



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

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Portland, Oregon 97201  
503-823-7300  
Fax 503-823-5630  
TTY 503-823-6868  
[www.portlandonline.com/bds](http://www.portlandonline.com/bds)

**Date:** June 19, 2009  
**To:** Interested Person  
**From:** Marty Stockton, Land Use Services  
503-823-3493 / [Marty.Stockton@ci.portland.or.us](mailto:Marty.Stockton@ci.portland.or.us)

**NOTICE OF A PUBLIC REGISTRY DECISION ON A  
PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has made a decision on 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 to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265.

**CASE FILE NUMBER: LU 09-130385 CLR**

**GENERAL INFORMATION**

**Applicant:** Steve Buckles  
Repetto & Assoc  
12730 SE Stark  
Portland, OR 97233

**Property Owners:** Dina Gruenfeld  
5234 SE Taylor St  
Portland, OR 97215  
  
Justin Callaway  
5234 SE Taylor St  
Portland, OR 97215

**Representative:** Declan O'Connor  
Hasson Company  
2173 NE Broadway  
Portland, OR 97232

**Site Address:** 5234 SE TAYLOR ST

**Legal Description:** LOT 1 BLOCK 1 N 8' OF LOT 8 BLOCK 1, CHRISTENSENS ADD  
**Tax Account No.:** R157200010  
**State ID No.:** 1S2E06AC 03200  
**Quarter Section:** 3136

**Neighborhood:** Mt. Tabor, contact Bruce Treat at [bruce.treat@mttaborpdx.org](mailto:bruce.treat@mttaborpdx.org)  
**Business District:** Belmont Business Association, contact John Barker at 503-231-9118.  
**District Coalition:** Southeast Uplift, contact Leah Hyman at 503-232-0010.

**Zoning:** R5

**Case Type:** Lot Confirmation and Property Line Adjustment

**Procedure:** Public Registry, a ministerial decision with no public notice or public hearing, with appeal to the Oregon Land Use Board of Appeals (LUBA).

**Proposal and Ministerial Decision:**

A concurrent Lot Confirmation and Property Line Adjustment Request was submitted on April 13, 2009 asking the Bureau of Development Services to confirm lot lines on the subject property and approve a property line adjustment.

The site is a 7,431 square foot corner lot that consists of two pieces of property: (1) Lot 1, and (2) the north 8 feet of Lot 8. Both are a part of the plat of Christensen's Addition. A recorded deed dated July 28, 1937 separated former Lot 8 by transferring the north 8 feet of Lot 8 to one party and the southern 85 feet of Lot 8 to another party. Bureau of Development Services confirms that Lot 1 is a legally platted lot and that the separated north 8 feet of Lot 8 is a lot of record.

The applicant seeks to adjust the common property line between Lot 1 and the north 8 feet of Lot 8 by moving the property line 34 feet to the north. The end result will be two pieces of property: the northern Tract "A" containing 4,711 square feet, and the southern Tract "B" containing 3,360 square feet. Both tracts meet the minimum lot dimensions set forth in Portland Zoning Code Section 33.610.200.

<b>Table 610-2</b>				
<b>Lot Dimension Standards (for the R5 zone)</b>				
Minimum Lot Area	Maximum Lot Area	Minimum Lot Width	Minimum Front Lot Line	Minimum Lot Depth
3,000 sq. ft.	8,500 sq. ft.	36 ft.	30 ft.	50 ft.

## ZONING CODE STANDARDS

**Lot Confirmation:**

The Bureau of Development Services (BDS) is confirming:

- (1) The subject property's status under:
  - a) Portland Zoning Code Section 33.700.130, Legal Status of Lots, and
  - b) Portland Zoning Code Chapter 33.910, Definition of Lot of Record; and
- (2) The subject property's eligibility for development under Portland Zoning Code Section 33.110.212, When Primary Structures are Allowed.

**(1)**

**a) Section 33.700.130 Legal Status of Lots**

In general, 33.700.130 provides that a lot on a recorded plat remains a legal lot except where one of the following applies:

1. The plat has been vacated as provided by Code;
2. The lot has been further divided, or consolidated, as specified in the 600 series of chapters in the Zoning Code, or as allowed by former Title 34; or
3. The lot as originally platted is no longer whole and consists of individual property remnants. These remnants are not considered legal lots. However, they may still be considered lots of record. See the definition of "lot of record" in Chapter 33.910, Definitions.

