



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

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Date: January 5, 2009
To: Interested Person
From: Nan Stark, Land Use Services
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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 08-177115 AD

GENERAL INFORMATION

Applicants/Owners: David and Barbara Thompson
3311 SE Sherman St.
Portland, OR 97214

Site Address: 3311 SE SHERMAN ST

Legal Description: TL 23200 0.10 ACRES, SECTION 1 1S 1E
Tax Account No.: R991013540
State ID No.: 1S1E01DC 23200
Quarter Section: 3234

Neighborhood: Richmond, contact Douglas Klotz at 503-233-9161
Business District: Division-Clinton, contact Katherine Cosgrove at 503-686-1027.
District Coalition: Southeast Uplift, contact Cece Hughley Noel at 503-232-0010

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 of this property have constructed an addition to the northeast corner of the house without benefit of review. The addition projects 5 feet from the north and east sides of the house, bringing it to a distance of 4'8" from the east side and rear property lines. Also added is a paved area along the west side of the existing driveway that runs to the garage entrance, which is 7.5 feet wide. It extends from the private street and runs directly in line with it to the side of the garage.

The addition and the new paving do not comply with required standards, and consequently two adjustments are requested: 1) to Section 33.266.120 C which allows up to 40 percent of the area between the front lot line and front building line to be paved for vehicle area; the additional paving results in paving of 74 percent of the front yard; and 2) to reduce the required 10-foot

setback established by the 1981 major partition that created this lot and the two abutting ones to the east (S (P) 2-81) to 4 feet, 8 inches on the east side and rear property lines for the area of the addition. The east wall of the addition is 22 feet and the rear wall is 18 feet long.

Note that in the notice for this proposal, the paving was stated to comprise 48 percent of the front yard. Staff has re-calculated the front yard area, which is only the area 15.6 feet wide (the length of the front property line) measured to the front line of the structure, which is 50 feet long. Consequently, the front yard area is technically 780 square-feet in area, of which 40 percent (the allowed maximum) is 312 square-feet. The total existing paving is 11.5 feet wide by 50 feet, or 575 square-feet, which is 73.7 percent.

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 a 4,517 square-foot lot accessed by way of a private street from SE Sherman Street east of 33rd Avenue. It is a trapezoidal-shaped lot with 15.6 feet of frontage along the private street, and a width of 50.5 feet along the rear lot line. Three lots make up the small subdivision that includes the subject lot, all accessed by the private street. The west side of the private street and the subject lot is landscaped by a mature *Arborvitae* hedge that is about 15 feet tall. The site is developed with a one-story dwelling and attached garage, built in 1982 following platting of the 3-lot partition. The attached garage is the element of the structure closest to the front property line and the only visible part of the house as seen straight-on from Sherman Street.

The site and the three lots in this partition are separated from the rest of the immediate neighborhood on Sherman Street, which was almost entirely built with dwellings from the first two decades of the 20th century. The adjacent houses to the west are the exception, which are a one-story ranch style mid-century structure on the abutting lot, and a 1980s house, similar to the subject dwelling. The general area is characterized by older early 20th century 1½ and 2-story cottages and bungalows, with a fairly consistent pattern of houses built at 10- to 15-foot front setbacks. The subject lot and the other two lots that comprise this subdivision are anomalous to this area of fairly consistent original platting.

Zoning: The site is zoned R5. The R5 zone is a single-dwelling zone, corresponding to the City's Comprehensive Plan designation of High-Density Single-Dwelling. This zone is applied generally to closer-in areas of the city and areas where public infrastructure is at high levels, with minimal or no development constraints. New lots in this zone may range in area of 3,000 to 8,500 square-feet, with an allowed maximum density of one lot per 5,000 square-feet.

Land Use History: City records indicate a previous land use review, S (P) 2-81, was a Major Partition that divided the .49 acre site into three lots with a private street from SE Sherman Street. The decision of approval with conditions was made in January, 1981. One condition required 10-foot setbacks on all property lines for all of the lots; a portion of that setback requirement is requested to be reduced for the area of the additions on the applicant's property, which is Lot 1.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **December 9, 2008**. The following bureaus have responded with no issues or concerns: Water, Fire, Parks-Forestry Division, Environmental Services, BDS Fire/Life Safety Review section, and Portland Transportation.

