



City of Portland
Bureau of Development Services
Land Use Services Division

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Date: August 11, 2008
To: Interested Person
From: Matt Wickstrom, Land Use Services
503-823-7840 / WickstromM@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 08-134995 AD

GENERAL INFORMATION

Applicant: Mike Montgomery
Simple Home Designs
9824 SW 60th Ave
Portland, OR 97219

Property Owners: Neil and Wendy Vollen
3920 SW Tunnelwood St
Portland, OR 97221-4153

Site Address: 3920 SW TUNNELWOOD ST

Legal Description: TL 4400 0.41 ACRES, SECTION 08 1 S 1 E
Tax Account No.: R991082160
State ID No.: 1S1E08CA 04400
Quarter Section: 3425
Neighborhood: Bridlemile, contact Karen Tabata at 503-292-4377
District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592
Zoning: R10 (Residential 10,000)
Case Type: AD (Adjustment)
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal:

The applicant proposes a 12-foot addition to the front of an existing garage as part of a remodel to an existing house. The Portland Zoning Code states that a garage wall that faces a street may be no closer to the street lot line than the longest street-facing wall of the dwelling unit. The existing garage is already closer to the street lot line than the longest street-facing wall of the house but the addition will cause the garage location to be further out of conformance with this regulation. The applicant requests one Adjustment to allow the garage to be 48 feet in front of the longest street-facing wall of the dwelling unit (as measured from the northeast corner of the proposed garage to the wall of the house with the existing main entrance). As mitigation for the Adjustment the applicant has included a new front entry to better pronounce the main entrance of the home.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of 33.805.040 A-F, Adjustments.

ANALYSIS

Site and Vicinity: The 18,000 square foot lot which fronts on SW Tunnelwood Street is developed with a single-dwelling residence. From the street the home appears as a single-story structure constructed with a courtyard-style, V-shaped design. The home has an attached garage which is the closest part of the structure to the street and which is about 40 feet in front of the main entrance of the home. Due to a front porch overhang which runs along the front of the house, the main entrance is not readily apparent when viewed from the street. The surrounding vicinity is developed with other single-dwelling homes, some on sloped lots. Several other homes in the vicinity have garages which are closer to the street than the longest street-facing wall of the dwelling unit.

Zoning: The site is zoned R10 (Residential 10,000). The R10 zone is intended to foster the development of single-dwelling residences on lots having a minimum area of 6,000 square feet. The Portland Zoning Code includes four Base Zone Design Standards which regulate the design of most homes throughout Portland. One of these standards requires that a garage wall which faces a street may be no closer to the street lot line than the longest street-facing wall of the dwelling unit.

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 23, 2008**. The following Bureaus have responded:

- The Site Development Section of BDS responded with no objections to the proposal. The response also states that development on the site must provide stormwater management in accordance with the Stormwater Management Manual (SWMM) and at the current time no information has been provided concerning the method of stormwater disposal. The response states that the public storm sewer system in SW Tunnelwood Street appears to be located uphill from the proposed additions and the new and resurfaced paved areas, so a connection to that system may be problematic. On-site infiltration is not recommended at this location. At the time of building permit review, a complete utility plan must be provided to show how any changes to the development on the site will meet the location, sizing and design requirements of the SWMM (Exhibit E-1).
- The Bureau of Environmental Services (BES) responded that the proposed Adjustment appears to have no impact on existing BES sanitary/stormwater facilities. Further development of the property will be subject to BES standards and requirements during the building plan review process (Exhibit E-2).
- The Life Safety Section of BDS, the Development Review Section of Portland Transportation as well as the Fire, Water and Parks Bureaus all responded with no concerns (Exhibit E-3).

Neighborhood Review: A "Notice of Proposal in Your Neighborhood" was mailed on June 23, 2008. One written response has been received from a notified property owner in response to the proposal. The faxed response states no objection to the requested Adjustment (Exhibit F-1).

ZONING CODE APPROVAL CRITERIA**Title 33.805.10 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 code's regulations would preclude all use of the site. Adjustment reviews provide flexibility for unusual situations and to 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.