The subject site is located in the recorded plat of Christensens Addition. Lot 1 is intact as platted and has the status of a legal lot under 33.700.130, Legal Status of Lots. The northern 8 feet of Lot 8 is not a legal lot. It is a remnant that may be a lot of record.

**b) Chapter 33.910, Definitions, Lot of Record**

A lot of record is a plot of land that satisfies all of the following:

- It was not created through an approved subdivision or partition;
- It was created and recorded before July 29, 1979; and
- For which the deed, or other instrument dividing the land, is recorded with the appropriate county recorder.

The plot of land consisting of the north 8 feet of Lot 8 was not created through an approved subdivision or partition. The applicant has provided a copy of the deeds pertaining to the subject site. The deed demonstrates that the remnant was separated (through a deed recorded with Multnomah County on July 28, 1937) from the rest of Lot 8 prior to July 29, 1979. Therefore, the north 8 feet of Lot 8 is considered a legal lot of record.

**(2) Section 33.110.212 When Primary Structures are Allowed**

**FOR R5:**

Zoning Code Section 33.110.212 in part provides that primary structures are allowed on a lot, lot of record, or combinations of lots or lots of record in the R5 zone that meet one of the following:

<b>R5 Zone Requirements - Subject site must meet one of the requirements below.</b>		
1	At least 36 feet wide measured at the front building setback line, and at least 3,000 square feet in area;  or	Tract "B" meets this requirement.
2	Under a separate tax account on November 15, 2003;  or	
3	Have had an application filed w/city before November 15, 2003 to authorize a separate tax account and have been under a separate tax account by November 15, 2004;  or	
4	Have not had a dwelling unit on it since September 10, 2003, or for at least 5 years, and have not any portion in an environmental zone.	Tract "B" meets this requirement.

**Property Line Adjustment:**

A property line adjustment (PLA) is the relocation of a single common property line between two abutting properties. The proposal meets this definition because the applicant seeks to relocate a common property line between Lot 1 and the northern 8 feet of Lot 8. In order to approve the request, BDS staff must determine that the regulations of Chapter 33.667 of the Portland Zoning Code are met. Following is a review of the PLA request:

<b>33.667</b>	<b>Property Line Adjustment Regulation</b>	<b>Discussion and Decision</b>
200	No more than three property line adjustments may be requested on a site within one calendar year.	Satisfied.
300. A(1)	The PLA will not result in either property or existing development on either property to move out of conformance with the Zoning Code.	Satisfied.

	Exception: If the property(s) or development already out of conformance, the PLA can not cause either to move further out of conformance.	Not applicable.
	Exception: If one or both properties out of conformance with maximum lot area, then one or both are exempt from this regulation.	Not applicable.
300.A	(2)The PLA will not result in creation of a flag lot.	Satisfied.
	(3)The PLA will not result in the creation of street frontage for a land-locked parcel.	Satisfied.
	(4)If any portion of the site is within an environmental overlay zone, provisions of Chapter 33.430 must be met.	Not applicable.
	(5)The PLA will not result in a property that is in more than one base zone, unless the property is already in more than one base zone.	Satisfied.
300.B	The availability of services to the properties may not change. Services include water service, sanitary sewage disposal, stormwater management systems, and rights-of-way.	Satisfied.
300.C	All conditions of previous land use reviews must be met.	Not applicable.

### Property Line Adjustment Decision

The property line adjustment was approved by BDS on May 28, 2009 because it satisfies the regulations of Section 33.667, Property Line Adjustments, as noted above.

### DEVELOPMENT STANDARDS

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.

**Staff Planner: Marty Stockton**

**Decision rendered by:**  **on May 28, 2009.**

By authority of the Director of the Bureau of Development Services

**Decision mailed June 19, 2009.**

**This decision is final and may not be appealed to another City of Portland review body.** It may be appealed to the Oregon Land Use Board of Appeals (LUBA). You may call LUBA at 1-503-373-1265 for further information on filing an appeal.

