



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: July 2, 2013
To: Interested Person
From: Kathleen Stokes, Land Use Services
503-823-7843 / Kathleen.Stokes@portlandoregon.gov

NOTICE OF A TYPE II PROPOSAL IN YOUR NEIGHBORHOOD

Development has been proposed in your neighborhood that requires a land use review. The proposal, review process, and information on how to respond to this notice are described below. Copies of the site plan, elevation drawings and zoning map are 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 July 23, 2013.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 13-163397 AD, in your letter. It also is helpful to address your letter to me, Kathleen Stokes.

CASE FILE NUMBER: LU 13-163397 AD

Applicant: Bruce Kenny, Bruce W Kenny Architect
9318 N Mohawk Ave
Portland OR 97203

Owner: Donald Fontenot
235 NE Emerson St
Portland, OR 97211-3205

Site Address: 235 NE EMERSON ST

Legal Description: BLOCK 8 LOT 8, WALNUT PK
Tax Account No.: R877301900
State ID No.: 1N1E22AA 00800
Quarter Section: 2530

Neighborhood: King, Andrew Clarke at 503-863-7780.
Business District: North-Northeast Business Assoc, Joice Taylor at 503-445-1321.
District Coalition: NE Coalition of Neighborhoods, Shoshana Cohen at 503-388-5004.

Zoning: R2.5 a, h – R2500, Attached Single-Dwelling Residential, with Alternative Design Density and Aircraft Landing (height) Overlays

Case Type: Adjustment Review
Procedure: Type II, administrative decision with appeal to Adjustment Committee.

Proposal: The applicant is proposing to replace the existing detached garage on this site with a two-story, 12 by 24-foot building that would be located next to the alley, in approximately the same location as the existing garage. The building would be about 19 feet tall or 9 feet taller than the existing garage and the second story, which would provide home-office space, would be cantilevered, extending out one-foot over the ground floor, on both the east and west sides of

the building. The structure would be located one-foot from the north side property line. This proposal requires approval of an Adjustment to Code Section 33.110.220, to reduce the required minimum building setback from the north property line, from 5 feet to 1 foot for the proposed structure. (The structure would also be located less than 5 feet from the west property line, but there is no setback requirement from property lines that abut alleys).

The purpose of building setback requirements are to maintain light, air, separation for fire protection, and access for fire fighting. Setback standards also reflect the general building scale and placement of development in the City's neighborhoods and promote a reasonable physical relationship between residences. They promote options for privacy for neighboring properties and provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity.

Relevant Approval Criteria: To be approved, this proposal must comply with the approval criteria of 33.805.040 A.-F., Adjustments, cited below.

- 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 a 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 June 4, 2013 and determined to be complete on June 28, 2013.

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.