The Site Development Section of BDS responded with no objections to the land use review and notes that at the time of permit review, the applicant will need to demonstrate that all new paving and downspouts discharge to approved stormwater facilities.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on December 9, 2008. Staff received four letters from notified property owners in response to the proposal: two of support, and two of opposition.

The two letters of support were from the abutting and adjacent neighbors to the west, who expressed that the work that has been done by the applicants enhances the existing home and has no negative impact on the neighborhood. The two letters of opposition are from the abutting property owners to the east, who own the other two lots in the same subdivision as the subject site, are summarized with these comments:

- The reduced setback and new paved area detract from the livability and appearance of the neighborhood. The addition encroaches into an area that was originally created for open space, and consequently visually impacts the two neighboring properties in this three-lot partition.
- The importance of maintaining the 10-foot setbacks was established by the 1981 major partition. Perceived impacts to their property from the bathroom addition and the reduced setbacks include diminished views, less privacy, and degraded neighborhood livability.
- They also oppose the adjustment to exceed the 40 percent paving limitation within the front area of the property. The letter disputes the applicants' claim that the new paved surface increases the total paved area to 48 percent. They believe that at least 60 percent of the area between the front lot line and the front of the house has been paved. They also state that the new paved area allows the applicants to conduct a commercial business from their home within the residential neighborhood.

Staff comment: The issues raised regarding livability and appearance will be addressed in the findings of fact in the following section, in the approval criteria. Regarding the paving amount, staff found (as indicated in the description of the proposal) that the front yard area as set by the zoning code is only the area between the front building line and the front property line, which is the 15.6' wide line parallel to Sherman Street. Staff erroneously measured the front and side diagonal line up to the front building line in determining that 48 percent of the front yard is paved. The site plan shows the actual paved area between the front property line and the front building line, which totals 19.5 feet, which staff confirmed in a conversation with the applicant and on a site visit. The conclusion is that the respondents are correct in asserting that more of the front yard is paved than was indicated in the public notice, which has been corrected in this decision.

Regarding the issue that the paved area allows the owners to conduct a commercial business from their home, the owners were sent a "Notice of Zoning and Construction Code Violation" letter on September 15, 2008 indicating the violations to standards that are the subject of this Adjustment review, and also to zoning code regulations which prohibit use of a residence for the sale and repair of vehicles that are not registered to the property owners, and for major repair work on vehicles that belong to the owners. This is an open code compliance case (08-147147 CC).

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 for side and rear setback reduction: The purpose of the setback regulation is to:

- Maintain light, air, separation for fire protection and access for firefighting;
- Reflect the general building scale and placement in the City's neighborhoods;
- Promote a reasonable physical relationship between residences and options for privacy for neighboring properties;
- Require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards; and
- Provide 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 for architectural diversity.

The one-story addition built to the side and rear of the house adds 5 feet to the length of the house as seen from the front of it. The addition starts about halfway back from the front wall of the living area portion of the house, which is set back 10 feet from the entrance to the attached garage at the front of the structure. The addition runs 22 feet along the east side and 18 feet along the rear of the house. The small scale of the addition has no effect on light and air to the nearest neighbors to the north or east, as there is a fairly substantial amount of yard area separating it from either house on those lots. The addition is easily accessible for firefighting because there is 5 feet to the property line and fence on the subject site, and open yard to both sides. To the rear is an open covered storage area on the abutting property, and yard area on the lot to the east, thus ensuring ample area for fire protection.

The three houses in this small 3-lot subdivision are similar, in that the element that dominates the front of each structure is the attached garage projecting in front of the main entrance. The minor addition to the side and rear of the subject house has no effect on privacy to either of those houses, both of which have minimal or no windows looking onto the house and especially the area of the addition. At one-story in height, the addition projects only about 2 feet above the 6-foot high fence that runs along the subject east property line, delineating the side of the property from the nearest neighbor to the east. The nearest wall on that house, facing the subject site, is entirely blank. The third house is substantially separated from the area of the addition to the extent that it is minimally, if at all visible from anywhere inside the house, again ensuring that there is no effect on privacy to its inhabitants. In addition, a large mature deciduous tree is between the addition and the nearest house, and further provides substantial screening.