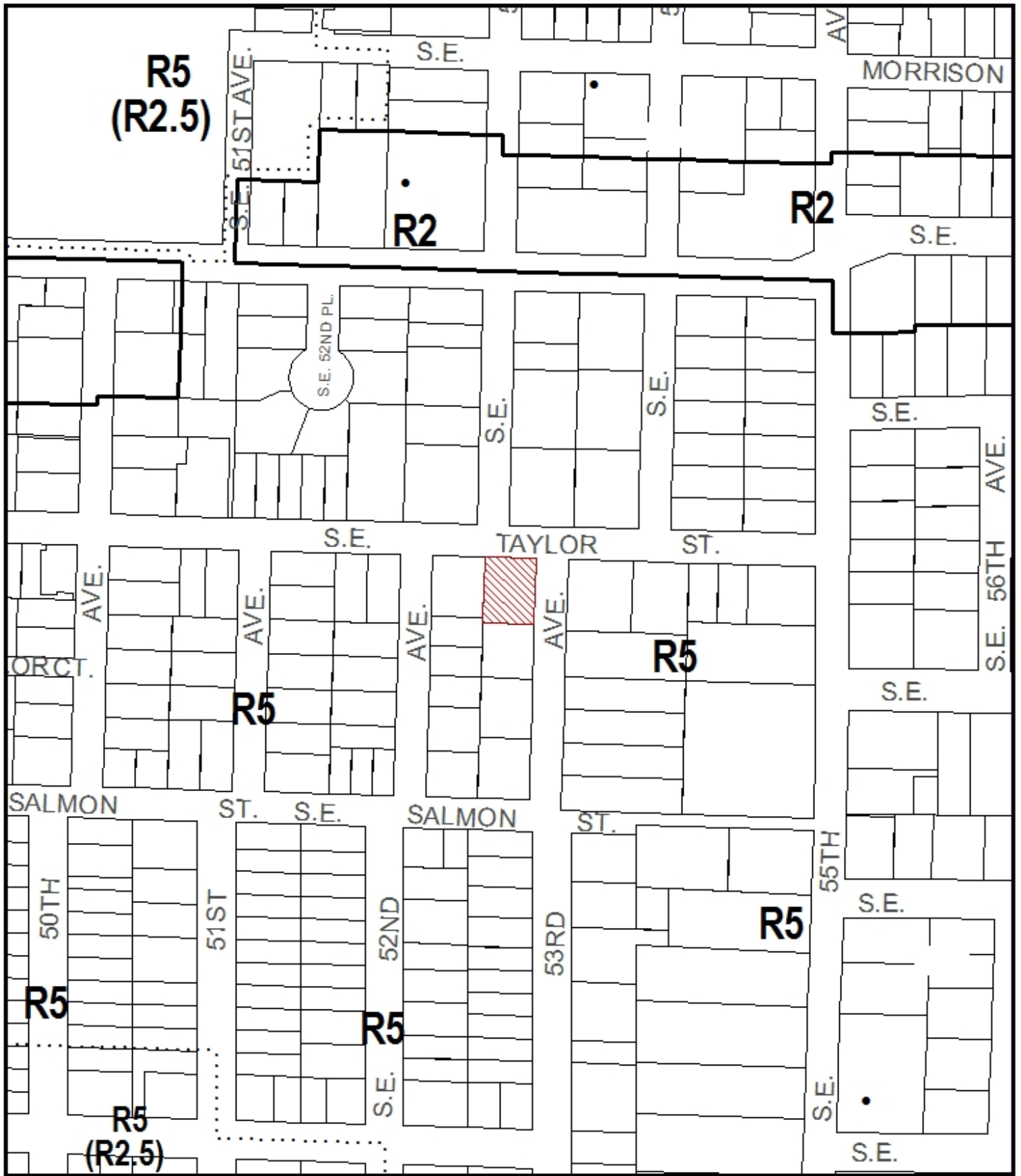
The file and all evidence on this case is available for your review by appointment. Please contact the receptionist at 503-823-7967 to schedule an appointment. Copies of all information in the file can be obtained for a fee equal to the cost for such services. You may also find additional information about the City of Portland and City Bureaus, as well as a digital copy of the Portland Zoning Code, by visiting the City's homepage on the Internet at [www.portlandonline.com](http://www.portlandonline.com).

