



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
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Date: January 19, 2012
To: Interested Person
From: Kathy Harnden, 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 11-197055 AD

GENERAL INFORMATION

Applicant: Janie Boyl
Janie Boyl Studio
1826 SW High St
Portland OR 97201

Owners: Christopher T. & Emily R. Boniface
1517 SE Salmon St
Portland, OR 97214-3736

Other: Ricardo Lovett
Ricardo Lovett General Contracting
3434 SW Corbett
Portland, OR 97201

Site Address: 1517 SE SALMON ST

Legal Description: BLOCK 327 E 1/2 OF LOT 4, HAWTHORNE PK
Tax Account No.: R366704210
State ID No.: 1S1E02AC 03900
Quarter Section: 3132

Neighborhood: Buckman, contact Susan Lindsay at 503-725-8257.
Business District: Belmont Business Association, contact Heidi Schroeder at 503-234-6006.
District Coalition: Southeast Uplift, contact Leah Hyman at 503-232-0010.

Plan District: None
Other Designations: None

Zoning: R5 – Residential 5000, a high density single-dwelling residential zone
Case Type: AD – Adjustment Review

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

Proposal:

The applicant proposes to enclose and remodel an existing 20 square-foot porch area that will be converted to a half bath and new pantry. The existing house contains a 55 square foot (11' 3.5" by 5') rectangular bay that contains a pantry and covered, but not enclosed, porch. The entire bay area is being remodeled and the 20 square-foot open porch area at the south end of the bay will be enclosed to provide needed interior space. The remodel area will be entirely under the existing bay roof, according to the plans.

The bay and its roof lie partially within the 5-foot east (side) and north (rear) setback areas. In order to enclose the porch area, the proposed "L" shaped exterior wall must be constructed within the east setback. Therefore, an adjustment review is required for this small portion of the project only. The portion of the new east wall that is subject to the review will be 4 feet 2 inches long; the portion of wall along the south side of the structure that is subject to review will be about 1 foot 8 inches long, for a total new wall length of 5 feet 10 inches in the setback. The existing walls and eaves of the original bay are existing, non-conforming development and are not subject to this review.

The original request included the addition of a bay window on the rear wall. Since this would have required a building code appeal due to the proximity of the proposed bay window to the rear property line, the applicants modified their proposal to delete the rear bay window from the proposal.

The requested adjustment, therefore, includes:

- An adjustment to the east side setback of 1 foot 8 inches for the proposed wall which will be located 3 feet 4 inches from the east property line;

RELEVANT APPROVAL CRITERIA: 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 site is located in the Buckman Neighborhood, a well-developed residential area, and is two blocks southwest of Colonel Summers Park and Community Garden, and three blocks north of the Ladds Addition Historic District boundary. The site is a 2500 square foot lot with a house constructed in 1906. The adjacent lot to the west was developed at the same time, with a nearly identical house. The subject property has a white picket fence along the front yard and a 4-foot high solid wood fence that stair-steps up the 3 to 4-foot incline from the front to the rear of the property. The site is bordered on the east side by more modern multi-dwelling development, but lots to the south, across the street, contain older dwellings similar to the subject site. The surrounding neighborhood is also a mix of older and newer single and multi-dwellings.

The house is situated in the northwest corner of the lot, within the 5-foot side and rear setbacks, including a small, one-story rectangular bay on the northeast corner. The bay includes both covered and non-covered areas. About 20 square feet of the south side of the bay is an open porch where a side entry was originally located, although the door was converted to a window some time ago. The east side of the open porch area is partially enclosed by a lattice "window" that extends upward within about 2 feet of the existing roof.

Zoning: The site is zoned R5, a high density single-dwelling residential zone. The R5 zone allows attached and detached single-dwelling structures and duplexes.

