



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

Date: May 10, 2011
To: Interested Person
From: Kathleen Stokes, Land Use Services
503-823-7843 / Kathleen.Stokes@portlandoregon.gov

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 11-117327 AD

GENERAL INFORMATION

Applicant: Jessica Helgerson, Jessica Helgerson Interior Design
723 NW 18th Avenue
Portland, OR 97209

Karen Gilliam, property owner
1327 SE Tacoma St #327
Portland, OR 97202-6639

Dennis Gilliam, additional contact person
600 SE Marion Street, Unit 503
Portland, OR 97202

Site Address: 1406 SE NEHALEM ST

Legal Description: BLOCK 54 E 5' OF LOT 16 LOT 17, SELLWOOD
Tax Account No.: R752706640
State ID No.: 1S1E23CA 06800
Quarter Section: 3831

Neighborhood: Sellwood-Moreland, contact Mat Millenbach at 503-239-1134.
District Coalition: Southeast Uplift, contact Leah Hyman at 503-232-0010.

Zoning: R5a (R5,000, High Density Single-Dwelling Residential with an Alternative Design Density Overlay)

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

Proposal: The applicants are restoring the former library building, built in 1915-1916 at this location, and converting it from its most recent previous use, as a church, to a single-dwelling residential unit. The proposed alterations to the building include enclosing the front entry porch and adding a new porch that faces SE Nehalem Street, adding additional floor area on the west side of the building, and constructing a driveway for a new single-car garage that will be located in the southeast corner of the site. The proposed alterations are planned to conform

to the historical details of the building. The additions on the west side of the structure extend an existing building wall to the north for about 11 feet and to the south, for about 12 feet. The wall is located 3 feet, 9 inches from the west property line and the roof eave is 1 foot, 10.5 inches from the property line. The Portland Zoning Code, Title 33, requires structures in the R5 zone to be set back a minimum of 5 feet from side and rear property lines. Roof eaves are required to have a minimum setback of 4 feet from the side and rear property lines. Exceptions to the setback standard are approved through Adjustment reviews, when all of the relevant approval criteria area met or if the criteria can be met through conditions of approval.

Therefore, the applicants are requesting approval of an Adjustment to Code Section 33.110.220, to reduce the minimum required building setback for the proposed additions, from 5 feet from the west side property line to about 3 feet, 9 inches for the building walls and from 4 feet to about 22 inches for the roof eaves.

Relevant Approval Criteria: To be approved, this proposal must comply with the approval criteria of 33.805.040 A.-F., Adjustments, cited below.

ANALYSIS

Site and Vicinity: The site is a 5,500 square-foot property that is located on the south side of SE Nehalem Street, three lots to the west of the intersection with SE 15th Avenue. The site is developed with a single-story building, approximately 1,500 square feet in floor area, that was constructed in 1915 to serve as a public community library. The City's Historic Resource Inventory describes the building as having a "hipped gable roof, with wide eaves, exposed rafters and purlins." The exterior is of horizontal siding and shingles and the building has multi-light casement windows with diamond-patterned transoms.

Immediately to the north and the east of the site are properties, belonging to St. Agatha's Catholic Church, that are developed with the primary building for the religious institution and a variety of buildings for accessory uses. On the east side of SE 15th Avenue, between SE Miller and SE Nehalem Streets is St. Agatha's Catholic School. West of the site, and to the north and the south, the area is mainly comprised of vintage single-dwelling residences. The century-old Sellwood Community Center is located one block to the south, on the southwest corner of SE 15th Avenue and SE Spokane Street. Historic retail storefronts line both sides of SE 13th Avenue, with the residential area continuing beyond the commercial area to the west.

Zoning: The site is zoned R5, High-Density Single-Dwelling Residential with an "a" or Alternative Design Density Overlay. The R5 zone requires an average lot area of 5,000 square feet, with a maximum allowed density of one unit per lot (generally 8.7 units per acre.) The "a" Overlay Zone allows opportunities for increased residential density in certain situations. The overlay zone does not apply to this situation.

Land Use History: City records include the following prior land use reviews for this site.

CU 005-65 Approval of 1965 Conditional Use Review to allow a church to be located on the site, with a condition that the approval would not be transferrable to other church groups and that the size of the church attendance was not to exceed 50 persons. These limits were made because parking requirements for the use were waived as a part of this approval.

