



City of Portland
Bureau of Development Services
Land Use Services Division

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Date: July 8, 2008
To: Interested Person
From: Suzanne Savin, Land Use Services
503-823-5888 / Suzanne.Savin@ci.portland.or.us

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 08-131836 AD

GENERAL INFORMATION

Applicant: Ryan D Beliel
3611 NE 136th Ave
Portland, OR 97230-2957

Owner: Ryan D Beliel & Cynthia G Beliel
3611 NE 136th Ave
Portland, OR 97230-2957

Site Address: 3611 NE 136TH AVE

Legal Description: LOT 12 BLOCK 5, STRATHMORE
Tax Account No.: R800701110
State ID No.: 1N2E23DC 15100
Quarter Section: 2644

Neighborhood: Argay, contact Valerie Curry at 503-256-5579.
Business District: Parkrose Business Association, contact Wayne Stoll at 503-284-1921.
District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

Plan District: None

Zoning: R7 (Single-Dwelling Residential 7,000)

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

Proposal:

The applicant is planning to construct a one-story addition on the west (rear) side of the residence. The addition is proposed to be approximately 1,203.5 square feet in area (approximately 41.5 feet in width and approximately 29 feet in depth). The floor plan for the

addition indicates that it will include an enlargement of the existing kitchen and dining area, a family room, and a shop.

The existing building coverage of the residence is approximately 1,769 square feet. The building coverage of the residence will increase to approximately 2,972.5 square feet with the proposed 1,203.5 square foot addition.

Because the site is approximately 7,500 square feet in size, per Zoning Code Section 33.110.225 and Table 110-4, the maximum allowed building coverage for the site is approximately 2,625 square feet (approximately 35 percent of the site). The applicant is requesting an Adjustment to Section 33.110.225 and Table 110-4, to allow the building coverage of the residence with the addition to be approximately 2,972.5 square feet (approximately 40 percent of the site).

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are the Adjustment Approval Criteria of Section 33.805.040.A – F.

ANALYSIS

Site and Vicinity: The site is located on the west side of NE 136th Avenue, north of the intersection of NE Milton Street and NE 136th Avenue, and is approximately 7,500 square feet in size. The site is developed with a single-dwelling residence, built in 1964. Surrounding the site to the north, east, south, and west of the site are properties zoned R7, which range in size from approximately 7,000 square feet to approximately 9,400 square feet, and are developed with single-dwelling residences.

Zoning: The site is zoned R7, Single-Dwelling Residential 7,000. The single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the comprehensive plan policies and designations for single-dwelling housing.

Land Use History: City records indicate that there is one prior land use review for this site, ZC 7371A. The electronic records for this land use review state, “Incomplete documentation found in logbook. Full petition is either missing or misfiled.” GIS information indicates that ZC 7371A included a large area bounded on the west by NE 122nd Avenue, on the north by NE Sandy Boulevard, on the south by I-84, and on the east by NE 148th Avenue. Therefore, ZC 7371A appears to have been an area-wide zone change, rather than a land use review that was specific only to the subject site.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **June 11, 2008**. The following Bureaus have responded with no issues or concerns:

- Bureau of Transportation Engineering
- Water Bureau
- Fire Bureau
- Bureau of Parks-Forestry Division

The Bureau of Environmental Services (BES) responded that they had no objections to the proposed Adjustment to allow an increase in building coverage for this site. Further development of the property would be subject to BES standards and requirements during the building plan review process. The response included advisory information regarding requirements that would be applicable at the time of building permit. (Exhibit E-1)

The Site Development Section of BDS responded that they had no objection to the proposed Adjustment to building coverage. The response included advisory information regarding requirements that would be applicable at the time of building permit. (Exhibit E-2)

The Life Safety Plan Review Sections of BDS responded that based on the information provided, there appears to be no conflicts between this proposal and applicable building codes. A separate building permit is required for the work proposed and the work must be designed to meet all applicable building codes and ordinances. (Exhibit E-3)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on June 11, 2008. Two written responses have been received from notified property owners in response to the proposal. The two responses each state that the respondents have no objections to the applicant's proposed residential addition.

ZONING CODE APPROVAL CRITERIA

33.805.010 Purpose of Adjustments

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

33.805.040 Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F., below, have been met.

