



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

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Portland, Oregon 97201
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TTY 503-823-6868
www.portlandonline.com/bds

Date: June 11, 2009
To: Interested Person
From: Crystal Hitchings, Land Use Services
503-823-7583 / Crystal.Hitchings@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 09-125274 AD

GENERAL INFORMATION

Applicant: Eric Hess
O H Architecture
3805 N Michigan Ave
Portland, OR 97227

Property Owner: Darrell Voss
3511 N Willamette Blvd
Portland, OR 97217-5163

Site Address: 3511 N WILLAMETTE BLVD

Legal Description: LOT 24 BLOCK 100, MOCK CREST
Tax Account No.: R575203490
State ID No.: 1N1E17AA 02300
Quarter Section: 2326

Neighborhood: Arbor Lodge, contact Alex Joyce at 503-972-2872.
Business District: North Portland Business Assoc, contact Jim Schaller at 503-517-9915.
District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.

Zoning: R5s, Single-dwelling Residential 5,000,
with a Scenic Resource Overlay Zone

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

Proposal:

The applicant is requesting an Adjustment to the street setback of the Scenic Resources Overlay Zone in order to construct a new covered entrance alcove to replace the existing covered entrance alcove on the N. Bryant Street façade of the existing home, which faces the

south side property line. The existing alcove has a pitched roof while the proposed alcove has a curved roof. The existing alcove is 7 feet wide by 3 feet deep, and is 13 feet, 4 inches in height. The proposed alcove is 8 feet wide by 3 feet, 8 inches deep, and is 11 feet, 9 inches in height. The existing covered entrance alcove is located 18 feet, 9 inches from the south side property line along N. Bryant Street, and the proposed alcove is located 18 feet and 1 inch from the south side property line along N. Bryant Street. N. Bryant Street intersects N. Willamette Boulevard at the southwest corner of the site.

North Willamette Boulevard is identified as a Scenic Corridor in the Scenic Resources Protection Plan (Scenic Corridor #11, N. Willamette Blvd.), and the Scenic Resources Corridor is mapped on N. Willamette Boulevard and on the sites immediately adjacent to the north and east side of the Boulevard. Therefore, the site is within the Scenic Resources (“s”) Overlay Zone, and the standards of the overlay zone supersede those of the base zones.

The “s” zone imposes a 20-foot street setback where the base zone does not already require a street setback. The R5 zone requires a side building setback of 5 feet, but does not require a street setback, and so the south side property line along N. Bryant Street is subject to the 20-foot street setback requirement of the “s” overlay zone. Therefore, approval of an Adjustment to Zoning Code **Section 33.480.B.2.b, Scenic Resources Zone, Street Setbacks**, is required in order to allow the proposed covered entrance alcove to be located 16 feet, 4 inches from the south side property line along N. Bryant Street.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. of Section 33.805.040, Adjustment Approval Criteria, have been met.

ANALYSIS

Site and Vicinity: The 6,370 square foot site is located at the intersection of N. Willamette Boulevard, N. Wabash Street, and N. Bryant Street. The site is developed with a single-dwelling residence originally built in 1926, and with a detached garage. The site is characterized by a larger front setback and open, formal landscaping.

The site has frontage on both N. Bryant and N. Wabash. Because it is the shortest frontage, the N. Wabash frontage is considered the front property line. N. Wabash is classified as a Neighborhood Collector, while N. Bryant is a Local Service Access Street. Both streets are improved with 6-foot sidewalks and retain a 2-foot right-of-way behind the sidewalk. N. Bryant has an 8-foot planting strip while N. Wabash has a 4-foot planting strip between the curb and the sidewalk.

Within 200 feet to the north and east of the site, development is single-dwelling residential. To the south and west, extending along the west side of N. Willamette Boulevard, is undeveloped, city-owned open space. A recreational corridor runs along the east side of N. Willamette Boulevard. Sites to the west and south of the open space are industrially developed.