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 **December 22, 2011**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
 - Bureau of Transportation Engineering
 - Water Bureau
 - Fire Bureau
 - Bureau of Parks-Forestry Division
- Life Safety commented that any new wall construction that will be less than 3 feet from the east property line must be one-hour fire-rated with no openings, and eaves closer than 3 feet must be fire protected on the undersides. These requirements will be applied through the building permit review.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on December 22, 2011. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

33.805.040 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

Findings: The regulation that would be modified by this proposal is found in Section 33.110.220, Setbacks. Building walls and eaves are required to be 5 feet from property lines. Eaves may be extended into the side setback up to 20 percent of the depth of the setback. In this case, the eave could be 4 feet from the property line by right. The existing wall and eave are located at 3 feet 4 inches and 2 feet 7 inches, respectively, from the east property line. Because the existing wall and eave are pre-existing, i.e., existing prior to adoption of the Zoning Code, they are allowed to remain without additional review. A new eave is not requested because the existing roof already covers the proposed wall area. Only the proposed “L” shaped wall is subject to review.

The porch contains an existing lattice “window” located between the two pillars situated 4’ 2” apart on the east side of the porch. It is situated between the existing enclosed area of the bay and the column at the southeast corner of the porch, giving the small porch a feeling of already being partially enclosed. The physical location of the existing bay will not be altered, thereby maintaining the physical relationship between this property and the property to the east. In addition, there is an existing wooden fence on the east side of the property that provides separation and privacy between the site and the neighboring property to the east. There will be no discernable changes in the amount of light and air between these two properties as the porch area is not being expanded. Fire protection will be maintained at its existing level. The over-all building scale will also be maintained. No other property would be impacted by enclosure of the porch.

Conclusions: The proposed 4’ 2” wide solid wall will replace an existing lattice “window” and will enclose an existing porch. There will be no effects on light and air due to the enclosure/conversion of the porch area to an enclosed, livable space. The project will maintain all the existing relationships between the site and other surrounding properties. Therefore, the project maintains the existing situation, 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, 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 a single-dwelling residence located in a residential zone. As discussed above, the proposal to enclose an existing porch, which is already partially enclosed, will have no impact on the surrounding neighborhood or on the apartment structure which is immediately adjacent to the east. The east façade of the new porch wall will contain a 1.5-wide by 4-foot high window.

Due to its location on the east side of the existing house, which faces the access stairways on the side of a 2-level apartment building to the east, the enclosure of the porch to create interior space will not be apparent to the rest of the neighborhood. The house to the north of the site does not have a view of the porch area. The house across SE Salmon from the site to the south has only an indirect view of the porch, through existing trees and shrubs on the site. Only the neighbors to the east may notice that the 4.2-foot wide porch has been enclosed, and the proposed window will help break up the façade of the new wall. Therefore, because the porch was already partially enclosed, the size of the enclosed area will remain the same as the existing area, and a small window will help break up the façade of the new wall, any visual impacts should be minimal.

The site is not located within an OS, C, E, or I zone, so the requirement for proposals to be consistent with adjacent street classifications and the desired character of the area does not apply.

Conclusions: Livability and appearance of the residential zone will not be impacted by the proposed enclosure of the porch. The dimensions of the structure will not be altered. Only the neighbors in the apartment building to the east will be able to see the small change from a partially obscured 4-foot wide porch, to a new 4-foot wide wall containing a small window. Therefore, this condition is met.

- C.** If more than one adjustment is being requested, the cumulative affect of the adjustments results in a project which is still consistent with the overall purpose of the zone;

Findings: Only one adjustment is requested to construct an L-shaped wall around an existing porch.

Conclusions: Because only one adjustment is requested, this criterion does not apply.

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

Findings: There are no scenic or historic resources on the site.

Conclusions: Because there are no scenic or historic resources on the site, this criterion does not apply.

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

Findings: No impacts have been identified from this proposed adjustment.

Conclusions: Because no impacts are anticipated from this adjustment, mitigation is not required and this criterion is met.

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


Because the required adjustment is to enclose an existing porch by constructing an exterior wall, and because the wall replaces a lattice "window" along the east side of the existing porch, and because the proposal will have no impacts to the neighborhood, the proposal meets the purposes of setback requirements. As demonstrated above, all of the relevant approval criteria have been met, and the proposal can be approved in substantial conformance with the proposed site plan and elevation drawings, per LU 11-197055 AD.

