



**Bureau of  
Development Services  
Land Use Services Division**

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**NOTICE OF FINAL  
FINDINGS, CONCLUSIONS AND DECISION  
OF THE CITY OF  
PORTLAND ADJUSTMENT COMMITTEE  
ON AN  
APPEALED ADMINISTRATIVE DECISION  
(Type II Process)**

**CASE FILE: 07-168792 AD  
LOCATION: 3333 SW 1<sup>st</sup> Avenue (also 117 SW Whitaker Street)**

The administrative decision for this case was appealed to the Adjustment Committee by Jim Davis of the South Portland Neighborhood Association. A public hearing was held on April 15, 2008. The original administrative analysis, findings and conclusions were adopted by the Adjustment Committee and are attached for reference.

**I. GENERAL INFORMATION**

**Applicant** Michelle Washington  
3333 SW 1st Ave  
Portland, OR 97239

**Appellant:** Jim Davis  
South Portland Neighborhood Association  
2337 SW 6<sup>th</sup> Avenue  
Portland, OR 97201

**BDS Staff Representative:** Matt Wickstrom

**BDS Administrative Decision:** Approval with conditions

**Public Hearing:** Hearing was held on April 15, 2008.

**Testified at the Hearing:** Matt Wickstrom, BDS Staff Representative  
Jim Davis, South Portland Neighborhood Association, appellant  
Jason Washington, applicant's representative

**Site Address:** 3333 SW 1st Ave (also 117 SW Whitaker Street)

**Legal Description:** S 8' OF LOT 3 BLOCK 129 LOT 4 BLOCK 129, CARUTHERS ADD  
**Tax Account No.:** R140912230  
**State ID No.:** 1S1E10BC 07700  
**Quarter Section:** 3329

**Neighborhood:** South Portland NA., contact Jim Davis at 503-248-9820  
**District Coalition:** Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592

**Zoning:** R2 (Residential 2,000)

**Case Type:** AD (Adjustment)  
**Procedure:** Type II, an administrative decision with appeal to the Adjustment Committee.

## II. ADJUSTMENT COMMITTEE DECISION

Deny the appeal and uphold the administrative decision of approval subject to the original conditions outlined in the Administrative Decision (attached), as follows:

- A. *A total of six shrubs must be planted between the fence and the SW 1<sup>st</sup> Avenue property line. Three of the shrubs must grow to three feet in height within three years of planting and three of the shrubs must grow to six feet in height during that time period. One tree may be substituted for one shrub. Ground cover must be planted within the area.*
- B. *Fence posts caps must be placed on all fence posts.*
- C. *The applicant shall modify every other section of fence along the SW Whitaker Street property line as follows and as shown as an example in the approved Exhibit C-3 to replace the top two feet of vertical fence boards with wire fencing made of heavy 4 gauge galvanized wire welded into a 4x4-inch mesh.*
- D. *This land use review is not intended to limit alterations to the fence to only those listed above. Other alterations which increase the visual penetration of the fence, beyond the above conditions, are allowed provided that permits (if necessary) are obtained or land use reviews (if necessary) are requested and approved.*

**The applicant prevailed and the appeal was denied.**

**Staff Planner: Matt Wickstrom**

**Final Decision Rendered on April 15, 2008 and mailed on April 17, 2008**

The original staff findings, conclusions and decision were adopted by the **PORTLAND ADJUSTMENT COMMITTEE** on April 15, 2008



By \_\_\_\_\_

Portland Adjustment Committee  
Terry Amundson, Chair

### **EXHIBITS - NOT ATTACHED UNLESS INDICATED**

- A. Applicant's Statement and Original LU Application
  - 1. Supplemental submittal received November 26, 2007
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. SW 1<sup>st</sup> Avenue Elevation Drawing (attached)
  - 3. SW Whitaker Street Elevation Drawing (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Summary Sheet of Bureau Responses
  - 2. Development Review Section of Portland Transportation
- F. Correspondence:
  - 1. Incomplete letter from Matt Wickstrom to Michelle Washington, sent October 26, 2007

2. Libbi Layton, received December 12, 2007, concern about proposal and ideas to improve the project
  3. Jeff Champion, received December 18, 2007, opposition to proposal, objection to land use review approval criteria and review process, comments on approval criteria and overall project
  4. Email from Michelle Washington to Matt Wickstrom received January 16, 2008 and extending decision deadline
- G. Site History Research
- H. Appeal
1. Appeal Statement
  2. Mailed Notice of Appeal
  3. Notice of Appeal mail list
  4. Reschedule Appeal Hearing Notice
  5. Reschedule Appeal Hearing mail list
  6. PowerPoint presentation
- I. Correspondence and comments
1. Letter from Jeff Champion, 3419 SW 1<sup>st</sup> Ave, 97239, rec'd Feb. 20, 2008
  2. Letter from Jeff Champion, 3419 SW 1<sup>st</sup> Ave, 97239, rec'd April 10, 2008

**Copies**

Applicant

Appellant

All parties whom Wrote or Submitted Testimony at the Public Hearing

Neighborhood and/or Business Association(s)

Auditor's Office

Planning and Zoning

MLW/April 16, 2008

For further information on recording, please call the County Recorder at (503) 988-3034.

**Expiration of this approval.** This decision expires 3 years from the date it is recorded unless:

- A building permit has been issued, or
- The approved activity has begun, or
- In situations involving only the creation of lots, the land division has been recorded.