



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

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Portland, Oregon 97201  
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**NOTICE OF FINAL  
FINDINGS, CONCLUSIONS AND DECISION  
OF THE CITY OF PORTLAND ADJUSTMENT COMMITTEE  
ON AN  
APPEALED ADMINISTRATIVE DECISION  
(Type II Process)**

**CASE FILE: LU 08-146378 AD  
LOCATION: 3032 NE Regents Drive**

The administrative decision of approval for this case was appealed to the Adjustment Committee by a neighbor within 150 feet of the site.

Public hearings were held on October 21 and December 9, 2008. The Adjustment Committee upheld the administrative decision and denied the appeal. The original administrative analysis, findings and conclusions including a minor modification to Condition B were adopted by the Adjustment Committee.

**I. GENERAL INFORMATION**

**Applicant/Owner:** Don Sarason  
3032 NE Regents Drive  
Portland OR 97212

**Representatives:** Phil Sydnor, architect  
Integrate  
1715 N Terry Street  
Portland, OR 97217

Spencer Vail  
4505 NE 24<sup>th</sup>  
Portland, OR 97211

Julie Vacura  
Larkins Vacura LLP  
621 SW Morrison Street, Suite 1450  
Portland, Oregon 97205

**Appellant:** Eleanor Shelden  
3070 NE Dunckley Street  
Portland, OR 97212

**Appellant's  
representatives:** Dan Hitt  
Hitt, Hiller, Monfill, Williams LLC  
411 SW 2<sup>nd</sup> Avenue Suite 400  
Portland, OR 97204

Stacey Rutledge  
19950 SW Hillsboro Hwy  
Newberg, OR 97132

**Site Address:** 3032 NE REGENTS DR

**Legal Description:** LOT 25&26 BLOCK 7, OLMSTED PK  
**Tax Account No.:** R626501410  
**State ID No.:** 1N1E24CD 08600  
**Quarter Section:** 2633  
**Neighborhood:** Alameda, contact Kenneth Bailey at 503-287-1685.  
**Business District:** North-Northeast Business Assoc, contact Joyce Taylor at 503-445-1321.  
**District Coalition:** NE Coalition of Neighborhoods, contact Lauren McCartney at 503-823-4135.  
**Zoning:** R5h: Residential 5,000 with 'h' Aircraft Landing height overlay  
**Case Type:** AD, Adjustment  
**Procedure:** Type II, an administrative decision with appeal to the Adjustment Committee.

**Proposal:** The original notice for this proposal, mailed on August 4, stated that the owner is planning to remove the existing attached garage at the rear corner of the property, and to replace it with a 14' x 24'6" attached garage along the east side of the house, around an existing bay window. The garage will have a flat roof, with a height of 10'9", and is proposed to be on the east side property line.

In response to concerns raised by neighboring property owners and others, the owner slightly modified the size and location of the garage. The garage is proposed in the same general location attached to the existing bay, but now 3 feet in front of the bay, instead of flush with it, in order to retain a person door. The width from the bay to the outer wall was reduced by 1 foot, resulting in a 1-foot east setback. The length was increased by 2 feet, again to accommodate the person door at the front. Consequently, the owner requests an Adjustment to zoning code standard 33.110.220 B, Setbacks, to reduce the setback for the length of the garage from the required 5 feet to 1 foot.

**Public Hearing:** The first hearing before the Adjustment Committee was held on October 21, 2008. At that time, the Committee held the record open and a second hearing for the purpose of deliberation and decision-making was scheduled for November 18<sup>th</sup>. Subsequent to the October 21<sup>st</sup> hearing, the continued hearing was again rescheduled to November 25<sup>th</sup> and then again to December 9<sup>th</sup>. On December 9<sup>th</sup>, the Committee discussed the requested adjustment and except for a minor modification to Condition B of the Administrative Decision, voted unanimously to uphold the staff decision and deny the appeal.

