



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

1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7300
Fax 503-823-5630
TTY 503-823-6868
www.portlandonline.com/bds

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

CASE FILE: 08-170654 AD
LOCATION: 14525 NE Hancock
State ID No.: 1N2E25CC 00500

The administrative decision for this case was appealed to the Adjustment Committee by the Wilkes Community Group and the Russell Neighborhood Association. A public hearing was held on January 6, 2009. Following some deliberation, the original administrative analysis, findings and conclusions were unanimously adopted by the Adjustment Committee.

I. GENERAL INFORMATION

Applicant

Eddie and Nancy Clark
14525 NE Hancock St
Portland, OR 97230-4156

Appellants:

Russell Neighborhood Association
1617 NE 140th Avenue
Portland, OR 97230

and

Wilkes Community Group
115231 NE Holladay Street
Portland, OR 97230

BDS Staff Representative:

Crystal Hitchings

BDS Administrative Decision:

Approval with conditions

Public Hearing:

Hearing was held on January 6, 2009.

Testified at the Hearing:

Crystal Hitchings, BDS Staff Representative
Alice Blatt, appellant
Bonny McKnight, appellant
Judy Kobbervig, applicant's representative
Ed Clark, applicant

Site Address:

14525 NE Hancock St

Legal Description:

LOT 5 BLOCK 7, LARTHEL ADD

Tax Account No.:

R473301370

State ID No.:

1N2E25CC 00500

Quarter Section:

2845

Neighborhood:

Wilkes Community Group, contact Alice Blatt at 503-253-5485.

Business District:

Gateway Area Business Association, contact Fred Sanchez at 503-256-3910.

District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

Plan District: Glendoveer
Zoning: R7, Residential 7,000

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

II. ADJUSTMENT COMMITTEE DECISION

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

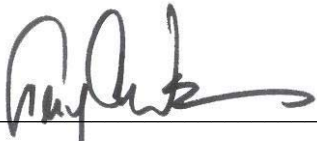
*Approval of an Adjustment to allow the proposed addition to be located 23.5 feet from the front property line, per the approved site plans, Exhibits C-1 through C-3, signed and dated **November 21, 2008**, subject to the following conditions:*

- A. *As part of the building permit application submittal, the following development-related condition B must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 08-170654 AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."*
- B. *A total of 3 high-screen shrubs and/or small trees and 4 low-screen shrubs chosen from the City of Portland Suggested Plant List for Required Landscaping shall be planted along the front property line to soften and partially screen views of the kitchen addition from the street. The low-screen shrubs chosen to meet this requirement must have a mature height of at least 3-4 feet. The area in which these plants shall be located is generally indicated on the approved plan. Plants included on the City of Portland Prohibited or Nuisance Plant lists shall not be used to meet this requirement.*

The applicant prevailed and the appeal was denied.

Final Decision Rendered on January 6, 2009 and mailed on January 8, 2009.
Staff Planner: Crystal Hitchings

The original staff findings, conclusions and decision were adopted by the Portland Adjustment Committee on January 6, 2009.

By  _____
Portland Adjustment Committee
 Terry Amundson, Chair

EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Elevations

3. Front Façade Detail
4. Site Photos, from applicant
5. Site Photos, from staff
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Life Safety Bureau
 2. Fire Bureau
 3. Bureau of Transportation Engineering and Development Review
 4. Water Bureau
 5. Bureau of Parks, Forestry Division
 6. Bureau of Environmental Services
 7. Site Development Review Section of BDS
- F. Correspondence:
 1. David and Monica Jarrett; October 29, 2008; support of the proposal.
 2. Alice Blatt, Wilkes Community Group and Bonny McKnight, Russell Neighborhood Association; opposition of the proposal.
- G. Other:
 1. Original LU Application
 2. Site History Research
 3. Letter to Kareen Perkins, from Ed and Nancy Clark, dated October 15, 2008
 4. Map of approved setback Adjustments in the Glendoveer Plan District
 5. GARTH images of building setbacks in the subject neighborhood
- H. Appeal
 1. Appeal Form submitted by Bonny McKnight, Russell Neighborhood Association and Alice Blatt, Wilkes Community Group; received December 9, 2008
 2. Notice of Appeal Hearing, dated December 12, 2008
 3. Mailing List for Notice of Appeal Hearing, dated December 12, 2008
 4. Written statement of support for Applicant's proposal; submitted by Mr. and Mrs. Phong Van Bwi and Thanh Thi Dao; received December 29, 2008
 5. Written statement of support for Applicant's proposal; submitted by Shay Roeper; received December 29, 2008
 6. Written statement of support for Applicant's proposal; submitted by Robert Cramer; received December 29, 2008
 7. Written statement of support for Applicant's proposal; submitted by Mary Rieckewald; received December 29, 2008
 8. Written statement of support for Applicant's proposal; submitted by John Orth; received December 29, 2008
 9. Written statement of support for Applicant's proposal; submitted by Dolores Orth; received December 29, 2008
 10. Written statement of support for Applicant's proposal; submitted by Arthur Coughlin; received December 29, 2008
 11. Written statement of support for Applicant's proposal; submitted by Maureen and Jack Taylor ; received December 29, 2008
 12. Written statement of support for Applicant's proposal; submitted by Steven Oakes; received December 29, 2008
 13. E-mailed statement of support for Applicant's proposal; submitted by Jack and Maureen Taylor; received December 30, 2008
 14. E-mailed statement of support for Applicant's proposal; submitted by Steven and Laurel Oakes; Received January 1, 2009.
 15. Written statement of support for Applicant's proposal; submitted by John and Dolores Orth; received January 6, 2009.
 16. Land Use and Zoning History of Glendoveer Plan District; submitted by Alice Blatt in support of her oral testimony; January 6, 2009.
 17. Written statement; submitted by Bonny McKnight in support of her oral statement; January 6, 2009

