



City of Portland
Bureau of Development Services
Land Use Services Division

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Portland, Oregon 97201
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www.portlandonline.com/bds

Date: October 6, 2008
To: Interested Person
From: Kathleen Stokes, Land Use Services
503-823-7843 / kstokes@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 08-152927 AD

GENERAL INFORMATION

Applicant: Peter Foster, J Peter Foster Architures LLC
4607 SW 53rd Ave
Portland, OR 97221

Linda M Reese, property owner
1720 SW Terrace Dr
Portland, OR 97201

Site Address: 1720 SW TERRACE DR

Legal Description: TL 10400 LOT 1&2 BLOCK 120, GROVERS ADD
Tax Account No.: R346601930
State ID No.: 1S1E04CC 10400
Quarter Section: 3227

Neighborhood: Southwest Hills Residential League, Nancy Seton at 503-224-3840.
Business District: None
District Coalition: Southwest Neighborhoods Inc., Leonard Gard at 503-823-4592.

Zoning: R5 (R5000, High Density Single-Dwelling Residential)

Case Type: Adustment Review
Procedure: Type II, administrative decision with appeal to Adjustment Committee.

Proposal: The applicant is proposing the construction of additions to the existing dwelling unit on this site. The additions include raising the ceiling height and extending the rear wall of the garage through a cantilevered addition, creating new floor area on the second story, building an eight-foot extension on the east end ground floor of the residence, increasing the area of a deck at the rear of the building and extending the roof eave to create a covered "porch" area at the main entrance. Due to the curving front lot line, the front building setbacks for both the existing structure and the proposed additions vary.

The longest portion of the front of the dwelling unit is set back 2 feet, 9 inches to 3 feet, 3 inches from the front property line. Generally, structures in the R5 zone are required to be set

back 10 feet from the front property line. Because this portion of the front building wall is just over 61% of the entire width of the front façade, it establishes a nonconforming setback which becomes the required setback for the ground floor, allowing the proposed addition on the east end of the building. This nonconforming setback only applies to the ground floor level of the building and so it does not apply to the increased height of the garage wall and the second floor additions that have been proposed.

Generally, roof eaves may extend into the building setback area for up to 20% of the distance of the setback. If a 10-foot setback is required, the roof eaves may extend to 8 feet from the property line. The extension of the eave at the main entrance, to create the "porch" area, brings the roof line closer to the front property line than the existing roof line and so the nonconforming setback does not apply to that portion of the proposed development.

Exceptions to the setback standards of the Code are approved through adjustment reviews, when all of the relevant approval criteria are met or can be met through conditions of approval. Therefore, the applicant is requesting approval of an Adjustment to Code Section 33.110.220 B, in order to reduce the minimum required front building setback

- from 8 feet to zero for the eave extension to create a "porch" or sheltered area at the main entrance, and
- from 10 feet to a distance varying from approximately 7 feet 4 inches to 8 feet 10 inches for the increased height of the garage wall, and
- from 10 feet to varying distances for the second floor addition
 - approximately 2 feet, 6 inches, for the interior stairwell at the east end,
 - approximately 7 feet for the middle portion of the addition, above the front entry,
 - approximately 9 feet, 6 inches, for part of the west end of the addition, above the garage.

The proposed development will create an additional 254 square feet of building coverage on the site, bringing the total amount to 2,120 square feet. Building coverage is the area that is covered by buildings or other roofed structures. A roofed structure includes any structure that is more than 6 feet above grade at any point, and that provides an impervious cover over what is below. Building coverage also includes uncovered horizontal structures such as decks, stairways and entry bridges that are more than 6 feet above grade. Eaves are not included in building coverage.

In the single-dwelling zones, the amount of building coverage that is allowed varies, according to the size of the site. In this case, the lot has an area of 4,200 square feet, which allows a maximum building coverage of 1,950 square feet. Proposals that exceed the amount of building coverage that is allowed by the code are approved through Adjustment Review, when the relevant approval criteria can be met. The applicants are requesting an Adjustment to Code Section 33.110.225 to increase the maximum allowed building coverage by 170 square feet, from 1,950 to 2,120 square feet, in order to construct the proposed additions.

Relevant Approval Criteria: To be approved, this proposal must comply with the approval criteria of 33.805.040 A.-F., Adjustments, cited below.