The three houses in this small subdivision were all built within the same early 1980's time frame and are very similar in appearance and size, unlike most of the houses on Sherman Street and the surrounding area that were built in the first two decades of the 20th century. The addition to the rear and east side of the subject house fits in with the scale and architecture of the three houses, and with a 4'8" setback it maintains a reasonable physical relationship with the other two houses.

The rear wall of the addition faces the rear yard of the abutting north property. A partially open covered shed is at the rear of that yard, extending along most of the area of the addition, so that the two structures face each other. The rear window in the addition faces a small part of the rear yard of that property, breaking up the wall without impeding on privacy to that neighbor, at a reasonable distance of five feet, typically found in side setbacks in this neighborhood.

For all of these reasons, the addition at 4'8" from the side and rear property lines supports the intended purpose of the setback regulation, thus satisfying this criterion.

Findings for paving exceeding 40 percent of front yard area: The purpose of the paving standard is to enhance the appearance of neighborhoods. In this case, the subject site is atypical of this neighborhood, as it is part of the three-lot subdivision that is accessed by a private street leading from Sherman Street. Consequently, the 20-foot private street is the most visible element of the property as seen from Sherman Street. The three houses on the three lots are well over 100 feet from the Sherman Street property line, and thus are minimally visible from the public street. The private street is 145 feet from Sherman Street to the front property line of the subject lot. The driveway of the subject site meets up with the private street, originally narrowing to 12 feet, which is the size of the garage door. The new paving is west of the original driveway, expanding the paving by 7.5 feet in width. The Arborvitae along the west property line remains, in a setback of about 5 feet.

From the street, as indicated due to the distance from the site to the sidewalk and street on Sherman Street, the additional paving is not noticeable. Whether the area was paved or a grassy area, it would not be markedly visible from that distance. From within the 3-lot subdivision, the additional paving is likely quite visible, and does not particularly enhance the appearance of this small subarea of the neighborhood.

Looking at the three lots from the north side of the private street, close to the front property lines of each of the lots, there is a substantial amount of collective paving that comes from the private street. It serves the attached garages of each of the houses and allows for ample turning space so that all vehicles can leave the subdivision in a forward motion onto the private street. This does not justify additional paving, but raises the question of whether more paving to the west, apart from the common access and maneuvering area, has any effect on the appearance of the neighborhood. Given that a 10-foot setback is required on all sides of the lots and that the west side is the only part that has any relationship to Sherman Street, it does seem that maintaining an open area in that 10 feet would better meet the purpose of the paving standard than additional vehicle paving and maneuvering area. The existing attached carport to which the new paving leads is, according to the applicant, going to be removed to comply with the 10-foot building setback, rather than seeking an additional adjustment for the carport encroachment. Staff believes this is the better option and with its removal, some of the new asphalt should be removed as well. The houses in this 3-lot subdivision all have prominent garages, although the garage on the subject house is only large enough for one vehicle, unlike the others that are wide enough for two vehicles, with driveways that are also wide enough to accommodate two standard vehicles, i.e. a width of 8 to 9 feet per space. The original driveway at 12 feet can accommodate one vehicle. Only 4 feet of that 12-foot driveway is technically in the front yard, i.e. in the 15.6-foot wide length of front property line. Consequently, the 4 feet of the original 12-foot driveway in the front yard constituted paving of 200 square-feet (4' x 50' from the front property line to the garage entrance), or 25.6 percent. The maximum 40 percent paving allowance is an area of 312 square-feet, which would allow a driveway of just over 6 feet wide in the front yard. In such cases, the code allows a 9-foot wide driveway, even if that is more than 40 percent. Consequently, staff concludes that 5 feet of the added paving should be allowed. This will require removal of the west 2.5 feet of the existing paving, which should be replaced with living groundcover. The resulting 17-foot wide driveway, of which 9 feet is in the front yard and the remainder is in the side yard, allows two vehicles to be parked side by side, the same as that found on the two other lots in this subdivision. This lot is, at the point of the front of the house, 50 feet in width and consequently such a driveway area is characteristic of and actually 3 feet narrower than what the zoning code would allow by right on a standard 50' x 100' lot.