Zoning: The site and surrounding vicinity to the north, east, northwest and southeast are zoned R5, Single-dwelling residential. Properties to the immediate north and east of the site have an Alternative Design Density Overlay Zone. The subject site and all sites immediately to the east of N. Willamette Boulevard have a Scenic Resource Overlay Zone. A corridor of Open Space designation runs along the west of N. Willamette Boulevard. Sites to the west and south of that are industrially zoned.

The Scenic Resources Overlay Zone requires a 20-foot street setback where the base zone doesn't already require a street setback. The R5 zone requires a side building setback of 5 feet

along N. Bryant Street, but does not require a street setback. The base zone front setback of 10 feet is applied along N Wabash.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A “Request for Response” was mailed on May 15, 2009. The following Bureaus have responded with no issues or concerns (Exhibits E.1-E.7):

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

Neighborhood Review: A “Notice of Proposal in Your Neighborhood” was mailed on May 15, 2009. Three written responses were received from nearby neighbors in support of the proposal. The first response was signed by three neighbors and stated that the proposed entry alcove would not block views and would be a “good improvement”, the second response expressed “no issues” with the proposed changes, and the third expressed that the proposed changes are “positive aesthetic changes to the home and neighborhood”.

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 providing 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 applicant is requesting an Adjustment to **33.480.040.B, Scenic Resources; Scenic Corridors**. The purpose of the Scenic Resource zone is to:

- *Protect Portland’s significant scenic resources as identified in the Scenic Resources Protection Plan;*
- *Enhance the appearance of Portland to make it a better place to live and work;*
- *Create attractive entrance ways to Portland and its districts;*
- *Improve Portland’s economic vitality by enhancing the City’s attractiveness to its citizens and to visitors;*
- *Implement the scenic resource policies and objectives of Portland’s Comprehensive Plan.*
- *The purposes of the Scenic Resource zone are achieved by establishing height limits within view corridors to protect significant views and by establishing additional landscaping and screening standards to preserve and enhance identified scenic resources.*

The purpose statement for the regulations of the Scenic Corridors subsection of the Scenic Resources Overlay Zone is as follows:

Purpose: The scenic corridor designation is intended to preserve and enhance the scenic character along corridors, and where possible, scenic vistas from the corridors. This is accomplished by limiting the length of buildings, preserving existing trees, providing additional landscaping, preventing development in side setbacks, screening mechanical equipment, and restricting signs.

The Scenic Resources Overlay Zone encompasses N. Willamette Boulevard, the stretch of open space that runs along the west and south side of the boulevard, and the sites immediately east and north of the boulevard. The overlay zone is intended to preserve views to the west and south, across the industrial area between the boulevard and the Willamette River to the river, city center, and hills beyond.

The request is to allow replacement of an existing covered entrance alcove with a slightly deeper and wider alcove that is also lower in height. The alcove is located such that, when looking across the south façade of the home from N. Bryant and N. Wabash streets, the width of the existing alcove does not protrude into one's line of vision beyond the main façade of the home. The new alcove will be 8 inches deeper than the existing alcove, and is not anticipated to noticeably protrude beyond the façade any more than the existing alcove. Because the alcove does not extend into the line of vision beyond the main house, the alcove does not interfere with views to the protected scenic resources. Sites with existing non-conforming landscaping are exempt from meeting the landscaping requirements of 33.480.040.B.

The scenic character of the corridor along N. Willamette Boulevard is preserved by the proposal to construct a replacement covered entrance alcove. There are no designated scenic vistas within the vicinity of the site. Therefore, the purpose statement for Scenic Corridors in the Scenic Resources Overlay Zone is equally met, and 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; and

Findings: The proposed curved roof of the new alcove will mimic other curved entrances in the nearby vicinity, including those on the two homes to the north, one diagonally across from the site, and several others on the adjacent blocks, and remains in character with the architectural style of the existing home. The alcove does not significantly intrude into the views across the scenic corridor from N. Bryant or N. Wabash. Livability is not affected by the request. 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. The site is within an "s" overlay zone, which in this case preserves the scenic vistas across Willamette Boulevard to the west and southwest. The proposed alcove is not significantly different in width or depth from the existing alcove (although it is shorter in height), and does not protrude into the line of vision when looking toward the west and southwest from N. Bryant and N. Wabash Street, and therefore, this scenic resource is preserved. The alcove is designed to fit the character of the existing home and residential neighborhood. This criterion is met.

