



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

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Portland, Oregon 97201  
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FAX: 503-823-5630  
[www.portlandonline.com/bds](http://www.portlandonline.com/bds)

**Date:** July 15, 2008  
**To:** Interested Person  
**From:** Suzanne Savin, Land Use Services  
503-823-5888 / [Suzanne.Savin@ci.portland.or.us](mailto: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 08-134329 AD**

#### **GENERAL INFORMATION**

**Applicant:** Laura Migliori, Architect  
812 NW 17th Avenue  
Portland, OR 97209

**Owner:** Scott C Wyse  
4309 SW Twombly Ave  
Portland, OR 97239-1370

**Site Address:** 4309 SW TWOMBLY AVE

**Legal Description:** TL 10600 LOT 8&9 BLOCK 30, COUNCIL CREST PK  
**Tax Account No.:** R180705810  
**State ID No.:** 1S1E08DD 10600  
**Quarter Section:** 3426  
**Neighborhood:** Hillsdale, contact Duane Hunting at 503-417-4409.  
**Business District:** None  
**District Coalition:** Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.  
**Plan District:** None  
**Zoning:** R7, R7c (Single-Dwelling Residential 7,000, Single-Dwelling Residential 7,000 with Environmental Conservation Overlay Zone)

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

#### **Proposal:**

The property owner is planning to add 6 feet to the front of the existing garage in order to expand his kitchen and family room into the back 6 feet of the garage. This proposed addition will place the front (south) wall of the garage at 9 feet, 6 inches from the front property line, which is 15 feet, 6 inches closer to the street than the longest street-facing wall of the house.

Zoning Code Section 33.110.253.F requires a garage wall that faces a street to be no closer to the street lot line than the longest street-facing wall of the dwelling unit. The existing south wall of the garage is approximately 10 feet closer to the street than the longest street-facing wall of the house, and the proposed garage addition will increase the garage's proximity to the

street. Therefore, the property owner is requesting an Adjustment to Section 33.110.253.F, to allow the proposed garage addition to be 15 feet, 6 inches closer to the street than the longest street-facing wall of the house.

To decrease the prominence of the proposed garage addition, the proposal includes adding a trellis over the garage door, adding a second-story room over the garage with street-facing windows and a roof deck, and adding a walkway that will extend directly from the street to the front door of the house. In addition, after the Notice of Proposal for this request was mailed, the applicant revised the south elevation of the garage addition to include windows within the garage door. The revised proposed south elevation is attached to this Notice of Decision.

**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 northwest corner of SW Washouga Avenue and SW Twombly Avenue, and is approximately 8,000 square feet in size. The site is improved with a single-dwelling residence with attached garage, built in 1956.

To the north of the site are properties zoned R7 and R7c, developed with single-dwelling residences. To the east of the site, on the east side of SW Washouga Avenue, are properties zoned R7, developed with single-dwelling residences. To the south of the site, on the south side of SW Twombly Avenue, are properties zoned R7, developed with single-dwelling residences. To the west of the site are properties zoned R7, R7c, R10, and R10c, developed with single-dwelling residences.

**Zoning:** The site is split-zoned, with the southerly portion being zoned R7 (Single-Dwelling Residential 7,000) and the northerly portion being zoned R7c (Single-Dwelling Residential 7,000 with Environmental Conservation Overlay Zone).

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.

The Environmental Conservation Zone (designated with the letter 'c') conserves important resources and functional values in areas where the resources and functional values can be protected while allowing environmentally sensitive urban development. In this case, the proposed development (an addition to the front of the existing garage) is within the R7 portion of the site, rather than the R7c portion. Therefore, the Environmental Conservation Zone standards are not applicable to the Adjustment requested for the proposed development.

