



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

1900 SW 4th Avenue, Suite 5000  
Portland, Oregon 97201  
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Fax 503-823-5630  
TTY 503-823-6868  
[www.portlandonline.com/bds](http://www.portlandonline.com/bds)

**Date:** February 27, 2009  
**To:** Interested Person  
**From:** Suzanne Savin, Land Use Services  
503-823-5888 / [Suzanne.Savin@ci.portland.or.us](mailto:Suzanne.Savin@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 08-180052 AD**

**GENERAL INFORMATION**

**Applicant:** Marcus Koch  
Chesshir Architecture  
415 NW 11th Ave  
Portland, OR 97209

**Owner:** Steven P Preece  
2723 NW Monte Vista Terrace  
Portland, OR 97210

**Site Address:** 2723 NW MONTE VISTA TER

**Legal Description:** TL 5900 LOT 5-7 BLOCK 16, KINGS HTS & RPLT  
**Tax Account No.:** R452003110  
**State ID No.:** 1N1E32DA 05900  
**Quarter Section:** 3026

**Neighborhood:** NW/NW, Hillside, contact Peter Stark at 503-274-4331.  
**Business District:** None  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

**Plan District:** None

**Zoning:** R7 (Single-Dwelling Residential 7,000)

**Case Type:** AD (Adjustment Review)  
**Procedure:** Type II, administrative decision with appeal to Adjustment Committee.

**Proposal:**

The property owner is planning to add a one-story, approximately 351 square foot entry foyer to the existing residence, which will connect the residence to the existing detached garage. The property owner is also planning to add approximately 176 square feet to the garage's building footprint, and to construct approximately 665 square feet of living area over the garage. The

addition of the second floor living area to the garage will result in a structure that will be approximately 21 feet in height from grade to the peak of the roof.

The garage is set back approximately 2 feet, 9 inches from the south (front) property line at its closest point. The south wall of the proposed living area above and on the east side of the garage will also be set back approximately 2 feet, 9 inches from the front property line at its closest point, and will have an eave that is set back 1 foot, 9 inches from the front property line. A proposed trellis on the south wall of the garage, over the garage doors, will be set back 1 foot from the front property line.

Zoning Code Section 33.110.220 (Setbacks) and Table 110-3 require a minimum front building setback of 15 feet, and allow minor features of a building such as eaves to extend a maximum of 20 percent (3 feet) into a front building setback. Therefore, the applicant is requesting an Adjustment to Section 33.110.220 and Table 110-3, to allow the proposed living area above, and on the east side of the garage to have a minimum setback of approximately 2 feet, 9 inches from the front property line; to allow the second floor eave to have a setback of approximately 1 foot, 9 inches from the front property line; and to allow the trellis over the garage doors to have a setback of approximately 1 foot from the front property line.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are the Adjustment Approval Criteria in Zoning Code Section 33.805.040.A – F.

## ANALYSIS

**Site and Vicinity:** The site is approximately 10,300 square feet in size, and contains a single-dwelling residence with a detached garage. The site is a through lot with frontage on both NW Monte Vista Terrace and NW Lomita Terrace. The residence and garage face NW Monte Vista Terrace, and are located less than 15 feet from the NW Monte Vista right-of-way. The site slopes downward from the NW Monte Vista Terrace frontage to the NW Lomita Terrace frontage.

The properties surrounding the site on all sides are zoned R7 and are developed with single-dwelling residences. Many of the surrounding residences have setbacks of less than 15 feet from their front property lines, similar to the residence on the site.

**Zoning:** The site is zoned R7, Single-Dwelling Residential 7,000. The single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the comprehensive plan policies and designations for single-dwelling housing.

**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 **February 3, 2009**. The following Bureaus have responded with no issues or concerns:

- Bureau of Transportation Engineering
- Water Bureau
- Fire Bureau
- Bureau of Parks-Forestry Division

The Bureau of Environmental Services (BES) responded that BES does not object to the requested setback adjustments. The response includes additional advisory information for the benefit of the applicant. (Exhibit E-1)

The Site Development Section of BDS responded that Site Development has no objection to the

requested land use review. The response includes additional advisory information for the benefit of the applicant. (Exhibit E-2)

The Life/Safety Plan Review Section of BDS responded with no concerns related to the requested adjustment. The response includes additional information about building code requirements for the benefit of the applicant. (Exhibit E-3)

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on February 3, 2009. 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., below, have been met.

