



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

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Date: July 10, 2009
To: Interested Person
From: Suzanne Savin, 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 09-131769 AD

GENERAL INFORMATION

Applicant: Philip Sydnor
1715 N Terry St
Portland, OR 97217

Owners: Dorothy A Cofield & Brooks G Cofield
13454 NW Countryview Way
Portland, OR 97229-4464

Site Address: 2716 NW MONTE VISTA TER

Legal Description: BLOCK 16 LOT 8-11 TL 6300, KINGS HTS & RPLT
Tax Account No.: R452003210
State ID No.: 1N1E32DA 06300
Quarter Section: 3026

Neighborhood: 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 owners received approval to restore the dwelling on the site, add additional living space, and replace the existing second-story decks on the north, south, and east elevations with new decks, via Building Permit 09-113514 RS. The property owners now plan to connect the approved south and east decks with a 4-foot wide walkway to maximize the outdoor potential of the residence.

The ground floor footprint of the dwelling is approximately 3,007 square feet, and the total second story deck area (existing and proposed) which will extend beyond the ground floor footprint is approximately 471 square feet. Therefore, the total proposed building coverage of the dwelling is approximately 3,478 square feet. Given the size of the site (approximately 12,691 square feet), Zoning Code Section 33.110.225 (Building Coverage) allows a maximum building coverage of 3,403 square feet. The approximately 75 square foot portion of the proposed walkway between the dwelling's south and east decks will result in the dwelling exceeding the maximum building coverage by 75 square feet.

Therefore, the applicant is requesting an Adjustment to Section 33.110.225, to allow the dwelling's building coverage to be a maximum of 3,478 square feet with the addition of the proposed walkway between the south and east decks.

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 of Zoning Code Section 33.805.040.A – F.

ANALYSIS

Site and Vicinity: According to Portland Maps information, the site is approximately 13,027 square feet in size. According to the applicant's submittal, the site is approximately 12,691 square feet in size. The site has frontage on both NW Monte Vista Terrace to the north, and on NW Beuhla Vista Terrace to the south. The site contains a single-dwelling residence with attached garage, built in 1946, which is located in the northern portion of the site, facing NW Monte Vista Terrace. The site slopes downward from the NW Monte Vista street frontage to the south NW Beuhla Vista Terrace frontage.

The surrounding area to the north, east, south and west of the site is zoned R7, and consists of lots ranging from approximately 5,300 to 17,000 square feet in size, developed with single-dwelling residences.

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 **June 15, 2009**. The following Bureaus have responded with no issues or concerns:

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

The Life/Safety Plan Review Section of BDS responded that a building permit will be required for the work proposed. (Exhibit E-2).

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on June 15, 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 applicant is requesting an Adjustment to Section 33.110.225, to allow the dwelling's building coverage to be a maximum of 3,478 square feet with the addition of the proposed walkway between the south and east decks. The proposed maximum building coverage exceeds the allowed maximum building coverage by approximately 75 square feet.

The purpose of the regulation for building coverage, as stated in Zoning Code Section 33.110.225.A, is as follows:

The building coverage standards, together with the height and setback standards control the overall bulk of structures. They are intended to assure that taller buildings will not have such a large footprint that their total bulk will overwhelm adjacent houses. Additionally, the standards help define the character of the different zones by limiting the amount of buildings allowed on a site.

The applicant states that the request will equally meet the purpose of the regulation for the following reasons:

- The scope of the building coverage adjustment is minimal, representing an increase of only 75 square feet (only approximately 1%) over the maximum building coverage allowed by the Zoning Code.
- The proposed work that is triggering the adjustment is a walkway connecting the south and east decks. The open nature of this walkway, and its integration into the layout of the home, ensure that the bulk of the connected south and east decks will be minimized and will not overwhelm the site or adjacent houses.
- The site's pie shape results in the residence exceeding the minimum east side and rear (south) setbacks. The east deck and proposed walkway have a setback of approximately 30 feet from the east property line and the proposed walkway has a setback of at least 40 feet from the south property line. Mature vegetation and trees are located within these setback areas. These large, vegetated setbacks reduce any impact that the minimal building coverage adjustment will have on surrounding homes.

Staff concurs with the applicant's findings. 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 and adjustment proposal are within a residential zone. The applicant states that connecting the south and east decks with the proposed walkway will not detract from the livability or appearance of the neighborhood because it is similar to what has historically existed on the subject property (a connected deck on the north, south, and east of the home that wraps around it to provide connectivity).

The building coverage adjustment is modest in scope, and the enlarged deck area is offset by generous vegetated setbacks from the east and south property lines.

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 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 or historic resources. Therefore, 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 building coverage adjustment to allow a walkway to connect the east and south decks. The applicant notes that existing trees and foliage on the site, and separation distances of at least 30 feet between the proposed walkway and the south and east property lines, will act as a buffer to the nearest surrounding properties.

