



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
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Date: June 5, 2012
To: Interested Person
From: Sylvia Cate, Land Use Services
503-823-7771 / Sylvia.Cate@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 12-130206 AD

GENERAL INFORMATION

Applicant: Don A and Eunice D Noell-Waggoner, Property owners
6910 SW Corbett Ave
Portland, OR 97219-2308

Representative: Brian Bainnson, Main Contact
Quatrefoil
404 SE 80th Avenue
Portland OR 97213
503 256 8955

Site Address: 6910 SW CORBETT AVE

Legal Description: BLOCK 18 LOT 1&3, SOUTHERN PORTLAND
Tax Account No.: R780202840
State ID No.: 1S1E22BA 15600
Quarter Section: 3729
Neighborhood: South Portland NA., contact Jim Davis at 503-248-9820.
Business District: South Portland Business Association, contact Kevin Countryman at 503-750-2984.
District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.
Zoning: R5, Single-Dwelling Residential 5,000
Case Type: AD, Adjustment
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal:

The applicant proposes to renovate and upgrade the front entry, driveway and add a deck extension along a portion of the north façade of the existing house, facing SW California Street. The additional deck area will continue the glass and metal guard railing from the existing deck along the east façade of the house. The new deck addition will match the existing deck, as it will be 10 feet above grade, open underneath, and supported by 6x6 posts. Because the proposed deck is more than 6 feet above grade, the new area counts as building coverage. The R5 zone and lot size allows a maximum of 3,000 square feet of building coverage. Therefore, the

applicants request an Adjustment to 33.110.225, Building Coverage, to allow an additional 48 square feet of building coverage for a maximum on the site of 3,048 square feet.

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 subject site is a 10,000 square foot lot developed with a one story ranch style house build in 1973. The site is a corner lot at the southeast quadrant of the intersection of SW Corbett with SW California Street. Residential uses surround the site in all directions, with lots and parcels zoned R5. One block to the west is the Interstate-5 Highway. Significant topography characterizes this area, as the land to the west slopes steeply down to the I-5 corridor.

Zoning: The site is zoned R5. The R5 zone is a high density single-dwelling zone. The R5 zone allows attached and detached single-dwelling structures and duplexes. 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 two prior land use reviews for this site: VZ 061-72 and VZ 219-71. The first approved a reduced setback for an attached garage from 22 to 15 feet; the other approved a reduction to the front yard setback from 15 to 10 feet. [Current zoning standards require a 10 foot front yard setback, so the setback for the house meets the zoning code. Current code requires an 18 foot setback for a garage. The garage setback reduction was approved in 1972.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed May 8, 2012. The following Bureaus have responded with no issues or concerns:

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

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on May 8, 2012. 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 (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 purpose for the regulation governing building coverage is found at 33.110.225.A, which states:

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 is requesting an adjustment to allow an additional 48 square feet of building coverage which results from a new deck extension. The deck counts towards building coverage because it is over 6 feet above grade. However, because the deck is open underneath and will continue the same features of the existing deck [glass and metal guard railing] it will appear as an integrated additional outdoor feature along a portion of the north facing façade of the house. The proposed new deck will join the existing deck which runs along the east façade of the house at a right angle at the northeast corner of the home. The new deck will extend toward the west, ending at a 'jog' in the façade at approximately the half way mark.

Because the proposed deck does not add significant bulk nor increase the height of the house, the slight overage in building coverage will not be discernable and will not result in the existing home to overwhelm adjacent houses. Because the site is a corner lot, two city streets separate the existing house from other homes to the north and west. A significant sized open yard area on the site separates the existing house from the house to the east. Because the deck addition is along a portion of the north façade of the existing home, it will have no visual impact on residential uses to the south.

For these reasons, 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 in the R5, a residential zone. The proposed renovations to the home, including a deck extension, will improve the appearance of the home and will have no impacts on the livability of the residential area. 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. There are no such resources present on the site. Therefore, this criterion is not applicable.

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 applicant proposes to renovate and upgrade the front entry, driveway and add a deck extension along a portion of the north façade of the existing house, facing SW California Street. Because the proposed deck is more than 6 feet above grade, the new area counts as building coverage. The R5 zone and lot size allows a maximum of 3,000 square feet of building coverage. Therefore, the applicants request an Adjustment to 33.110.225, Building Coverage, to allow an additional 48 square feet of building coverage for a maximum on the site of 3,048 square feet. Because the proposal meets all of the applicable approval criteria, it should be approved.

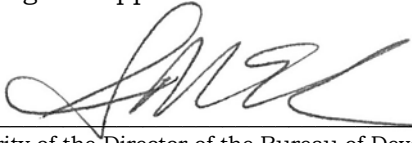
ADMINISTRATIVE DECISION

Approval of

- An Adjustment to 33.110.225 to allow the addition of a deck, more than 6 feet above grade, and result in a maximum building coverage for the lot of 3,048 square feet, per the approved site plans, Exhibit C-1, signed and dated June 1, 2012, 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. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 12-130206 AD."