During their deliberation, the Committee agreed with evidence submitted that construction of the garage would most likely not result in the death of the mature laurel hedge that runs along the mutual property line between applicant's and appellant's properties. And, that it would not be necessary to install and plant the trellis and vines as required by Condition B unless the hedge died in the area of the new garage. Therefore, as shown immediately following in **bold**, the Committee voted to modify Condition B by adding the phrase, ***If the existing laurel hedge along the east property line and adjacent to the subject garage does not survive construction of the garage,*** at the beginning of the condition.

**Testified at the Hearing:** Nan Stark and Susan McKinney - BDS Staff, Eleanor Shelden, Stacey Rutledge, Danny Hitt, Spencer Vail, Phil Sydnor.

### III. ADJUSTMENT COMMITTEE DECISION

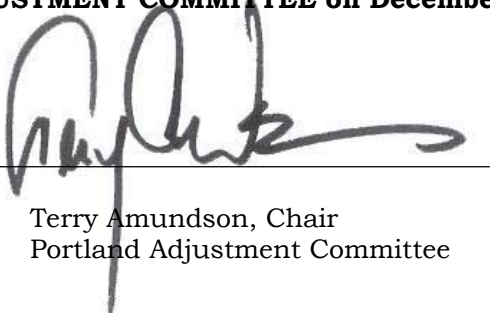
Deny the appeal and uphold the administrative decision of Approval of an Adjustment to Zoning Code standard 33.100.120, Setbacks, to reduce the side setback for the attached garage from the required 5 feet to 1 foot. This approval is subject to conformance with the approved site plan, first floor plan, and north and east side elevation drawings, Exhibits C-1 through C-3, signed and dated August 30, 2008, subject to the following Condition A and modified Condition B:

- A. As part of the building permit application submittal, the following development-related condition 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 08-146378 AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED".
- B. If the existing laurel hedge along the east property line and adjacent to the subject garage does not survive construction of the garage, climbing evergreen vines must be planted in the 1-foot setback with a trellis support along the wall of the garage, at 4 to 5 feet on center as appropriate. The plants must not be listed as Prohibited or Nuisance plants in the *Portland Plant List*.

**Staff Planner: Nan Stark**

**The original staff findings, conclusions and decision were adopted by the  
ADJUSTMENT COMMITTEE on December 10, 2008.**

By \_\_\_\_\_



Terry Amundson, Chair  
Portland Adjustment Committee

**Date Final Decision Mailed: December 16, 2008**

**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. The applicant, builder, or a representative may record this decision the day following the mailed date shown above 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**