18. BDS PowerPoint Presentation

Copies

Applicant

Appellant

All parties whom Wrote or Submitted Testimony at the Public Hearing

Neighborhood and/or Business Association(s)

Auditor's Office

Planning and Zoning

CNH/January 6, 2009

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

Recording the final decision. This is the final local decision on this application. You may record this decision the day following the mailed/filed date shown above. The applicant, builder, or a representative may record the final decision as follows:

- By Mail: **Send** the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

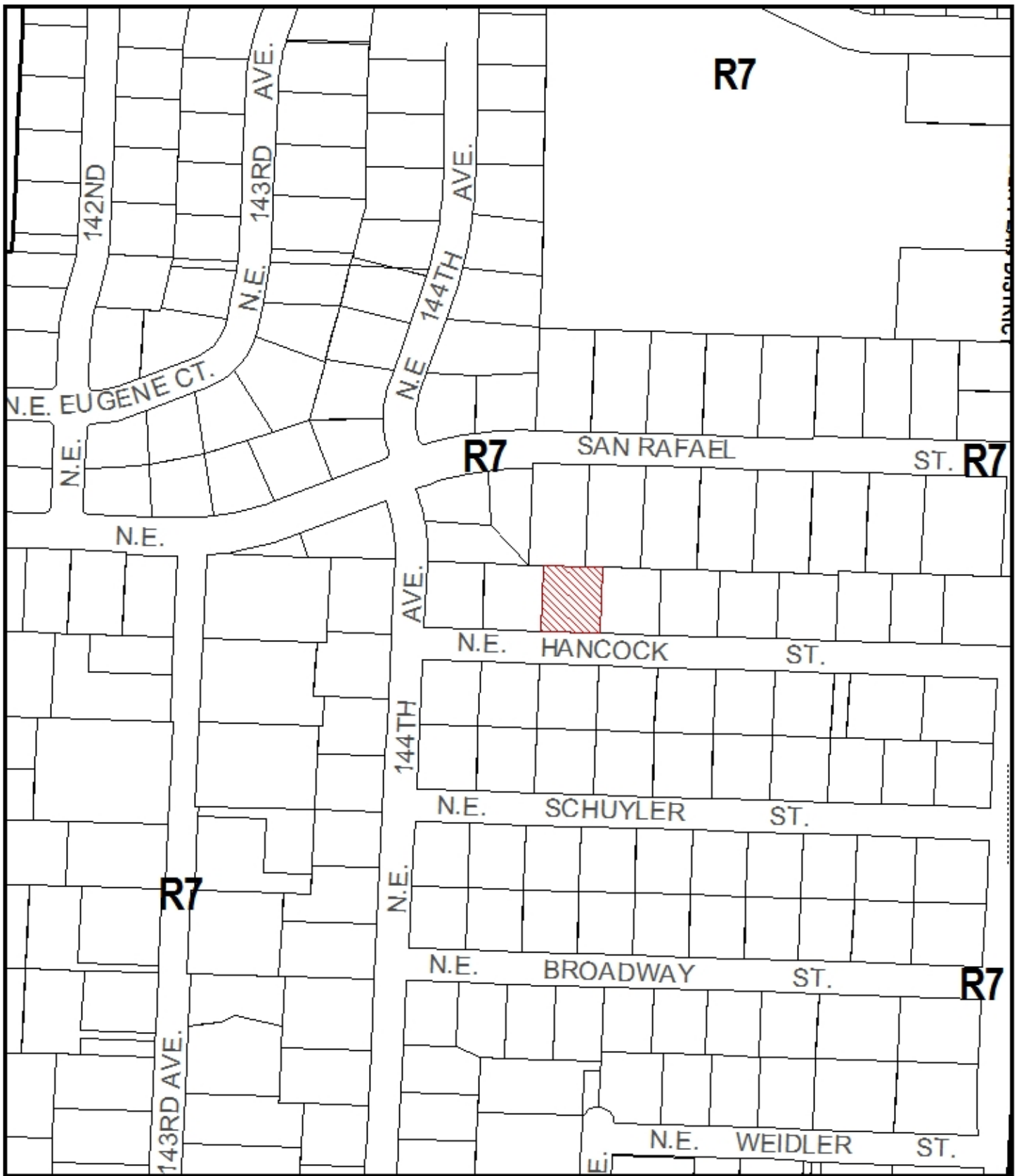
For further information on recording, please call the County Recorder at (503) 988-3034.