**Land Use History:** City records indicate there are no prior land use reviews for this site.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **June 19, 2008**. The following Bureaus have responded with no objections or concerns:

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

The Bureau of Environmental Services (BES) responded that BES has no objections to the Adjustment to allow the proposed garage addition to be 15.5 feet closer to the street than the longest street-facing wall. However, BDS Site Development has identified issues with the existing private sanitary sewer line on this site. These issues must be resolved prior to building

permit approval. Refer to Site Development's response for more detailed information. (Exhibit E-1)

The Site Development Section of BDS responded that Site Development has no objection to the proposed Adjustment to allow the garage addition to be 15.5 feet closer to the street than the longest street-facing wall of the house. However, the response included advisory information regarding building permit 06-162315 RS, currently under review; in particular, the response stated that the Senior Site Development Inspector has advised the applicant to submit the results of a sewer line video documenting the condition and exact location of the sanitary sewer line. (Exhibit E-2)

The Life Safety Plan Review Section of BDS responded that a separate building permit is required for the work proposed and the work must be designed to meet all applicable building codes, ordinances and accepted engineered practices. (Exhibit E-3)

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on June 19, 2008. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## 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 Adjustment 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 applicant is requesting an Adjustment to Section 33.110.253.F (the standard requiring a garage wall that faces a street to be no closer to the street lot line than the longest street-facing wall of the dwelling unit). The purpose of this regulation, as stated in Section 33.110.253.A, is as follows:

These standards:

- Together with the window and main entrance standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
- Ensure that the location and amount of the living area of the residence, as seen from the street, is more prominent than the garage;
- Prevent garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance;
- Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk; and

- Enhance public safety by preventing garages from blocking views of the street from inside the residence.

The applicant states that granting the adjustment will equally or better meet the purpose of the regulation for the following reasons:

- Extending the front of the garage by 6 feet will slightly increase its prominence, but this increase will be more than offset by the addition of the proposed roof deck and second-story room above the garage, which will add to the living area of the house. This new living area will be more prominent from the street than any of the existing living area of the house. In addition, a pedestrian path is proposed to extend from the street to the main entrance of the house. The pedestrian path will emphasize the location of the house's main entrance from the street.
- As can be seen on the site plan, the proposed front (south) wall of the extended garage is angled away from the longest street-facing wall of the house. Because the proposed front wall of the garage is oriented to the southwest while the longest street-facing wall of the house is oriented to the southeast, the proposed garage extension will not block views of the street from inside the house's main entrance. The differing orientations of the garage front wall and longest street-facing wall will also ensure that the proposed garage extension will not significantly decrease the visibility of the main house from the street.
- The proposed roof deck and second-story room above the garage, the proposed trellis over the garage door and proposed windows within the garage door will result in a garage that is more attractive and less automobile-focused than the appearance of the existing garage.

Staff concurs that the adjustment will equally meet the purpose of the regulation for the reasons listed above.

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 front (south) garage wall is already closer to the street lot line than the longest street-facing wall of the house; the development proposal will extend the front garage wall an additional 6 feet closer to the street lot line. However, the development proposal will also add living area above the garage, and a pedestrian connection from the street to the main entrance of the residence, thus making the house's living area and main entrance more prominent than they are currently. As a result, the applicant notes that the proposed development will improve the appearance of the house and give it a friendlier face than it has now.

The applicant also notes that the neighborhood has many homes built in the 1950's and 1960's and many sloped lots, so the dwelling configuration of garages in front of houses is common in the neighborhood. Based on GIS aerial photo information and a Staff site visit, Staff concurs that the dwelling configuration of garage walls in front of the longest street-facing walls of residences is common in the neighborhood.

For the above reasons, the proposal will not significantly detract from the livability or appearance of the residential area. 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:** The site does not contain any city-designated scenic or historic resources, therefore this criterion is not applicable.

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

**Findings:** A potential impact of the adjustment is making the garage more prominent than the living area of the residence, when viewed from the street. However, the applicant has proposed to mitigate for this potential impact by adding living area (a second-story room and roof deck) on the top of the garage, adding a trellis above the garage door, and adding a pedestrian walkway from the street to the dwelling's main entrance. The applicant has also revised the proposed south elevation to add windows to the garage door. These mitigation measures serve to make the dwelling's living area and main entrance more prominent, despite the extension of the garage closer to the street lot line. These mitigation measures are shown on the attached site plan, and attached east and south elevations.

