proposed future ADU)
 - b. Construct ADU within existing residence by converting existing bedroom hallway + bathroom to ADU
 - c. Construct new full bathroom by enclosing existing covered porch at Southeast corner of existing residence



2712 SE 49th Ave

Covered Front Porch

Covered Front Porch

Gravel Driveway with 2728 SE 49th

SIDEWALK

Parking Strip

SE 49th Ave

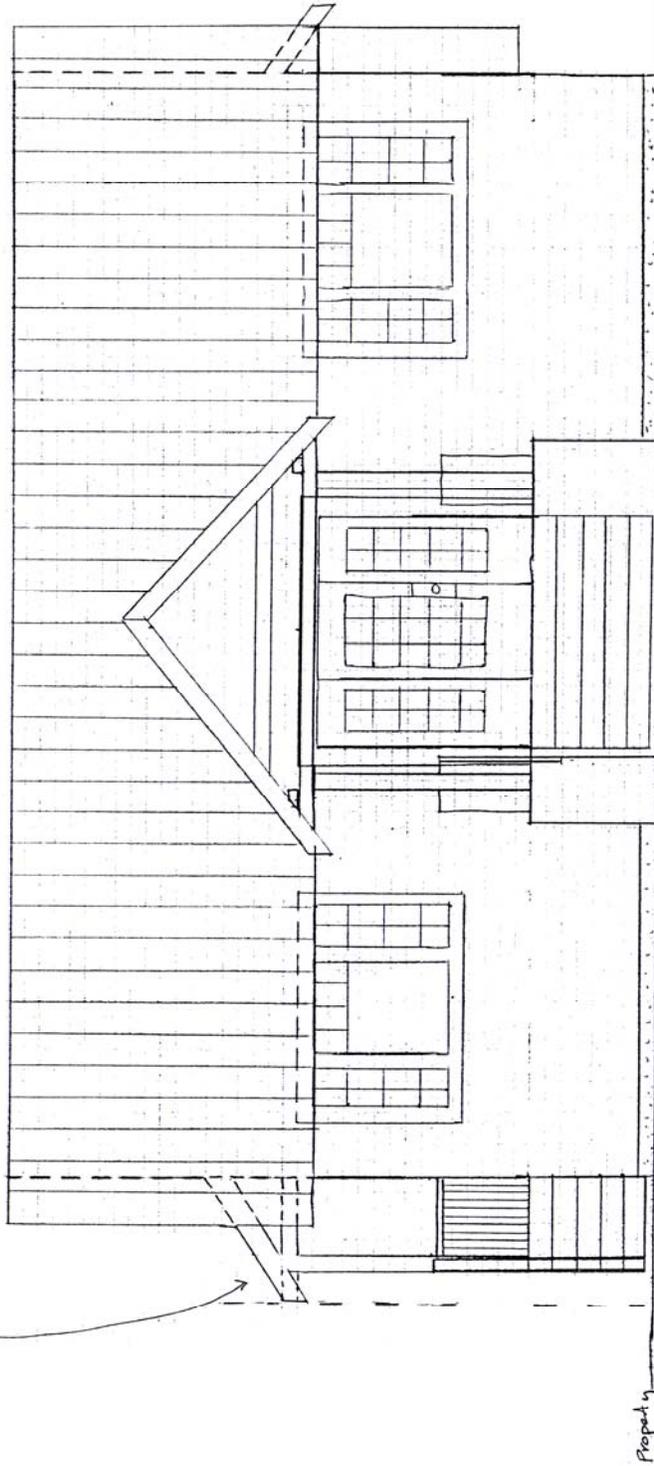
2720 SE 49th Ave
Portland, Oregon 97206
Windsor Heights, Lot 10 Block 5

SITE PLAN

1/8" = 1'-0"

N

Proposed New Entry style + materials:
 Steps, porch, railing + posts/beams to be cedar and/or juniper - match existing style
 Shed roof over porch to be standing seam metal - match existing style
 and 12:8 pitch - 8' to match existing style

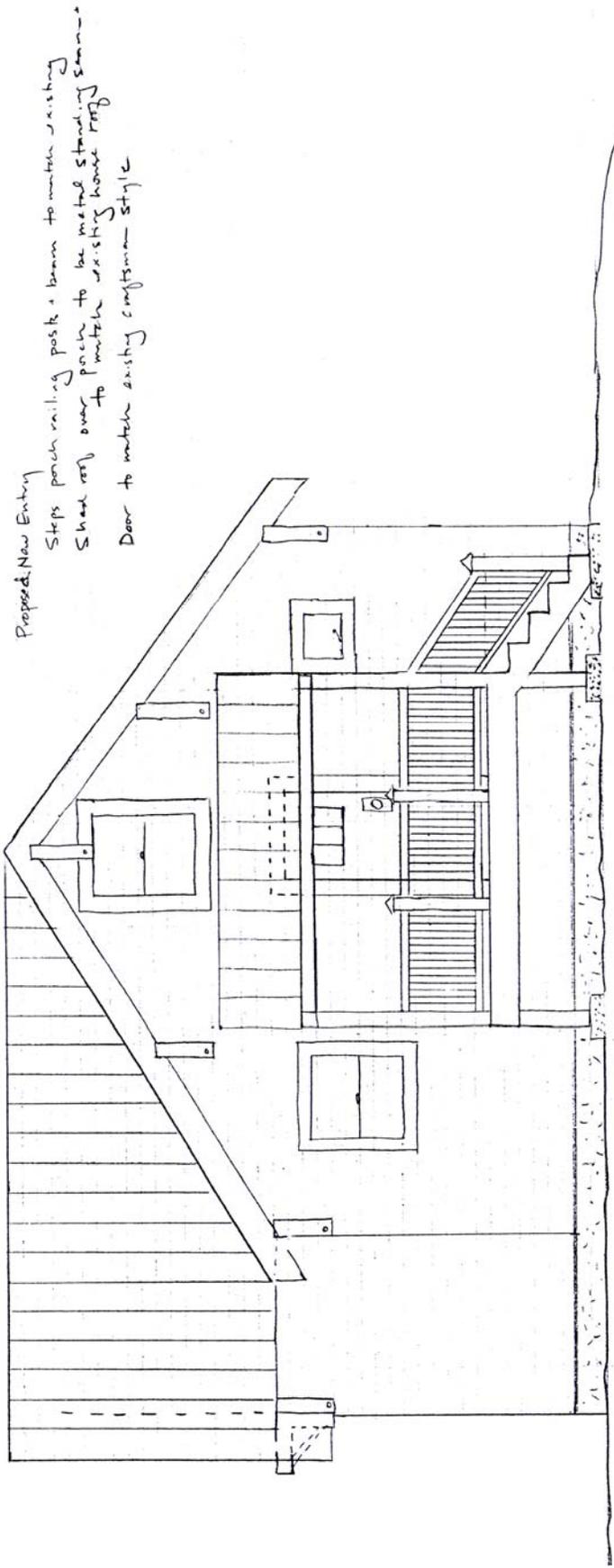


Property Line

← 2' → Eave of porch roof is 2' from property line
 ← 3' → Porch posts, rail + deck all are 3' from property line.
 ← 6' → House is 6' from property line

West Elevation
 2720 SE 49th Ave.

1/4" = 1'-0"



Proposed New Entry

Steps porch railing posts & beam to match existing
Shed roof over porch to be metal standing seam
to match existing house roof
Door to match existing craftsman style

North Elevation
2720 SE 49th Ave

1/4" = 1'-0"