Consequently, to meet this criterion, the driveway area in the front yard (between the front property line and the front building line) may be up to 9 feet in width. The existing paving on the west side of the driveway that exceeds that width must be removed and planted with living groundcover. With this condition, this criterion can be 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 for setback adjustment: The request is to allow a fairly small addition that was built closer to the side and rear property lines than the 10 feet required by the 1981 subdivision decision. The addition to the east side is the area that most affects the residents of the two other properties in this small 3-lot subdivision. The scale of the addition, projecting at a width of 5 feet from the original wall, and extending for a distance of 22 feet on the east side, is relatively minimal. It is a one-story addition which is barely visible from either of the other two houses except from the view looking north. On the side, the 6-foot fence obscures the addition almost entirely, and the mature tree adds further screening. Looking at it from the south side facing north, the addition is attractive, and enhances the house. The addition has created articulation to both the front and east side facades, as well as a new street-facing window. There is virtually no impact on privacy, as the window on the east side is in the same position as the original one and a window towards the rear of the east façade has been replaced with blank wall. Further, the fence along the side property line creates a separation between properties.

The opposing neighbors are in part opposed to the setback reduction because it reduces the amount of open area between the houses. Staff does not know how long the 6-foot fence has existed along the subject east property line, but that fence does separate the lot from the two adjacent ones and has the effect of delineating the open area between the properties. Property owners are allowed to construct fences along property lines. Much of the perceived open area on the neighboring properties is paved vehicle parking and maneuvering area. The addition to the rear portion of the house still leaves a fairly open appearance as seen from the front of the properties, and the addition provides some relief to the long expanses of wall and roofline that existed prior to its construction. Consequently, the addition does not detract from either the livability or appearance of the residential area, and this criterion is met.

Findings for paving adjustment: The additional paving must be looked at only from the perspective of what is technically the front yard, which is the narrow 15.6-foot wide part of the subject lot that runs parallel to Sherman Street, at a distance of 145 feet from it. The subject paving is, for all intents and purposes, only visible from within the 3-lot subdivision, not from the sidewalk or roadway on Sherman Street. The zoning code allows a 9-foot wide driveway in the front yard in cases in which even 9 feet will exceed the allowed maximum 40 percent paving. Consequently, a 20-foot wide lot that would otherwise be allowed an 8-foot wide driveway may have a 9-foot wide one. In this case, the lot at the front property line is 15.6 feet wide. The lot immediately widens beyond the point where it meets the private street, giving the perception from that point of a much wider front yard; it widens to 50 feet at the point of the front building line. The abutting lot to the east (Lot 2) is 10 feet wide at the private street, and widens to 68.5 feet at the building line. Much of what “appears” to be front yard area is paved for vehicle parking and turnaround. Likewise, Lot 3 is also 15.6 feet wide at its front lot line abutting the private street, and consequently it appears that a substantial portion of what is technically that front yard is also paved for two side-by-side vehicles.

Without measuring the actual paved areas in the technical front yards of each of the lots, staff is assessing more generally how the subject paving looks relative to the paving on the two neighboring properties. They actually appear to be more paved than the subject lot, particularly due to the fact that the garages on those structures are larger and the paving provides parking for two vehicles that the garages accommodate. The subject garage is for a single car. The original paving led to the garage only. The additional paving now leads to an attached illegal carport which the applicant has indicated will be removed; otherwise, an adjustment would also be necessary to allow it, and no such adjustment request has been made. Staff does see that by keeping the paving alongside the house, it presents the possibility that vehicles might be parked there. This would set up a detracting appearance as seen from the front property line. By

reducing the paving to the 9 feet width that the zoning code allows in front setbacks, there will be additional planting area while still allowing adequate parking space that is consistent with the other two houses in this 3-lot development. Thus, with the condition reducing the paving between the front property line and front building line to 9 feet wide, 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: The purpose of the single-dwelling zones is to preserve land for housing and to create opportunities for single-dwelling development. The requested adjustments are for an addition to an existing house that was built on a lot created in 1981, and an increase in front yard paving. The cumulative effect of the two adjustments supports the preservation of housing, satisfying this criterion.