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

**Findings:** The purpose of the setbacks regulation, as stated in Section 33.110.220.A, is as follows:

The setback regulations for buildings and garage entrances serve several purposes:

- They maintain light, air, separation for fire protection, and access for fire fighting;
- They reflect the general building scale and placement of houses in the city's neighborhoods;
- They promote a reasonable physical relationship between residences;
- They promote options for privacy for neighboring properties;
- They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;
- They 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; and
- They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.

The requested adjustment is consistent with the above purposes of the regulation, for the following reasons:

- The addition's reduced setback from the front property line will not hinder the ability of the fire department to access the house, and therefore access for fire fighting will be maintained.
- The addition's reduced setback from the front property line will not impact light, air, separation for fire protection, or privacy, because the Monte Vista cul-de-sac provides additional separation between the front (south) wall of the addition and the closest

properties to the south. Therefore, light, air, separation for fire protection, and the privacy of nearby residences will be maintained.

- The applicant's submittal included photographs of other residences in the immediate vicinity. As documented in the applicant's photographs, and as confirmed by Staff on a site visit, the addition's reduced setback from the front property line is consistent with the front setbacks of numerous other residences on NW Monte Vista Drive, and within a 2-block radius of the site. Therefore, the proposed addition's reduced setback is consistent with the general building scale and placement of houses in this hillside neighborhood, and promotes a reasonable physical relationship between residences.

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 site is within a residential zone. The request for a reduced front setback for the proposed addition will not significantly detract from the livability or appearance of the residential area for the following reasons:

- The design of the addition will improve the appearance of the residence's main entrance, and make it more prominent. The existing main entrance of the residence is on the west side of the house, and is not visible from NW Monte Vista Terrace. The addition will include a new, architecturally pleasing front entry door that will be visible from NW Monte Vista Terrace.
  - The design of the addition will improve the appearance of the residence's garage door. The existing garage door is a solid overhead door with no windows and no architectural details. This solid, featureless garage door will be replaced with a carriage-style garage door with windows in its upper section, and a trellis will be placed over the garage entrance. These features will add detail and interest at the street level.
  - As noted in the findings for Criterion A, above, the addition's reduced setback from the front property line is consistent with the front setbacks of several other residences on NW Monte Vista Drive.
- 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 (to the setback requirements of Section 33.110.220 and Table 110-3) is being requested. Therefore, this criterion is not applicable.

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

**Findings:** The site does not contain any City-designated scenic resources or historic resources, so this criterion is not applicable.

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

**Findings:** No impacts are anticipated to result from the adjustment to reduce the front setback for the addition. However, the applicant notes that addition's design is intended to de-emphasize the reduced front setback by keeping the height of the second story over the garage as low as possible within the setback area. A trellis is

proposed over the garage entrance to add a horizontal element and more visual interest to the ground floor of the garage, and to visually reduce the height of the addition's south façade. The applicant notes also that the architectural details of the addition will match those of the existing residence.

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, so 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

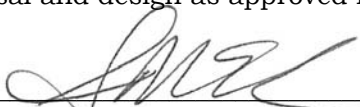
The applicant has requested an Adjustment to Section 33.110.220 (Setbacks) and Table 110-3, to allow the proposed addition (south building wall, second floor south eave, and trellis over the garage door) to have reduced setbacks (2 feet, 9 inches; 1 foot, 9 inches; and 1 foot, respectively), from the front property line. The applicant has provided information to demonstrate that this adjustment will comply with the Adjustment Approval Criteria. Therefore, the adjustment can be approved, per the plans and elevations. Approval of building permits is still required, after the decision is final and has been recorded with Multnomah County.

## ADMINISTRATIVE DECISION

Approval of an Adjustment to Section 33.110.220 and Table 110-3, to allow the living area above and on the east side of the garage to have a minimum setback of approximately 2 feet, 9 inches from the front property line; to allow the second floor eave to have a setback of approximately 1 foot, 9 inches from the front property line; and to allow the trellis over the garage doors to have a setback of approximately 1 foot from the front property line;

per the approved site plans, Exhibits C-1 through C-2, signed and dated February 25, 2009, subject to the following conditions:

- 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.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-180052 AD."