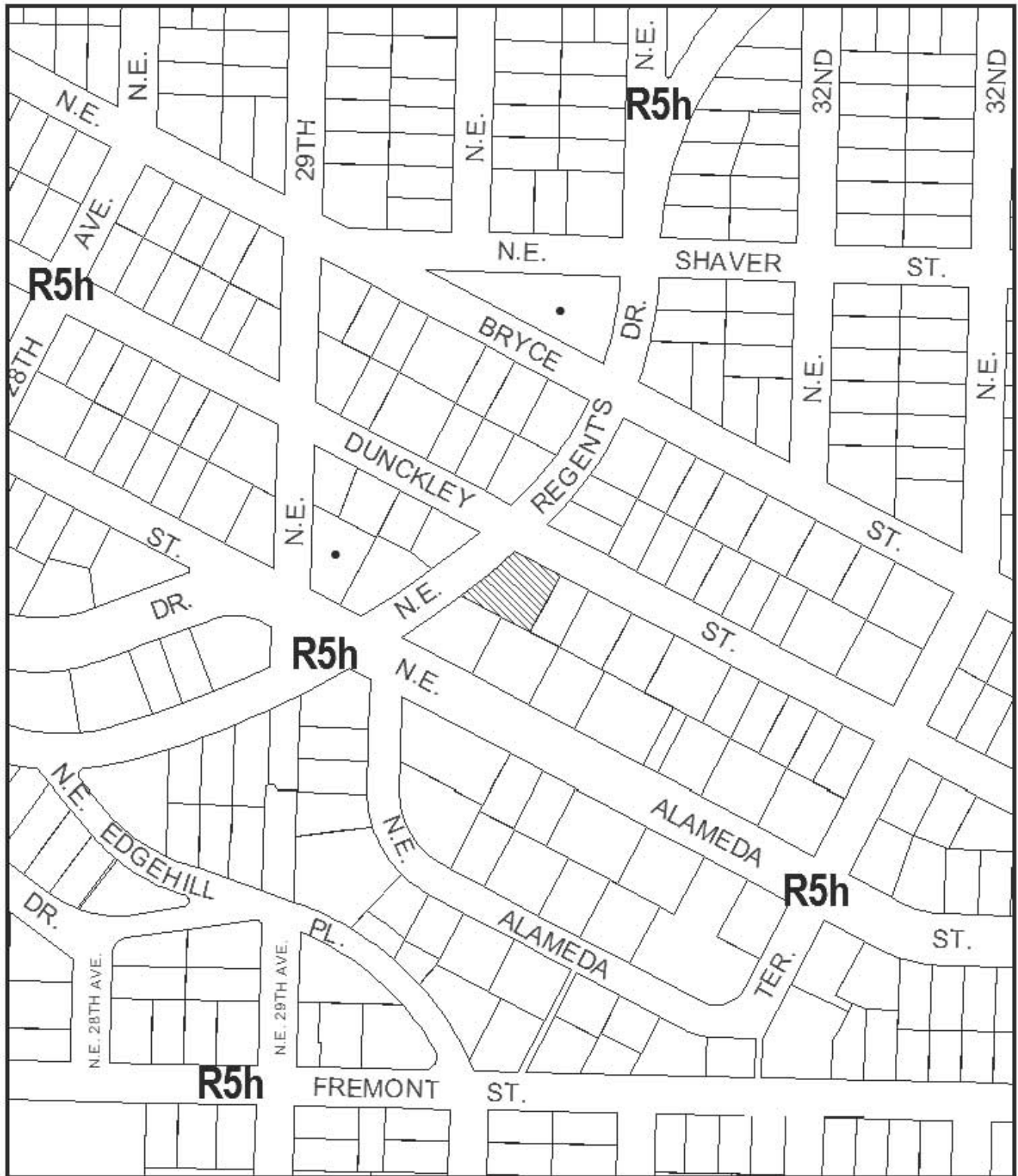
- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Proposed Site Plan, second revision (attached)
  - 2. First floor plan, second revision
  - 3. Proposed north and east elevation drawings (attached)
  - 4. Existing site plan
  - 5. Existing north and east elevation drawings
  - 6. Original proposed site plan
  - 7. Original proposed first floor plan
  - 8. Site plan, first revision, as shown in August 4, 2008 public notice
  - 9. Existing roof plan
  - 10. Existing first floor plan
  - 11. Existing second floor plan
  - 12. Proposed front and rear elevation drawings
  - 13. Proposed second floor plan
  - 14. Section looking south and southwest
  - 15. Existing back (south) elevation
  - 16. Proposed roof plan
  - 17. Site photos
- 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. Site Development Review Section of BDS
  6. Bureau of Parks, Forestry Division
  7. Life Safety Review section of BDS
- F. Correspondence:
1. D. Hitt, representing E. Shelden, in opposition
  2. Letter of opposition signed by: B. and W. Fry, N. Pendergrass, K. Rooney, W. Rooney, S. Vey, G. Zaharie, S. Freeman, L. Freeman, B. Hunt, A. Hunt, M. Seitz
  3. J. Caplener, Realty Trust Group Inc., in opposition
- G. Other:
1. Original LU Application
  2. E-mail correspondence between N. Stark and P. Sydnor
  3. Incomplete application letter, July 25, 2008
  4. Staff Power Point presentation
- H. Received After Administrative Decision Rendered:
1. Appeal Statement
  2. Notice of Appeal Hearing
  3. Appeal Mailing List
  4. FAX letter, Ethan Seltzer, September 24, 2008, in support
  5. FAX letter, Patrick Henry & Alex Gonzalez, October 3, 2008, in support
    - 5.a FAX letter, Rod & Sheila Renwick, October 2, 2008, in support
  6. Photo, submitted by Stacey Rutledge, October 21, 2008
  7. Written testimony, Danny Hitt, Jr. (6 pages), October 20, 2008
  8. Zone maps & photos, Spencer Vail (5 pages), received October 21, 2008
  9. Cover letter, Danny Hitt, Jr., October 28, 2008, with attachments
    - 9.a Photos, Eleanor Shelden
    - 9.b Photos, Eleanor Shelden
  10. Letter, Julie R Vacura (6 pages), October 28, 2008, with attachments
    - 10.a-g applicant labeled Exhibit 1 through 7
    - 10.h applicant labeled Exhibit 8 (1 of 5 pages)
    - 10.i-m applicant labeled Exhibits 9 through 14
    - 10.n applicant labeled Exhibit 15 (1 of 5 pages)
    - 10.o applicant labeled Exhibit 16
  11. Rebuttal letter, Julie Vacura, October 28, 2008 (3 pages)
  12. 120-day Extension Letter, November 6, 2008