33.805.40 Adjustment Approval Criteria

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

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

Findings: The applicant requests one Adjustment to allow the garage addition to be approximately 48 feet in front of the longest street-facing wall of the dwelling unit. The purpose of the Zoning Code standards relating to garages in single-dwelling zones are listed below:

Purpose 33.110.220 Garages

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 garage is currently approximately 40 feet in front of the longest street-facing wall of the house; however, based on the courtyard-style, V-shaped design of the house, this location does not obscure views of the main entrance from the street. The addition to the front of the garage also should not exacerbate this situation. In fact, the proposed front entry addition will highlight the main entrance and make it more visually apparent than its current location and design. This will help to promote a physical and visual connection between the living area of the home and the street. Also, due to the courtyard-style, V-shaped design of the home, the amount of living area as seen from the street is currently and will remain more prominent than the garage. The pedestrian environment will actually be improved through the proposal due to the addition of the front entry which is well-designed and incorporates features of the garage addition such as shingles and a circular vent. Furthermore, the location of the current main entrance is not readily visible from the street and the front entry addition will improve this situation. Views of the street from the inside the residence should not be adversely impacted with this proposal. Based on this information, 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 should have no negative impacts on the livability of the residential area. The garage addition will not obscure views of the main entrance; in fact the proposed front entry addition will improve views of the main entrance from the street. Views of the street from inside the residence also should not be negatively impacted by the proposed addition. Both of these factors are important when considering impacts on livability because they relate to the prominence of the residential living area in comparison to the garage, the ease for

pedestrians to locate the main entrance and the need to maintain “eyes on the street” which helps promote safety. The garage addition and the front entry addition are well-designed and will add aesthetic features and visual interest to the house. Based on this information, this criterion is met.

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

Findings: No impacts are expected to result from the proposed Adjustment. The overall project is well-designed and views of the main entrance and living area of the home are either preserved or enhanced. 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

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

F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resources and resource value as is practical.

Findings: Only one adjustment is requested, the site does not contain any identified scenic or historic resources and the site is not located in an environmental zone; therefore, these criterion are 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.

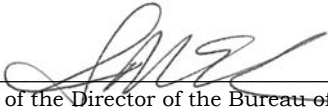
CONCLUSIONS

The applicant proposes one Adjustment associated with the planned construction of an addition to the front of an existing attached garage which will bring the garage location further out of conformance with Zoning Code standards. As noted in this report, the proposal meets the Adjustment approval criteria with approval granted based on the current location of the garage, the courtyard-style/V-shaped design of the house, and the addition of the front entry. With approval requiring that the permit drawings substantially conform with the attached elevation drawings and site plan as related to the new garage and entry, the request meets the applicable criteria and should be approved.

ADMINISTRATIVE DECISION

Approval of an Adjustment to 33.110.253.F.3 to allow the garage addition to be 48 feet in front of the longest street-facing wall of the dwelling unit (as measured from the northeast corner of the proposed garage to the wall of the house with the existing main entrance), in substantial conformance with the approved site plans, Exhibits C-1 and C-2, signed and dated August 7, 2008, subject to the following condition:

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 and C-2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-134995 AD."

Decision rendered by:  **on August 7, 2008**

By authority of the Director of the Bureau of Development Services

Decision mailed: August 11, 2008**Staff Planner: Matt Wickstrom**

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 6, 2008, and was determined to be complete on June 20, 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 6, 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 requested that the 120-day review period be extended 17 days, as stated with Exhibit A-1.

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 August 25, 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 **August 26, 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:

