



City of Portland
Bureau of Development Services
Land Use Services Division

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

**CASE FILE: LU 07-185959 AD
LOCATION: 1919 SE Mountain View Drive**

The administrative decision for this case, published on May 5, 2008, was appealed to the Adjustment Committee by Nola J Wilken & Theresa Demarest. A public hearing was held on August 5, 2008. The original administrative analysis, findings and conclusions were adopted by the Adjustment Committee. The administrative decision can be found online at <http://www.portlandonline.com/bds/index.cfm?c=46578>.

I. GENERAL INFORMATION

Applicant: Daniel & Sally Chinn
1919 SE Mountain View Dr
Portland, OR 97215-3552

Appellant: Nola J Wilken & Theresa Demarest
1909 SE Mountain View Dr.
Portland, OR 97215

BDS Staff Representative: Ronda Fast

BDS Administrative Decision: Approval with conditions

Public Hearing: Hearing was held on August 5, 2008.

Testified at the Hearing: Ronda Fast, BDS Staff Representative
Nola J Wilken & Theresa Demarest, appellants
Ruthie Petty, neighbor
Brian Davis, neighbor
Daniel & Sally Chinn, applicants

Site Address: 1919 SE Mountain View Drive

Legal Description: MTN VIEW FLORAL TR; LOT 11&12

Tax Account No.: R590100370

State ID No.: 1S2E05CA 2900

Quarter Section: 3237

Neighborhood: Mt. Tabor, Dave Hilts at 503-780-0826.

Business District: Eighty-Second Avenue, Nancy Chapin at 503-774-2832.

District Coalition: Southeast Uplift, Gary Berger at 503-232-0010.

Zoning: R5 (5,000, High Density Single-Dwelling Residential)

Case Type: AD (Adjustment)

Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

PROPOSAL:

The applicant demolished an attached carport structure then built a garage in its place. The garage addition was built on the north end of the site attached to an existing two-car garage. The addition does not meet the minimum 5-foot setback requirements of Section 33.110.220 of the Portland Zoning Code. The Zoning Code requires a setback of 5 feet from a side property line in the R5 zone. Thus, the applicant has requested an Adjustment to reduce the side

setback along the north property line to allow the garage addition to be 3' 2" to the building wall and 1' 2" to the eaves.

II. ADJUSTMENT COMMITTEE DECISION

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

Approval of an Adjustment to Zoning Code Section 33.110.220 to reduce the side setback for a garage addition from 5 feet to 3' 2" inches, per the approved site plans, Exhibits C-1 through C-2, signed and dated May 1, 2008, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related condition B must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 07-185959 AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. No portion of the building may extend closer than 3' 2" to the property line. The eave, as proposed in this land use review, must be removed.

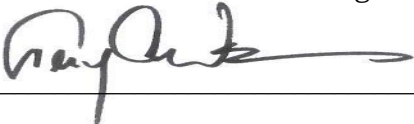
The applicant prevailed and the appeal was denied.

Staff Planner: Ronda Fast

Final Decision Rendered on August 5, 2008 and mailed on August 15, 2008

The original staff findings, conclusions and decision were adopted by the **PORTLAND ADJUSTMENT COMMITTEE** on August 5, 2008

By _____



Portland Adjustment Committee
Terry Amundson, Chair

Appeal of this decision. This decision is final and becomes effective the day the notice of decision is mailed (noted above). This decision may not be appealed to City Council; however, it may be challenged by filing a "Notice of Intent to Appeal" with the State Land Use Board of Appeals (LUBA) within 21 days of the date the decision is mailed, pursuant to ORS 197.620 and 197.830. A fee is required, and the issue being appealed must have been raised by the close of the record and with sufficient specificity to afford the review body an opportunity to respond to the issue. For further information, contact LUBA at the Public Utility Commission Building, 550 Capitol Street NE, Salem, OR 97310 [Telephone: (503) 373-1265].

Recording the final decision. This is the final local decision on this application. You may record this decision the day following the mailed/filed date shown above.