- 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: Staff observed the site and found that the side and rear addition is small in scale to the extent that there is no impact to the abutting properties on either side. From the rear, it is adjacent to the open shed on the neighboring north property. From the east side, it faces the blank wall of the adjacent dwelling. Between those two structures is a large, mature deciduous tree and the 6-foot high fence on the subject east property line. As seen from the front property line, the addition is set back over 20 feet from the garage entrance, and 12 feet from the front wall of the living area. The addition provides an additional roof line that articulates the former long expansive roof, and also adds a small but interesting window that further adds interest to the front façade. While the setback is reduced by 5 feet, it is for a relatively small area of the house, and is not inconsistent with what is found throughout this inner Portland neighborhood.

The paving that was added may be viewed as detracting, particularly if it allows parking of too many vehicles in front of the garage, and vehicles in the side yard next to the garage, where a carport was built. While detached garages and carports are allowed to be built by right if they meet specific standards, this situation is different, due to the conditions of the decision that approved the subdivision. With a 9-foot wide driveway in the front yard, the total width of the original 12-foot driveway and an additional 5 feet will be allowed, creating a 17-foot wide driveway. This is consistent with, and typically narrower than most two-vehicle driveways, including the driveways on the two adjacent lots in this subdivision. A condition will require that additional paving is not allowed in the side setback, and thus a maximum width of 17 feet is allowed for the entire driveway, including the part that is in the side yard. With this condition, 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.

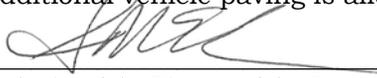
CONCLUSIONS

The subject lot is part of a 3-lot Major Partition that was created in 1981. In this close-in neighborhood of Southeast Portland, the three lots form a small area that is separated from the public street and adjacent lots due to its unusual platting for the area, and access from a private street. The analysis shows that the addition to the existing house is of a relatively small scale that supports the purpose of the setback standard without detracting from the neighborhood or creating impacts. The added paving in what is technically the front yard should be of a size that is allowed in smaller front yards, and the total allowed paving in front of the garage is limited in order to fully support the approval criteria. With a condition limiting the paving to 9 feet in the front yard and a total of 17 feet, the paving will be consistent with that found in this small subdivision and will ensure an appropriate area relative to the total area in front of the garage and house.

ADMINISTRATIVE DECISION

Approval of an adjustment to reduce the east side and rear setback for the length of the addition from 10 feet to 4'8", and to increase the paving in the front yard from the allowed 40 percent to 57.6 percent which allows a 9-foot wide driveway in the front yard, per the approved site plan, Exhibit C-1, signed and dated December 30, 2008, subject to the following conditions:

- A. A zoning permit is required to show compliance with this approval and the following development-related conditions, which must be noted on each of the 4 required site plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 08-177115 AD."
- B. The driveway in the area of the front yard must be no more than 9 feet wide. The additional paving on the west side of the driveway must be removed and planted with living groundcover (other plantings, are allowed) that will cover the unpaved area at maturity.
- C. The total width of the driveway may not exceed 17 feet, which includes the existing portion in the side yard. No additional vehicle paving is allowed in the side yard.

Decision rendered by:  on December 30, 2008
By authority of the Director of the Bureau of Development Services

Decision mailed: January 5, 2009

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 12, 2008, and was determined to be complete on November 19, 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 12, 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 20, 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 21, 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. 1. Applicant's Statement
- 2. Photos
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Elevation drawings
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice – revised
 - 3. Mailed notice – original

E. Agency Responses:

1. Site Development Review Section of BDS
2. Bureau of Environmental Services
3. Bureau of Transportation Engineering and Development Review
4. Water Bureau
5. Fire Bureau
6. Bureau of Parks, Forestry Division