**Copies**

Applicants and representatives  
Appellants and representatives  
All Parties who wrote or submitted testimony at the public hearing  
Neighborhood and/or Business Association(s)  
Auditor's Office  
Planning and Zoning

NS/smck/yp/12-10-08



# ZONING



Site



Historic Landmark



NORTH

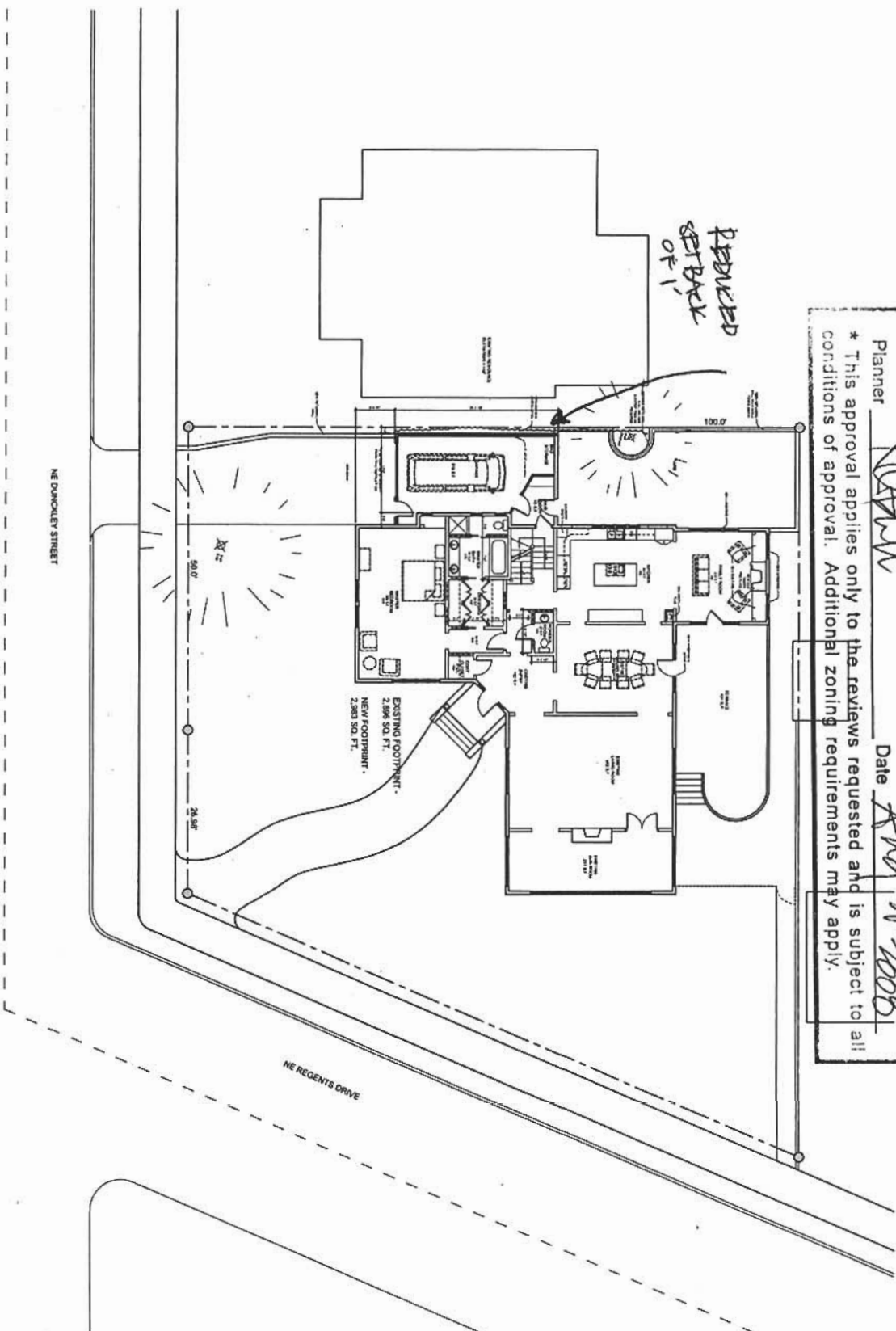
File No. LU 08-146378 AD  
 1/4 Section 2633  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E24CD 8600  
 Exhibit B (Jul 17, 2008)