Decision rendered by:  on February 25, 2009.  
By authority of the Director of the Bureau of Development Services

Decision mailed: February 27, 2009

Staff Planner: Suzanne Savin

**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 25, 2008, and was determined to be complete on January 29, 2009.

*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 25, 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 March 13, 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](http://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 **March 16, 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.

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.

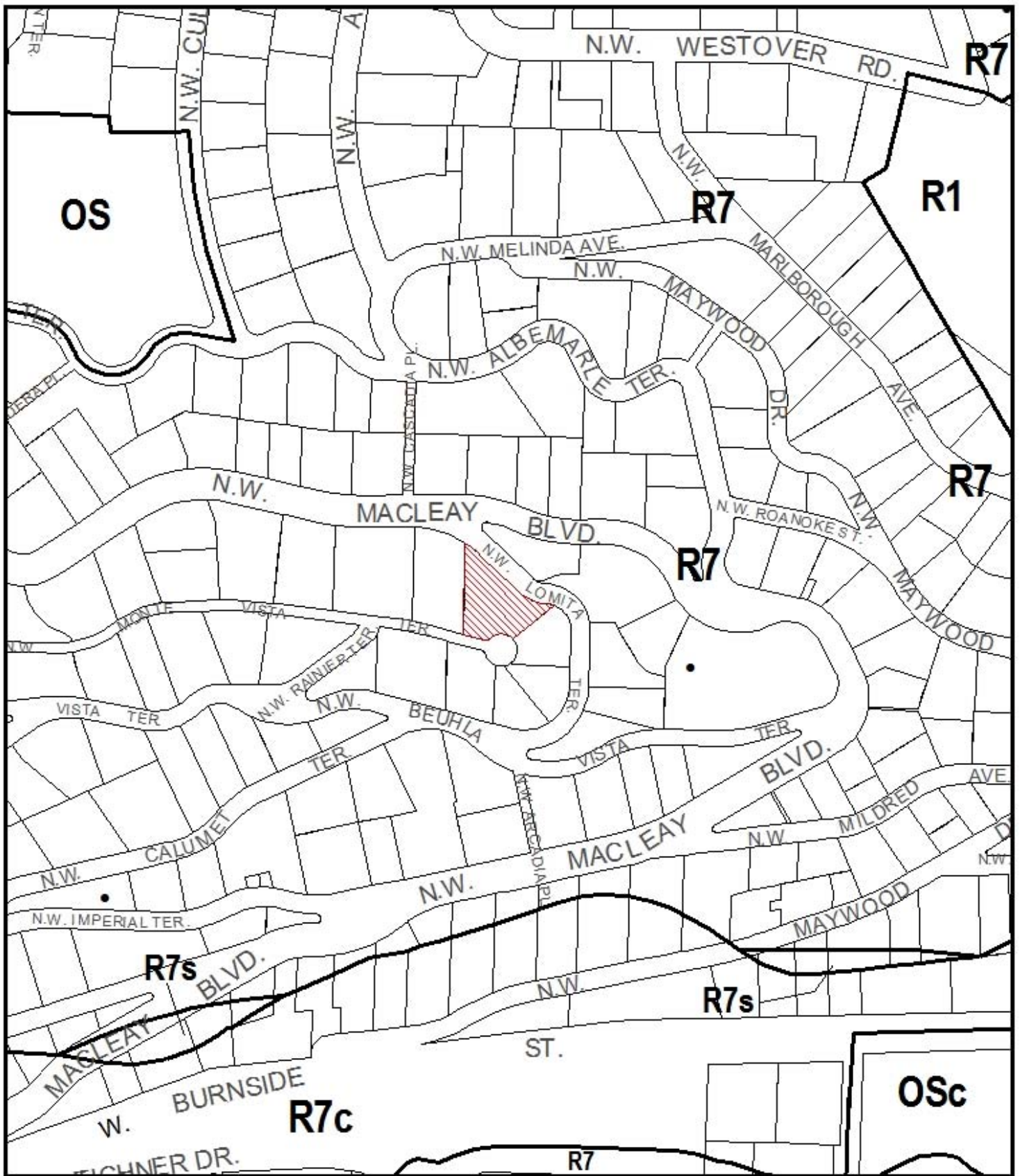
**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
  - 1. Original Narrative and Site Photos, submitted November 25, 2008
  - 2. Narrative Addendum and Neighborhood Photos, submitted January 29, 2009
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Elevations (attached)
- 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. Life/Safety Plan Review Section of BDS
  - 4. "No concerns" responses from the Bureau of Transportation Engineering and Development Review, Water Bureau, Fire Bureau, Bureau of Parks - Forestry Division
- F. Correspondence:
  - 1. No correspondence submitted.
- 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