Expiration of this approval. This decision expires 3 years from the date it is recorded unless:

- A building permit has been issued, or
- The approved activity has begun, or
- In situations involving only the creation of lots, the land division has been recorded.

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

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



ZONING



Site

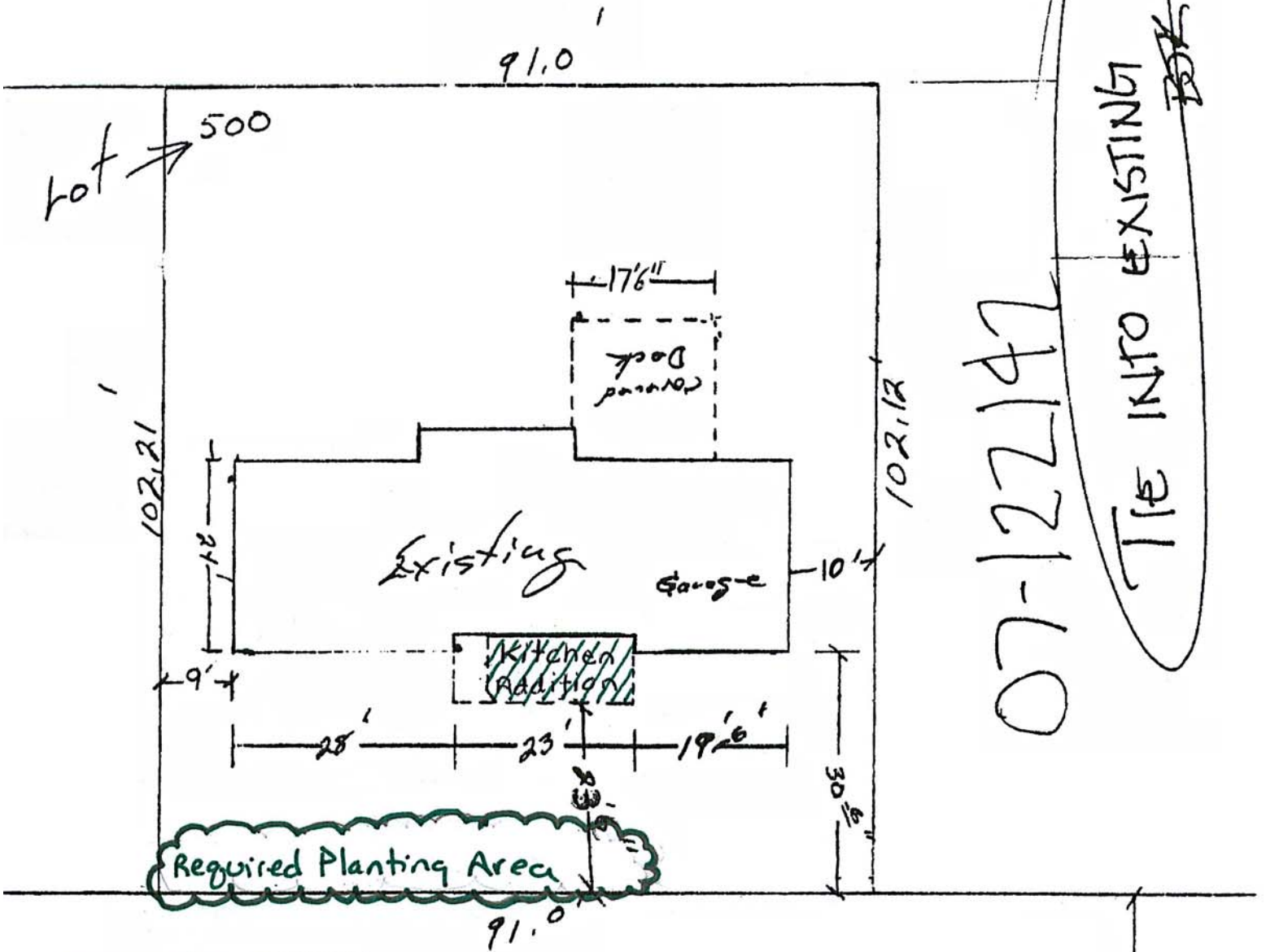


NORTH

This site lies within the:
GLENDOVEER PLAN DISTRICT

File No. LU 08-170654 AD
 1/4 Section 2845
 Scale 1 inch = 200 feet
 State_Id 1N2E25CC 500
 Exhibit B (Oct 20, 2008)

1 = 20'



NE Hancock Street

Lathel Addition

50'

Approved
 City of Portland
 Bureau of Development Services
 Planner Crystal Hicking
 Date 11-21-08

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

LU 08-170654 AD