**\*Approved\***  
 City of Portland - Bureau of Development Services

Planner W. H. H. Date Aug 31, 2008

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

*REDUCED SETBACK OF 1'*



1

PROPOSED SITE PLAN  
1/8" = 1'-0"

*REVIEWED 8.25.08*



SITE PLAN Sheet Number <b>A1.1</b>	<b>REMODELING FOR DON AND PEGGY SARASON</b> 3032 N.E. REGENTS DRIVE, PORTLAND, OREGON 97212	<b>WILLIAM HAWKINS III</b> ARCHITECT - FAIA <small>1401 N. HATHAWAY STREET, SUITE 200          PORTLAND, OREGON 97232          503.241.4444          WILLIAMS@WHIARCHITECT.NET</small>
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*LN 08-110373 AD  
 EXHIBIT C-1*

WILLIAM HAWKINS III  
 ARCHITECT - P.A.  
 148 SCHWARTZ ROAD  
 PORTLAND, OREGON 97212  
 TEL: 503-253-0000

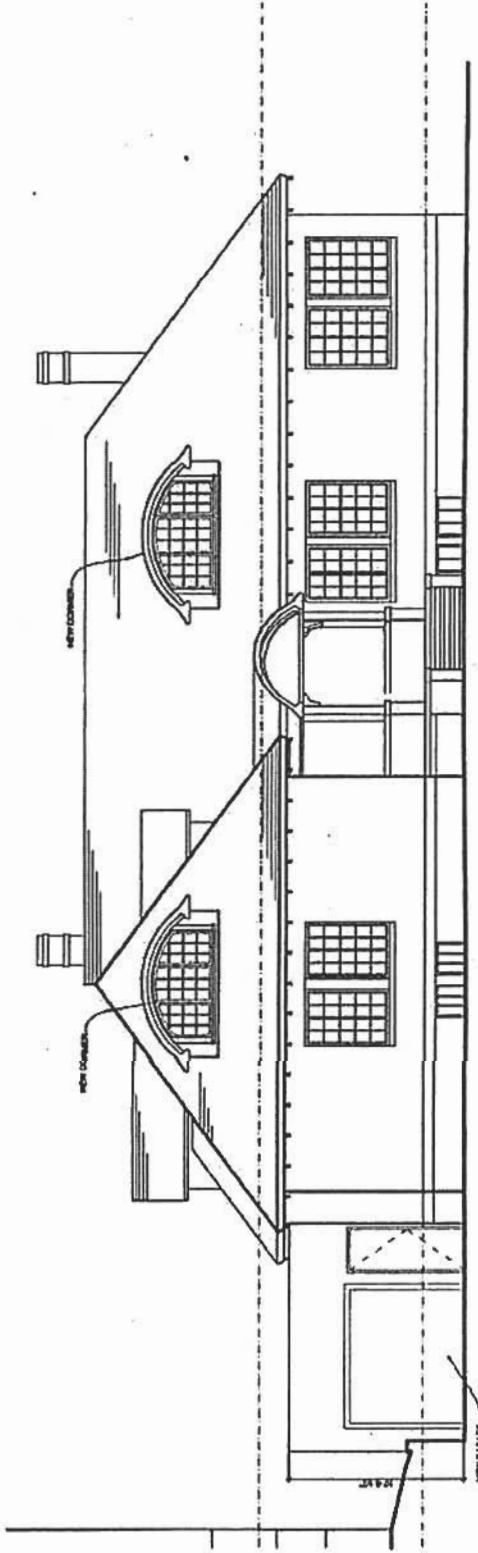
REMODELING FOR DON AND PEGGY SARASON  
 3032 N.E. REGENTS DRIVE, PORTLAND, OREGON 97212