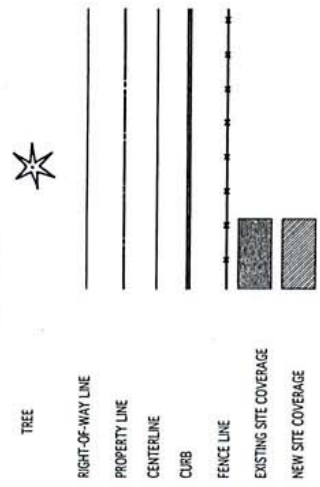
 Historic Landmark



File No.	LU 08-180052 AD
1/4 Section	3026
Scale	1 inch = 200 feet
State_Id	1N1E32DA 5900
Exhibit	B (Nov 28, 2008)

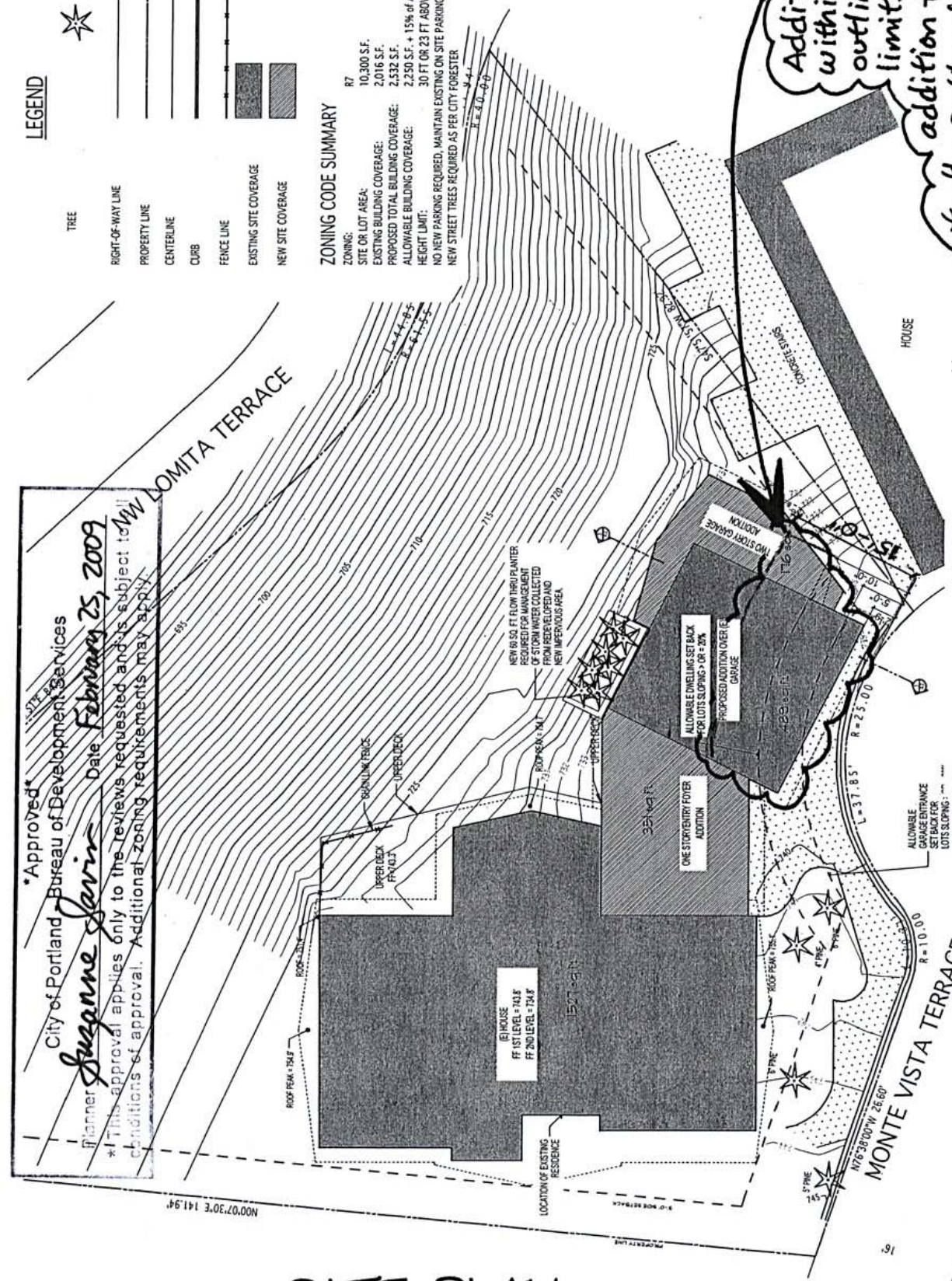
\*Approved\*  
 City of Portland Bureau of Development Services  
 Planner *Suzanne Savin* Date *February 25, 2009*  
 \*This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

