**City of Portland, Oregon**
**Bureau of Development Services**
**Land Use Services**
FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
Paul L. Scarlett, Director
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TTY: (503) 823-6868
www.portlandoregon.gov/bds

**Date:** July 8, 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 29, 2013**. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 13-167583 AD, in your letter. It also is helpful to address your letter to me, Kathleen Stokes.

# CASE FILE NUMBER: LU 13-167583 AD

**Applicant:** Frank and Ronnie Ramistella
4721 SW Dosch Park Ln
Portland, OR 97239

**Site Address:** 4721 SW DOSCH PARK LN

**Legal Description:** LOT 8, DOSCH ESTATES
**Tax Account No.:** R214300360
**State ID No.:** 1S1E17AA 08000
**Quarter Section:** 3526

**Neighborhood:** Hillsdale, contact Duane Hunting at 503-245-7998.
**Business District:** None
**District Coalition:** Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.

**Zoning:** R10

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

**Proposal:** The applicants are proposed to replace the deck on the south side of their house with a new larger deck that would have an area on the deck platform of about 684 square feet. Decks such as this one, that are over 6 feet above grade level are included in the allowed building coverage, which is based on the size of the site. In this case, the combined allowed building coverage for all roofed structures and any uncovered structures that are more than 6 feet above grade level is 3,187 square feet. With 2,798 square feet for the house and garage and 364 square feet for the existing deck and about 30 square feet for the portion of the deck stairs that are over 6 feet tall, the current building coverage is just over this limit, at about 3,192 square feet. The proposed new deck would exceed the allowed building coverage for the site by 295 square feet and the stairs would add approximately 30 to 54 square feet, to create a

total building coverage of up to 3,536 square feet. Exceptions to the allowed building coverage are allowed through approval of Adjustment Reviews, when all of the relevant approval criteria are met or if the criteria can be met through conditions of approval. Therefore, the applicants are requesting approval of an Adjustment to Code Section 33.110.225 to increase the allowed building coverage, from 3,187 to 3,536 square feet, for construction of the proposed new deck.

*The building coverage standards, together with the height and setback standards control the overall bulk of structures. They are intended to assure that taller buildings will not have such a large footprint that their total bulk will overwhelm adjacent houses. Additionally, the standards help define the character of the different zones by limiting the amount of buildings allowed on a site.*

**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 13, 2013 and determined to be complete on July 3, 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.

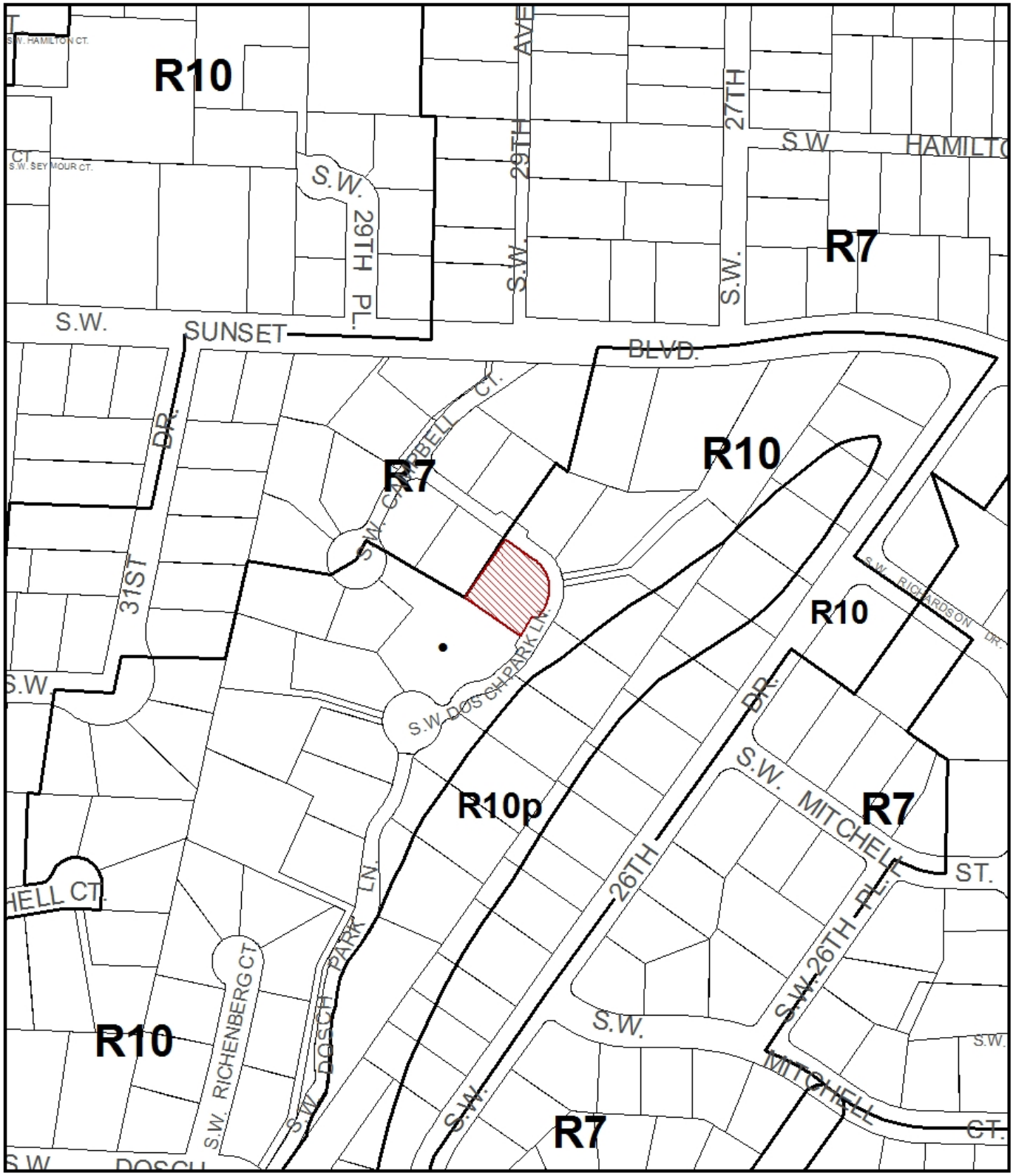
**APPEAL PROCESS**
If you disagree with the Bureau of Development Services administrative decision, you can appeal the decision to the Adjustment Committee. This review body will hold a public hearing for the appeal. When the decision is mailed, the criteria used to make the decision and information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