ADMINISTRATIVE DECISION

Approval of an Adjustment to reduce the 5-foot wide east side setback (33.110.220 and Table 110-3) to 3 feet 4 inches for the proposed new wall, with an approximate length of 5 feet 10-inches, in order to enclose a roofed porch area already existing within the setback, per the approved site plans, Exhibits C.1 through C.3, signed and dated January 13, 2012, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 2 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 No. LU 11-197055 AD. No field changes allowed."

Staff Planner: Kathy Harnden

Decision rendered by:  on January 13, 2012
By authority of the Director of the Bureau of Development Services

Decision mailed: January 19, 2012

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 29, 2011, and was determined to be complete on December 21, 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 November 29, 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: April 20, 2012.**

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 February 2, 2012** 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 **February 3, 2012 – (the first business 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

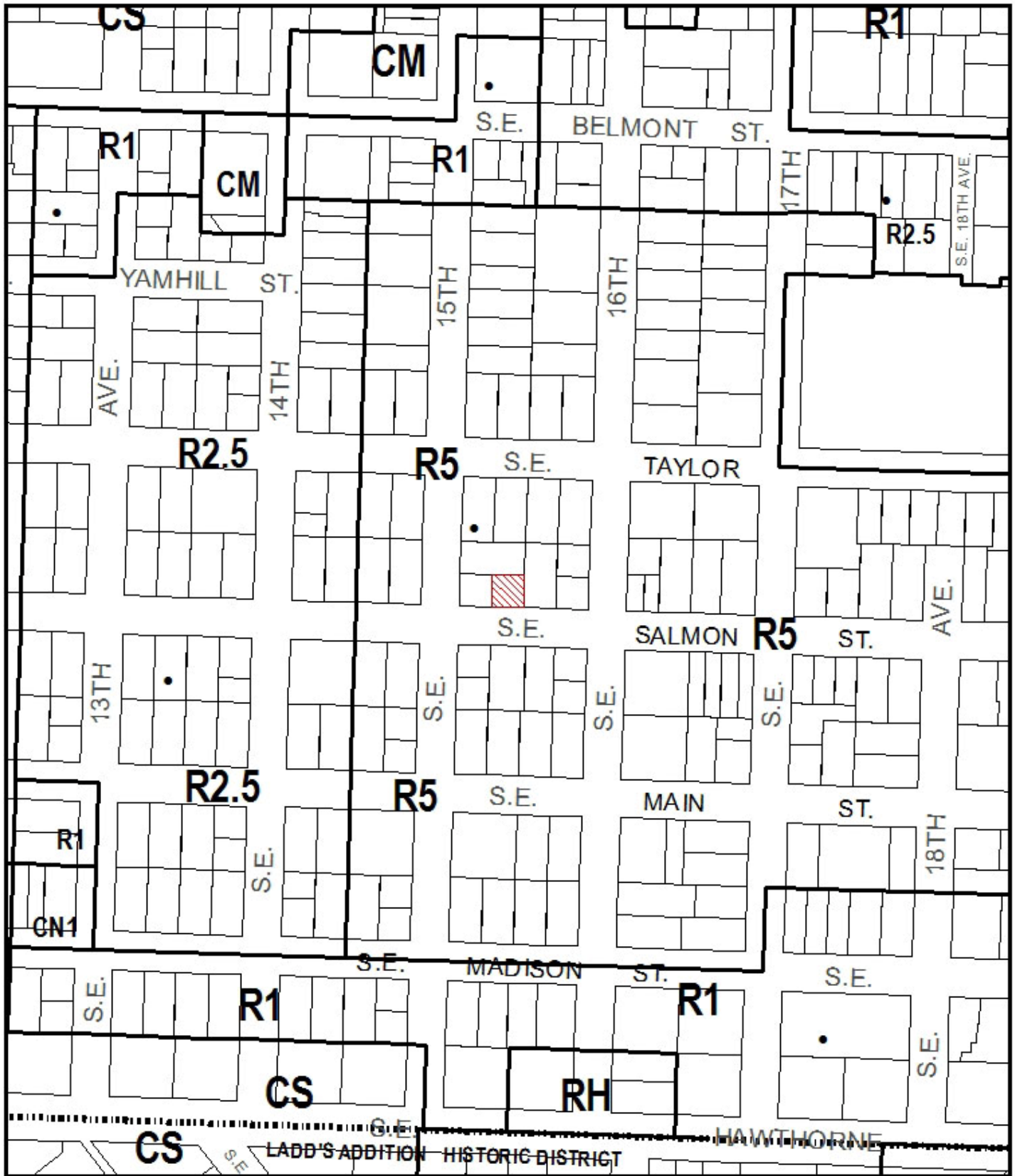
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Original Statement
 - 2. Revised Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Elevations
 - 3. Floor Plans
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Water Bureau
 - 2. Life Safety
- F. Correspondence: NONE