- 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. 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. 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 proposal to replace the existing covered entrance alcove with a new covered entrance alcove that is 8 inches deeper, 1 foot wider, and 1 foot, seven inches lower results in an entrance that does not detract from the scenic character of the corridor nor does it interfere with vistas of the scenic corridor from the neighborhood. The purpose statement and relevant review criteria are met, and this Adjustment request should be approved.

ADMINISTRATIVE DECISION

Approval of an Adjustment to Zoning Code **Section 33.480.B.2.b, Scenic Resources Zone, Street Setbacks**, in order to construct a covered entrance alcove, to be located 16 feet, 4 inches from the south side property line along N. Bryant Street, in significant conformance with the new entryway shown on the approved plans, Exhibits C.1 through C.3, signed and dated June 9, 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 09-125274 AD."

Staff Planner: Crystal Hitchings

Decision rendered by:  **on June 9, 2009.**

By authority of the Director of the Bureau of Development Services

Decision mailed: June 11, 2009

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 April 30, 2009, and was determined to be complete on May 12, 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 April 30, 2009.

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. Unless further extended by the applicant, **the 120 days will expire on: September 9, 2009.**

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 June 25, 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 **June 26, 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.

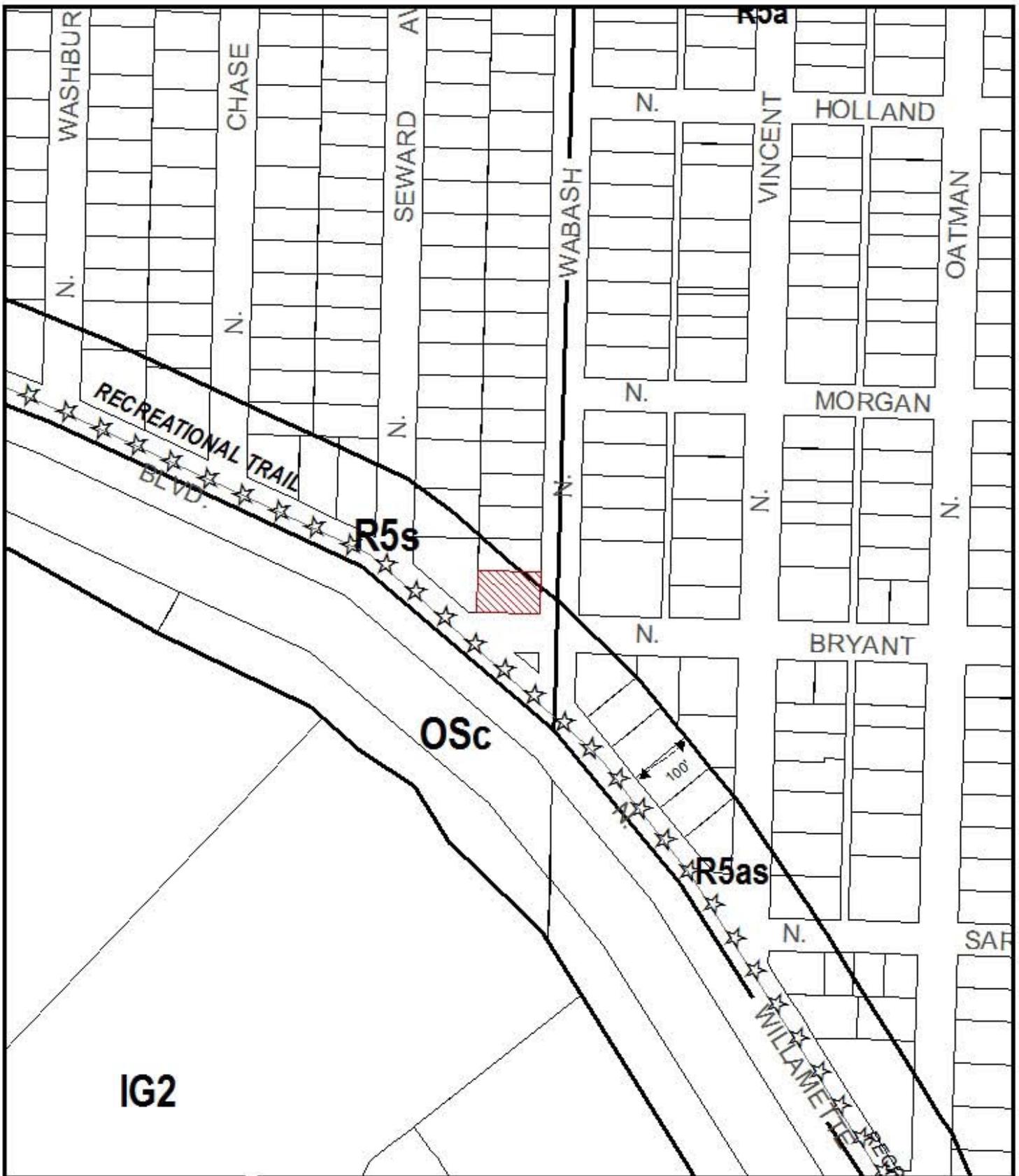
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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 Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Front Elevation (attached)
 - 3. West Elevation (attached)
 - 4. East Elevation
 - 5. Site Plan, with intersection
 - 6. Site Plan, existing conditions
 - 7. Front Elevation, existing
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Site Development Review Section of BDS
 - 2. Life Safety Bureau
 - 3. Fire Bureau
 - 4. Bureau of Environmental Services
 - 5. Bureau of Transportation Engineering and Development Review
 - 6. Water Bureau
 - 7. Bureau of Parks, Forestry Division
- F. Correspondence:
 - 1. Richard and Joane Bozich and Eugene Thompson; May 16, 2009; support of proposal
 - 2. Sally Skelding; May 20, 2009; support of proposal
 - 3. Michael Biermann; June 3, 2009; support of proposal
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. Aerial site photos

