



City of Portland, Oregon
Bureau of Development Services
Land Use Services

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Date: December 23, 2008
To: Interested Person
From: Nan Stark, Land Use Services
503-823-7828 / nstark@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 08-176562 AD

GENERAL INFORMATION

Applicants/Owners: Jerry and Linda Aso
7624 SW Corbett Ave.
Portland, OR 97219

Representative: Laura Migliori
812 NW 17th Ave.
Portland, OR 97209

Site Address: 7624 SW CORBETT AVE

Legal Description: LOT 3&4 BLOCK 70 S 44' OF LOT 5 BLOCK 70, FULTON PK
Tax Account No.: R300403900
State ID No.: 1S1E22BD 14800
Quarter Section: 3729

Neighborhood: South Portland NA., contact Jim Davis at 503-248-9820
District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592

Zoning: R5, High Density Single-Dwelling Residential

Case Type: AD, Adjustment Review
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee

Proposal: The owners propose to enlarge their existing home by adding a family room wing at the front southwest corner of the house and widening the existing single-car garage on its south side by 9 feet to accommodate two vehicles. The new garage entrance will be 18 feet from the front property line, which is 4 feet closer than the existing garage. As proposed, the garage will be 24 feet wide by 22 feet long. In addition, the owners propose to add a covered walkway to the south side of the garage and a new front door that faces the street.

Section 33.110.253 F.3 of the 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. In this case, an Adjustment to this standard is necessary because the new garage would extend 14 feet closer to the street lot line than the longest street-facing wall of the dwelling unit (the proposed family room wing).

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 site is 14,400 square-feet in area, with 144 feet of frontage on Corbett Avenue. The single-story house with an attached one-car garage was built in 1966. In its present configuration, the house is set back about 50 feet from the front property line, and the garage entrance is 22 feet from it.

This section of Corbett Avenue dead-ends at the south side of the subject property, where it forms a cul-de-sac. The vicinity is comprised of single-dwelling residences in a medium to low-density pattern. Riverview Cemetery is about one block away, to the south of Canby Street.

Zoning: The site is zoned R5, which is the High Density Single-dwelling zone in the City's Comprehensive Plan. This zone is generally found in the closer-in areas of the city, where urban services are in place and function at high levels.

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 **November 21, 2008**. The following Bureaus have responded with no issues or concerns:

- Bureau of Transportation Engineering
- Bureau of Environmental Services
- Site Development Section of BDS
- Fire Bureau
- Bureau of Parks-Forestry Division
- Water Bureau
- Life Safety Review section of BDS

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on November 21, 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 (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 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 standards for garages, as found in 33.110.253, are intended to:

- Ensure that there is a physical and visual connection between the living area of the residence and the street, together with the window and main entrance standards;
- Ensure that the location and amount of 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 existing house as seen from the street is a one-story dwelling (the partial daylight basement is towards the rear) with attached 15-foot wide single-car garage. The proposed garage would increase in width to 24 feet. In its present design, the garage portion of the structure projects in front of the living area by a significant amount. The garage entrance is 22 feet from the front property line. Living area begins behind the garage and the front of the house next to it is set back 51 feet from the front property line. Consequently, the garage is the prominent element as seen from the street, as it is the closest part of the structure to the street.

With the addition, the garage will continue to be the closest structural element to the street, but there will be an addition to the living area as well, bringing it to 32 feet from the front property line. This is a substantial change to the existing design and will strengthen the connection between the living area of the house and the street. In addition, there will be more windows facing the street, increasing the window area from 7 percent currently to 16 percent. Consequently, while the garage is widening by about 50 percent, the living area of the house is also coming closer to the street, thus providing a more pedestrian-oriented design in keeping with the intent of the regulation. Therefore, 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 residential area is characterized primarily by mid-20th century houses. The site is on a block that ends with the cul-de-sac in front of the subject house. The addition to the front of the house and to the garage will bring both parts of the structure closer to the street. With its location at the end of a cul-de-sac, the house with its addition to both the garage and living area will be enhanced in appearance and functionality, without detracting from either the livability or appearance of this residential area. 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: Only one adjustment is requested. This criterion is not applicable.

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

Findings: City designated resources are shown on the zoning map by the 's' overlay; historic resources are designated by a large dot, and by historic and conservation districts. There are no such resources present on the site. Therefore, this criterion is not applicable.

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

Findings: There are no discernible impacts that would result from granting the requested adjustment. The two additions bring both sides of the structure closer to the street. The addition of a substantial amount of glazing on the street-facing façade enhances the relationship of the living area of the house to the street, while the garage addition is fairly minor relative to the size and placement of the existing garage. 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 not within an environmental zone, which is designated on the zoning map by either a "c" or "p" overlay. Therefore, this criterion is 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 owners propose to enlarge the attached one-car garage as well as the living area of the house with additions to both parts of the dwelling. The new wing of the house brings living area much closer to the street than the current configuration, and adds a fairly substantial amount of window area to the street-facing facades. The garage, while coming 4 feet closer to the street, will become a more accessory feature, due to the addition to the living area that will make the house more prominent from the street perspective. Consequently, the proposal supports all of the relevant approval criteria.