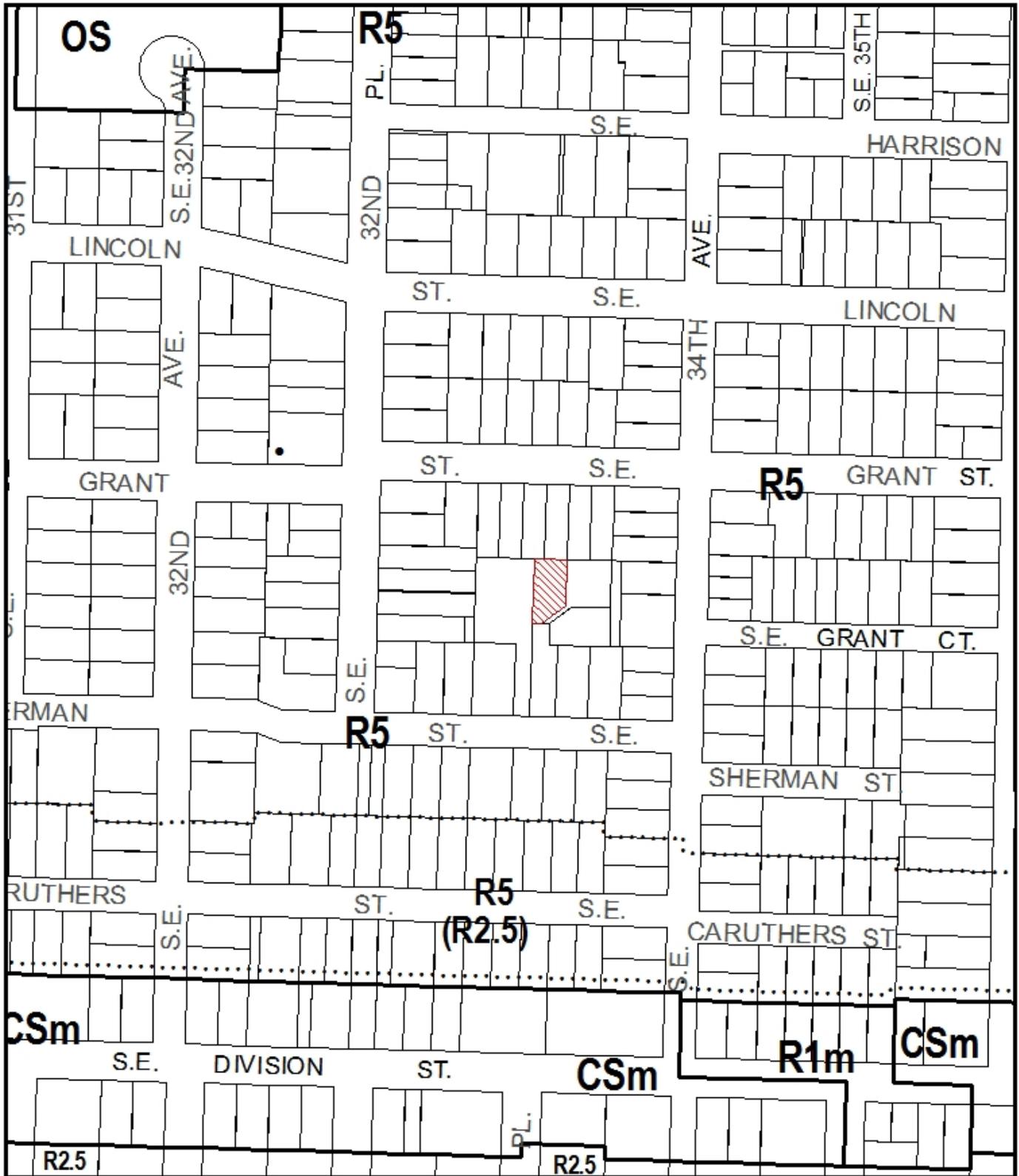
F. Correspondence:

1. A. Wasser, December 3, 2008, in support
2. D. and J. Adams, December 8, 2008, in support
3. J. Mar, December 23, 2008, opposed
4. S. and J. Mar, December 23, 2008, opposed