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-7300 (TTY 503-823-6868).



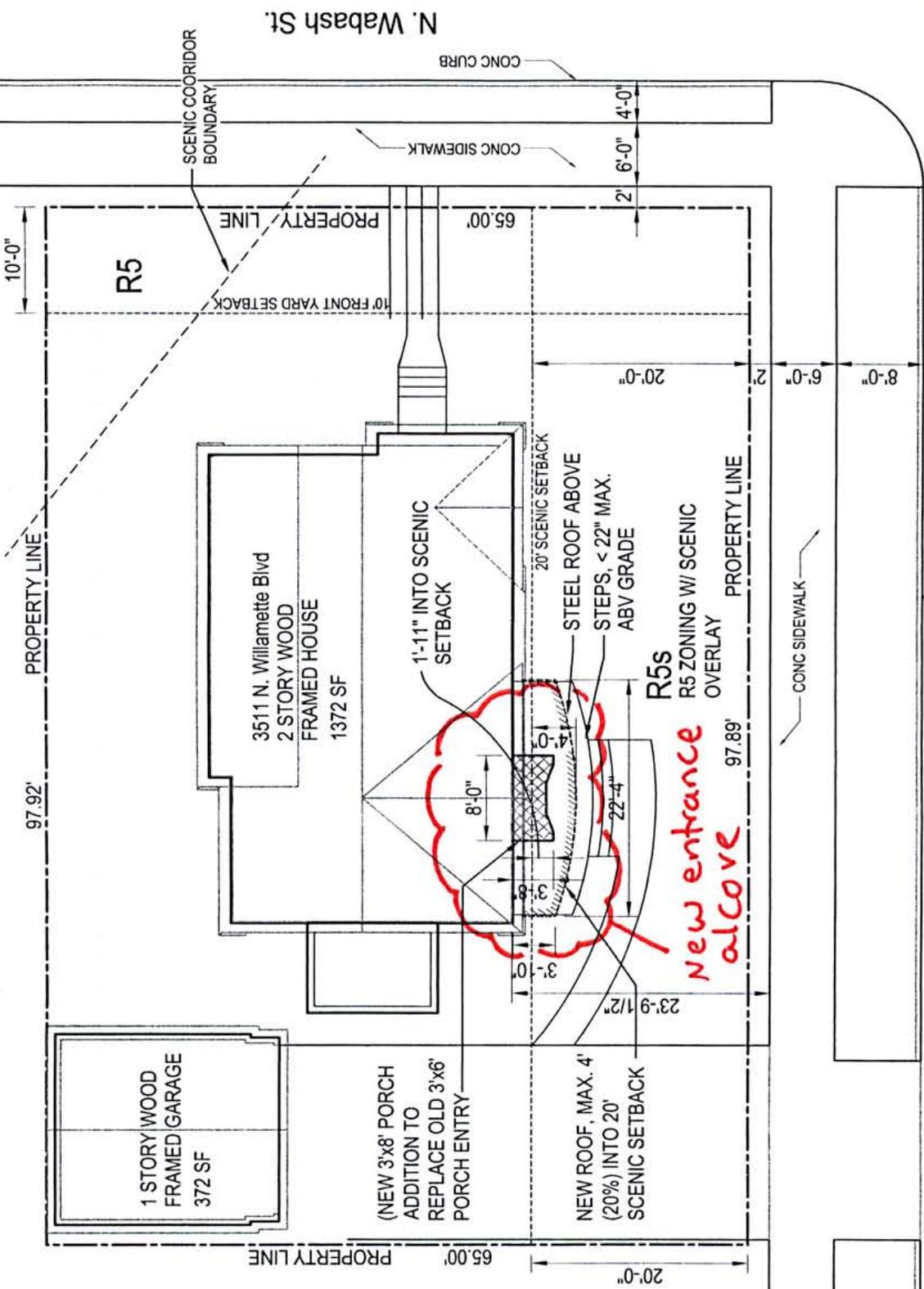
ZONING



File No.	<u>LU 09-125274 AD</u>
1/4 Section	<u>2326,2327</u>
Scale	<u>1 inch = 200 feet</u>
State Id	<u>1N1E17AA 2300</u>
Exhibit	<u>B</u> (May 04,2009)

Approved
 City of Portland - Bureau of Development Services