Staff Planner: Sylvia Cate

Decision rendered by:  **on June 1, 2012**

By authority of the Director of the Bureau of Development Services

Decision mailed: June 5, 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 April 17, 2012, and was determined to be complete on **May 4, 2012**.

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 17, 2012.

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 1, 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 June 19, 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 **June 20, 2012**.
- 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.

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)

D. Notification information:

1. Mailing list
2. Mailed notice

E. Agency Responses:

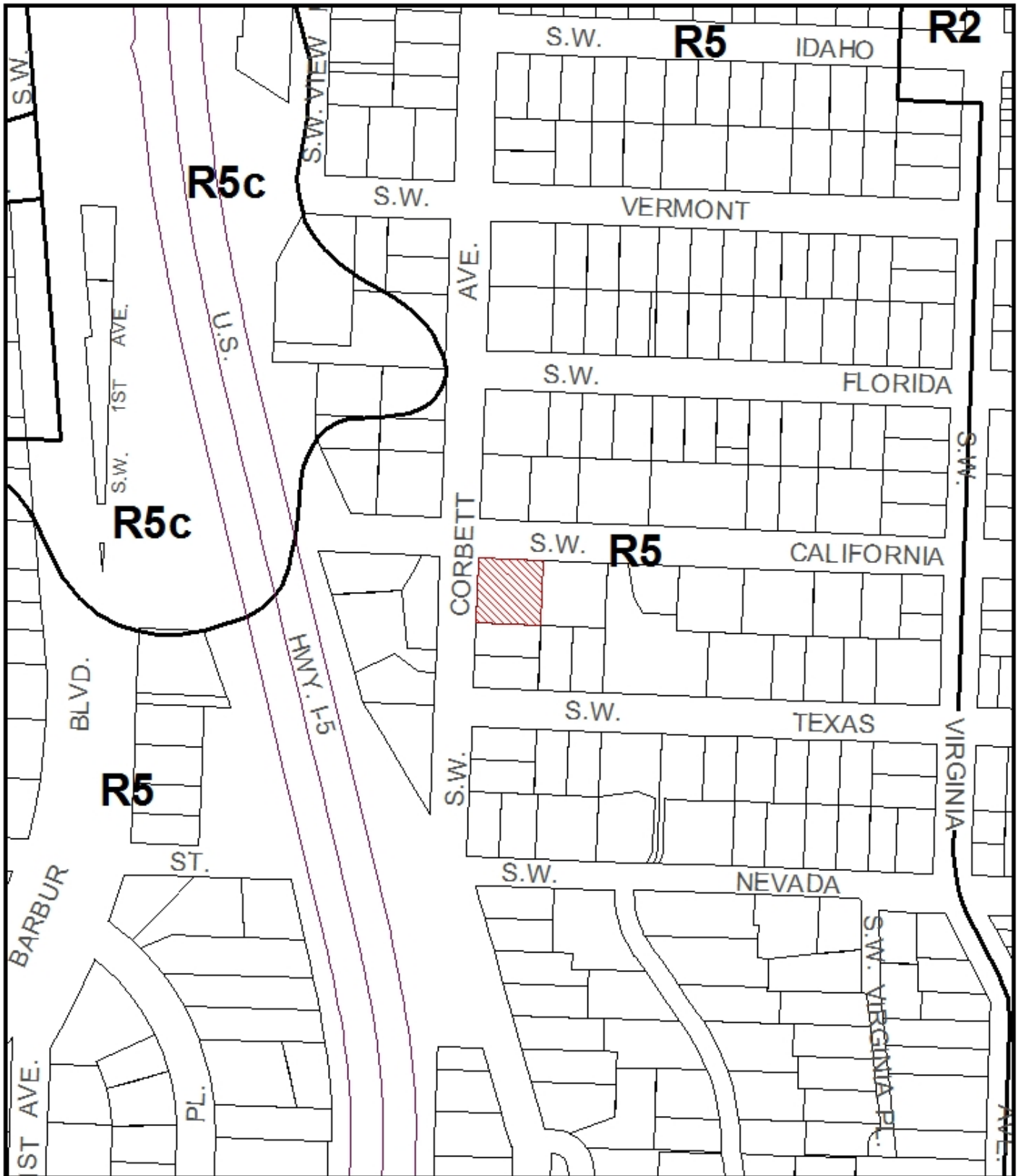
1. Bureau of Environmental Services
2. Bureau of Transportation Engineering and Development Review
3. Water Bureau
4. Fire Bureau
5. Site Development Review Section of BDS
6. Bureau of Parks, Forestry Division

F. Correspondence: None received

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. 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