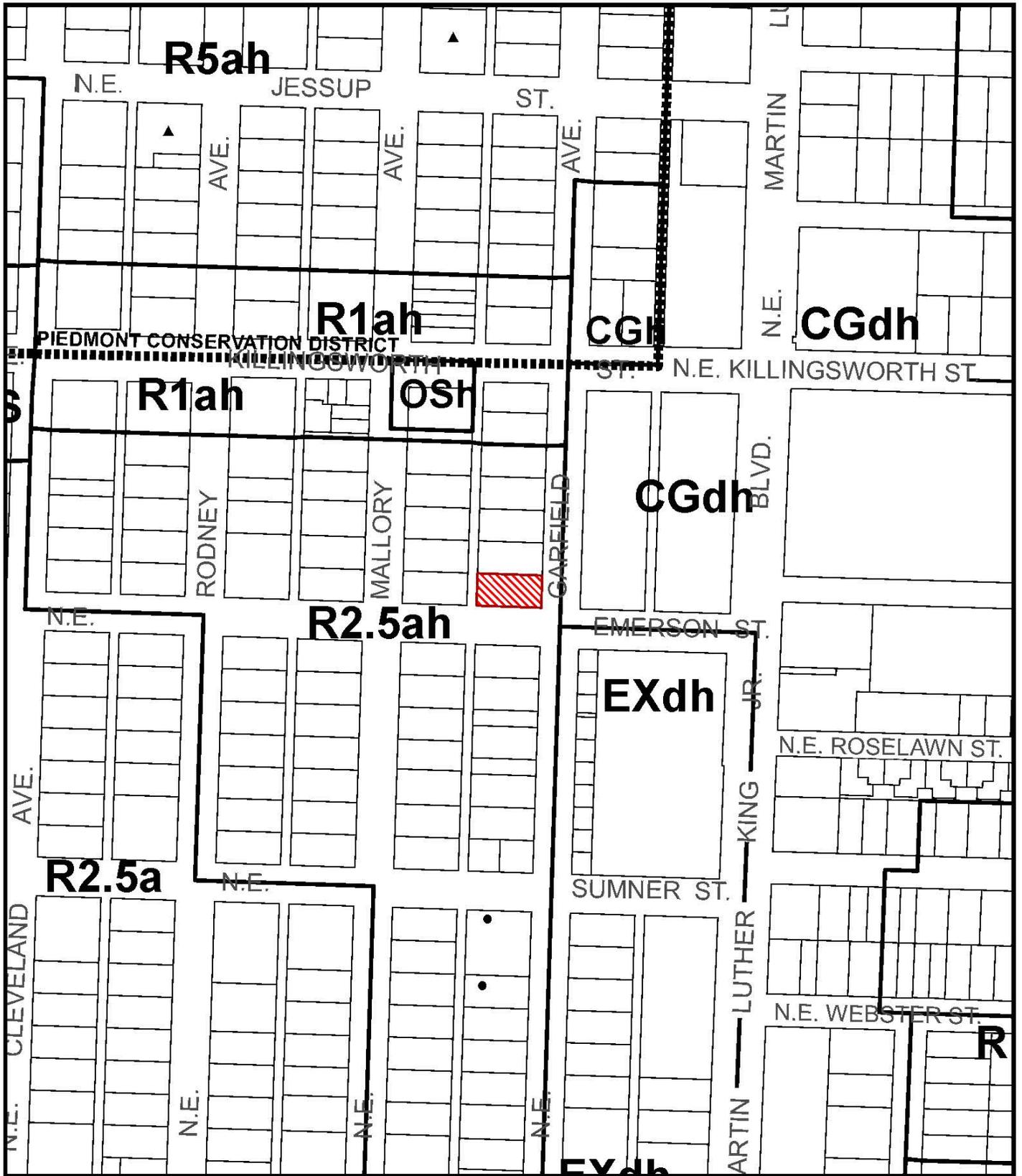
APPEAL OF THE FINAL CITY DECISION

After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. 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
Elevation Drawings



ZONING



Site



NORTH

File No. LU 13-163397 AD
 1/4 Section 2530
 Scale 1 inch = 200 feet
 State_Id 1N1E22AA 800
 Exhibit B (Jun 05, 2013)

PRELIMINARY

BRUCE W. KENNY, ARCHITECT, S.E.