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.

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.

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

- All conditions imposed here.
- All applicable development standards, unless specifically exempted as part of this land use review.
- All requirements of the building code.
- 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. Partial East Elevation Drawing (attached)
 - 3. South Elevation
 - 4. Northwest Elevation
 - 5. North Elevation
 - 6. Floor Plan
 - 7. Cross Section Drawing
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Police Bureau
 - 6. Site Development Review Section of BDS
 - 7. Bureau of Parks, Forestry Division
 - 8. Bureau of Planning
- F. Correspondence:
 - 1. Jack Wells, 2/10/2008, letter in support stating garage addition is an improvement over the previous carport,
 - 2. Nola Wilken & Theresa Demarest, 2/15/2008, comments in oppositions citing concerns with privacy, separation and access, appearance and compatibility in the neighborhood.
 - 3. Concerned neighbor, 2/14/08, comments in opposition citing concerns with inconsistency in style, inadequate materials, and density.
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. Waiver of Right to a Decision in 120 days
- H. Appeal
 - 1. a. Appeal Form
 - 1. b. Appeal statement

2. Mailed Notice of Appeal
 3. Notice of Appeal mail list
 4. Jack Wells, 5/31/08, Additional comments in opposition to appeal
 5. Todd Blossom, 6/25/08, affidavit in support of appeal and photo
 6. Shanghai Company, 6/30/08, additional comments in support of appeal
 7. 07-181275 IQ folder notes
 8. Staff PowerPoint
- I. Received at Hearing
1. Written copy of appellants testimony and accompanying pictures
 2. Applicant photos presented at hearing

Copies

Applicant

Appellant

All parties whom Wrote or Submitted Testimony at the Public Hearing

Neighborhood and/or Business Association(s)