ADMINISTRATIVE DECISION

Approval of an Adjustment to Zoning Code section 33.110.253 F.3 to allow the garage addition to extend 14 feet closer to the street lot line than the longest street-facing wall of the dwelling, per the approved site plan, Exhibits C-1, and in general conformance with the elevation drawings (Exhibits C-2, 3 and 4) signed and dated December 18, 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 Exhibit C.1. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-176562 AD."

Decision rendered by:  **on December 18, 2008**

By authority of the Director of the Bureau of Development Services

Decision mailed: December 23, 2008**Staff Planner: Nan Stark**

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 November 7, 2008, and was determined to be complete on November 18, 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 November 7, 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 January 6, 2009** 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 **January 7, 2009 – (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.

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;

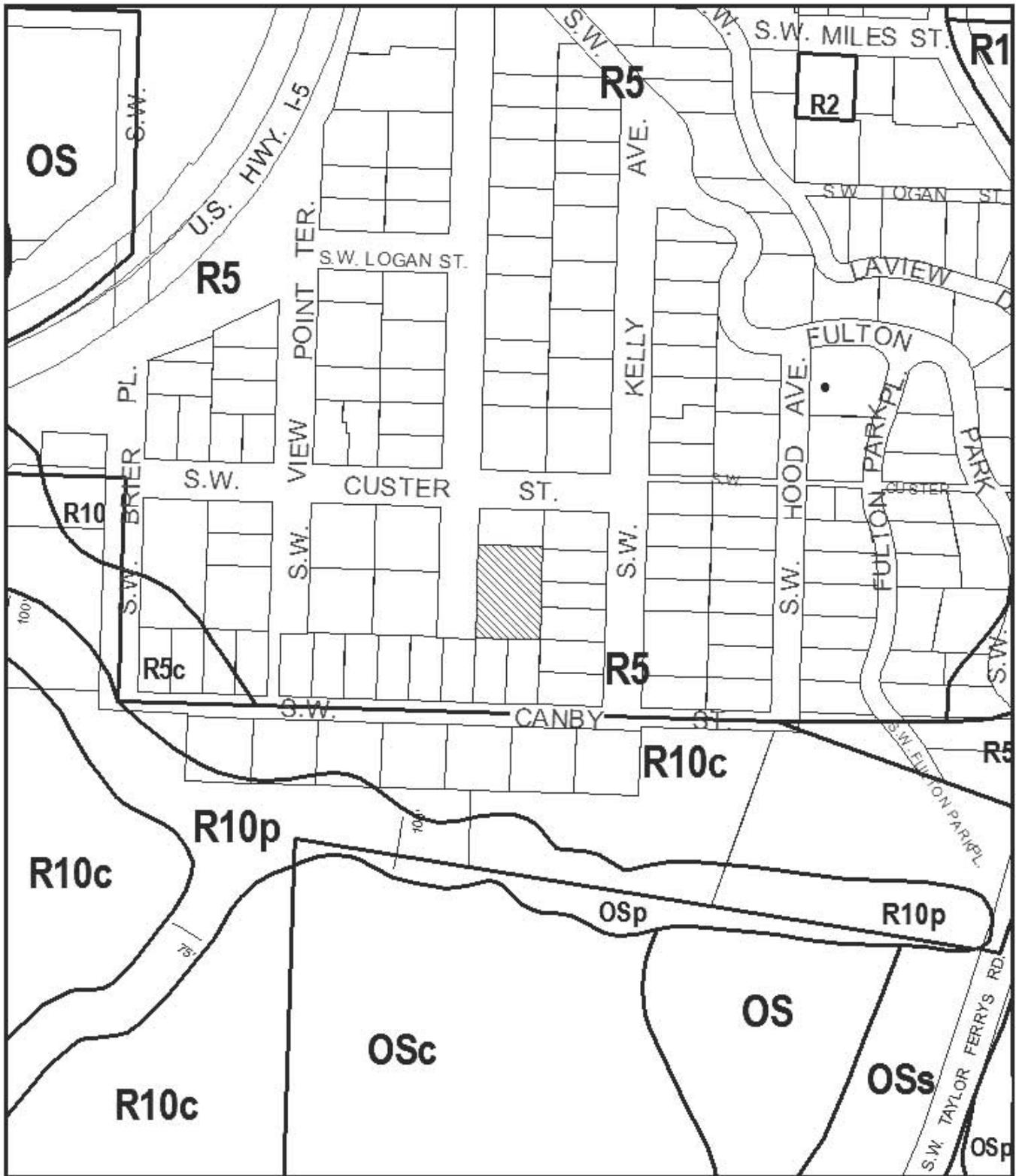
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Elevation drawing, proposed, west (street-facing) (attached)
 - 3. Elevation drawing, proposed, south
 - 4. Elevation drawing, proposed, north
 - 5. Elevation drawing, existing, west
 - 6. Elevation drawing, existing, south
 - 7. Elevation drawing, existing, north
 - 8. Photo
 - 9. First floor plan
- 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. Bureau of Transportation Engineering and Development Review
 - 4. Water Bureau
 - 5. Fire Bureau
 - 6. Bureau of Parks, Forestry Division
- F. Correspondence: none
- G. Other:
 - 1. Original LU Application

