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: May 2, 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 23, 2014**. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 14-143278 AD, in your letter. It also is helpful to address your letter to me, Andrew Gulizia. You can also e-mail your comments to me at my e-mail address identified above.

CASE FILE NUMBER: LU 14-143278 AD

Applicants/Owners: Nicole Kress & Gregg Lavender/ 6356 NE Durham Ave/ Portland, OR 97211

Site Address: 6356 NE Durham Ave.

Legal Description: BLOCK 30 LOT 16, WOODLAWN
Tax Account No.: R925804170
State ID No.: 1N1E14CA 02100
Quarter Section: 2431
Neighborhood: Woodlawn, contact Anjala Ehelebe at 503-388-5004.
Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.
District Coalition: Northeast Coalition of Neighborhoods, contact Claire Adamsick at 503-388-9030.
Plan District: None
Zoning: R5h – Single-Dwelling Residential 5,000 with Aircraft Landing overlay zone
Case Type: AD – Adjustment Review
Procedure: Type II administrative decision with appeal to the Adjustment Committee

Proposal:
The applicant proposes to convert an existing detached garage into an accessory dwelling unit (ADU). The garage is built to the northeast side property line and therefore does not comply with the current 5-foot setback requirement for structures in the R5 zone. Zoning Code Section 33.205.030.D.4.a allows existing structures in the side and rear setbacks to be converted to ADUs provided the requirements of Section 33.110.250.C.4.c are met. One of these requirements is that the garage is no more than 24 feet wide by 24 feet long. The applicant's garage is 24 feet wide and 30 feet long, so the applicant is requesting approval of an Adjustment to the requirements of Section 33.110.250.C.4.c in order to convert the garage into an ADU.

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 17, 2014 and determined to be complete on **April 30, 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.

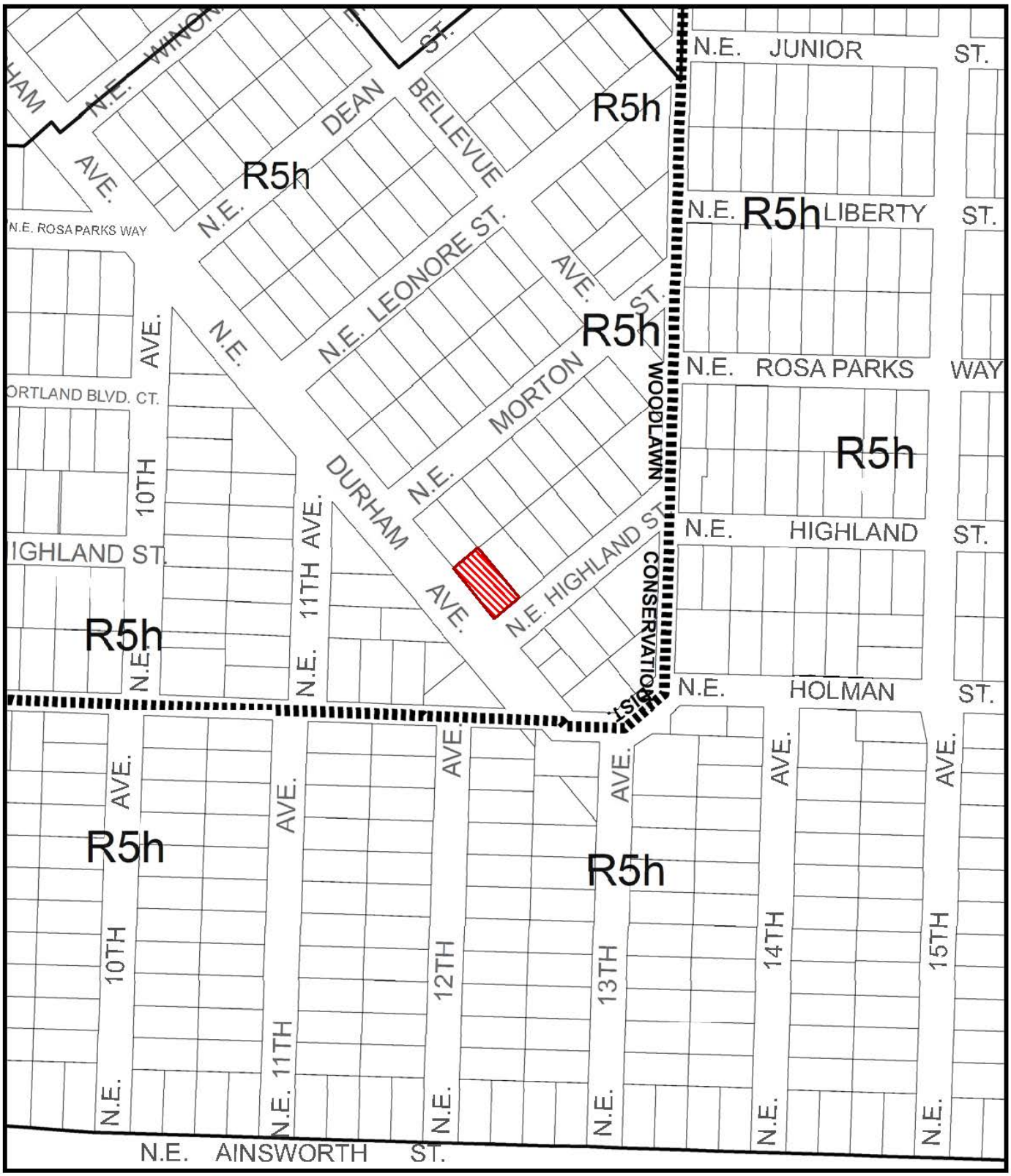
APPEAL PROCESS
If you disagree with the Bureau of Development Services administrative decision, you can appeal the decision to the Adjustment Committee. This review body will hold a public hearing for the appeal. When the decision is mailed, the criteria used to make the decision and information on how 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