Auditor's Office

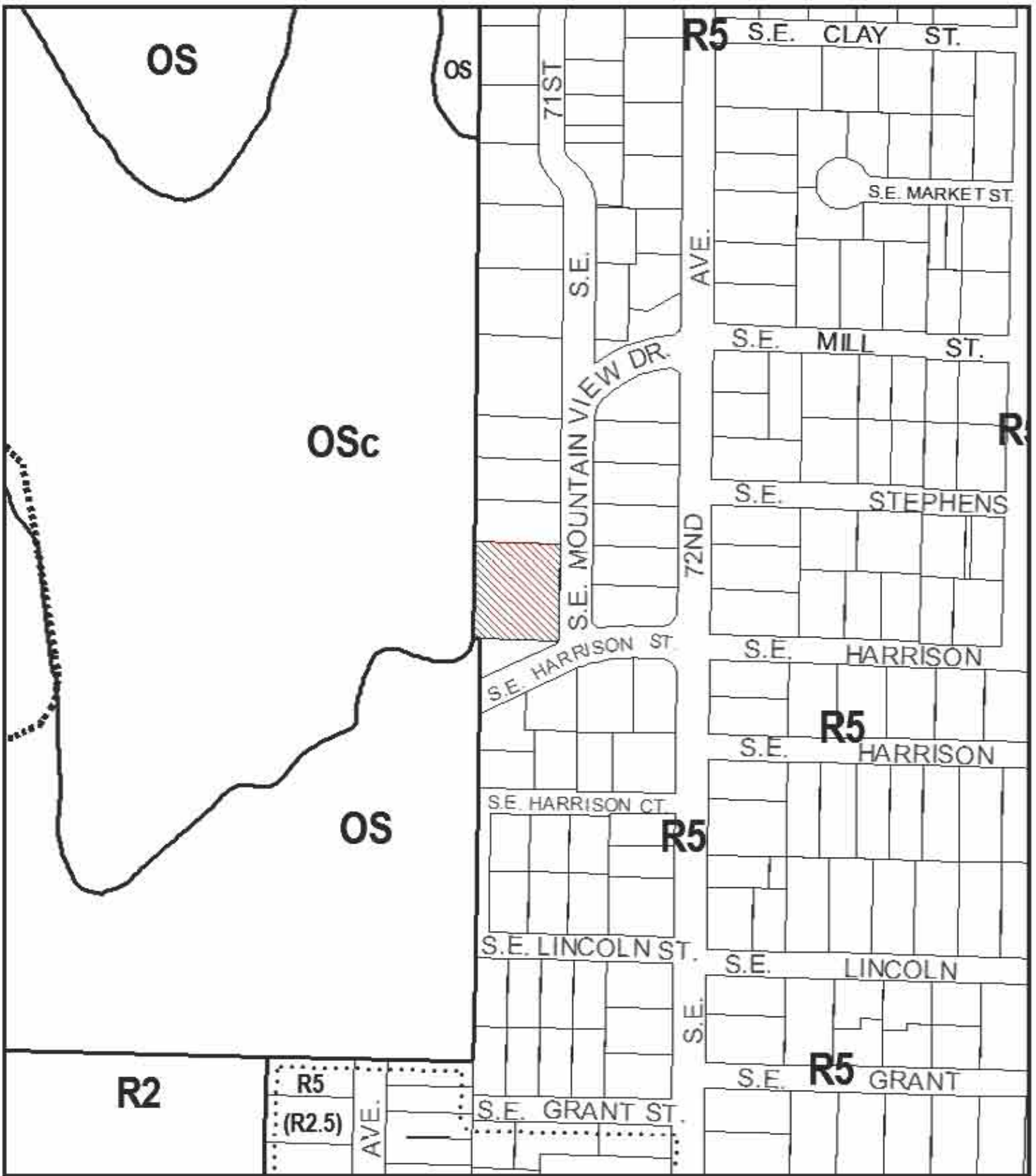
Planning and Zoning

RAF/August 8, 2008

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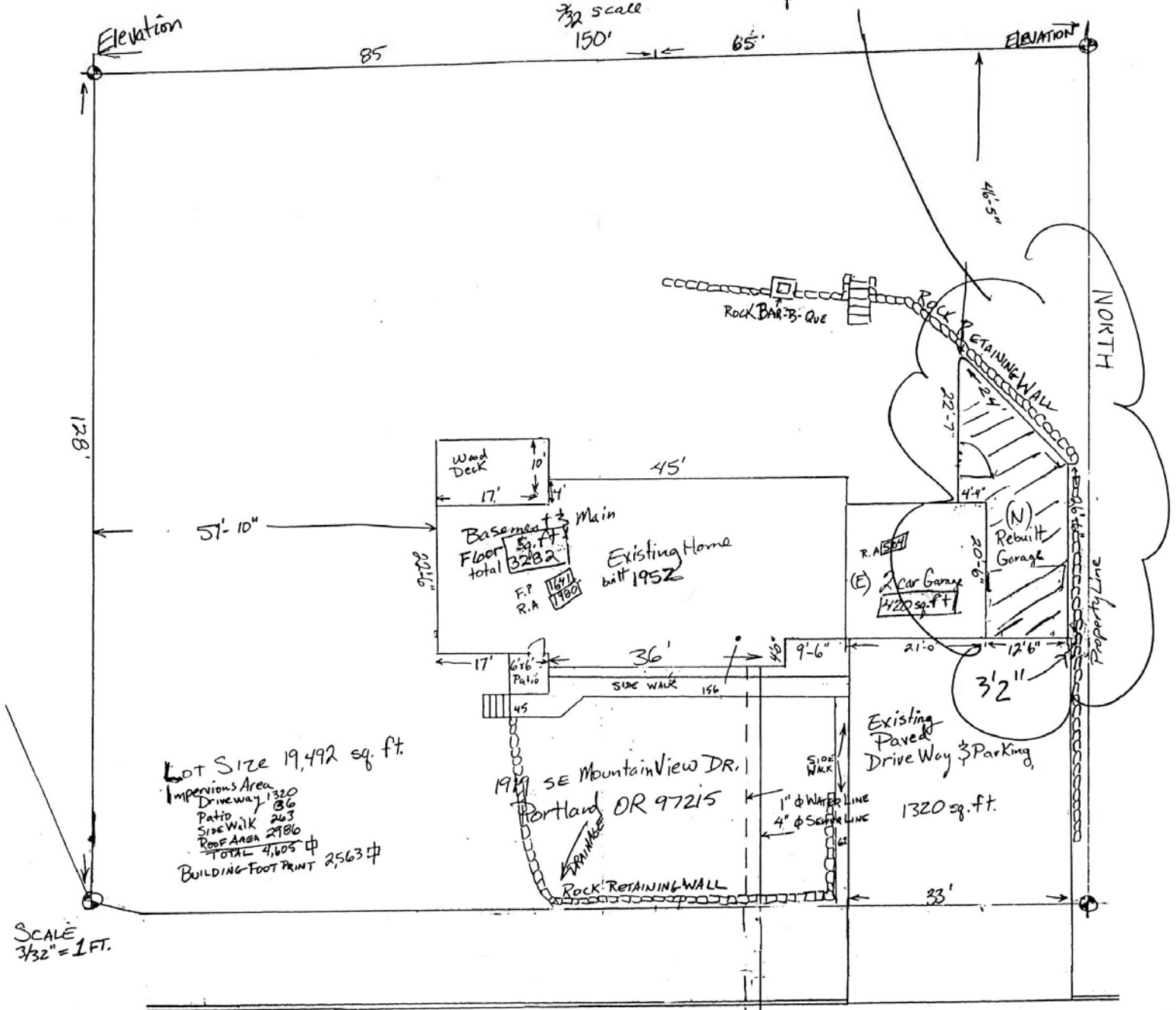
ZONING