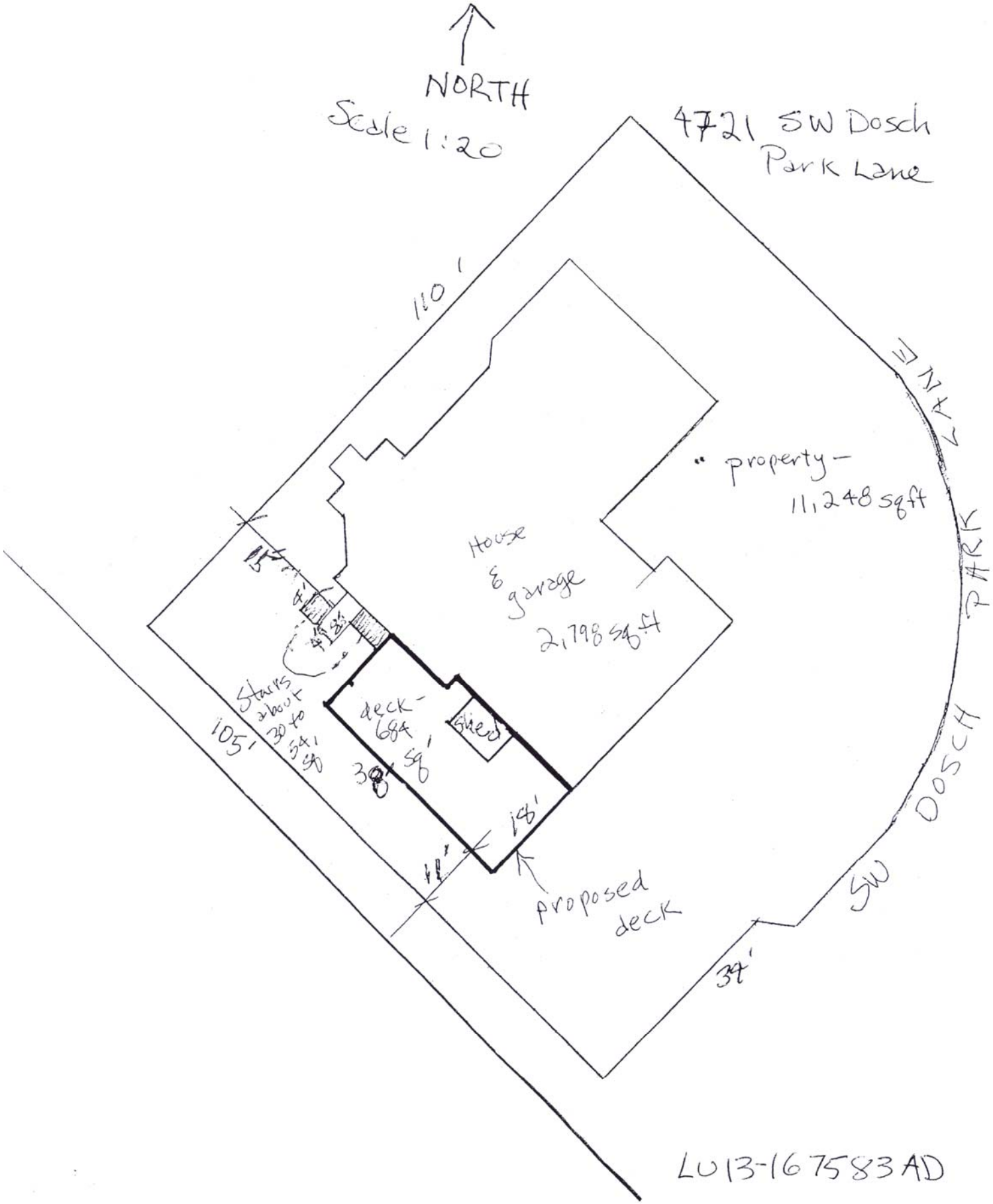

# ZONING

Site

Historic Landmark

NORTH

| | |
|---|---|
| File No. | LU 13-167583 AD |
| 1/4 Section | 3526 |
| Scale | 1 inch = 200 feet |
| State_Id | 1S1E17AA 8000 |
| Exhibit | B (Jun 17,2013) |