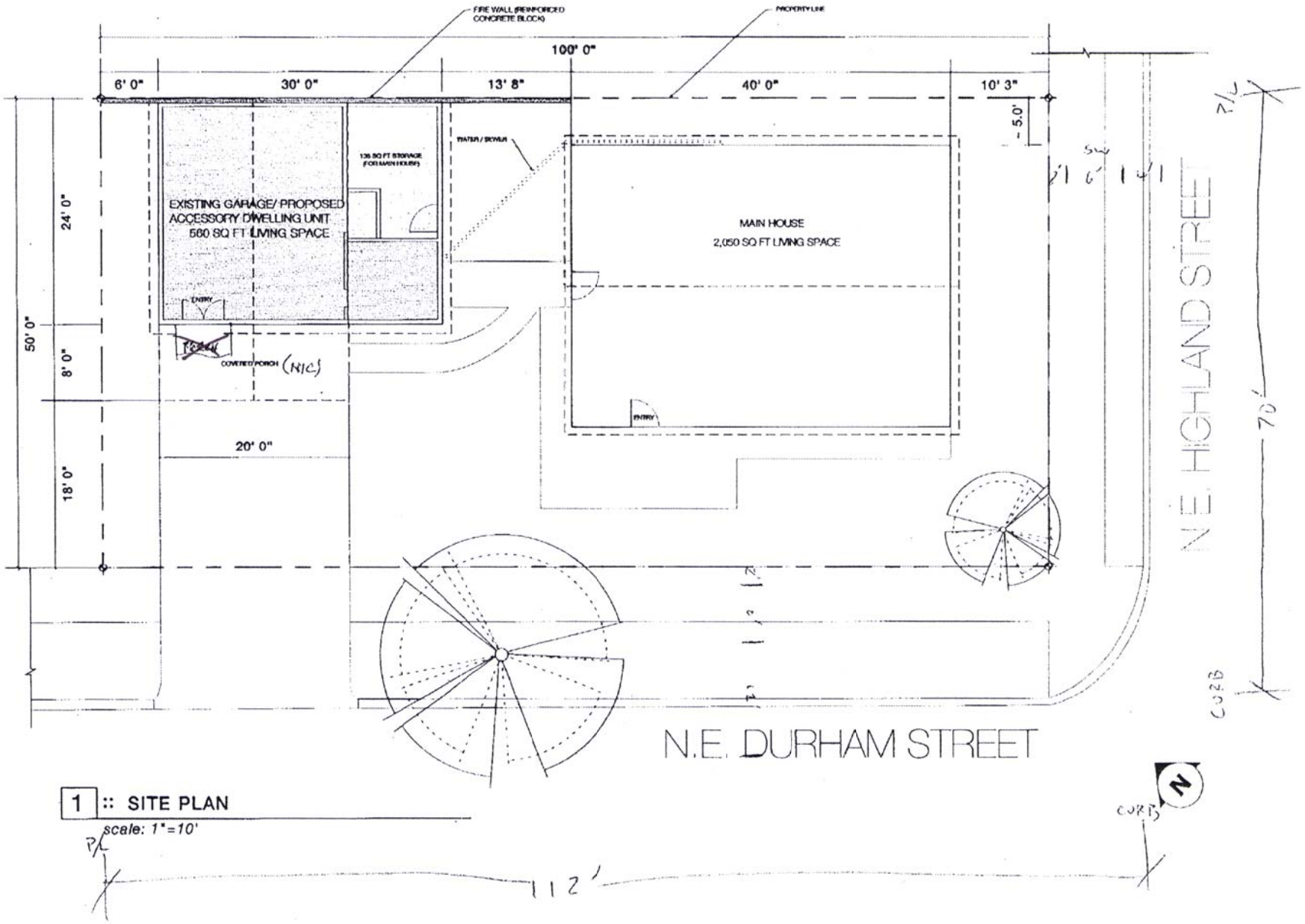
ZONING

Site

File No. LU 14-143278 AD
1/4 Section 2431
Scale 1 inch = 200 feet
State_Id 1N1E14CA 2100
Exhibit B (Apr 21,2014)

NORTH

This site lies within the:
WOODLAWN CONSERVATION DISTRICT



1 :: SITE PLAN

scale: 1"=10'