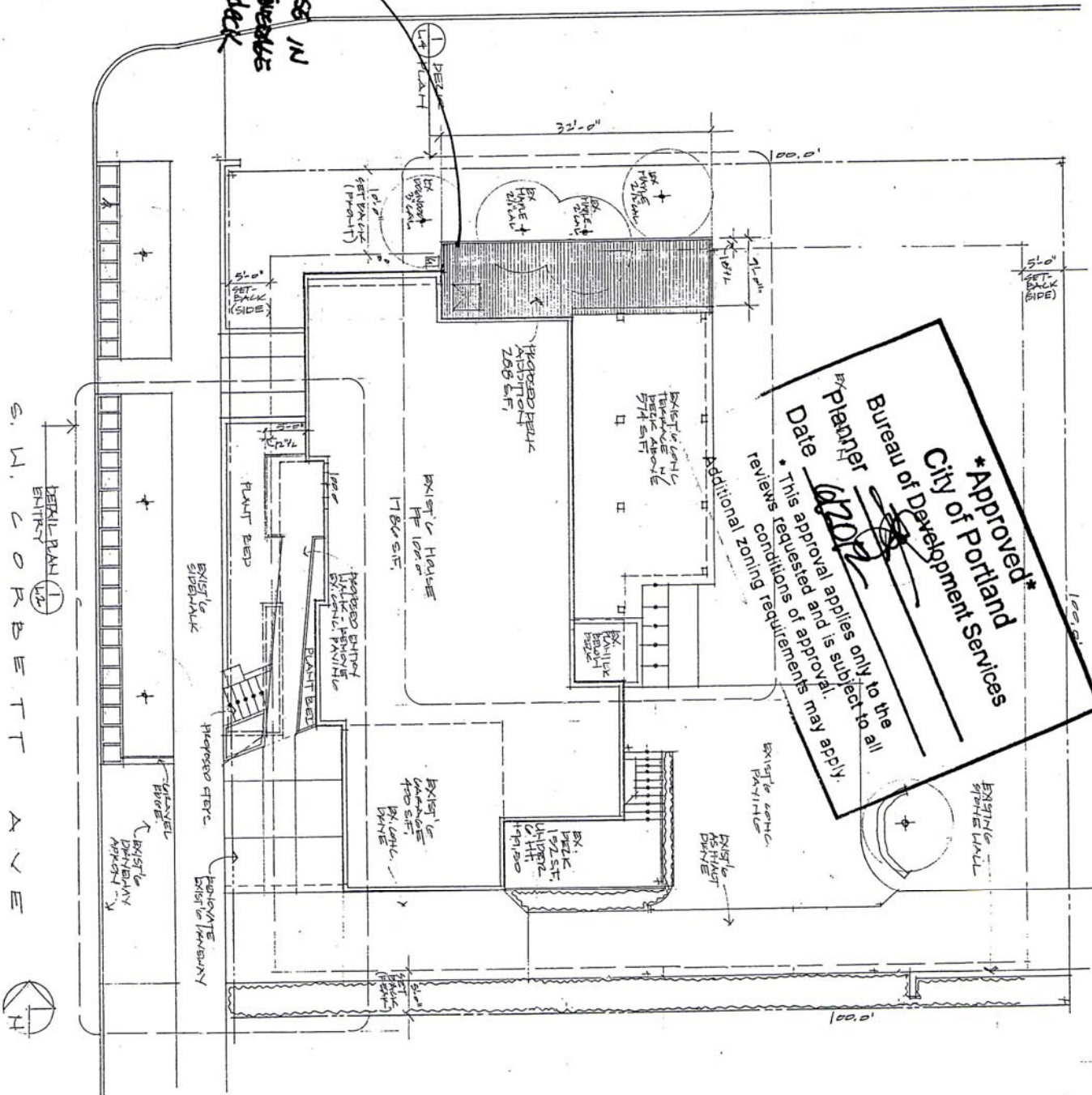
 Site



File No.	LU 12-130206 AD
1/4 Section	3729
Scale	1 inch = 200 feet
State_Id	1S1E22BA 15600
Exhibit	B (Apr 19,2012)

S. I. CALIFORNIA STREET

INCREASE IN
RIDE QUEUES
for the new deck



Approved
City of Portland
Bureau of Development Services
Planner
Date: 12/20/12
Additional zoning requirements may apply.
* This approval applies only to the reviews requested and is subject to all conditions of approval.

S. W. CORBETT AVE

EXHIBIT C-1

L112-130206 AD

EXISTING LOT 12 10,000 S.F.
EXISTING LOT 13 1,780 S.F.
EXISTING LOT 14 100 S.F.
EXISTING LOT 15 574 S.F.
TOTAL 12,454 S.F.
LOT 12 CONVERSION 2,760 S.F.
2,190 S.F. + 19% NBK 5,000 S.F.
2,250 + 750 3,000 S.F. ALLOD
PROPOSED DECK 288 S.F.
(+ 2,760 S.F.)
PROPOSED LOT CONVERSION 3,045 S.F.
18 S.F. OVER ALLOWED

REVISIONS:

DATE:	3/23/2012
SCALE:	1/8"=1'-0"
SHEET:	L1

Noell-Waggoner Residence
Entry Improvements
6910 SW Corbett Avenue, Portland, Oregon 97219

Quatreflois Inc.
REGISTERED ARCHITECT
352
BRUNN & BANNSON
LANDSCAPE ARCHITECT
OREGON
07/26/1996