ANALYSIS

Site and Vicinity: The applicant's site is a 4,200-square-foot parcel that is located on the south side of SW Terrace Drive, two lots to the west of the intersection with SW 17th Avenue. The property has a steep slope, progressing downhill to the south, at about 46%. The lot is developed with a single-dwelling residence that is one-story tall on the north side and two-stories tall on the rear or south side. The area around the site is developed with other single-dwelling residences which, due to the topography of the area, are built down the slope on the south side of the street and rise high above the street on the north side.

Zoning: This site is zoned R5 or R5,000, High Density Single-Dwelling Residential. This zone is intended to provide opportunities for single-dwelling development. The development standards for the zone require buildings and other structures that are taller than 6 feet above grade level to be set back a minimum of 5 feet from the side and rear property lines and 10 feet

from front property lines. Allowed building coverage is based on the size of the property.

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 **September 10, 2008**. The following Bureaus have responded with no issues or concerns regarding approval of the requested Adjustments. Agencies with information regarding building permit review are noted with exhibit numbers:

- Environmental Services provided information on sanitary sewers and storm water management requirements. Documentation of an easement for the private sewer was required and was received, prior to this decision (Exhibit E-1).
- Transportation Engineering
- Water Bureau
- Fire Bureau noted that the available fire flow from the existing fire hydrant must be verified at the time of building permit submittal (Exhibit E-2).
- Site Development Section of BDS also commented on the need to receive a copy of the private sewer easement and acknowledged receipt of the document. The response noted that infiltration of storm water was not appropriate for this site and that it may be directed to the combined sewer (Exhibit E-3).
- Life Safety Plan Review Section of BDS advised that building permits are required and that any extension into the right-of-way would require an appeal. *Note that the plans do not include any extension into the right-of-way* (Exhibit E-4).
- Parks-Forestry Division

Neighborhood Review: 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. stated below, have been met.

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

Findings: Adjustment 1. Reduce front setback: The relevant purposes of building setback requirements are

- to maintain light, air, separation for fire protection, and access for fire fighting;
- to reflect the general building scale and placement of development in the City's neighborhoods and promote a reasonable physical relationship between residences;
- to promote options for privacy for neighboring properties, and
- to provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity.
- Larger front setbacks are required to promote open, visually pleasing front yards.

The development standards for lots in the R5 zone require structures to be set back a minimum of ten feet from front property lines and five feet from side and rear property lines. Eaves are allowed to project into these setbacks for 20% of the setback distance. The existing house on this site is set closer than 10 feet from the front property line, which is located 5 feet in from the edge of the sidewalk. The house is currently set back distances that vary from 18 feet, 10 inches to 7 feet, 9 inches from the sidewalk edge, or 13 feet, 10 inches to 2 feet, 9 inches from the front property line. When there is an existing nonconforming setback for a building wall, such as the setback in this case, and where at least 60% of the wall is within the required setback area, the location of the building existing wall is determined to be the allowed setback for any extension of the building line. However, the height of the building wall within the setback area cannot be increased. This means that, in this case, the proposed addition on the east end of the building is allowed, but the eave extension at the front entrance and the second story additions require approval to be allowed within the required setback area.

The requested reductions in the required building setbacks will not have any impact on light and air or on privacy because, for the properties facing the site, the reduced setback would be at the bottom of a steep bank and across the right-of-way along the edge of the sidewalk. For this same reason, there will be no impacts on separation for fire protection or access for fire fighting. The additions will continue existing building lines on the property and bring the scale of the structure more into keeping with the surrounding residences. Due to the topography of the area, a number of the homes along the street are built close to the sidewalk, with minimal front yard area. Therefore, there will be no impacts on the scale and placement of the development on the site. The structure will not appear out of character in its physical relationship with other residences and there is no reason to preserve a larger front yard that would be unusable, due to the slope of the property. Therefore, the proposed front setback equally meets the purposes of the regulation and this criterion is met.

Adjustment 2. Increase allowed building coverage by 170 feet, from 1,950 square feet to 2,120 square feet: 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.