**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).**

**Enclosures:**

Zoning Map

Site Plan



# ZONING



File No.	<u>LU 09-130385 CLR</u>
1/4 Section	<u>3136</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S2E06AC 3200</u>
Exhibit	<u>B</u> (Jun 16,2009)

**PRELIMINARY PLAN**

LOT CONFIRMATION AND PROPERTY LINE ADJUSTMENT  
 TAX LOT 3200, MAP 15 2E 06AC, LOT 1 AND THE NORTH 8 FEET OF LOT  
 8, BLOCK 1, CHRISTENSEN'S ADDITION, SITUATED IN THE NORTHEAST  
 QUARTER OF SECTION 6, TOWNSHIP 1 SOUTH, RANGE 2 EAST, WILLAMETTE  
 MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

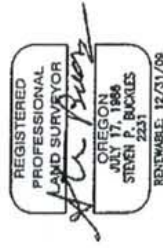
DATE: APRIL 9, 2009  
 SCALE:  $\frac{1}{2}$ " = 20' NTS  
 FOR: DINA GRUENFELD

**OWNER/APPLICANT**

DINA GRUENFELD  
 5534 S.E. TAYLOR ST.  
 PORTLAND, OR. 97215  
 PHONE: (503) 5902-5624

**NOTES**

- BOUNDARY AND BASIS OF BEARINGS ARE PER MONUMENTS FOUND AND THE PLAT OF CHRISTENSEN'S ADDITION.
- THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. ALL UNDERGROUND UTILITY LINES MUST BE VERIFIED PRIOR TO CONSTRUCTION.
- THIS MAP AND SURVEY IT IS BASED ON ARE REPRESENTATIVE OF THE CONDITIONS FOUND ON THE GROUND ON APRIL 6, 2009, THE DATE THE FIELD WORK WAS COMPLETED.
- ZONING OF THE SUBJECT PROPERTY IS R5, RESIDENTIAL.
- THE SUBJECT PROPERTY IS NOT LOCATED IN THE 100 YEAR FLOOD ZONE.



REVISED:
<b>REPPETO &amp; ASSOCIATES, INC.</b> LAND SURVEYORS
Plaza 125, Building G 12730 SE Stark Street Portland, Oregon 97233 Phone: (503) 408-1507 Fax: (503) 408-2370
DATE: APR. 09, 2009 FILE: 009017.DWG
DRAWN BY: SPB/CJH JOB NO. 605017

**LEGEND**

- PPL = PROPOSED PROPERTY LINE
- R1 = SN 45958
- R2 = SN 6489
- R3 = SN 32082
- R4 = SN 42563
- SF = SQUARE FEET
- SN = SURVEY NUMBER MULTNOMAH COUNTY SURVEY RECORDS
- SS = SANITARY SEWER LINE
- UP = UTILITY POLE
- W = WATER LINE
- WF = WOOD FENCE
- WM = WATER METER
- WV = WATER VALVE
- YPC = YELLOW PLASTIC CAP
- ( ) = RECORD INFORMATION
- D1 = DEED DOCUMENT NO. 2008-026257, M.C.D.R.

**LEGEND**

- = MONUMENT FOUND AS NOTED.
- ⊗ = GAS VALVE
- ⊙ = SANITARY SEWER MANHOLE
- ⊕ = UTILITY POLE
- ⊖ = WATER METER
- ⊘ = WATER VALVE
- BS = BRASS SCREW
- CC = CONCRETE CURB
- CDA = CONCRETE DRIVEWAY APRON
- CLF = CHAIN LINK FENCE
- CO = CONCRETE
- CO = CLEANOUT
- CSS = COMBINED STORM & SANITARY LINE
- CSW = CONCRETE SIDEWALK
- EPL = EXISTING PROPERTY LINE
- FB = FOUND BY
- CG = NATURAL GAS LINE
- GA = GUY ANCHOR
- GV = GAS VALVE
- IP = IRON PIPE
- IR = IRON ROD
- M.C.D.R. = MULTNOMAH COUNTY DEED RECORDS
- MH = MANHOLE
- CU = ORIGIN UNKNOWN
- P1 = PLAT OF CHRISTENSEN'S ADDITION TO MOUNT TABOR