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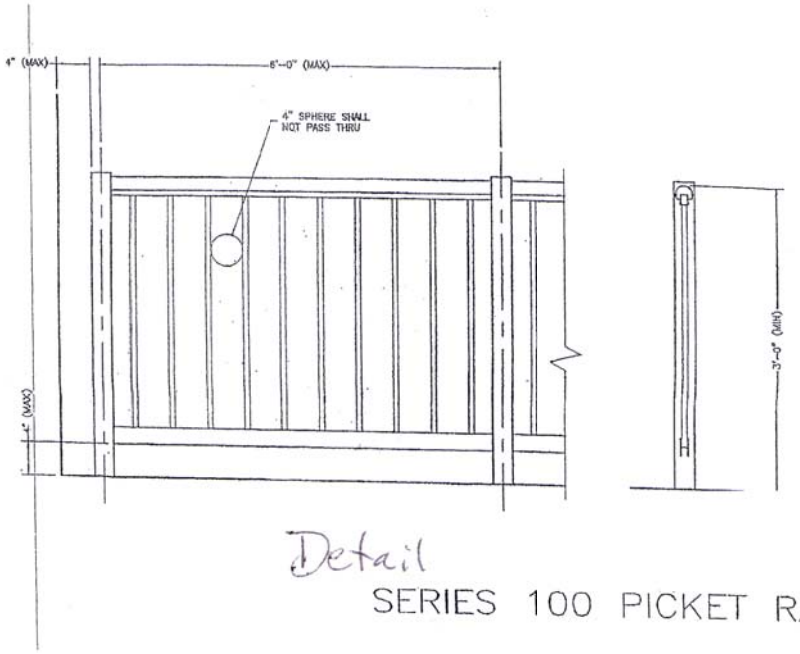
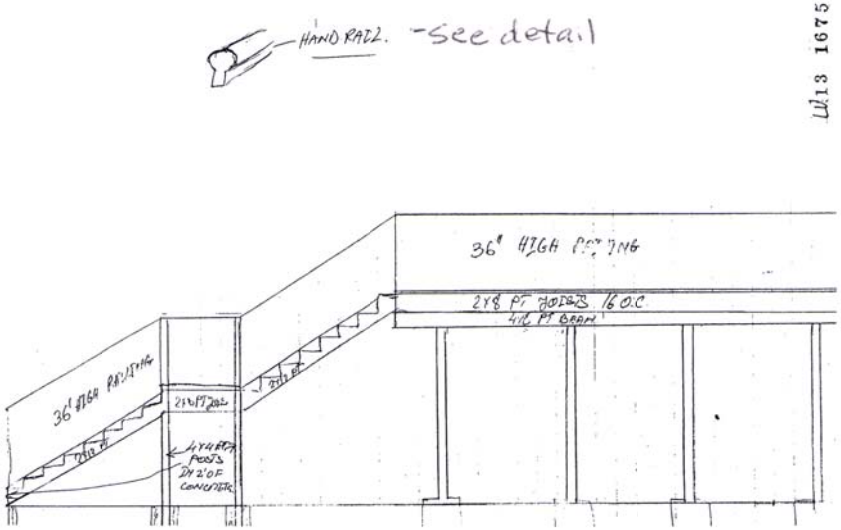
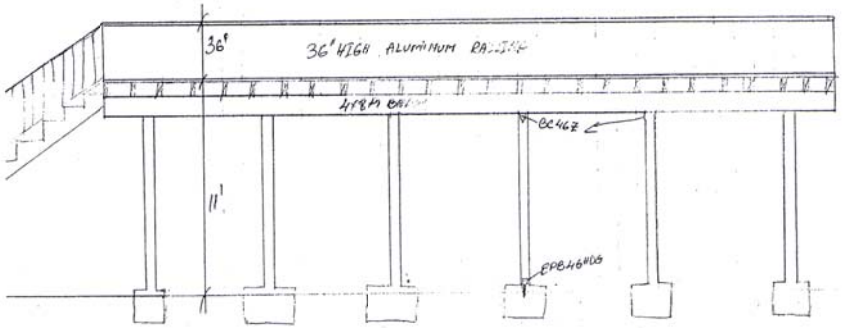



Detail

SERIES 100 PICKET RAILING

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