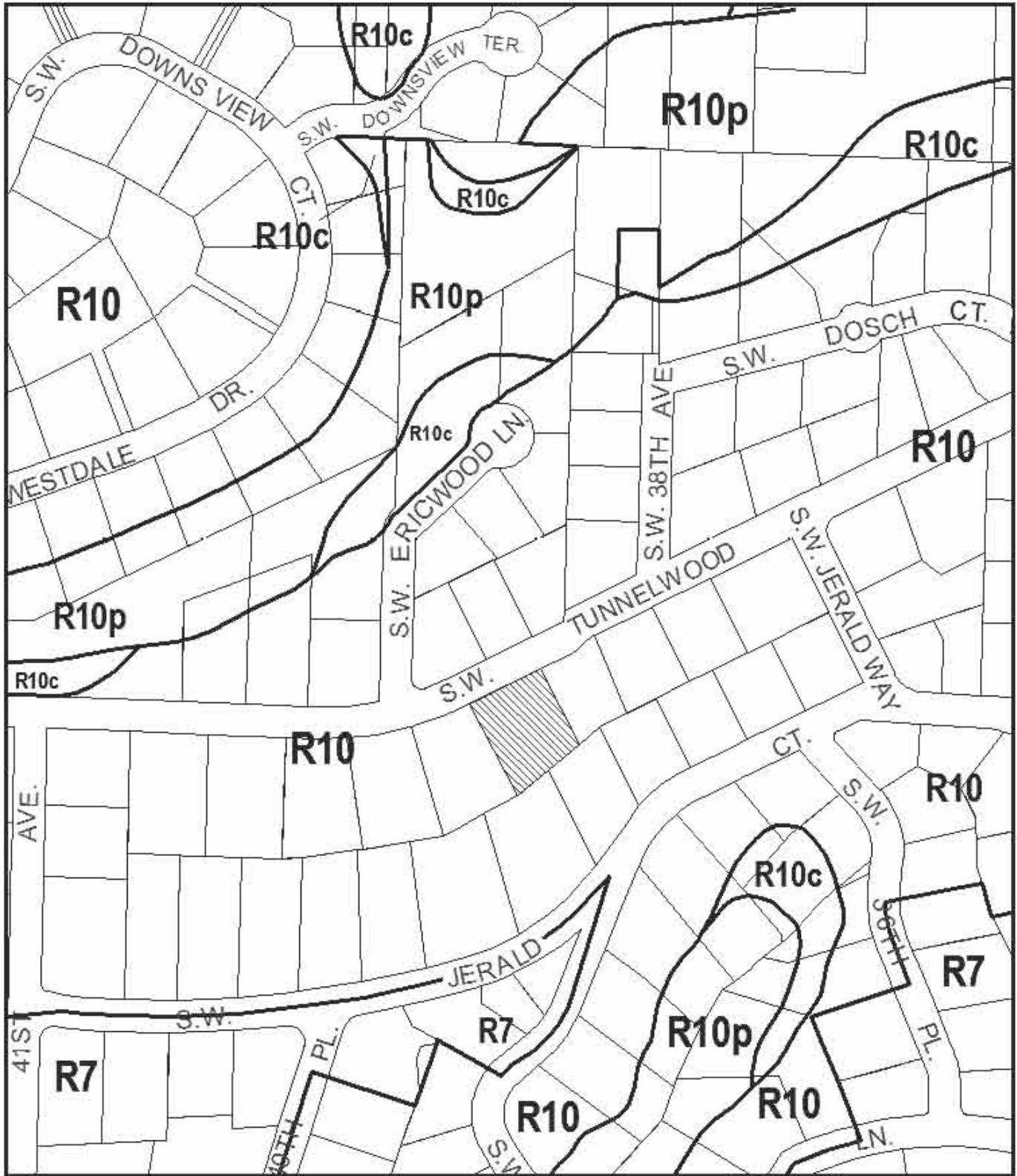
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Email from Mike Montgomery and Wendy Vollen requesting to extend the 120-day decision deadline dated July 23, 2008
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Elevation Drawings (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Site Development Review Section of BDS
 - 2. Bureau of Environmental Services
 - 3. Summary Sheet of Bureau Responses
- F. Correspondence:
 - 1. William Wright, June 25, 2008, no objections to the proposed Adjustment
- G. 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.	<u>LU 08-134995 AD</u>
1/4 Section	<u>3425</u>
Scale	<u>1 inch = 200 feet</u>
State Id	<u>1S1E08CA 4400</u>
Exhibit	<u>B (Jun 09,2008)</u>