The additions that will be readily observable, and could potentially contribute to the overall bulk of the structure, will not have this effect because of their position relative to the street and the existing residence. The addition at the front entrance consists only of a roof eave extension and so is not considered as building coverage. The addition to the east end of the house is only 8 feet wide and will be only one-story tall. The second story additions that are proposed in the middle and the west end of the house will still be much lower than the houses that face the site on the north side of SW Terrace Drive and do not add to building coverage, since they are located within the existing footprint. The adjacent property to the south is so far removed from the structure, at the bottom of the grade along SW Broadway Drive, that the additional height of the house, the extension of the rear garage wall and the addition on the east end, including the expansion of the upper deck, will not impact this neighbor either. The structure will still be in keeping with the size and form of the development in the surrounding area. Therefore, the purpose of the building coverage standard will be equally met and, for this adjustment, 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 residence is a structure that is set farther forward on the lot than the Code would normally allow. Although the proposed additions will increase the development that is within the front setback and also increase the building coverage on the site, in this case,

the proposed improvements will enhance the appearance of the building with creating negative impacts on the surrounding residences. The form and style of the residence will be compatible with the other structures in the area, both above Terrace Drive, to the north, and below the site, to the south along Broadway Drive. The existing parking areas, on the driveway and in the garage, will be retained, so there should not be any impacts on livability for the residents or their neighbors. Therefore, 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: Two adjustments are being requested. Findings for the criteria above noted that no impacts are expected to occur from approval of the requested adjustments. The purpose of the R5 zone is to preserve land for housing and provide housing opportunities for individual households. Approval of the adjustments will allow the proposed additions, which will enhance the existing residence. There will be no cumulative effect and the proposal is in keeping with the purpose of the zone and the general development pattern allowed by its standards. Therefore, this criterion is met.

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

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

- 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: There are no scenic or historic resources on the site. No impacts are expected to occur from approval of the requested Adjustment. The site is not located in an environmental zone. Therefore, these criteria do not apply.

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

Approval of the requests to reduce the required setback from the front property line and to increase the allowed building coverage for the proposed additions will allow construction of the proposed additions to the residence on the site, without creating any impacts as to light and air or privacy. There will be adequate separation for fire protection and access for fire fighting. The resulting structure will be in keeping with the scale and placement of other homes in this steeply sloping area. The appearance of the structure will be enhanced without any impacts to livability. The increase in building coverage will not result in a structure that overwhelms adjacent residences because of the significant separation between buildings that is created by the steep slopes. The relevant approval criteria have been met and the Adjustment can be approved, subject to compliance with the site plan and elevation drawings.

ADMINISTRATIVE DECISION

Approval of Adjustments:

- 1) to Code Section 33.110.220 B, in order to reduce the minimum required front building setback
- from 8 feet to zero for the eave extension to create a "porch" or shelter area at the main entrance, and
 - from 10 feet to a distance varying from approximately 7 feet 4 inches to 8 feet 10 inches for the increased height of the garage wall, and
 - from 10 feet to varying distances for the second floor addition
 - approximately 2 feet, 6 inches, for the interior stairwell at the east end,
 - approximately 7 feet for the middle portion of the addition, above the front entry,
 - approximately 9 feet, 6 inches, for part of the west end of the addition, above the garage.
- and 2) to Code Section 33.110.225 to increase the maximum allowed building coverage by 170 square feet, from 1,950 to 2,120 square feet,

These approvals are subject to general compliance with the approved site plan and elevation drawings, Exhibits C-1 through C-3, signed and dated October 2, 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-C.3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-152927 AD."

Decision rendered by:  **on October 2, 2008**

By authority of the Director of the Bureau of Development Services

Decision mailed: October 6, 2008

Staff Planner: Kathleen Stokes

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 August 6, 2008, and was determined to be complete on August 27, 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 August 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 did not waive or extend the 120-day review period, which is scheduled to end on December 25, 2008.

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 October 20, 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 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 **October 21, 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:

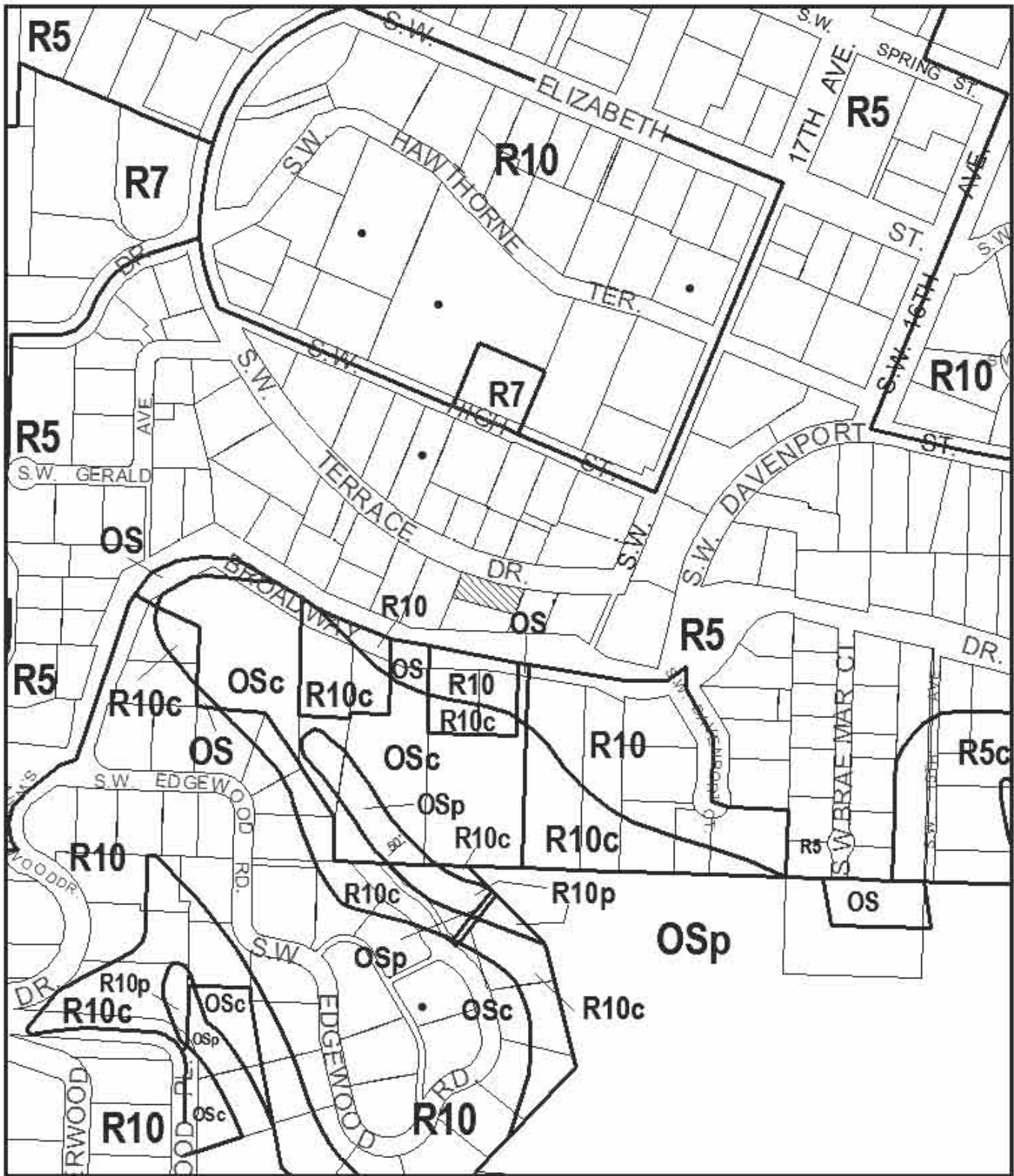
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS



NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Application and original submittal
 2. Supplemental information, dated August 11, 2008
 3. Supplemental information, received August 25, 2008
 4. Supplemental information with revision, received August 26, 2008
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Elevation Drawings, north and south (attached)
 3. Elevation Drawings, east and west (attached)
- D. Notification information:
 1. First Mailing list
 2. First Mailed notice
 3. Mailing list for revised notice
 4. Mailed revised notice
- E. Agency Responses:
 1. Bureau of Environmental Services
 2. Fire Bureau
 3. Site Development Review Section of BDS
 4. Life Safety Plan Review Section of BDS
- F. Correspondence: (none received)
- G. Other:
 1. Letter from Kathleen Stokes to Peter Foster, August 18, 2008