CU 13-82 and CU 060-86 were requests in 1982 and 1986, respectively, for Conditional Use approvals to increase the allowed attendance size and land use area for the church. Both of these requests were denied

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **April 11, 2011**. The following Bureaus have responded to indicate that there are no issues or concerns with approval of the requested Adjustment. Agencies that provided written comments, with information for building permit requirements, are noted with exhibit numbers:

- Environmental Services provided information on sanitary sewers and storm water management requirements (Exhibit E-1).
- Transportation Engineering provided an electronic response of “no concerns.”
- Water Bureau offered information on the water service for the site (Exhibit E-2).
- Fire Bureau noted fire codes must be met at the time of building permit review (Exhibit E-3).
- Site Development Section of BDS provided an electronic response of “no concerns.”
- Life Safety Plan Review Section of BDS gave advice on building permit requirements (Exhibit E-4).
- Parks, Urban Forestry Division provided an electronic response of “no concerns.”

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on April 11, 2011. One written responses was received, from Mat Millenbach, Sellwood Moreland Improvement League, Land Use Committee Chair, who indicated that there were no objections to approval of the requested Adjustment.

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. stated below, have been met.

- A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and
- 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
- 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
- D. City-designated scenic resources and historic resources are preserved; and
- E. Any impacts resulting from the adjustment are mitigated to the extent practical.
- 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 AND CONCLUSIONS

The applicants' proposal meets all of the relevant approval criteria: *The purposes of building setback requirements are to maintain light, air, separation for fire protection, and access for fire fighting. Setback standards also reflect the general building scale and placement of development in the City's neighborhoods and promote a reasonable physical relationship between residences. They promote options for privacy for neighboring properties and 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.*

The applicants' request is to allow the construction of two new extensions from the west wall of the building, to align with an existing "bumpout" that extends to 3 feet, 9 inches from the west property line. There will be no impacts on light, air, separation for fire protection or access for fire fighting from this proposal because the proposed changes to the former library will maintain the one story form of the original building and the adjoining property to the west has a driveway that abuts the common property line between the two lots. The house on the property to the west has no windows that face to the east, so there will be no impacts on privacy. Even with the proposed additions, the "library house" will be modest in comparison to other institutional and residential structures on the block. The proposed residence is in keeping with the compact form of the buildings that flank the site to the east and the west.

The proposal carefully retains the building's historic character, thereby maintaining compatibility with the neighborhood and the existing architectural diversity of the area. The proposed additions and the request to reduce the side building setback will not have any effect on the outdoor areas on the site. The improvements that are proposed will enhance the appearance of the building, which has suffered some deterioration in recent decades. There are not expected to be any negative impacts on the livability of the residential area from the proposal. Approval will allow the retrofit of this building that is a part of the historic pattern of the neighborhood and result in adding another household to the area. Only one adjustment is being requested. Despite the community cultural heritage that is noted for this building, there are no designated scenic or historic resources on this site. No impacts have been identified and the site is not located in an environmental zone, so the criteria related to these issues do not apply. Therefore, all of the relevant approval criteria are met and the proposal can be approved, in substantial compliance with the proposed site plan and elevation drawings.

DEVELOPMENT STANDARDS

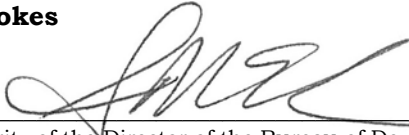
Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

ADMINISTRATIVE DECISION

Approval of an Adjustment to Code Section 33.110.220 to reduce the minimum required west side building setback for the proposed additions, from 5 feet to 3 feet, 9 inches for the building walls, and from 4 feet to approximately 1 foot, 10 inches for the roof eaves, subject to substantial compliance with the approved site plan and elevation drawings, Exhibits C-1 through C-2, signed and dated May 6, 2011 and the following condition:

- 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 11-117327 AD."

Staff Planner: Kathleen Stokes

Decision rendered by:  **on May 6, 2011**
By authority of the Director of the Bureau of Development Services

Decision mailed: May 10, 2011

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 March 2, 2011, and was determined to be complete on **April 6, 2011**.

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 March 2, 2011.

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 extended by the applicant, **the 120 days will expire on: August 5, 2011**.