- A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: The floor area of the proposed one-story addition at the rear of the residence will result in a total building coverage of approximately 2,972.5 square feet (approximately 40 percent of the site). Given the size of the site, the maximum allowable building coverage is 2,625 square feet (approximately 35 percent of the site). Therefore, the applicant is requesting an Adjustment to allow the building coverage of the residence, including the addition, to exceed the maximum allowable building coverage and to be approximately 2,972.5 square feet.

The purpose of the Building Coverage standards, as stated in Section 33.110.225.A, is as follows:

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.

Staff notes that the scope of the building coverage adjustment is fairly modest, as it would allow the addition to exceed the allowable building coverage by approximately 347.5 square feet.

The applicant notes that the proposed residential addition will not be bulky, and will not overwhelm adjacent houses, for the following reasons:

- The addition will be a one-story in height, consistent with the height and scale of the residence on the site and consistent with the height and scale of the residences on abutting properties; and,

- The addition will be set further from the side and rear property lines, and from abutting properties, than the minimum 5-foot setback required by the Zoning Code standards. The site plan indicates that the proposed addition will be approximately 6 feet, 6 inches from the south (side) property line, approximately 9 feet from the west (rear) property line, and approximately 25 feet from the north (side) property line.

For the reasons listed above, the building coverage adjustment will not result in a bulky structure that will overwhelm adjacent houses, and granting the adjustment will equally meet the purpose of the regulation.

This criterion is met.

- 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

Findings: The proposal is within a residential zone. The applicant notes that the proposed addition will be located at the rear of the residence, so it will be minimally visible from the street. The one-story height of the addition is consistent with the scale of the residence on the site, and with the scale of the one-story residences on surrounding properties.

This criterion is met.

- 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

Findings: Only one adjustment is being requested, therefore this criterion is not applicable.

- D.** City-designated scenic resources and historic resources are preserved; and

Findings: There are no city-designated scenic or historic resources on the sit, and therefore this criterion is not applicable.

- E.** Any impacts resulting from the adjustment are mitigated to the extent practical; and

Findings: No impacts are expected to result from the adjustment. The proposed addition is at the rear of the residence, is one story in height, and meets or exceeds required setbacks from the side and rear property lines. In addition, the perimeter of the site is fully fenced with a 6-foot, site-obscuring wooden fence that will screen views of the lower portion of the addition from abutting properties.

This criterion is met.

- F.** If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable

Findings: The site is not within an environmental zone, therefore this criterion is not applicable.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

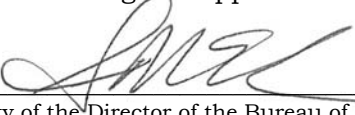
CONCLUSIONS

The applicant has requested an Adjustment to allow the building coverage of the residence with the addition to be approximately 2,972.5 square feet (which exceeds the maximum allowable building coverage on the site by approximately 5 percent and approximately 347.5 square feet). The applicant has provided information to demonstrate that this adjustment will comply with the Adjustment Approval Criteria, and therefore the adjustment can be approved, per the plans and elevations. Approval of building permits is still required, after the decision is final and has been recorded with Multnomah County.

ADMINISTRATIVE DECISION

Approval of an Adjustment to Section 33.110.225 and Table 110-4, to allow the building coverage of the residence with the addition to be approximately 2,972.5 square feet (approximately 40 percent of the site), per the approved plans, Exhibits C-1 through C-2, signed and dated July 3, 2008, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-131836 AD."

Decision rendered by:  on July 3, 2008.

By authority of the Director of the Bureau of Development Services

Decision mailed: July 8, 2008

Staff Planner: Suzanne Savin

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on May 27, 2008, and was determined to be complete on June 9, 2008.

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. Therefore this application was reviewed against the Zoning Code in effect on May 27, 2008.

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 waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period.