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

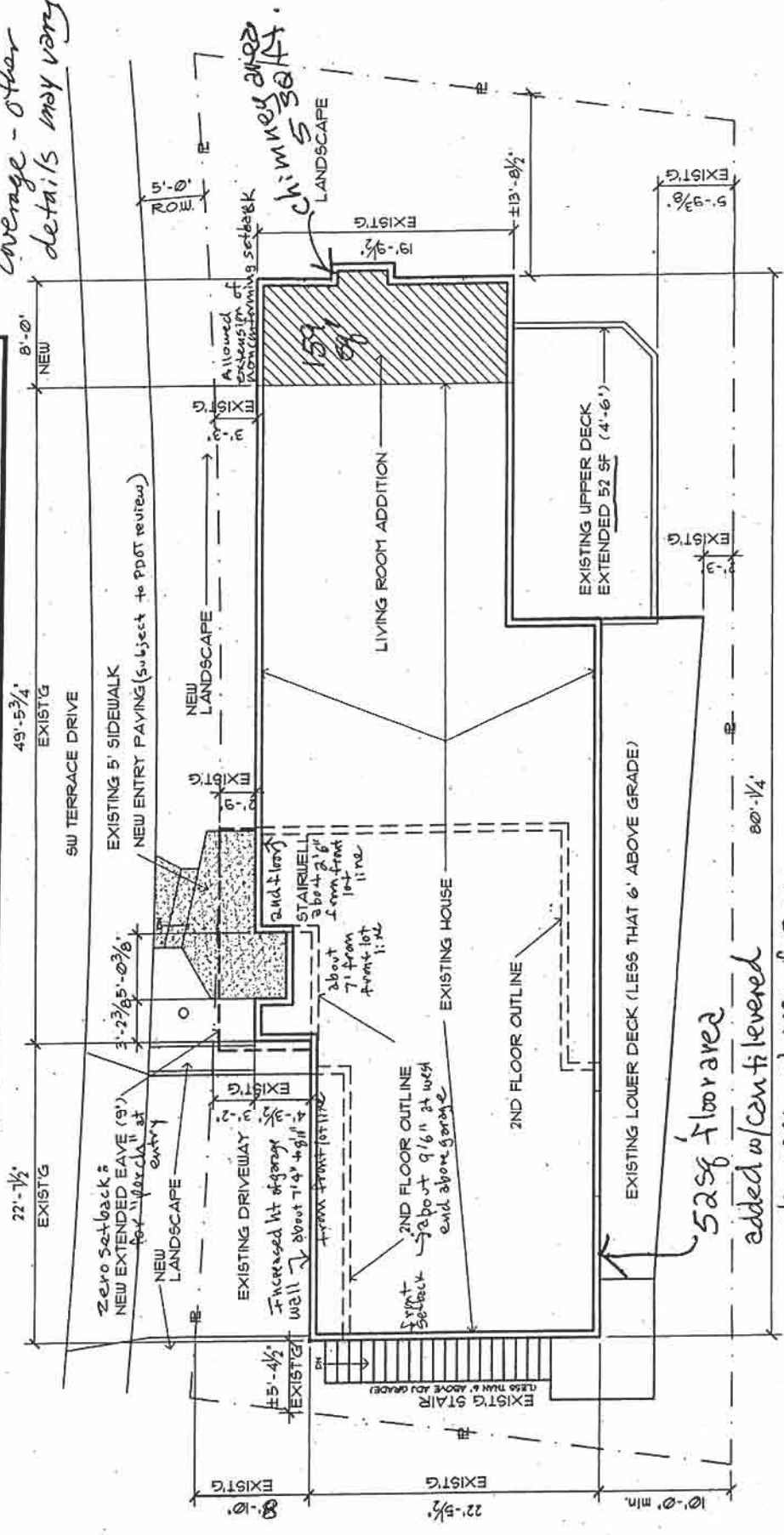
-  Site
-  Historic Landmark



File No.	LU 08-152927 AD
1/4 Section	3227
Scale	1 inch = 200 feet
State_Id	1S1E04CC 10400
Exhibit	B (Aug 07, 2008)

*** Approved ***
 City of Portland - Bureau of Development Services
 Planner Kathleen A. Stolar Date October 2, 2008
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