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 May 24, 2011** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, 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. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. 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 call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, 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 **May 25, 2011 – (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:

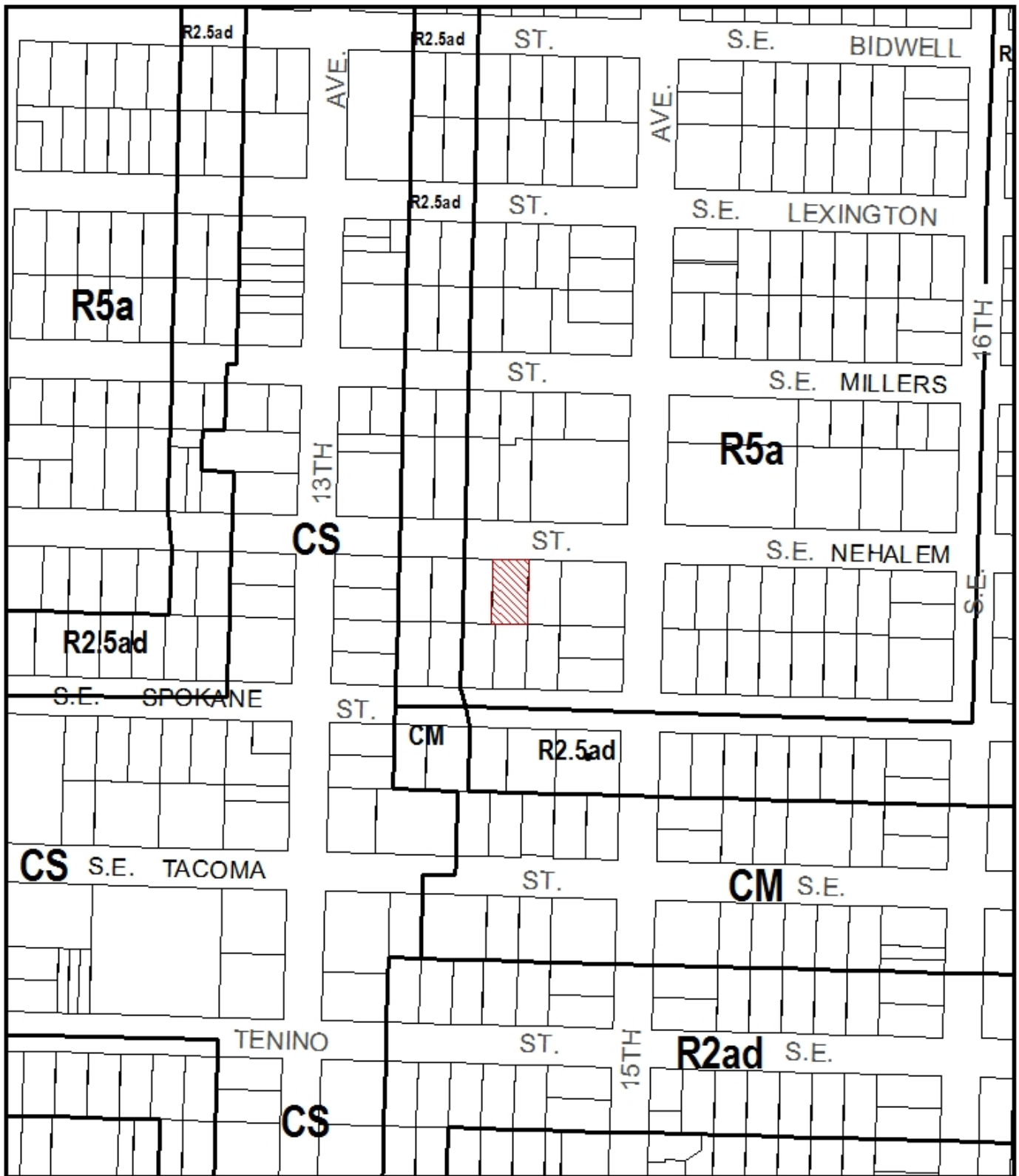
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED


- A. Applicant's Statement
 - 1. Application and original submittal
 - 2. Supplemental information and revisions, dated March 21, 2011
 - 3. Supplemental information and revisions, received April 5, 2011
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Elevation Drawings (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Water Bureau
 - 3. Fire Bureau
 - 4. Life Safety Plan Review Section of BDS
 - 5. Summary of electronic responses from City agencies
- F. Correspondence:
 - 1. Mat Millenbach, Sellwood Moreland Improvement League, Land Use Committee Chair
- G. Other:
 - 1. Site History Research
 - 2. Letter from Kathleen Stokes to Jessica Helgerson, March 16, 2011
 - 3. Miscellaneous historical information

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING

 Site

 Historic Landmark



File No.	<u>LU 11-117327 AD</u>
1/4 Section	<u>3831</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S1E23CA 6800</u>
Exhibit	<u>B (Mar 04,2011)</u>

Received 7/5/11

SE Nehalem Street

nehalem street begins above line

55'-0" *Approved* City of Portland - Bureau of Development Services

Planner *Kathleen A. Stokes*

Date *May 10, 2011*

*This approval applies only to the reviews requested and in accordance with the conditions of approval. Additional zoning requirements may apply.

