



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner  
Paul L. Scarlett, Director  
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Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** September 20, 2016  
**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 October 11, 2016.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 16-240158 AD, in your letter. Please address your letter to me, Andrew Gulizia. You can also e-mail your comments to me at the e-mail address above. Please note all correspondence received is public record, and may be viewed by the applicant or others.

## **CASE FILE NUMBER: LU 16-240158 AD**

**Applicant:** Darren LeBlanc  
2849 SE 70<sup>th</sup> Ave.  
Portland, OR 97206  
(617) 515-1279

**Property Owner:** Fel Judar and Perla Judar  
3012 SE 52<sup>nd</sup> Ave.  
Portland, OR 97206

**Site Address:** 3012 SE 52<sup>nd</sup> Ave.

**Legal Description:** BLOCK 24 LOT 3, EAST CRESTON  
**Tax Account No.:** R223801270  
**State ID No.:** 1S2E07AC 21400  
**Quarter Section:** 3336  
**Neighborhood:** South Tabor, contact Shemuel Harding at 503-679-9066  
**District Coalition:** Southeast Uplift, contact Leah Fisher at 503-232-0010  
**Zoning:** R2.5a – Single-Dwelling Residential 2,500 with Alternative Design Density (“a”) overlay zone

**Case Type:** AD – Adjustment Review  
**Procedure:** Type II, an administrative decision with appeal to the Adjustment Committee

### **Proposal:**

The back yard of the subject property contains an existing, detached accessory dwelling unit (ADU). The most recent building permit for this ADU (from 1984) shows a portion of the south

side of the structure as a garage. At some point in the past, the garage portion of the structure was converted into a bedroom for the ADU without a building permit. In order to obtain a retroactive building permit for this prior conversion of the garage into living area, the applicant is requesting approval of an Adjustment to Zoning Code Section 33.205.040.C.3 to increase the maximum living area for an ADU from 800 square feet to 895 square feet. If approved, this Adjustment would not authorize any increase in the current size of the ADU; the Adjustment would only legalize the existing condition. The parking requirement for the site is still met with the existing driveway and parking area in the rear yard. A site plan and building elevations are attached.

**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:

- 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; and *(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 September 9, 2016, and determined to be complete on September 16, 2016.

**DECISION MAKING PROCESS**

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

- Approve the proposal;
- Approve the proposal with conditions; or
- 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.