File No. LU 07-185959 AD
 1/4 Section 3237
 Scale 1 inch = 200 feet
 State_Id 1S2E05CA 2900
 Exhibit B (Jan 07,2008)

CH 656581-LO M7

newly-rebuilt garage within setback
(proposed: 3 1/2" - NO EAVE)



Lot Size 19,492 sq. ft.
 Impervious Area
 Driveway 1320
 Patio 86
 Side Walk 263
 Roof Area 2986
 TOTAL 4,655
 BUILDING FOOTPRINT 2,563

SCALE 3/32" = 1 FT.

S.E. MOUNTAIN VIEW DR.

→ N

90# ROLL ROOFING

ROOF SHEATHING

ROOF PLYWOOD

CDX

EMULSION TAR

ASPHALT

NAT. Exterior Grade

FIBER BOARD

WOOD OVER 15# FELT

9/16"

PROPERTY LINE

rock retaining wall

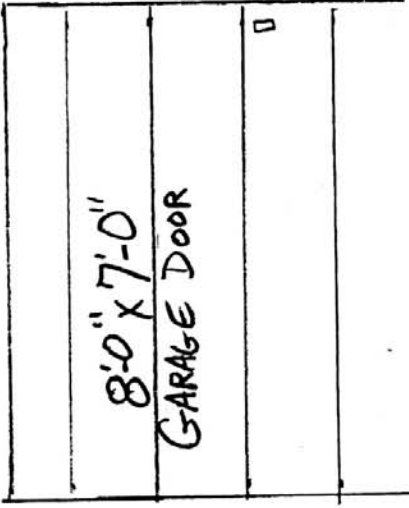
Chain Link Fence

property line

to be removed
from
lot B.

TILE ROOF

EXISTING BRICK GARAGE



8'-0" x 7'-0"
GARAGE DOOR

8'-0"

2'-8"

1'-6"

(PARTIAL) EAST ELEVATION

1/4" = 1'-0"

12'-6"

11'-0"

1'-9"

3'-2"

11"

1'-9"

3'-2"

11"

1'-9"

3'-2"

11"

1'-9"

3'-2"

11"

1'-9"

3'-2"

11"