The proposed walkway will be constructed of cedar, with steel railings. The steel railings of the walkway will be less conspicuous than the existing cedar railings of the decks that it will connect. Therefore, the walkway's appearance will visually blend into the south façade of the 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. 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 applicant has requested an adjustment to Section 33.110.225 (Building Coverage), to allow a proposed exterior walkway that will connect two existing decks. The applicant has provided information to demonstrate that the 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 33.110.225, to allow the dwelling's building coverage to be a maximum of approximately 3,478 square feet with the addition of the proposed walkway between the south and east decks, per the approved plans, Exhibits C-1 through C-2, signed and dated July 8, 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 09-131769 AD."

Staff Planner: Suzanne Savin

Decision rendered by:  **on July 8, 2009.**

By authority of the Director of the Bureau of Development Services

Decision mailed: July 10, 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 May 28, 2009, and was determined to be complete on June 11, 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 May 28, 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: October 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 July 24, 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 **July 27, 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.

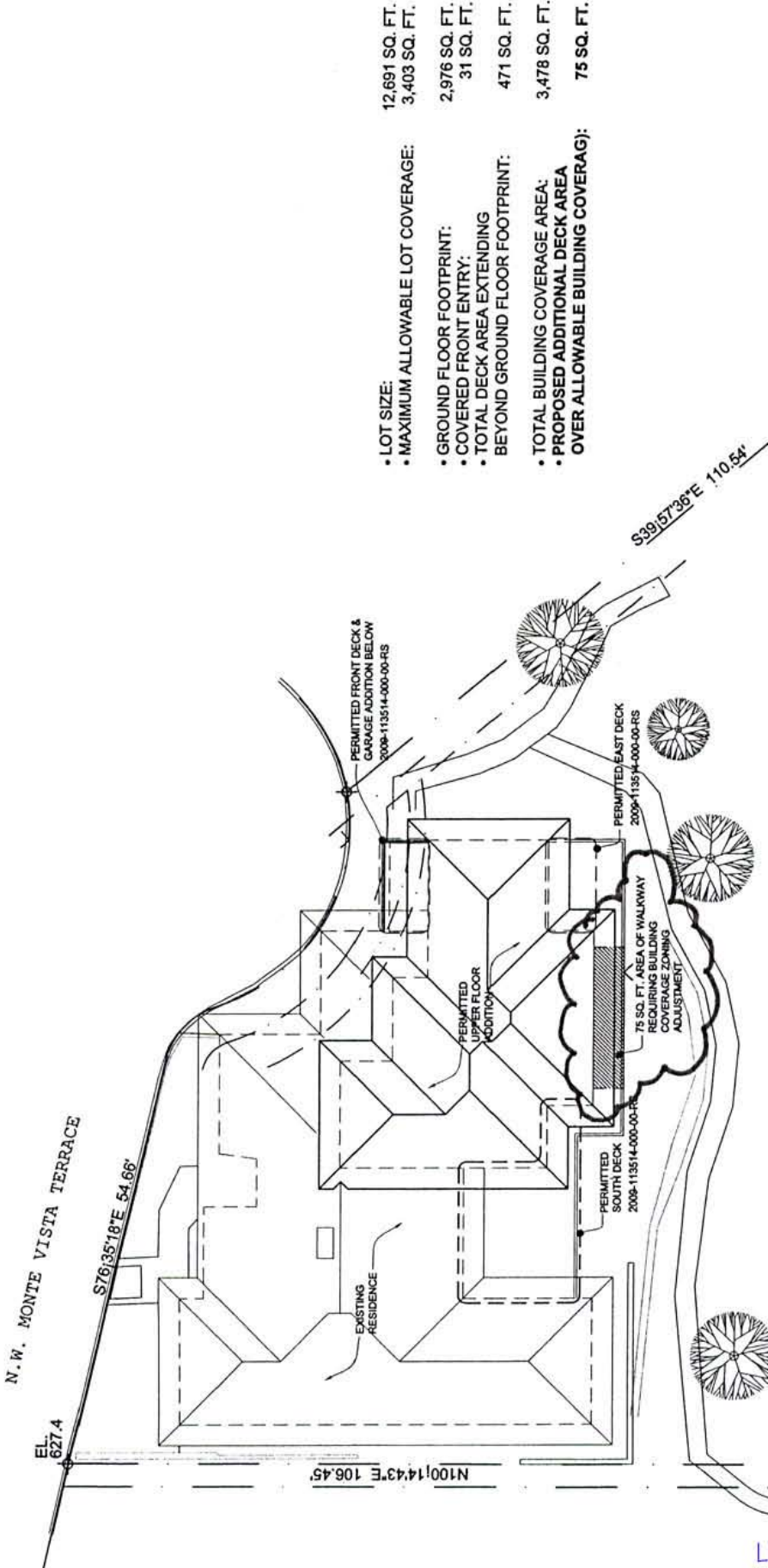
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. South (Rear) Elevation (attached)
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Bureau of Environmental Services
 2. Life/Safety Plan Review Section of BDS

3. Site Development Review Section of BDS
 4. Water Bureau
 5. "No concerns" responses from Bureau of Transportation Engineering and Development Review, 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 503-823-7300 (TTY 503-823-6868).