Jessica Helgeson Interior Design
723 Northwest 18th Ave
Portland, Oregon 97209
t 503.548.4984
f 503.467.4830
www.jhinteriordesign.com

12'-9" line of (e.) driveway

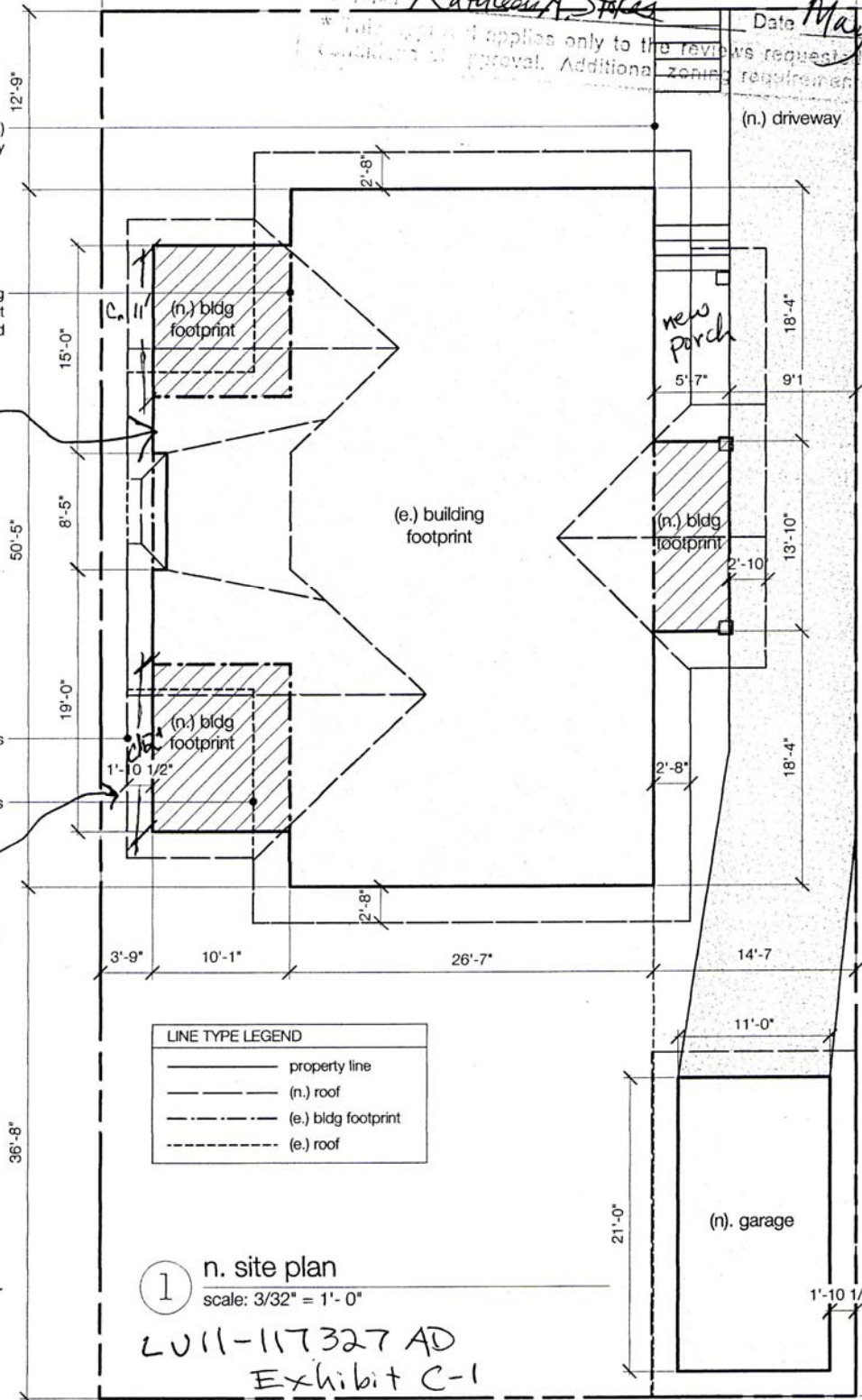
(e.) building footprint shown dashed

about 3.75' setback for building wall

50'-5"