**LEGEND**

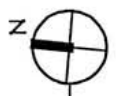


**ZONING CODE SUMMARY**

ZONING: R7  
 SITE OR LOT AREA: 10,300 S.F.  
 EXISTING BUILDING COVERAGE: 2,016 S.F.  
 PROPOSED TOTAL BUILDING COVERAGE: 2,532 S.F.  
 ALLOWABLE BUILDING COVERAGE: 2,250 S.F. + 15% of AREA OVER 5000 S.F. OR 3045 S.F.  
 HEIGHT LIMIT: 30 FT OR 23 FT ABOVE UPHILL SIDE WALK  
 NO NEW PARKING REQUIRED, MAINTAIN EXISTING ON SITE PARKING  
 NEW STREET TREES REQUIRED AS PER CITY FORESTER



Addition area within bubble outline is approx. limits of the addition that is subject to the setback Adjustment



**1** SITE PLAN  
 SCALE: 1/16"=1'-0"

**Preece Addition**

PROJECT NO.: 200720 ADDRESS: 2723 NW Monte Vista Terrace

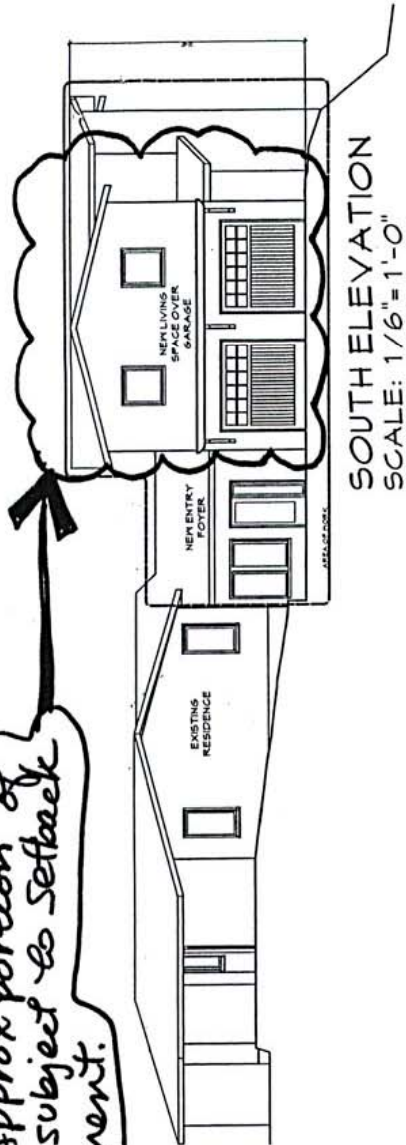
Chesshir Architecture PC  
 415 NW Eleventh Avenue  
 Portland, OR 97209-2996  
 www.chesshirarchitecture.com