Therefore, the potential impact of the adjustment is mitigated to the extent practical. 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 split-zoned, with the northerly part of the site within the Environmental Conservation Zone (designated with a 'c' on the zoning map). However, the proposed development, and the subject of the proposed Adjustment, is an addition to the front (south) portion of the garage. The proposed development is not within the 'Environmental Conservation Zone portion of the site. Therefore, the proposal will have no significant detrimental environmental impacts on the resource. This criterion is met.

## 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

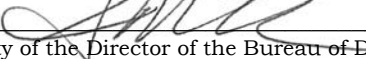
The applicant has requested an Adjustment to Section 33.110.253.F, to allow the proposed garage addition to be 15 feet, 6 inches closer to the street than the longest street-facing wall of the house. The applicant has provided information to demonstrate that this adjustment will comply with the Adjustment 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 33.110.253.F, to allow the proposed garage addition to be 15 feet, 6 inches closer to the street lot line than the longest street-facing wall of the residence,

per the approved plans, Exhibits C-1 through C-2, signed and dated July 11, 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 08-134329 AD."

**Decision rendered by:**  **on July 11, 2008.**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: July 15, 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 June 4, 2008, and was determined to be complete on June 17, 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 June 4, 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 29, 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](http://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 30, 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.

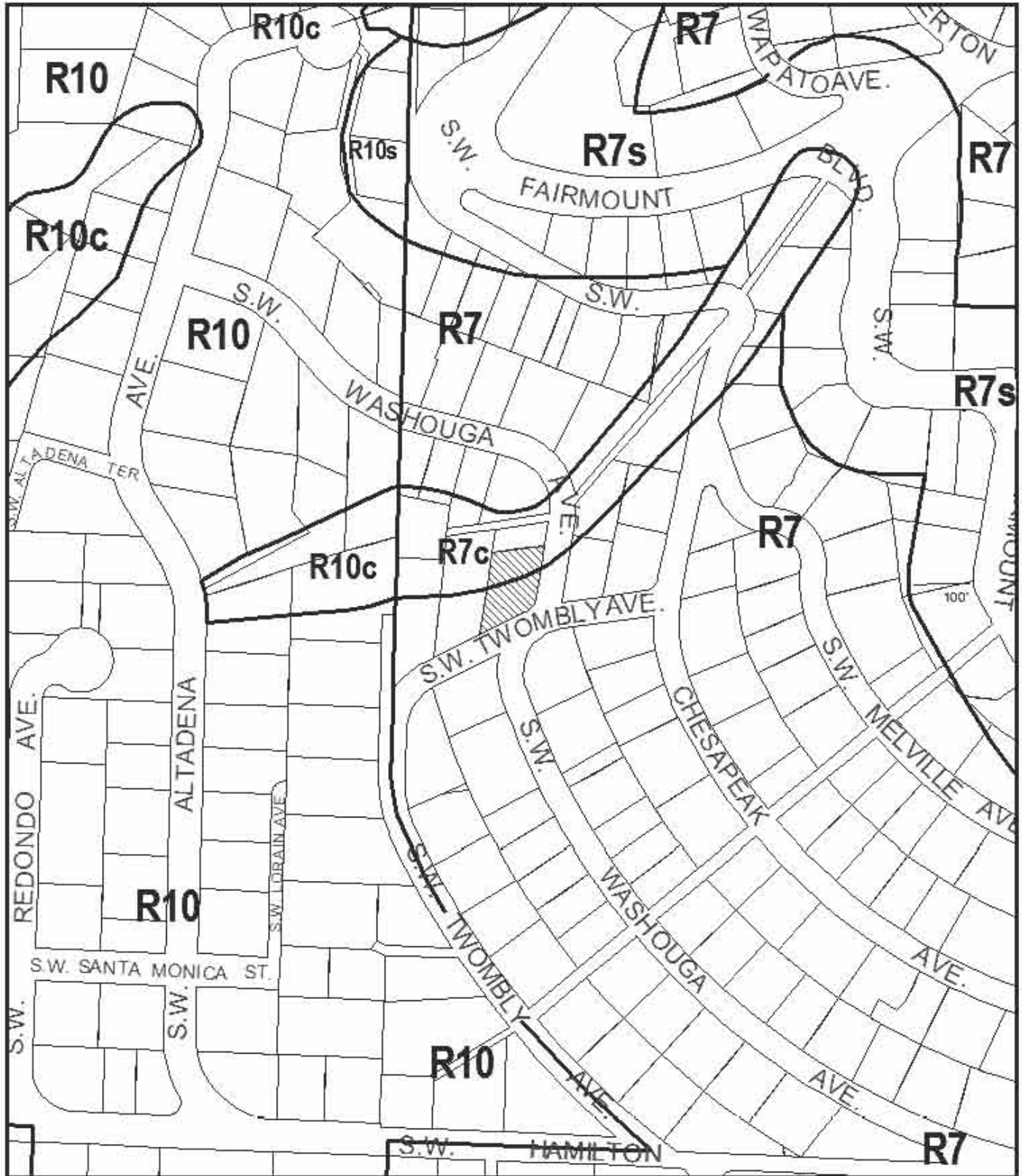
#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Revised Elevations (attached)
  - 3. Original Elevations
- 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. Bureau of Transportation Engineering and Development Review
  - 5. "No concerns" responses from the Water Bureau, Fire Bureau, Bureau of Parks - Forestry Division
- F. Correspondence:
  - 1. No correspondence received.
- 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