(n.) roof eaves (e.) roof eaves

about 1'10" or 2'2" setback for roof eave



LINE TYPE LEGEND	
	property line
	(n.) roof
	(e.) bldg footprint
	(e.) roof

1 n. site plan scale: 3/32" = 1'-0"

LJ11-117327 AD Exhibit C-1

library house
1406 se nehalem street
portland, or 97204

site plan
03/31/2011
LJ 11-117327 AD

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JESSICA
HELGESEN
INTERIOR
DESIGN

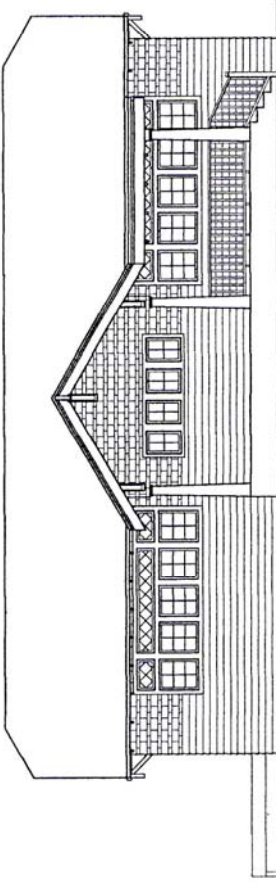
723 Northwest 18th Ave
Portland, Oregon 97209
1 503.546.6984
1 503.487.4830
www.jessicahelgesen.com

library house
1406 SE Nehalem St.
Portland, OR 97202

2/17/2011
3/21/2011

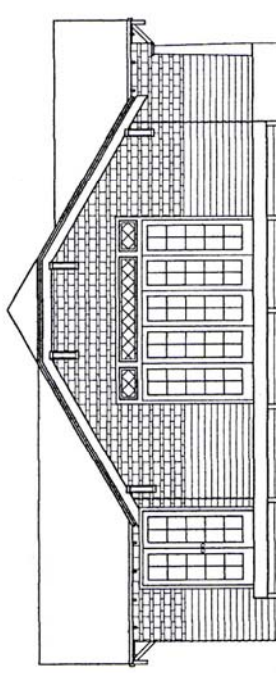
proposed
exterior elevations

03



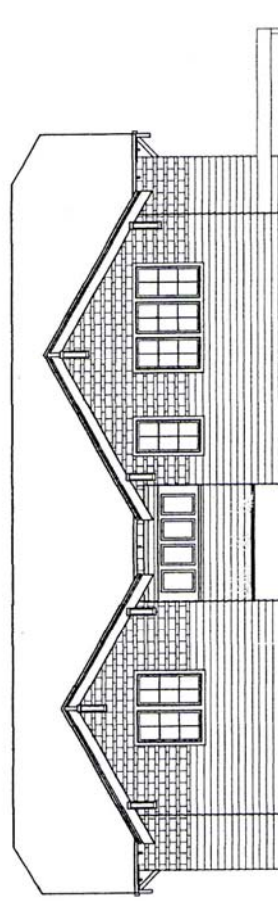
east

2 proposed east elevation
SCALE: 1/4" = 1'-0"



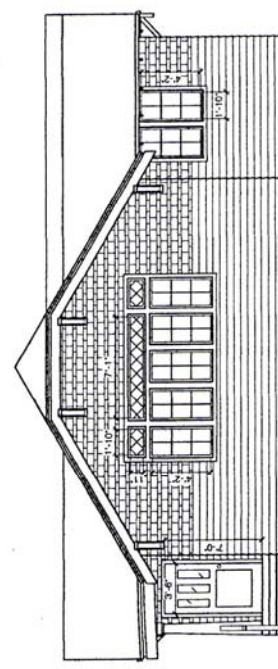
(rear)

4 proposed south elevation
SCALE: 1/4" = 1'-0"



west

1 proposed west elevation
SCALE: 1/4" = 1'-0"



(front)

3 proposed north elevation
SCALE: 1/4" = 1'-0"

Approved
City of Portland - Bureau of Development Services
Project: Kathleen A. Stojan Date: May 6, 2011
* This plan is to be used only for the reviews requested and is not to be used for any other purpose without the approval of the Bureau of Development Services.

LU 11-117327AD-Exhibit C-2