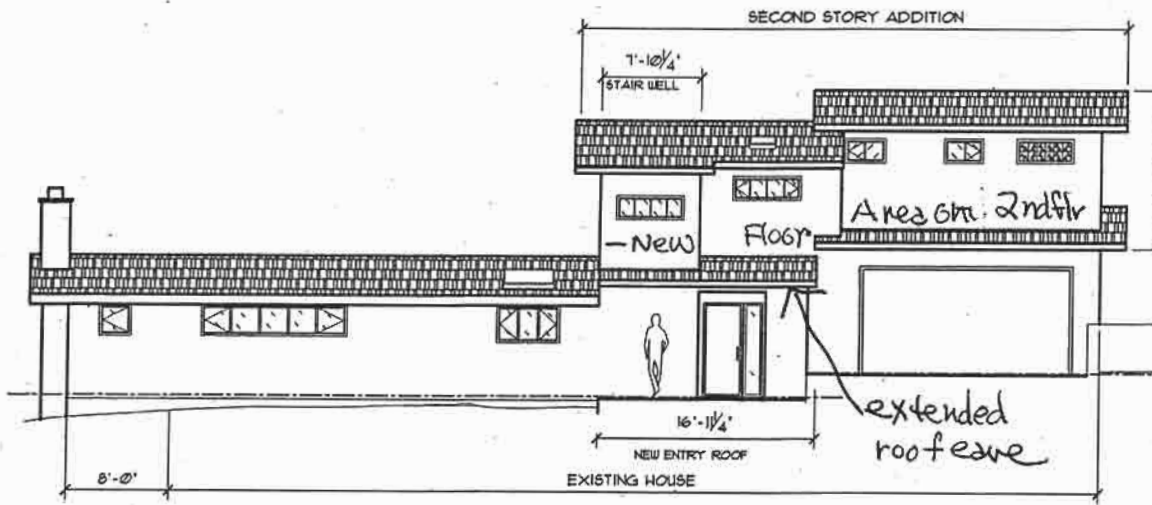
Approval for reduced front setback and increased bldg coverage - other details may vary



REESE RESIDENCE SITE PLAN L008-152929AD - Exhibit C-1
 1/8" = 1'-0"



REF SURVEY: * 08358 1994; 38026 3-11-1975 FOR PROPERTY LINES
 FRONT SETBACK DIMENSIONS ARE MEASURED TO EDGE OF SIDEWALK MINUS 5'-0" FOR RIGHT OF WAY
 TOTAL BUILDING COVERAGE 1852 EXISTING PLUS 268 SF = 2120 SF. NEW SF COMPRISED OF
 246 SF NEW FLOOR AREA AND 52 SF DECK EXTENSION.
 JFF ARCHITECT LLC. 8-25-08, Staff Notes 9-8-08