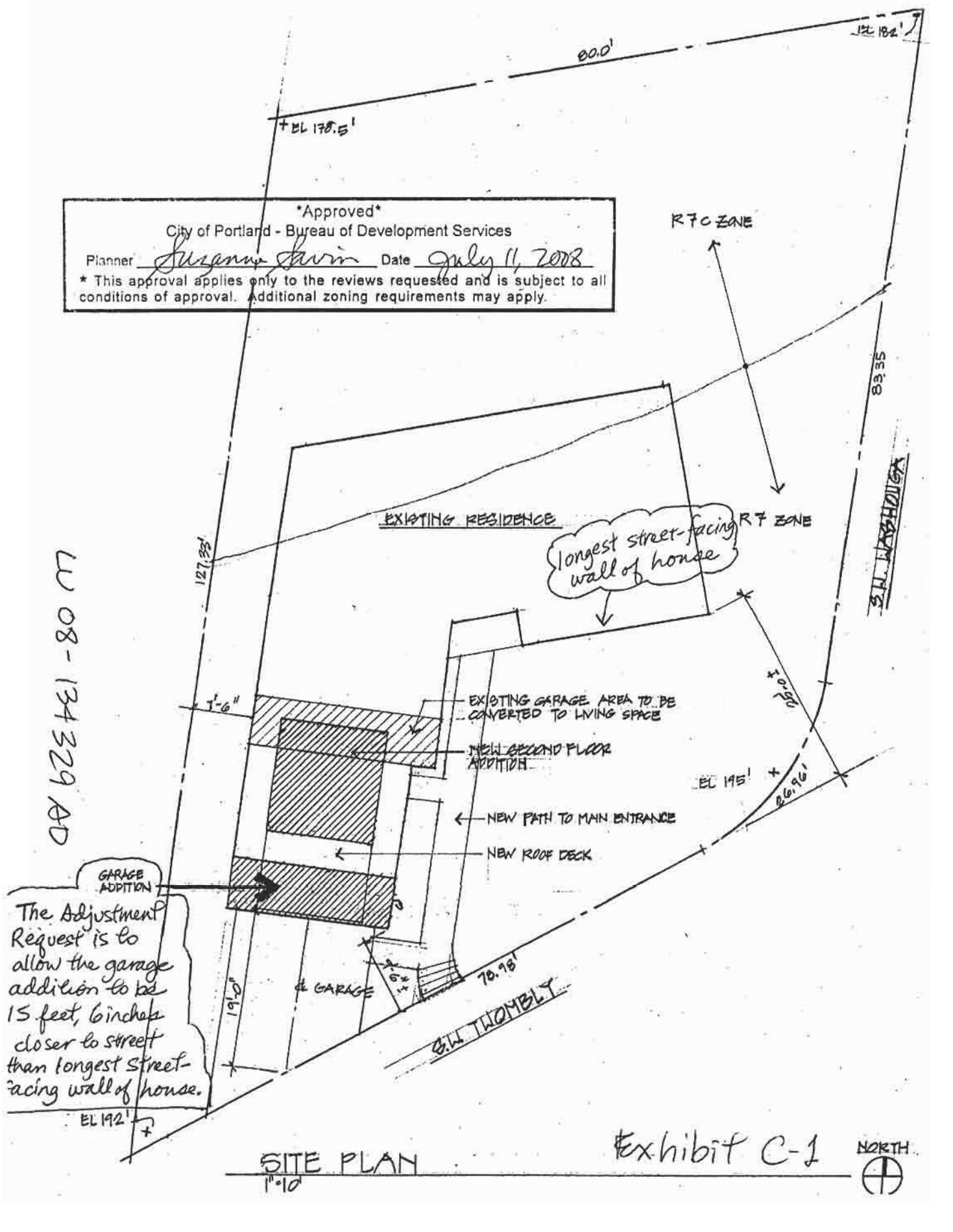
File No.	LU 08-134329 AD
1/4 Section	3426
Scale	1 inch = 200 feet
State Id	1S1E08DD 10600
Exhibit	B (Jun 09, 2008)