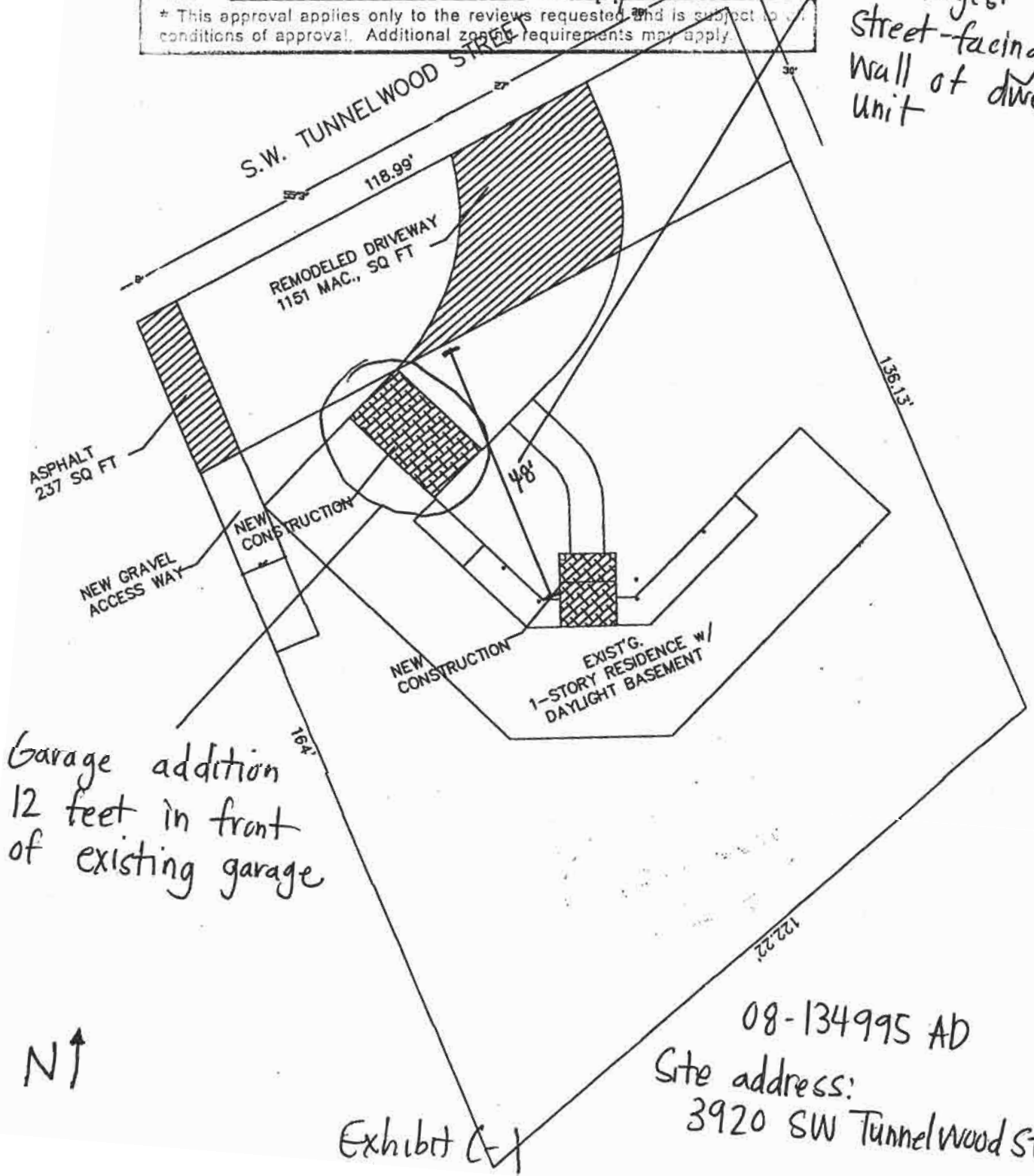
Approved

City of Portland - Bureau of Development Services

Planner MLW Date 8/7/08

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

Approved Proposal to allow garage addition to be 48 feet in front of longest street-facing wall of dwelling unit