G. Other:

1. Original LU Application
2. 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



Historic Landmark



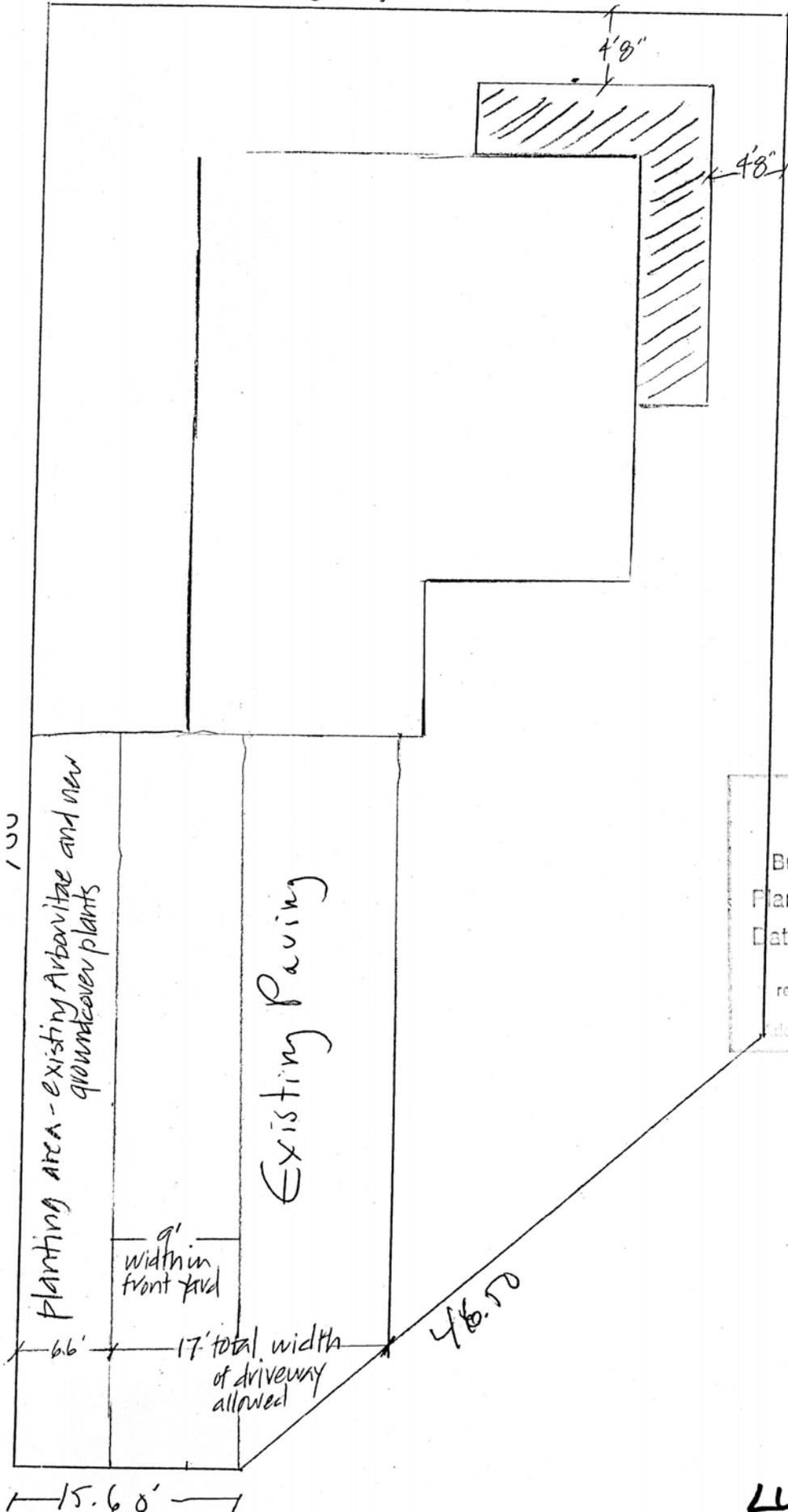
NORTH

File No.	LU 08-177115 AD
1/4 Section	3234
Scale	1 inch = 200 feet
State_Id	1S1E01DC 23200
Exhibit	B (Nov 13, 2008)

50.50'



3311 SE Sherr.
1" = 10'



70.00

Approved
 City of Portland
 Bureau of Development Services
 Planner N. Gault
 Date Dec 30, 2009

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

EXHIBIT C-1

LU 08-177115 AD