\*Approved\*

City of Portland - Bureau of Development Services

Planner Suzanne Swin Date July 11, 2008

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



LU 08-134329 AD

**GARAGE ADDITION**

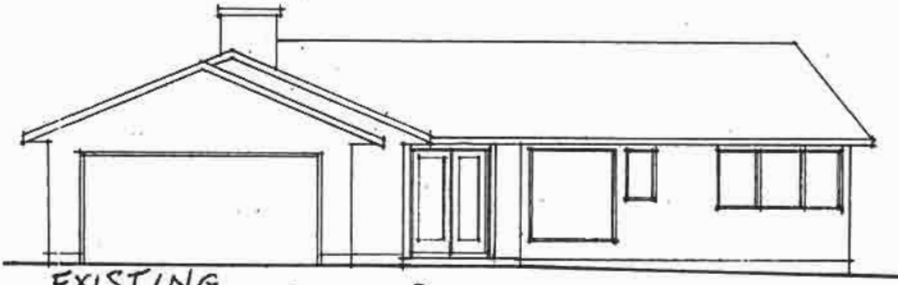
The Adjustment Request is to allow the garage addition to be 15 feet, 6 inches closer to street than longest street-facing wall of house.

**SITE PLAN**  
1"=10'

Exhibit C-1



Existing Elevations



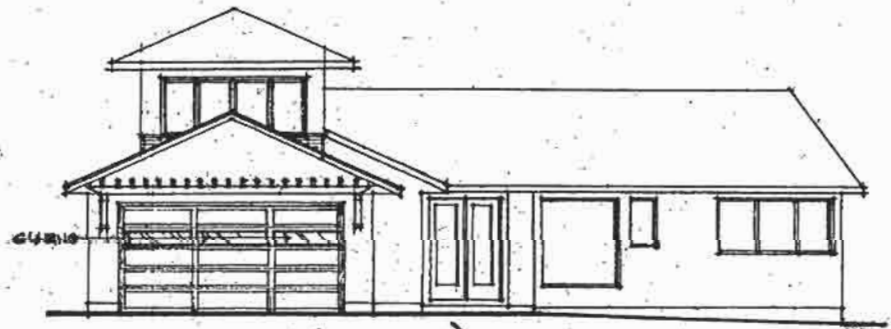
EXISTING SOUTH ELEVATION (FRONT)



EXISTING ELEVATIONS: EAST (SIDE) 1/8" = 1'-0"

LU 08-134329 MD

Proposed Elevations



SOUTH ELEVATION (FRONT)



REVISED ELEVATIONS: EAST (SIDE) 1/8" = 1'-0"

\*Approved\*  
 City of Portland - Bureau of Development Services  
 Planner: *Suzanne Savin* Date: *July 11, 2008*  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

REVISSED ELEVATIONS

LU 08-134329 AD

Exhibit C-2