Cristina Hittinger Date *June 9, 2009*
 This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

SITE COVERAGE: LOT IS 6,363 SF
 MAX ALLOWED: 2,250 SF + 15% OVER 5,000 SF = 2,454 SF
 PROPOSED: 1,744 SF



N. Willamette Blvd
 (Resource being protected)

N. Bryant St.

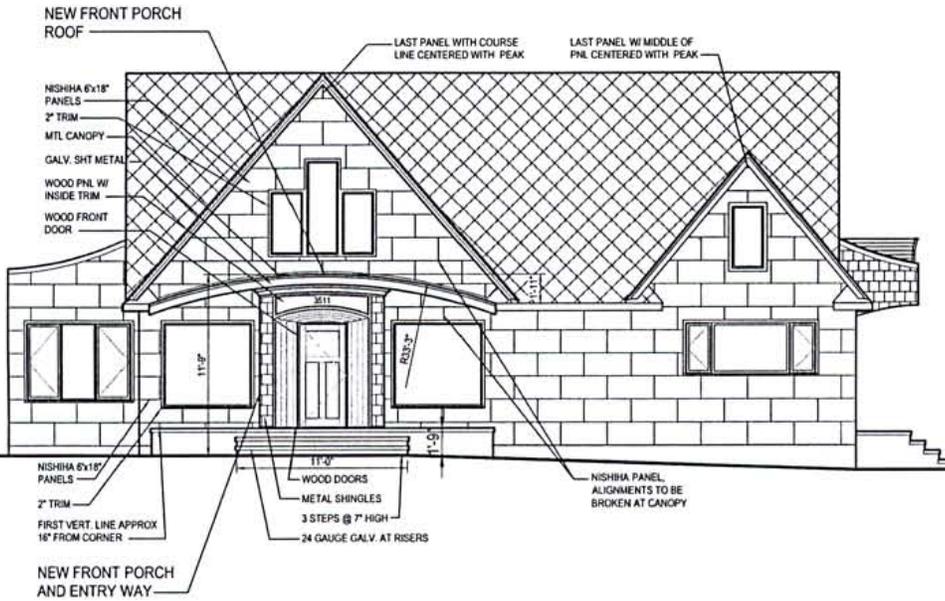


VOSS RESIDENCE - FRONT PORCH REBUILD
 SITE PLAN

SCALE: 1"=15'-0"