G. Other:

1. Original LU Application
2. Site History Research: None
3. Incomplete Letter
4. Color Photos of Site

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



NORTH

File No. LU 11-197055 AD
 1/4 Section 3132
 Scale 1 inch = 200 feet
 State_Id 1S1E02AC 3900
 Exhibit B (Dec 02, 2011)

IMPERVIOUS AREAS	EXISTING	ADDITIONAL	TOTAL
HOUSE FOOTPRINT	800 SQ FT	3 SQ FT	803 SQ FT
WALKS	265 SQ FT	0 SQ FT	265 SQ FT
PORCH & DECK	506 SQ FT	0 SQ FT	506 SQ FT
ROOF OVERHANGS	201 SQ FT	-3 SQ FT	198 SQ FT
TOTAL	1,772 SQ FT	0 SQ FT	1,772 SQ FT

SITE PLAN NOTES

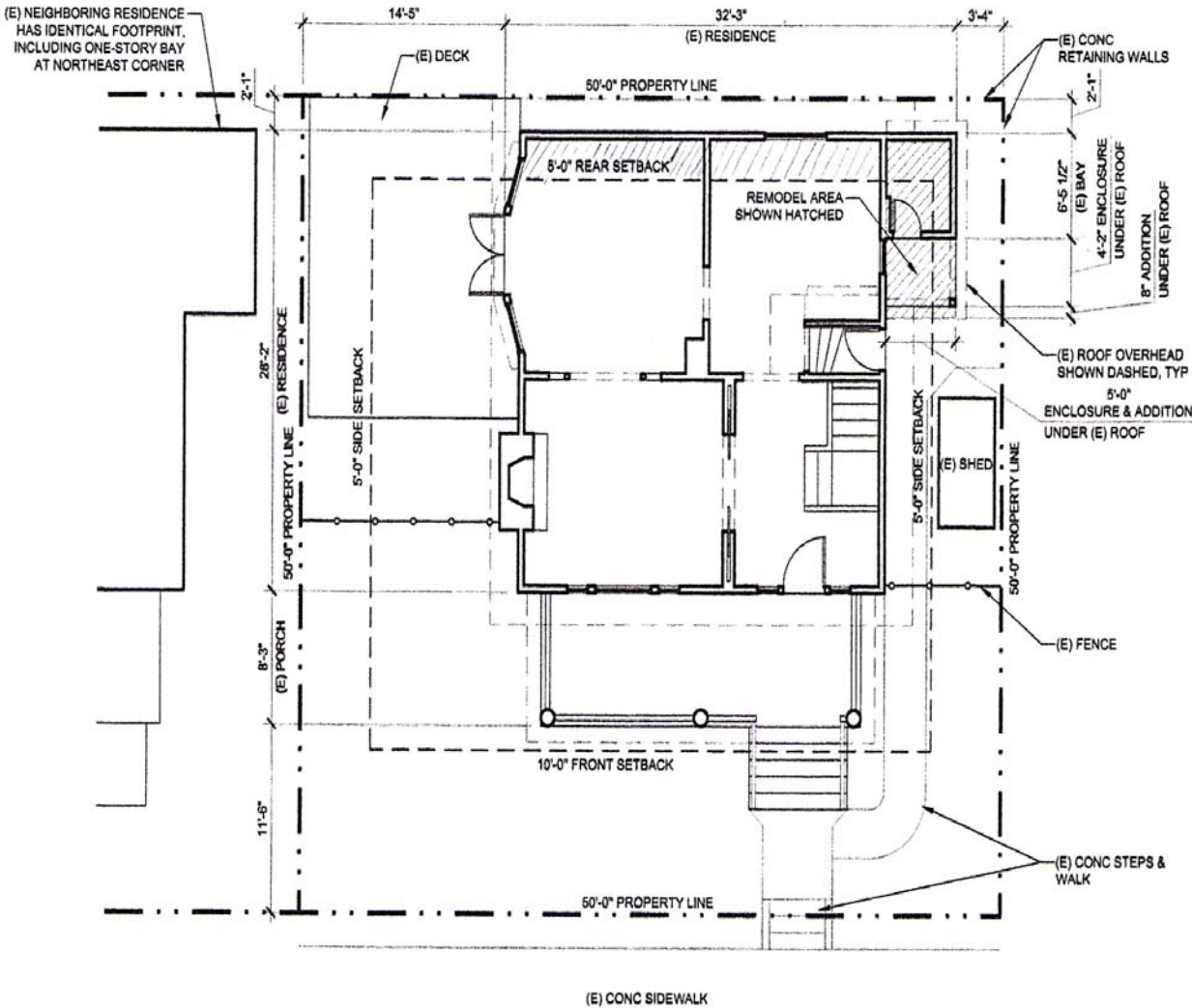
1. NOTE TO CONTRACTOR: DO NOT TAKE SCALE MEASUREMENTS FROM THESE DRAWINGS. CONSTRUCTION SHALL BE ACCORDING TO DIMENSIONS ONLY.