Job Number: \_\_\_\_\_  
 Date: 08/28/08  
 Project: 146378 AD

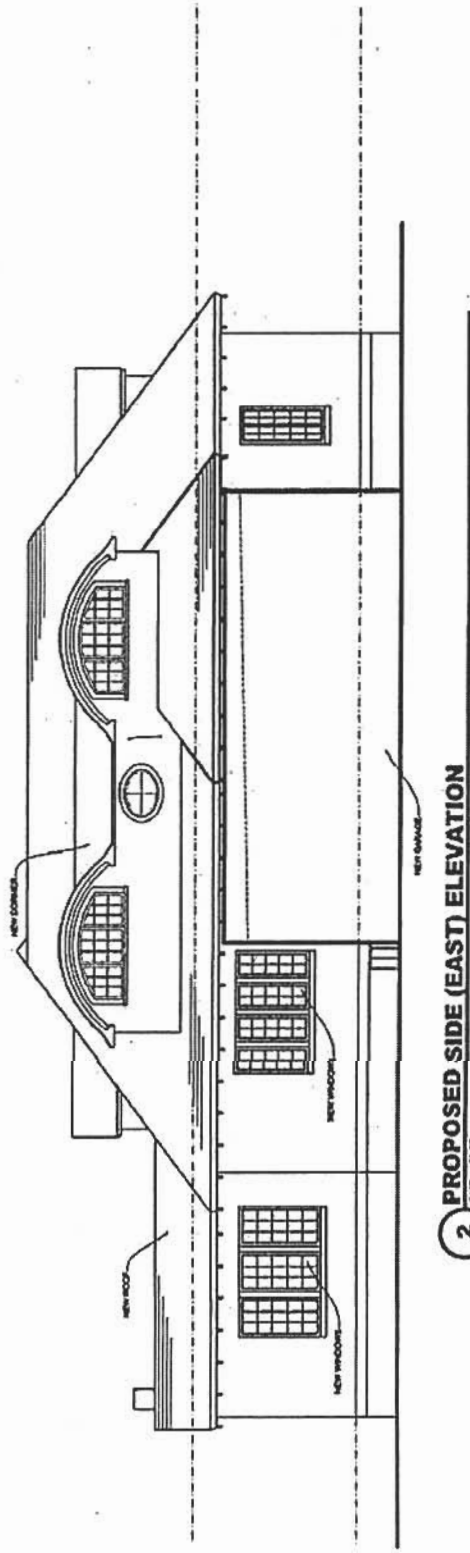
PROPOSED  
 ELEVATIONS  
 Sheet Number

A3.3

LU 08-146378 AD  
 EXHIBIT C-3



1 PROPOSED FRONT (NORTH) ELEVATION  
 1/4" = 1'-0"



2 PROPOSED SIDE (EAST) ELEVATION  
 1/4" = 1'-0"