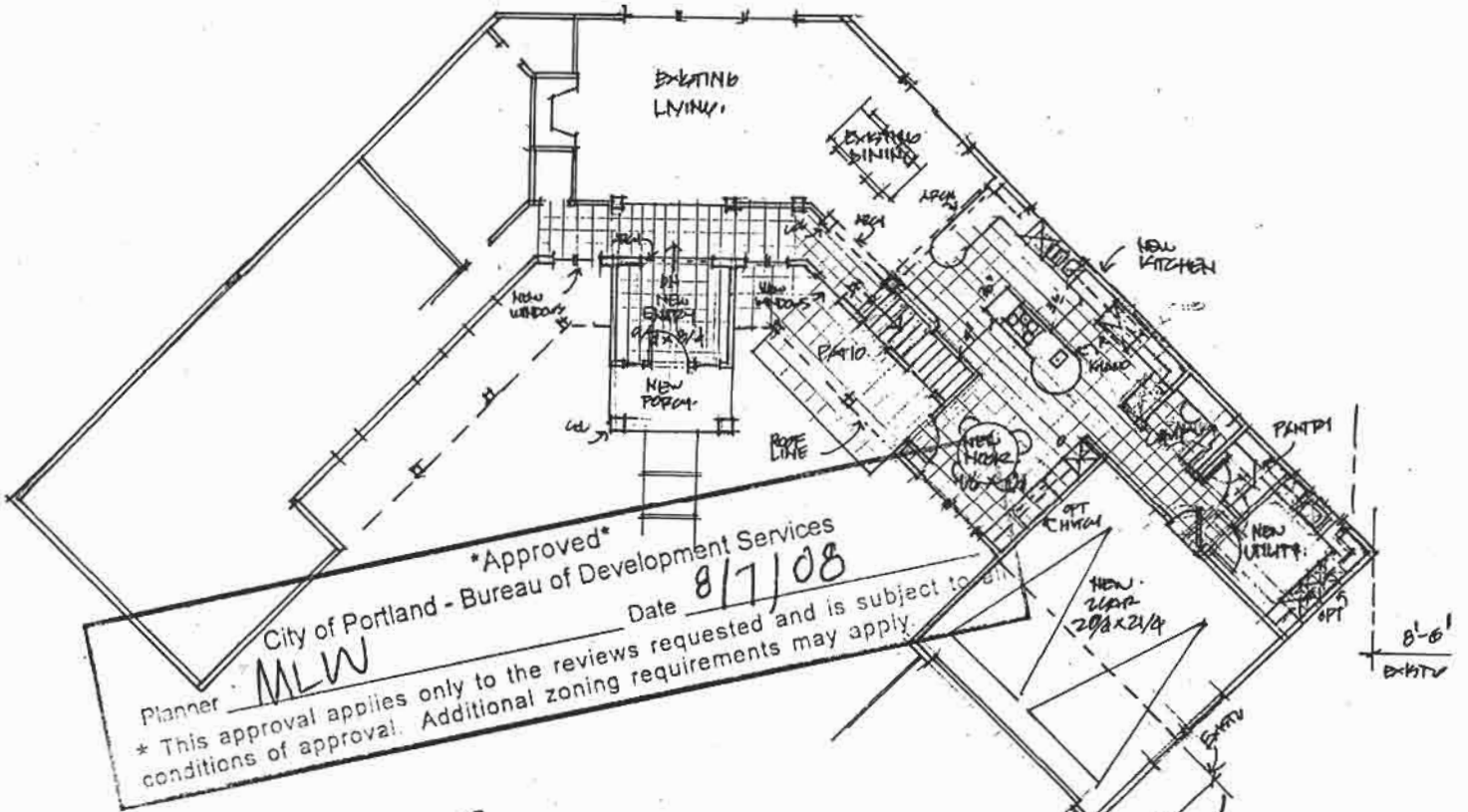


Garage addition 12 feet in front of existing garage

N ↑

Exhibit (A)

08-134995 AD
 Site address:
 3920 SW Tunnelwood St.



FRONT ENTRY

1/8"

Proposed 12-foot addition to front of existing garage



FRONT OF GARAGE

1/8"

Exhibit C-2