



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
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Date: May 2, 2014
To: Interested Person
From: Matt Wickstrom, Land Use Services
503-823-6825 / Matt.Wickstrom@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 23, 2014.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 14-144278 AD, in your letter. It also is helpful to address your letter to me, Matt Wickstrom. You can also e-mail your comments to me at my e-mail address identified above.

CASE FILE NUMBER: LU 14-144278 AD

Applicants: Gilbert and Teresa Colistro Phone: 503-349-1174
3925 SE Lexington St/Portland, OR 97202-7924

Christopher and Cynthia Leland Phone: 503-708-5882
3911 SE Lexington St/Portland, OR 97202

Site Address: 3925 SE LEXINGTON ST

Legal Description: BLOCK 30 E 20' OF LOT 19 LOT 20&21, BERKELEY
Tax Account No.: R070908330
State ID No.: 1S1E24DA 05600
Quarter Section: 3834
Neighborhood: Woodstock, contact Terry Griffiths at 503-771-0011
Business District: Woodstock Community Business Association, contact Sean Daugherty at 503-754-2636
District Coalition: Southeast Uplift, contact Bob Kellett at 503-232-0010

Zoning: R5 (Residential 5,000)
Case Type: AD (Adjustment Review)
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal:

The applicants propose one Adjustment to the maximum lot size standards in the Portland Zoning Code. Lots in the R5 zone (with some exceptions) are required to be between 3,000 and 8,500 square feet in area. The applicants (next door neighbors and neighboring property owners) propose to move the property line separating their lots 21.5 feet to the west, resulting in one lot sized 4,494 square feet and the other lot sized 9,236 square feet. The rationale for moving the property line is to provide a larger backyard for the home at 3925 SE Lexington

Street and to remove the potential for another house to be built between the two homes. Moving this property line will require demolition of the garage and carport at 3911 SE Lexington Street; however, the driveway is proposed to remain. Through this Adjustment Review, the applicants propose to increase the maximum allowed lot area by 736 square feet, from 8,500 square feet to 9.236 square feet for the site at 3925 SE Lexington.

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)*

The purpose of the zoning standards related to lot dimensions in single-dwelling residential zones is found in 33.610.200.A and states:

The lot dimension regulations ensure that:

- *Each lot has enough room for a reasonably-sized house and garage;*
- *Lots are of a size and shape that development on each lot can meet the development standards of the zoning code;*
- *Lots are not so large that they seem to be able to be further divided to exceed the maximum allowed density of the site in the future;*
- *Each lot has room for at least a small, private outdoor area;*
- *Lots are compatible with existing lots;*
- *Lots are wide enough to allow development to orient toward the street;*
- *Lots don't narrow to an unbuildable width close to the street*
- *Each lot has adequate access from the street;*
- *Each lot has access for utilities and services; and*
- *Lots are not landlocked.*

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 18, 2014 and determined to be complete on **April 29, 2014**.

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.

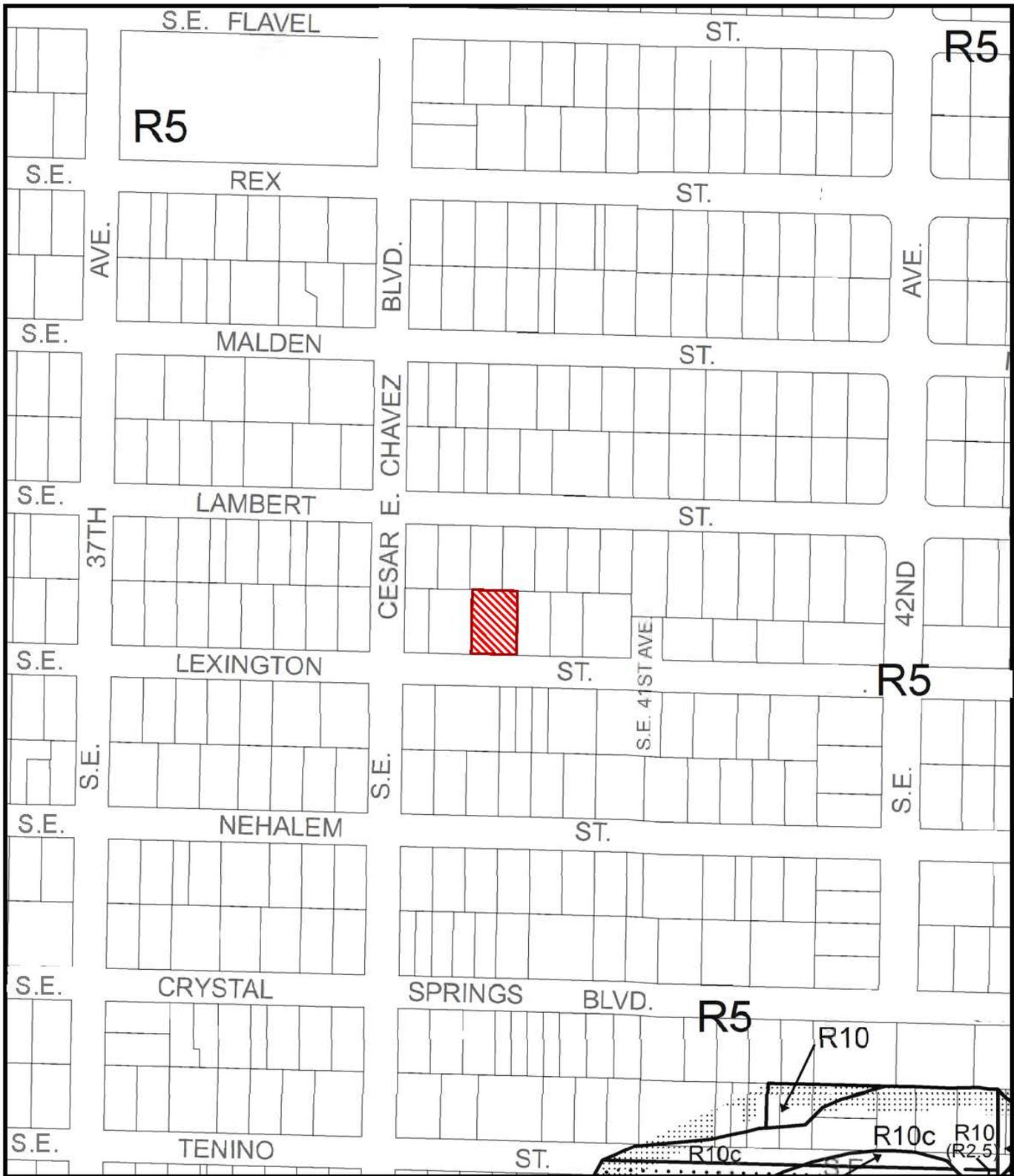
APPEAL OF THE FINAL CITY DECISION

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, 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



File No. LU 14-144278 AD
 1/4 Section 3834
 Scale 1 inch = 200 feet
 State_Id 1S1E24DA 5600
 Exhibit B (Apr 22, 2014)