SITE PLAN LEGEND

- PROPERTY LINE
- - - SETBACK LINE

PROPERTY INFORMATION

PROPERTY ID: R177040
 LOT AREA: 0.06 ACRE (2,500 SQ FT)

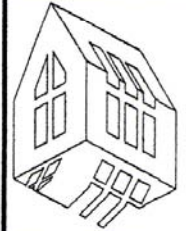


JANIE BOYL
STUDIO

Janie Boyl, Designer
 503-320-4810

janie@janieboystudio.com
 www.janieboystudio.com

1826 SW High Street
 Portland, OR 97201



DON R TITUS

RESIDENTIAL DESIGNER
 NEW HOMES - ADDITIONS - REMODELS
 503 821 6068 don@donrtitus.com
 www.donrtitus.com

*DON R TITUS
 THESE DRAWINGS ARE THE PROPERTY OF DON R TITUS
 AND WILL BE KEPT IN HIS OFFICE IN ANY EVENT UNLESS
 THE OWNER GETS AN OFFICIAL COPY OF THIS PLAN

CONSTRUCTION DOCUMENTS

BONIFACE KITCHEN REMODEL

PHASE 2

1517 SE SALMON ST
 PORTLAND, OR 97214

DRAWN BY: JBI/DRT

PROJECT NO: 1128

DATE: 28 NOVEMBER 2011

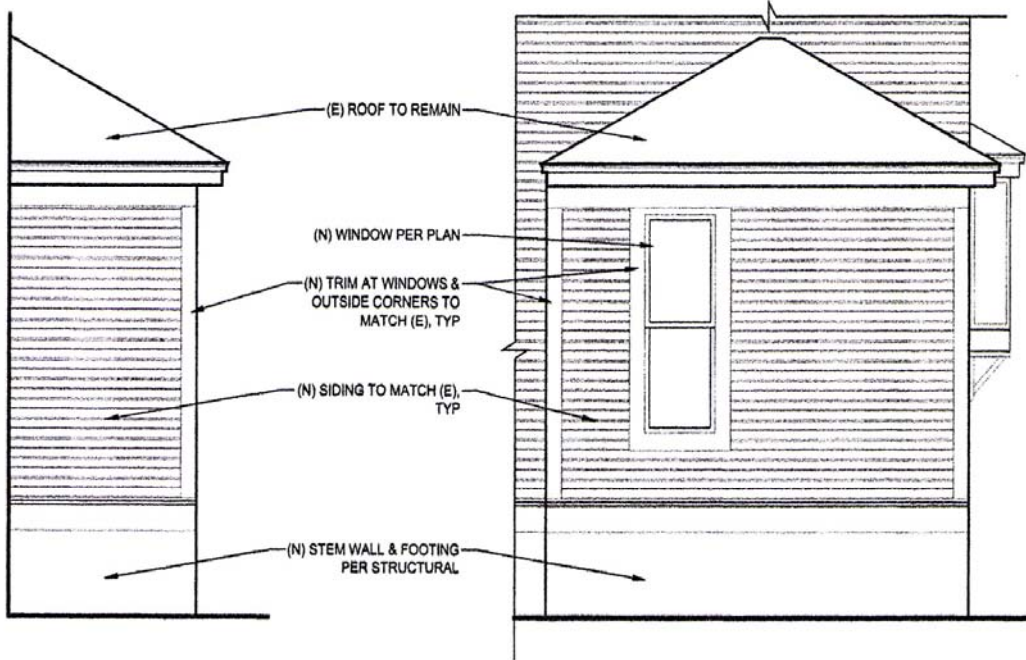
1.0

SITE PLAN

2 SITE PLAN
 1.0 1" = 10'-0"

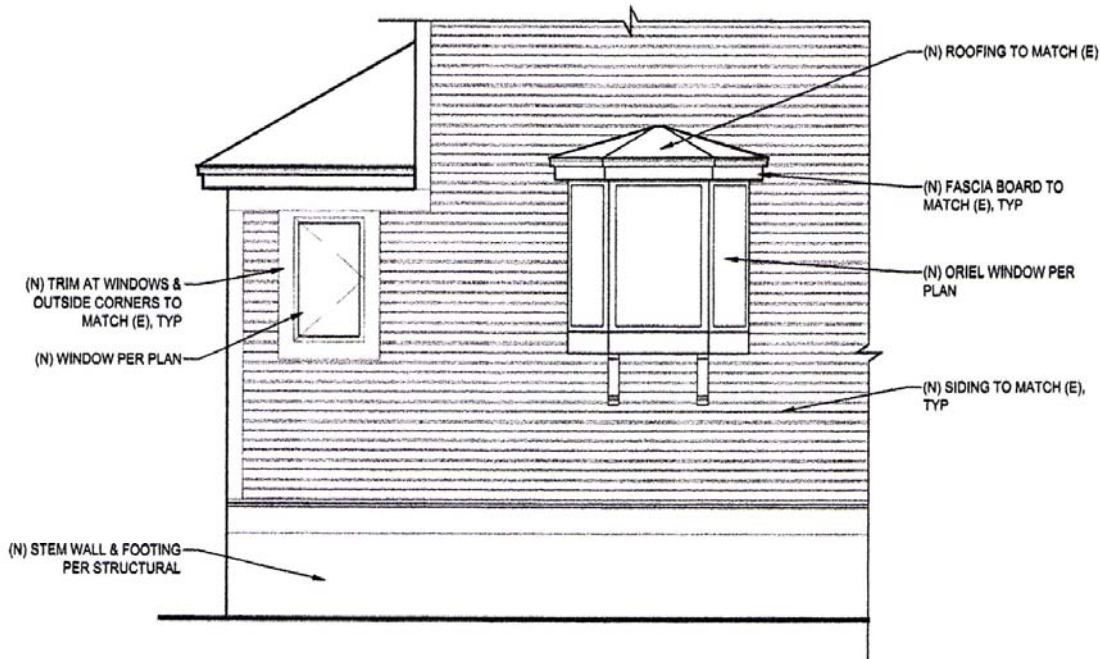
LU 11-197055 AD

Ex. C.1



1 SOUTH ELEVATION (PARTIAL)
4.0 SCALE: 1/4" = 1'-0"

2 EAST ELEVATION (PARTIAL)
4.0 SCALE: 1/4" = 1'-0"



3 NORTH ELEVATION (PARTIAL)
4.0 SCALE: 1/4" = 1'-0"

LU 11-197055 AD
Ex. C.2

**CONSTRUCTION
DOCUMENTS**

**BONIFACE
KITCHEN
REMODEL**

PHASE 2

1517 SE SALMON ST
PORTLAND, OR 97214

DRAWN BY: JBORT

PROJECT NO: 1128

DATE: 28 NOVEMBER 2011

4.0

**EXTERIOR
ELEVATIONS**