9316 NORTH MOHAWK AVENUE
PORTLAND, OREGON 97205

CELL: 503-455-9153 architect@yahoo.com

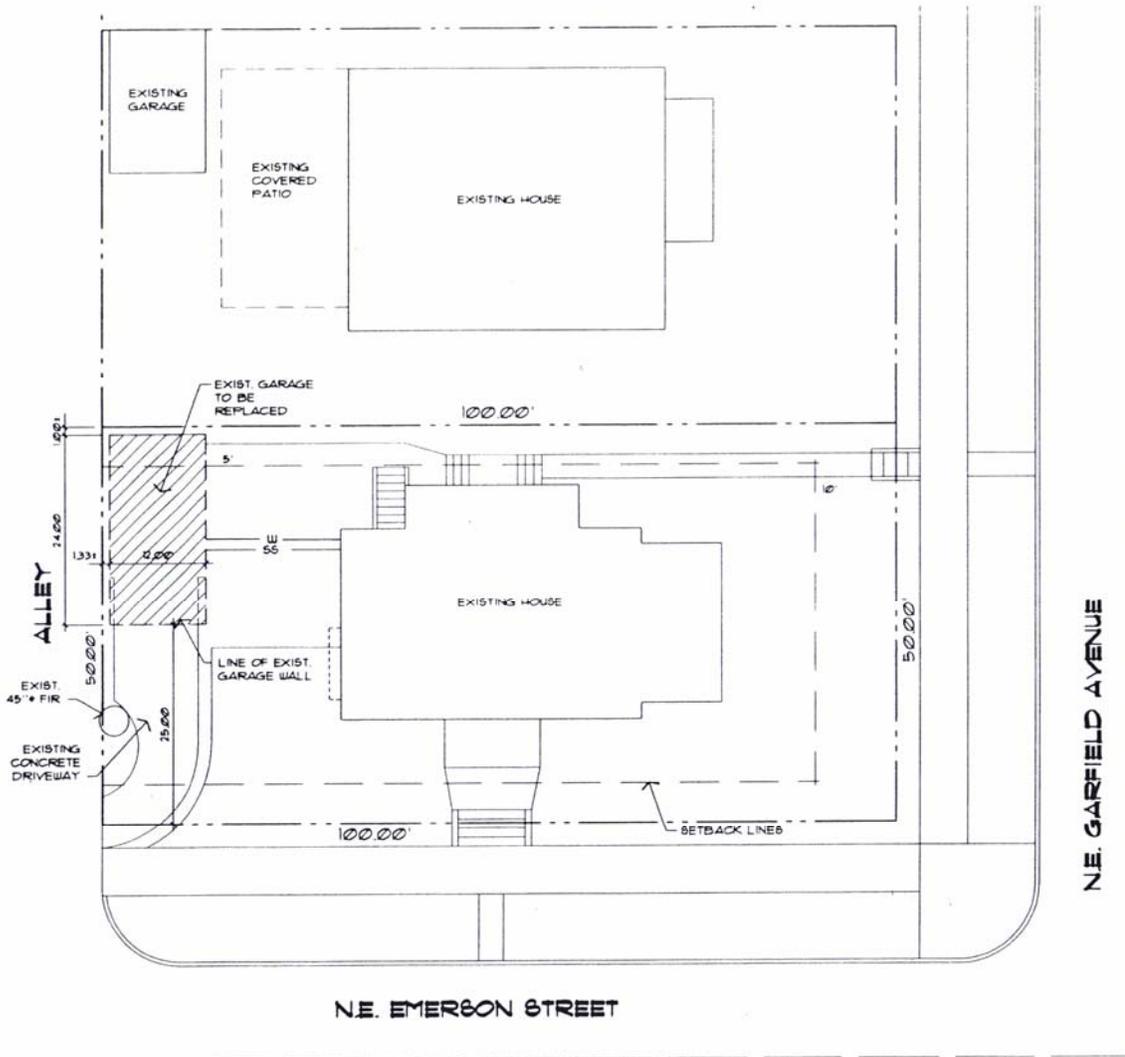
FONTENOT GARAGE/OFFICE
235 N.E. EMERSON STREET, PORTLAND, OR 97211

SITE PLAN

31 MAY 2013
24 JUNE 2013

A1

PROJECT NO. 1310



SITE PLAN

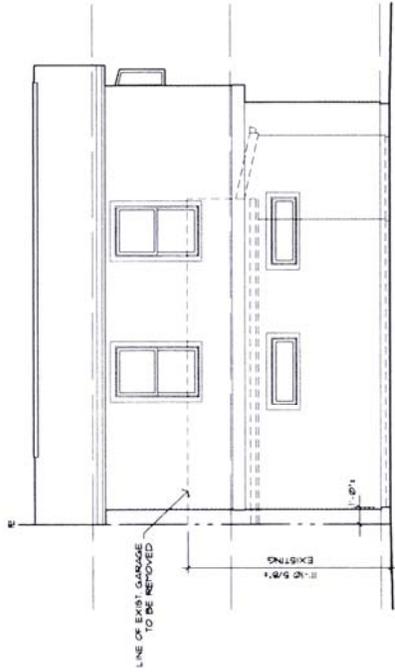
1" = 10'-0"