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information

satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Adjustment Committee, which will hold a public hearing. Appeals must be filed **by 4:30 PM on July 22, 2008** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7967 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.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Adjustment Committee is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Adjustment Committee an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed,* The final decision may be recorded on or after **July 23, 2008 – (the day following the last day to appeal).**

- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Elevations (attached)
 3. Floor Plan
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Bureau of Environmental Services
 2. Site Development Review Section of BDS
 3. Life Safety Plan Review Section of BDS

4. "No concerns" responses from Bureau of Transportation Engineering and Development Review, Water Bureau, Fire Bureau, Bureau of Parks – Forestry Division

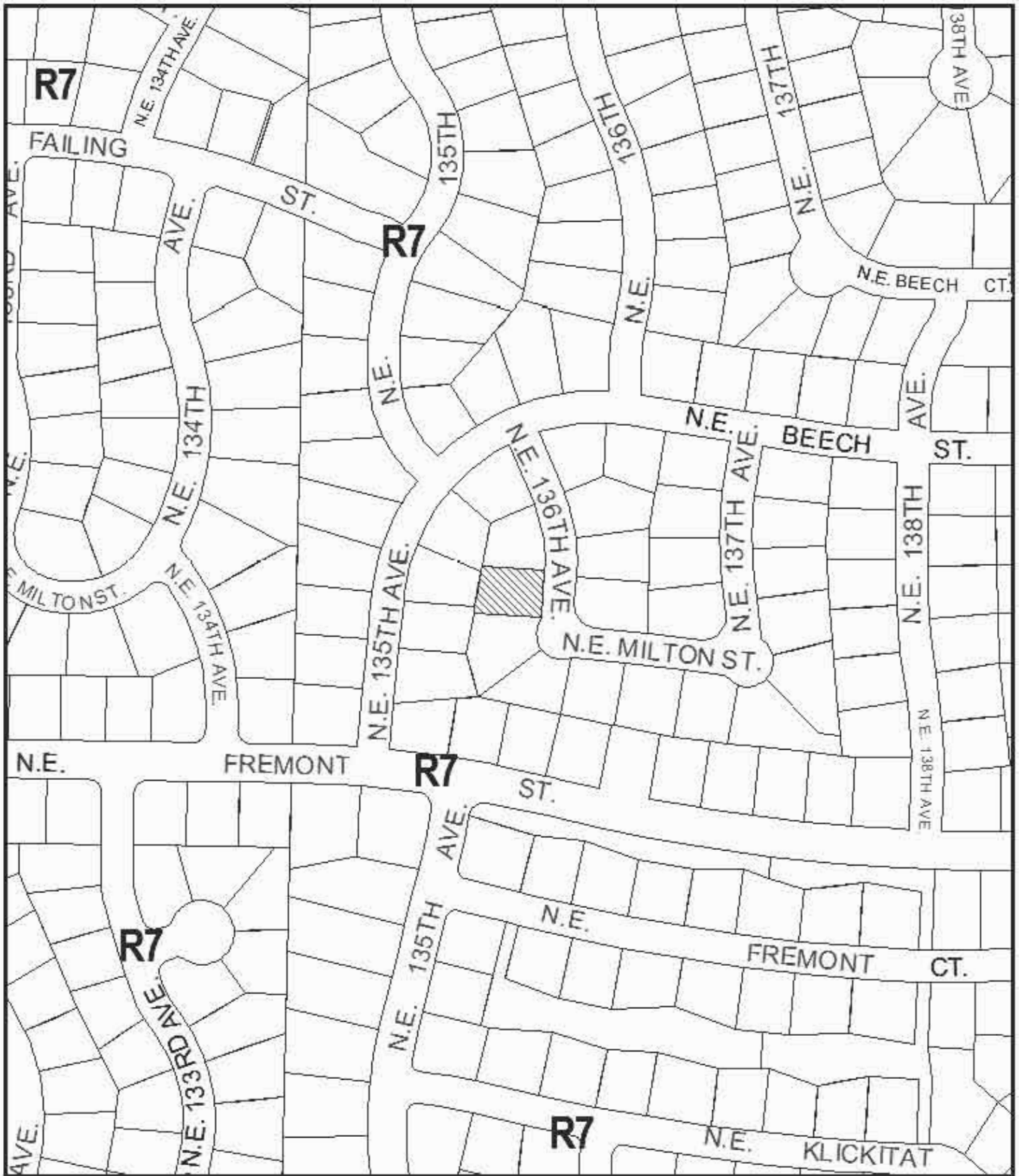
F. Correspondence:

1. Rodrigo, Josefina, and Joselito Austria, June 27, 2008, stated that they had no objections to the proposed residential addition.
2. Dona M. Speyer, June 27, 2008, stated that she had no objections to the proposed residential addition.