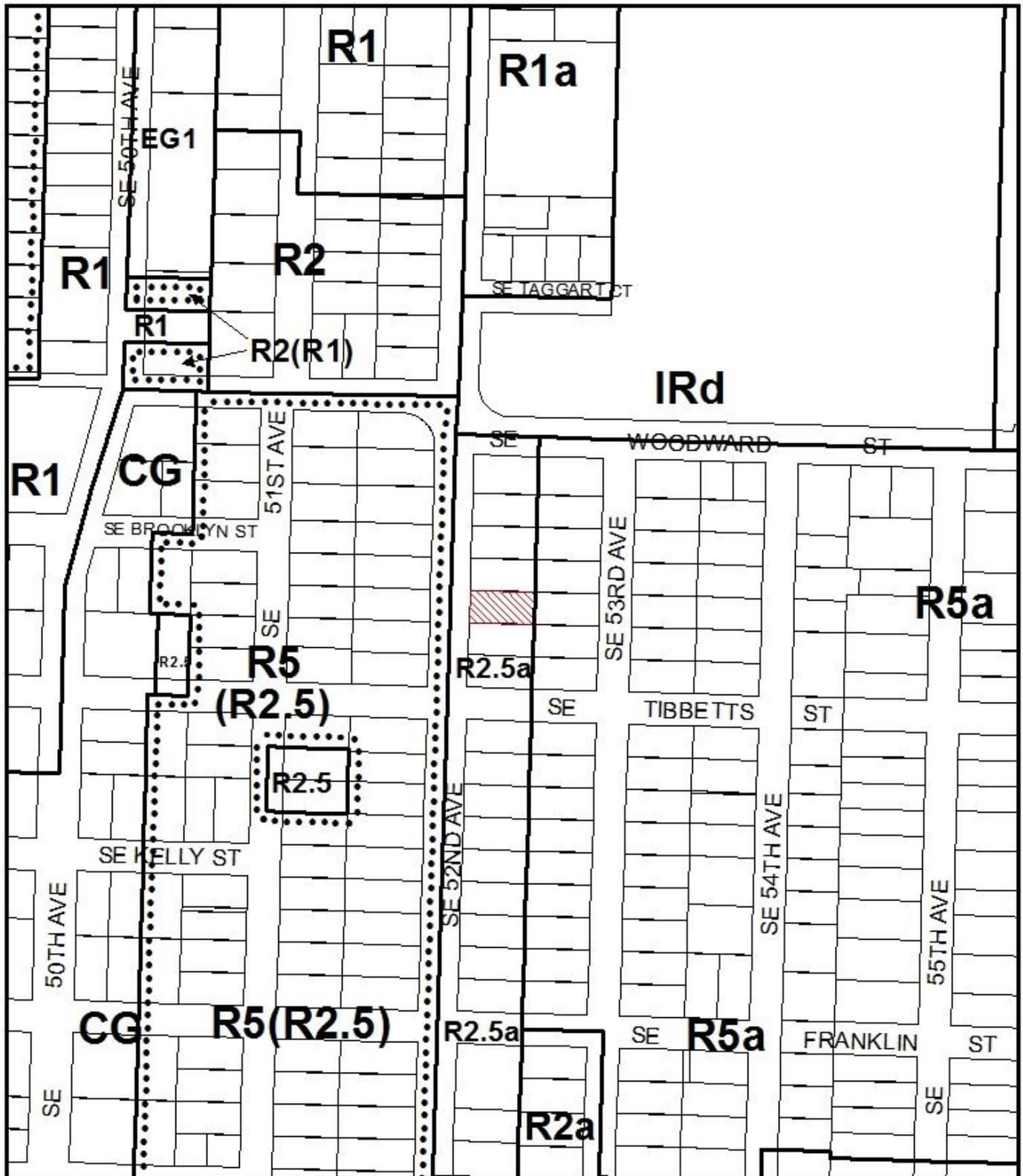
**APPEAL OF THE FINAL CITY DECISION**

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  
Building Elevations



# ZONING

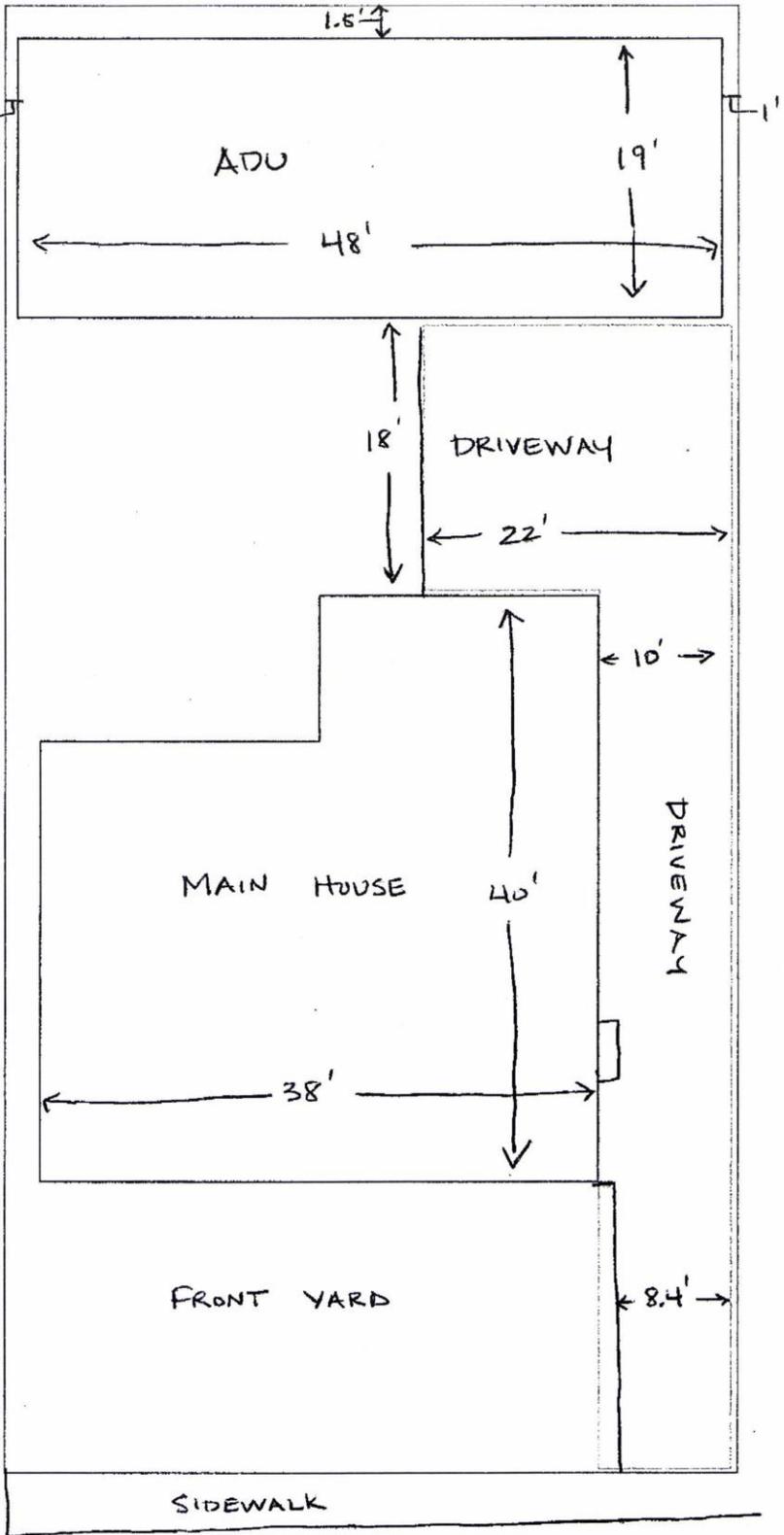
 Site



File No. LU 16-240158 AD  
 1/4 Section 3336  
 Scale 1 inch = 200 feet  
 State\_Id 1S2E07AC 21400  
 Exhibit B (Sep 12, 2016)

SCALE 1" = 10.5'

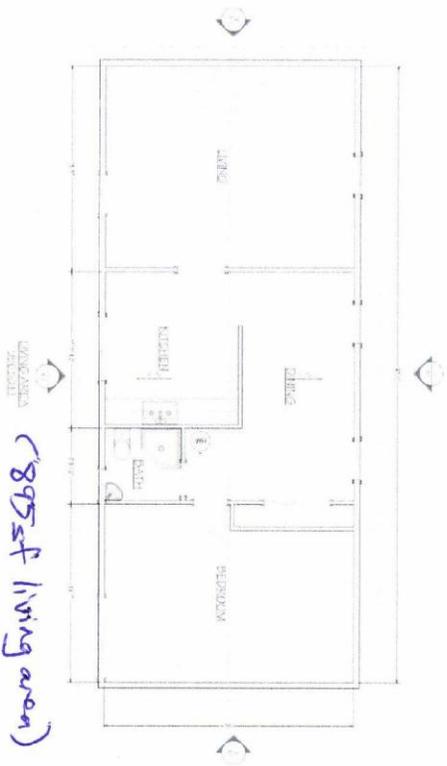
3012 SE 52<sup>ND</sup>  
AVE 1'



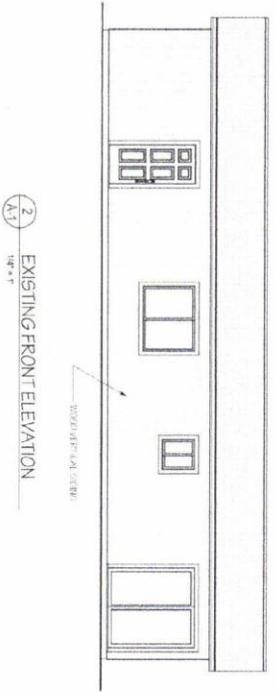
SIDEWALK

STREET LU 16-240158 AD

**LEBLANC ADU**  
 DARREN LEBLANC  
 3012 SE 52ND AVE  
 PORTLAND, OR 97206



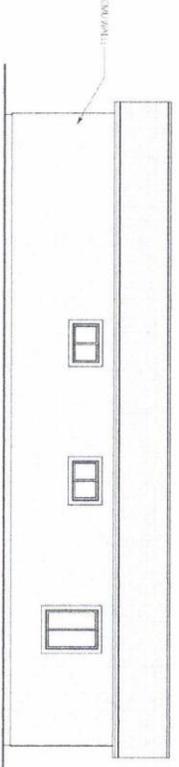
1  
A-1  
EXISTING FLOOR PLAN  
1/4" = 1'



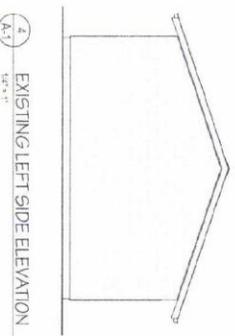
2  
A-1  
EXISTING FRONT ELEVATION  
1/4" = 1'



6  
A-1  
PROPERTY MAP  
NBS



3  
A-1  
EXISTING REAR ELEVATION  
1/4" = 1'



4  
A-1  
EXISTING LEFT SIDE ELEVATION  
1/4" = 1'



5  
A-1  
EXISTING RIGHT SIDE ELEVATION  
1/4" = 1'

LU 16 - 240158AD

DRAWINGS PROVIDED BY: 	PRECISION HOMES AND REMODELING CORP. 15174 WA. PRECISION 9000 N. BURNING WOOD RD. BEAVERTON, OR 97008	PROJECT DESCRIPTION: <b>LEBLANC ADU</b>	SHEET TITLE: _____
		DATE: 9/7/2016	NO.   DESCRIPTION   BY   DATE
SCALE: _____	SHEET: <b>A-1</b>		