LU 14-143278AD

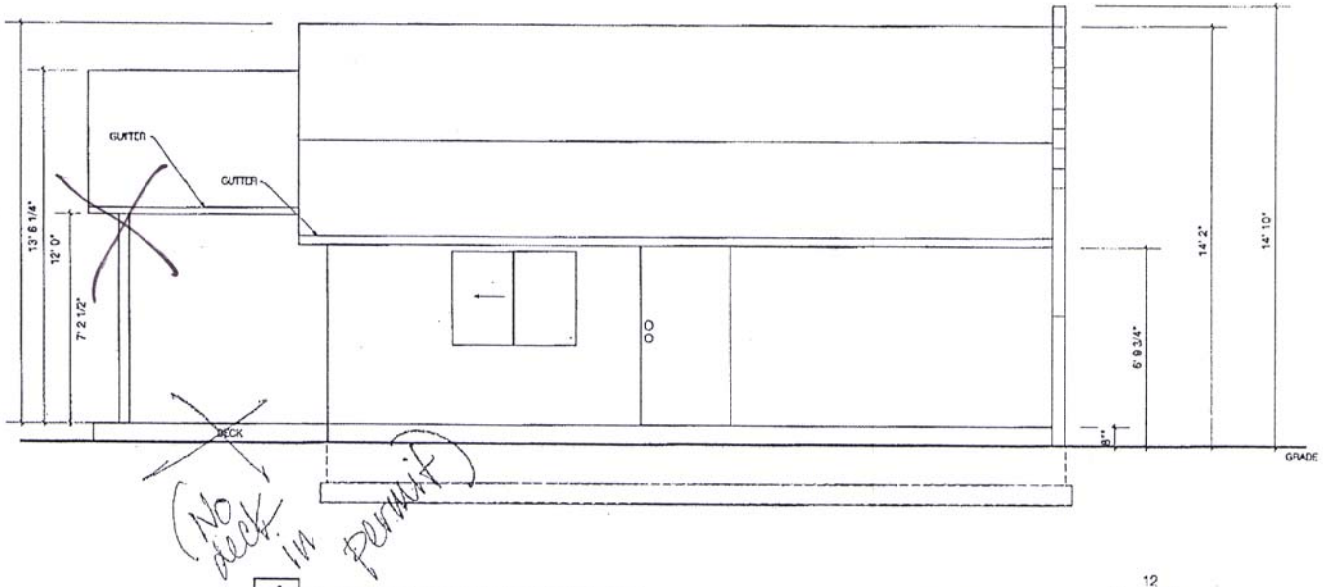
PROJECT
KRESS/LAVENDER
A.D.U.
SCALE
12.10.12
RE-ISSUE
12.13.12

CLIENT
KRESS/LAVENDER
6356 NE DURHAM
PORTLAND, OR
Tel: 503.382.7285

DRAWN BY
CARLY BOYNTON
PORTLAND, OR
Tel: 541.610.9392

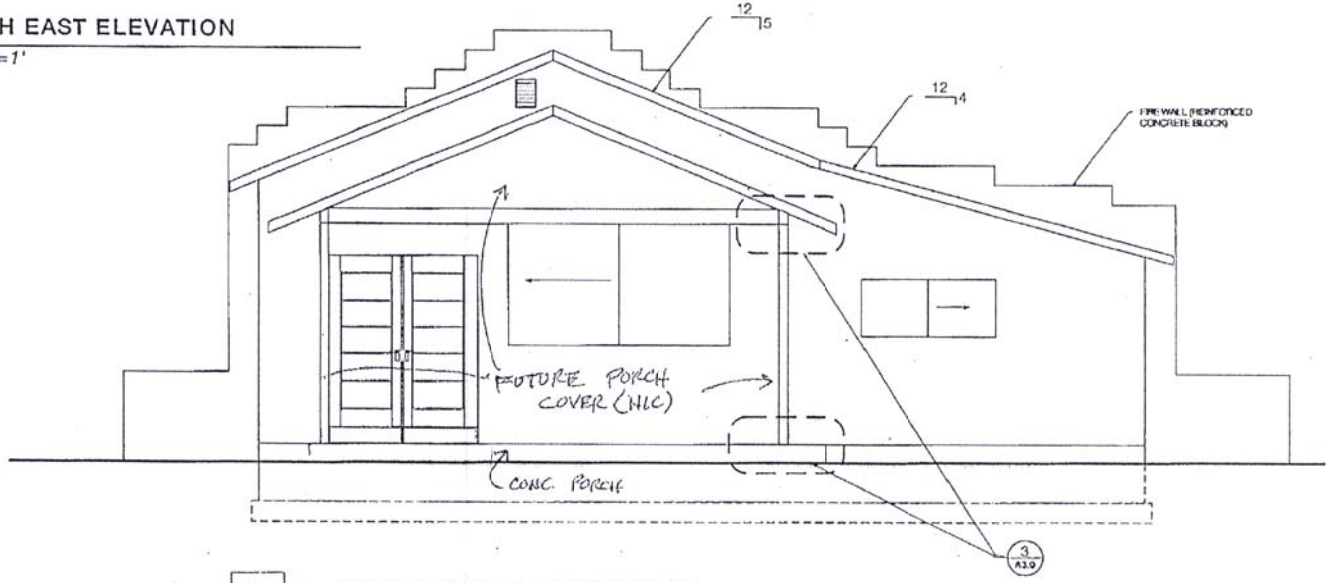
GRAIN

C
SITE PLAN
1.0



1 :: SOUTH EAST ELEVATION

scale: 1/4"=1'



2 :: SOUTH WEST ELEVATION

scale: 1/4"=1'