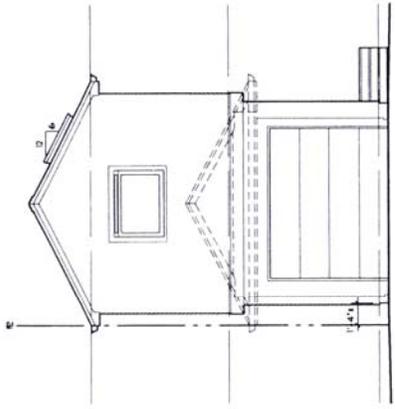
LOT INFORMATION
WALNUT PARK BLOCK B, LOT B,
T.1N. R.1E WILLAMETTE MERIDIAN
CITY OF PORTLAND,
MULTNOMAH COUNTY, OREGON

LAND USE REVIEW SET

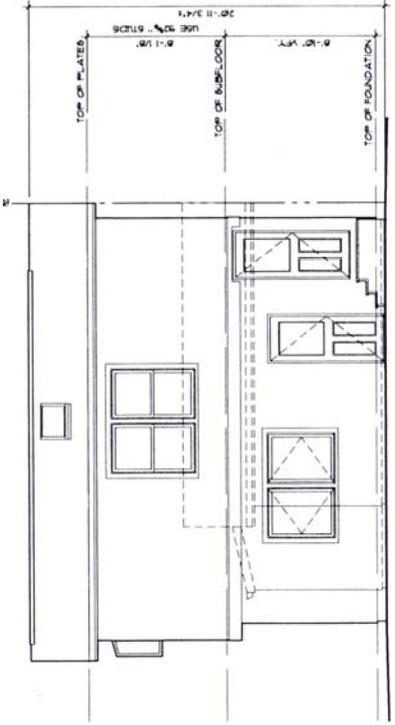
LU 13-163397



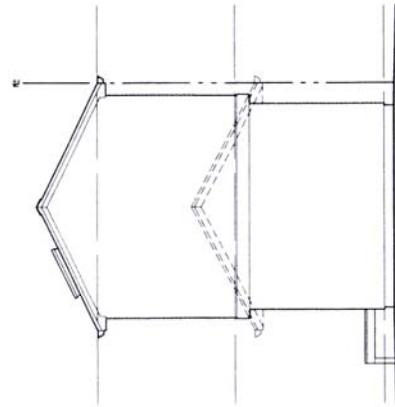
WEST ELEVATION
 1 1/8" = 1'-0"



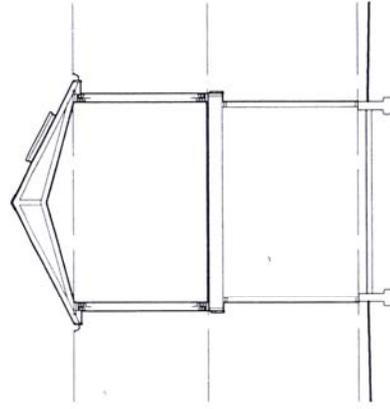
SOUTH ELEVATION
 1 1/8" = 1'-0"



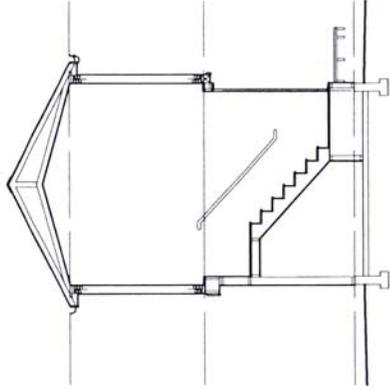
EAST ELEVATION
 1 1/8" = 1'-0"



NORTH ELEVATION
 1 1/8" = 1'-0"



TYPICAL CROSS SECTION
 1 1/8" = 1'-0"



CROSS SECTION
 1 1/8" = 1'-0"

LU 13-163397AD