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).

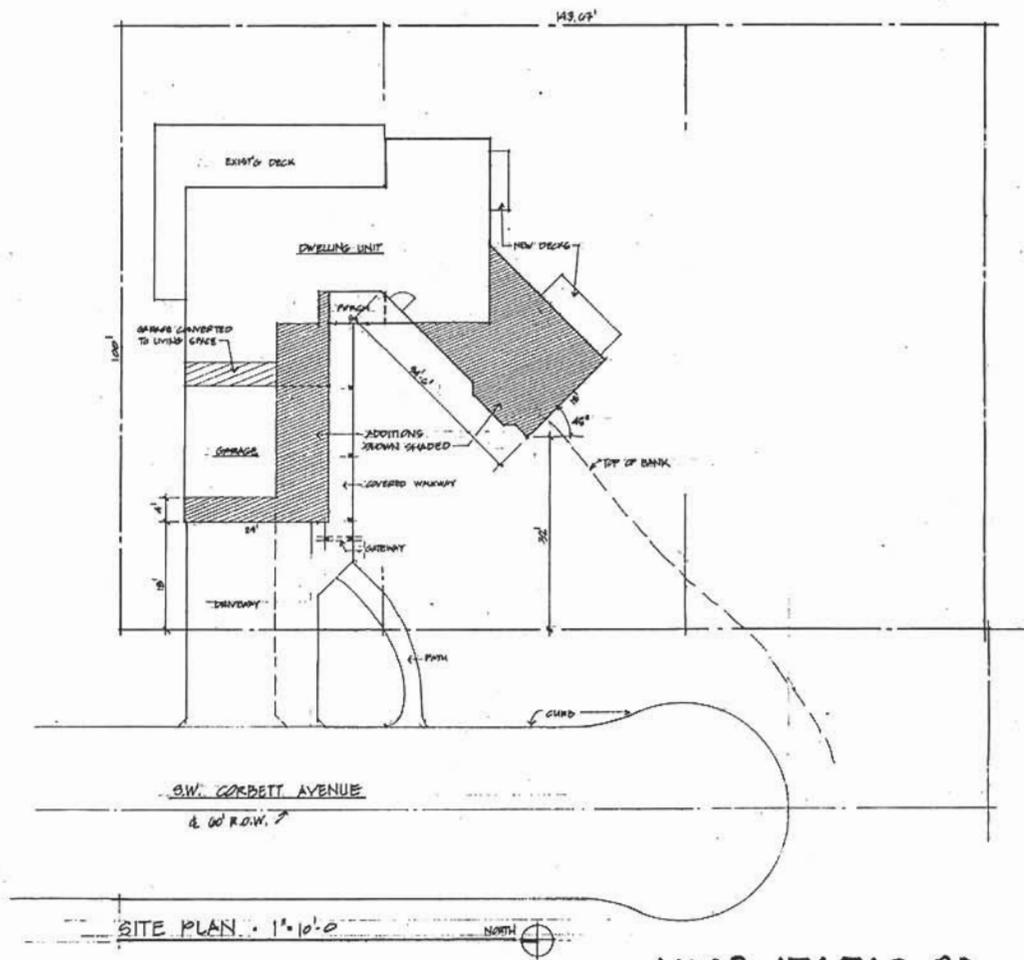


ZONING

-  Site
-  Historic Landmark



File No.	LU 08-176562 AD
1/4 Section	3729
Scale	1 inch = 200 feet
State_Id	1S1E22BD 14800
Exhibit	B (Nov 12, 2008)



LW08-176562 AD



PROPOSED WEST ELEVATION • 1/8"=1'-0"

Approved

City of Portland - Bureau of Development Services

Planner *N. [Signature]* Date DEC 18, 2008

This approval is valid only to the reviews requested and is subject to all applicable zoning requirements.

LW08-176562 AD
EXHIBITS C.1 and C.2