NEW ADDITION

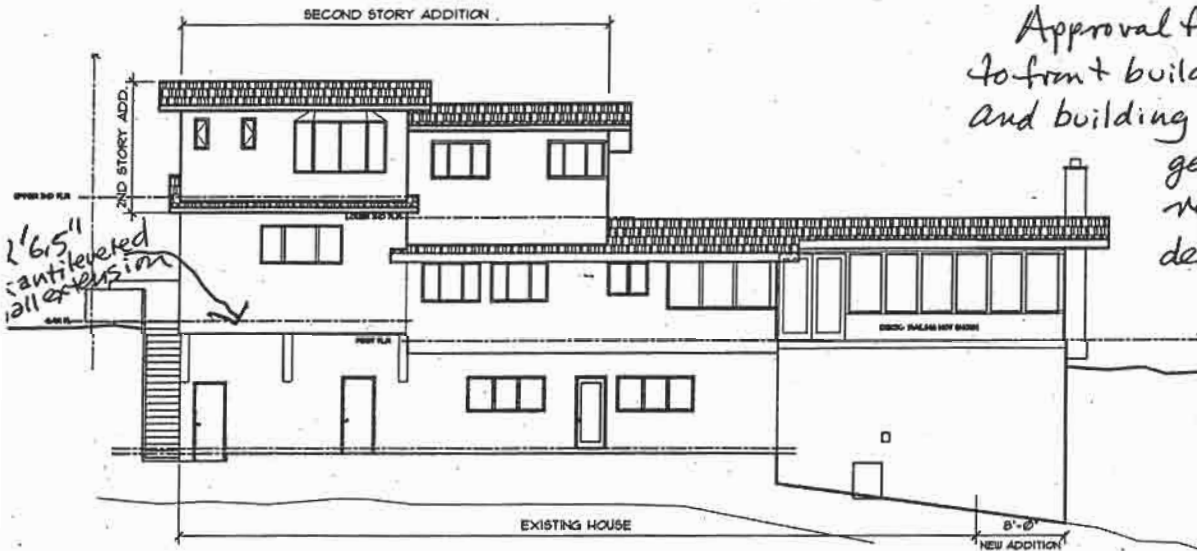
NORTH ELEVATION 1/8"=1'-0" JPF ARCH 8-25-08
 REESE RESIDENCE

Approved

City of Portland - Bureau of Development Services

Planner Kathleen A. Stokes Date October 2, 2008

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



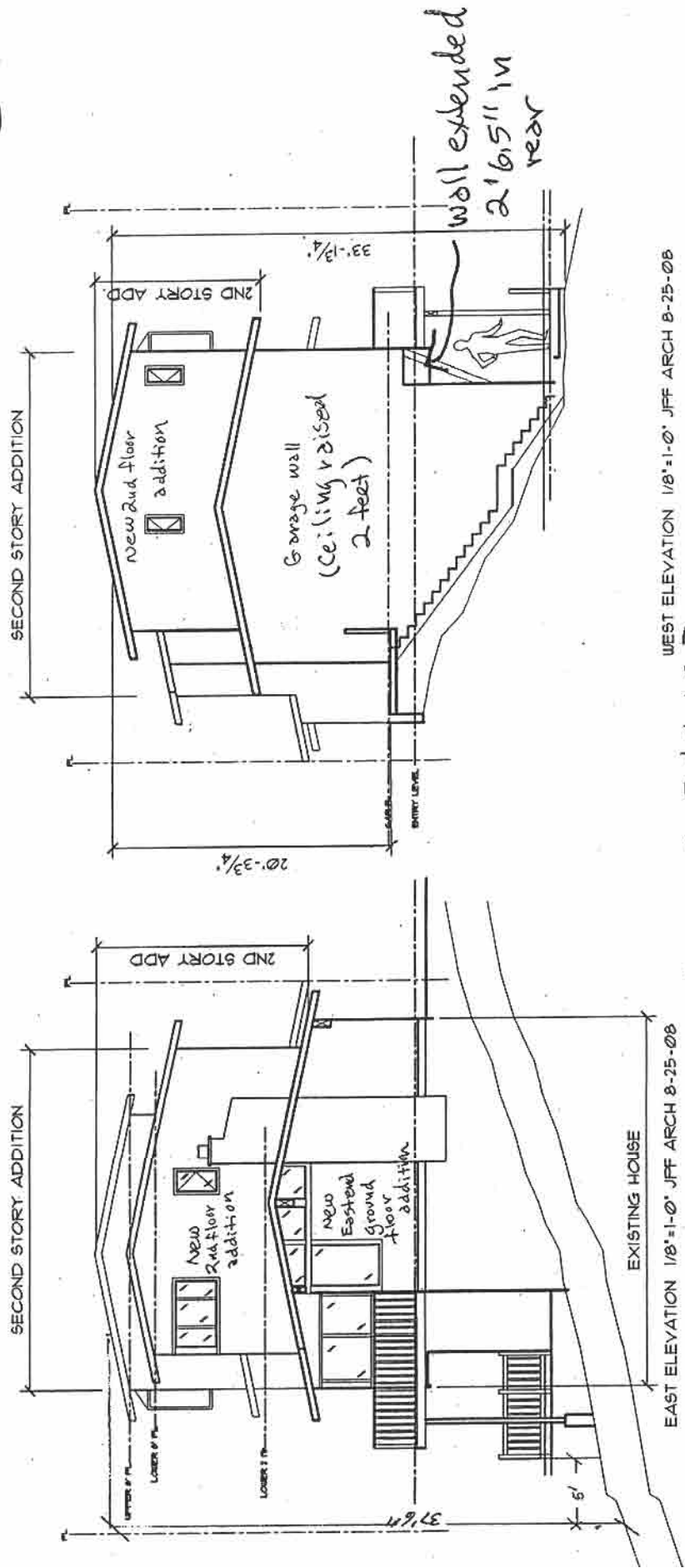
SOUTH ELEVATION 1/8"=1'-0" JPF ARCH 8-25-08
 REESE RESIDENCE

Approval for Adjustments
 to front building setback
 and building coverage -
 general compliance
 required, some
 details can vary.

LV 08-15292T AD
 Exhibit C-2

Approval of
 Adjustments to
 front building setback
 and building coverage -
 general compliance reqd.
 Some details can vary.

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



WEST ELEVATION 1/8"=1'-0" JFF ARCH 8-25-08

EAST ELEVATION 1/8"=1'-0" JFF ARCH 8-25-08

LU08-152927 AD - Exhibit C-3
 REESE RESIDENCE