G. Other:

1. Original LU Application
2. Site History Research

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



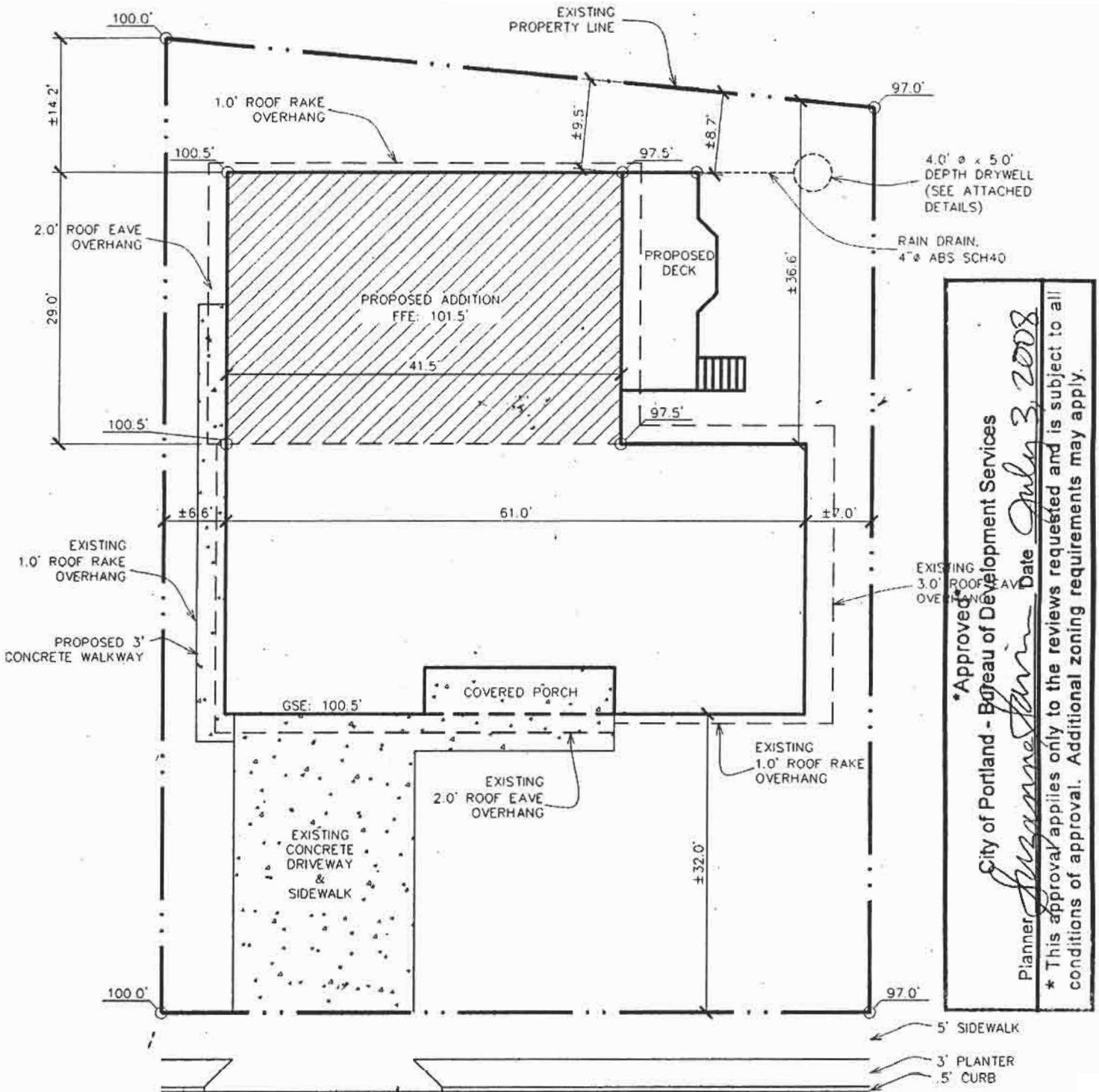
ZONING

 Site



NORTH

File No.	<u>LU 08-131836 AD</u>
1/4 Section	<u>2644</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N2E23DC 15100</u>
Exhibit	<u>B</u> (May 29, 2008)



Approved
 City of Portland - Bureau of Development Services
 Planner *Suzanne Smith* Date *July 3, 2008*
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

Exhibit C-1

LW08-131836 AD

NOTES:
 CONTRACTOR TO SPECIFY EXACT LOCATIONS OF UTILITY STUBS.