April 28, 2009

A1	APPR: egh	DATE: 28 April, 2009	PROJ: Voss Adjustment	FILE: voss/at 11x8 ps.dwg
	Voss Residence Adjustment for Porch Addition 3511 NORTH WILLAMETTE BLVD			
O H Architecture, PC Eric Hess, NCARB 3805 N Michigan Ave. Portland, OR 97227 ph: (503) 816-4858				



VOSS RESIDENCE - FRONT PORCH REBUILD
N. BRYANT ST ELEVATION

SCALE: 1/8"=1'-0"

April 28, 2009

LU 09-125274 AD Exhibit C.2

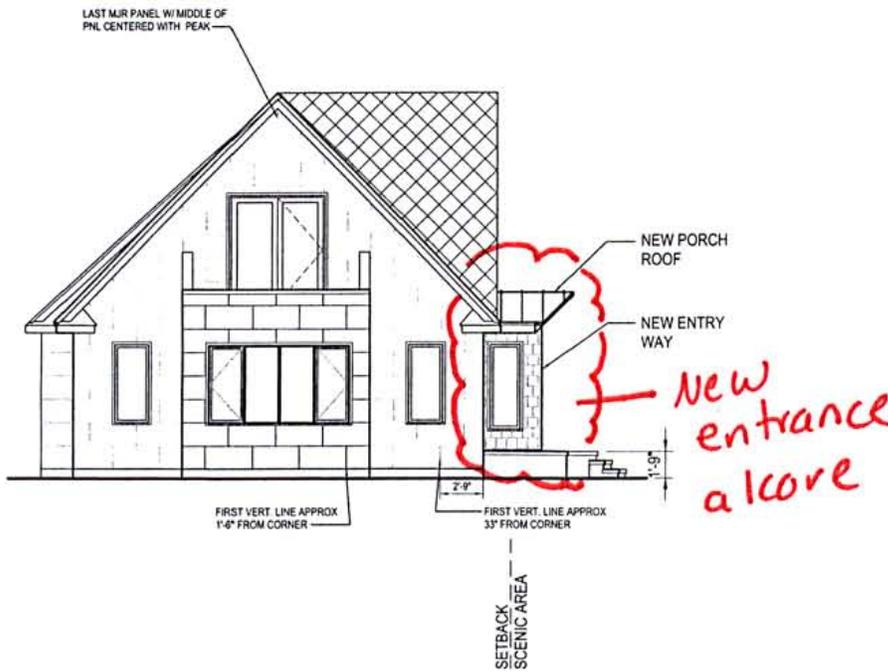
O H Architecture, PC
Eric Hess, NCARB
3805 N Michigan Ave.
Portland, OR 97227
ph: (503) 816-4858

Voss Residence
Adjustment for Porch Addition

3511 NORTH WILLAMETTE BLVD

APPR: egh
DATE: 28 April, 2009
PROJ: Voss Adjustment
FILE: voss/a2 11x8 ps.dwg

A2



VOSS RESIDENCE - FRONT PORCH REBUILD
WEST ELEVATION

SCALE: 1/8"=1'-0"

April 28, 2009

LU 09-125274 AD Exhibit C.3

O H Architecture, PC
Eric Hess, NCARB
3805 N Michigan Ave.
Portland, OR 97227
ph: (503) 816-4858

Voss Residence
Adjustment for Porch Addition

3511 NORTH WILLAMETTE BLVD

APPR: egh
DATE: 29 April, 2009
PROJ: Voss Adjustment
FILE: voss/a2 11x8 ps.dwg

A3

Approved
City of Portland - Bureau of Development Services
Planner: Crystal Hedeking Date: June 9, 2009
This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.