LU 14-143278 AD

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A.D.U.
ISSUE
12.10.12
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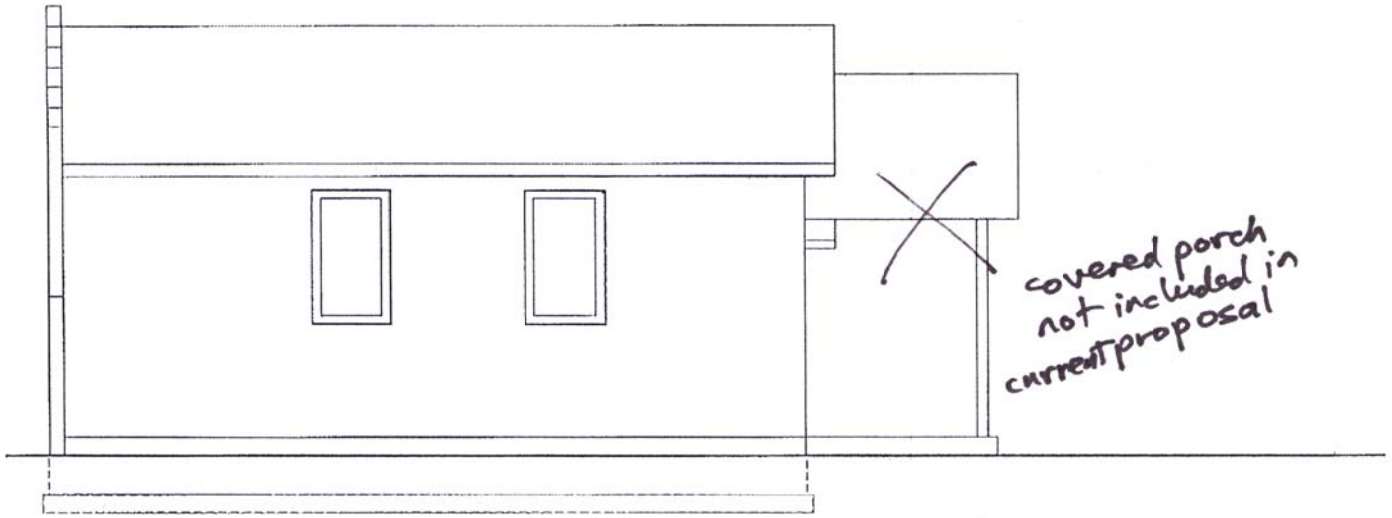
EXTERIOR ELEVATIONS

A
1.0



1 :: NORTH WEST ELEVATION

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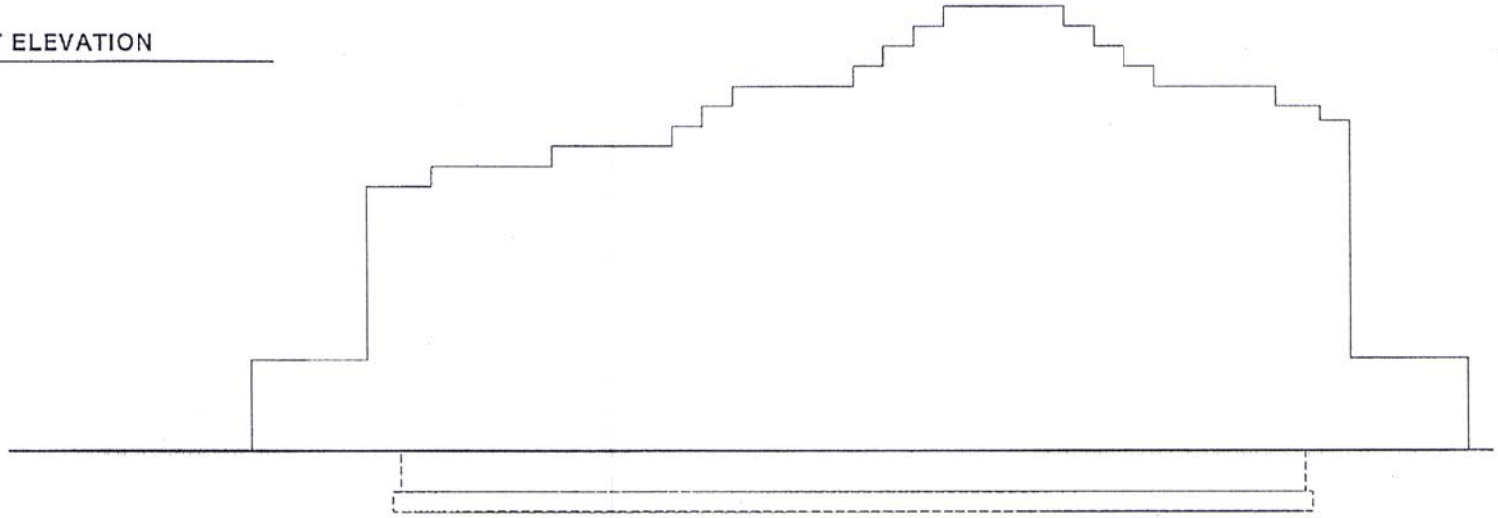

2 :: NORTH EAST ELEVATION

scale: 1/4"=1'

LU14-143278AD

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CARLY BOYNTON
PORTLAND, OR
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GRAIN

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ISSUE
12.10.12

REVISE
12.13.12

EXTERIOR ELEVATIONS

A
1.1