PROJECT LEGAL DESCRIPTION:
 SW 1/4 OF SE 1/4 OF SEC. 23, T.1N., R.2E. W.M.
 CITY OF PORTLAND, MULTNOMAH COUNTY


PROJECT ADDRESS:
 3811 NE 136TH AVENUE
 PORTLAND, OREGON 97230

PROPOSED PROJECT FOR:
 RYAN BELIEL

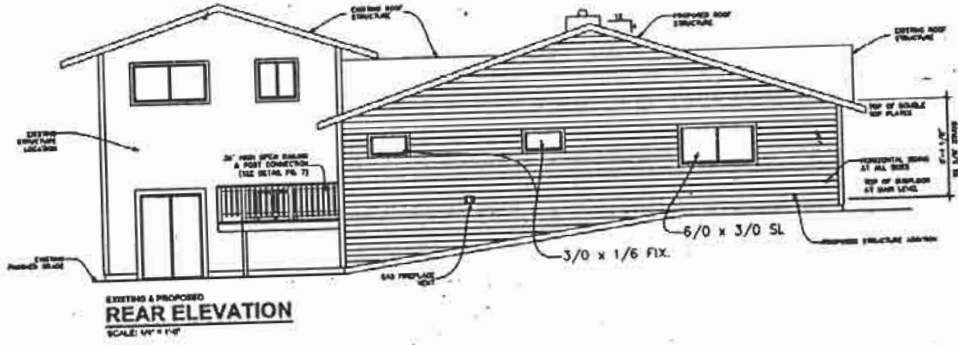
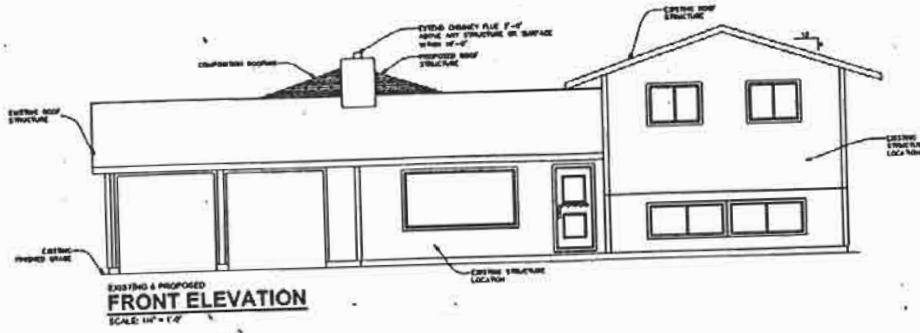
FLATWORK AREA:
 DRIVEWAY & SIDEWALK 936.0 SQ. FT.
 COVERED PORCH 100.0 SQ. FT.
 DECK 226.1 SQ. FT.
 TOTAL= 1256.1 SQ. FT.

LOT COVERAGE:
 LOT AREA 7500.77 SQ. FT.
 BUILDING AREA 2887.68 SQ. FT.
 (NOT INCLUDING OVERHANGS) * 38.23% LOT COVERAGE

ZONING:
 ZONE: R7, OVERLAY: N/A

SITE PLAN 
 SCALE: 1" = 10.0'
 MARCH 2008
 JOB# 08-083

NORTHWEST HOME DESIGN
 8017 SE DIVISION STREET
 PORTLAND, OREGON 97268
 PHONE 503-781-8200
 FAX 503-760-4140



Approved

City of Portland - Bureau of Development Services

Planner Suzanne Savin Date July 3, 2008

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply



Exhibit C-2

LV08-131836 AD