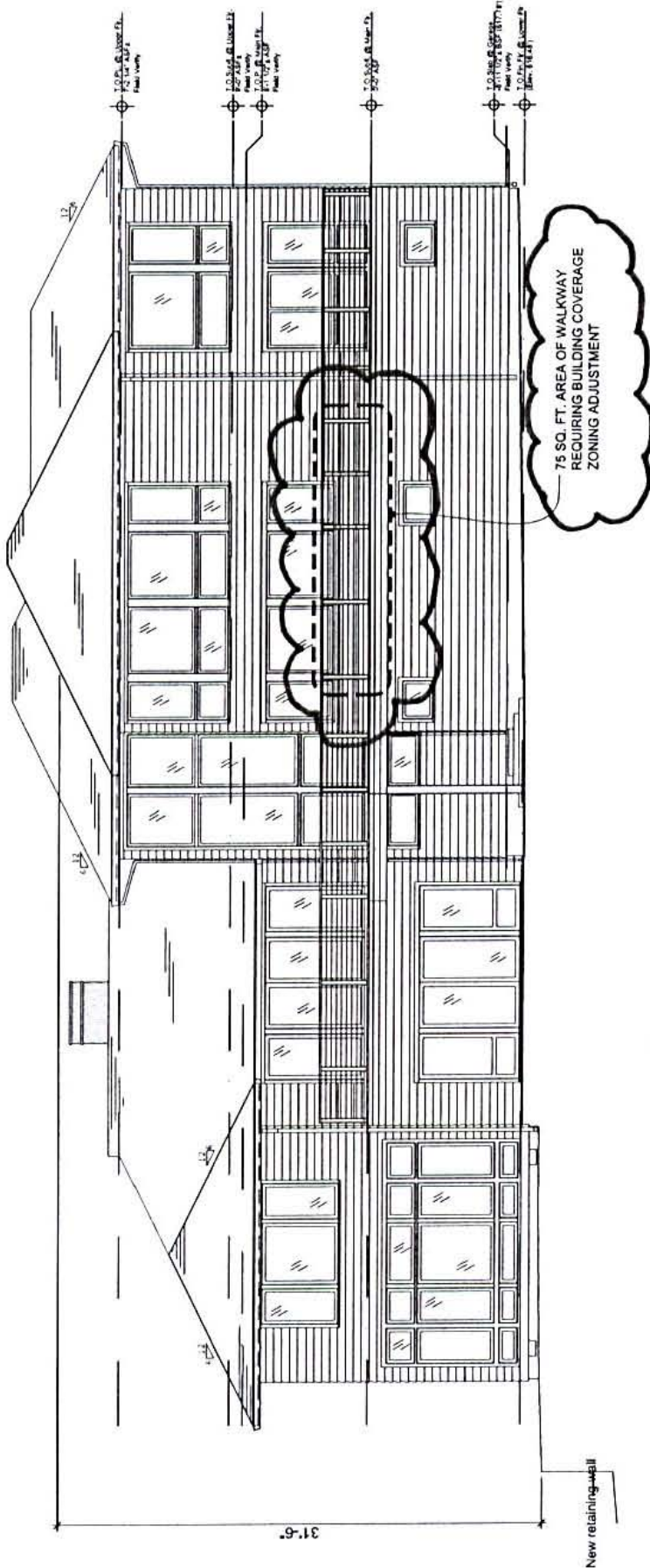


- LOT SIZE: 12,691 SQ. FT.
- MAXIMUM ALLOWABLE LOT COVERAGE: 3,403 SQ. FT.
- GROUND FLOOR FOOTPRINT: 2,976 SQ. FT.
- COVERED FRONT ENTRY: 31 SQ. FT.
- TOTAL DECK AREA EXTENDING BEYOND GROUND FLOOR FOOTPRINT: 471 SQ. FT.
- TOTAL BUILDING COVERAGE AREA: 3,478 SQ. FT.
- PROPOSED ADDITIONAL DECK AREA OVER ALLOWABLE BUILDING COVERAGE: 75 SQ. FT.

Approved
 City of Portland - Bureau of Development Services
 Planner *Suzanne Ginn* Date *July 8, 2009*
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

Cofield Residence
 2716 NW Monte Vista Ter
 Maximum Building Footpri
 Zoning Adjustment
 May 28, 2009
 Phil Sydnor - 503.528.9889

1 SITE PLAN
 1/8" = 1'-0"



1 SOUTH (REAR) ELEVATION
1/8" = 1'-0"

Cofield Residence
2716 NW Monte Vista Terrace
Maximum Building Footprint
Zoning Adjustment
June 3, 2009
Phil Sydnor - 503.528.9899

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