1/29/09

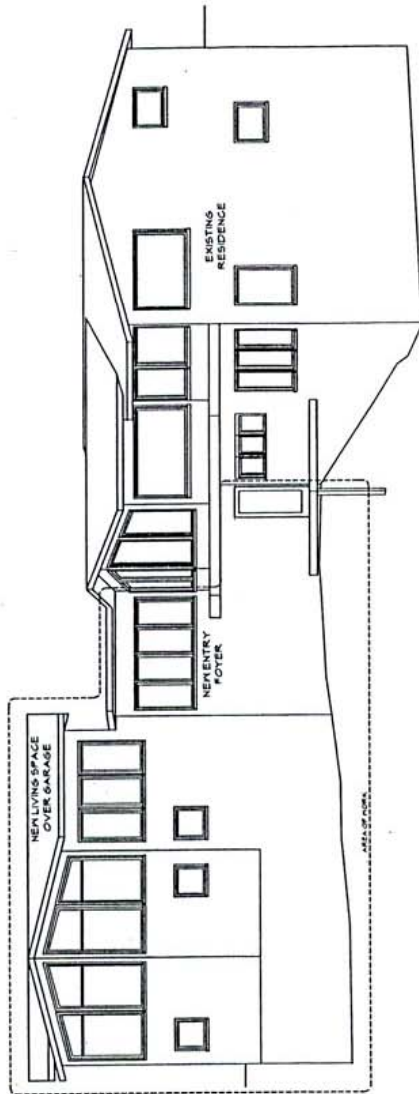
**SITE PLAN**

LU 08-180052 AD  
 Exhibit C-1

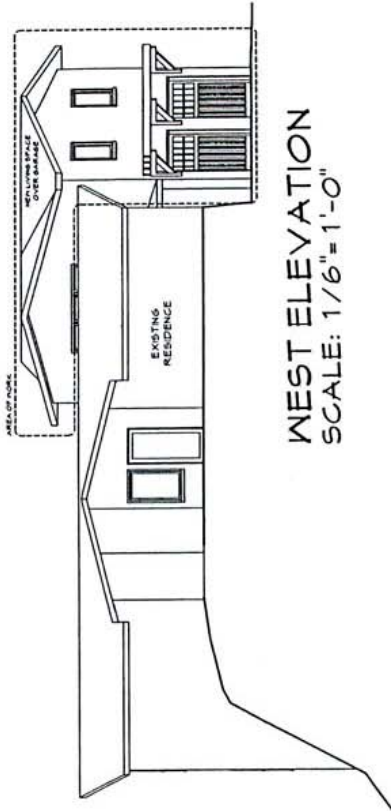
Approx portion of addition subject to setback Adjustment.



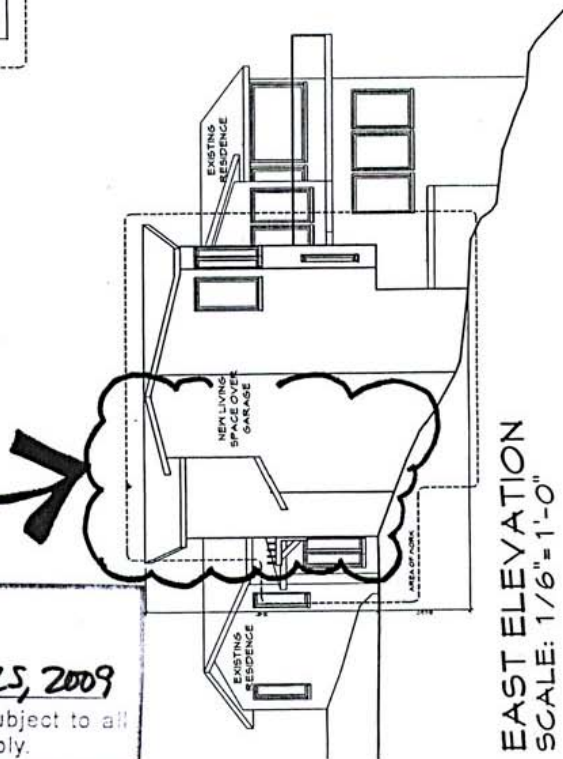
SOUTH ELEVATION  
SCALE: 1/6"=1'-0"



NORTH ELEVATION  
SCALE: 1/6"=1'-0"



WEST ELEVATION  
SCALE: 1/6"=1'-0"



EAST ELEVATION  
SCALE: 1/6"=1'-0"

\*Approved\*  
City of Portland - Bureau of Development Services  
Planner Suzanne Savin Date February 25, 2009  
\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

ELEVATIONS

LU 08-180052 AD  
Exhibit C-2

Chesshir Architecture PC  
415 NW Eleventh Avenue  
Portland, OR 97209-2996  
www.chesshirarchitecture.com

1/29/09

Preece Addition

PROJECT NO.: 200720 ADDRESS: 2723 NW Monte Vista Terrace