



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

FROM CONCEPT TO CONSTRUCTION

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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** January 17, 2014  
**To:** Interested Person  
**From:** Andrew Gulizia, Land Use Services  
503-823-7010 / [Andrew.Gulizia@portlandoregon.gov](mailto:Andrew.Gulizia@portlandoregon.gov)

## **NOTICE OF A TYPE II PROPOSAL IN YOUR NEIGHBORHOOD**

Development has been proposed in your neighborhood. The proposed development requires a land use review. The proposal, review process, and information on how to respond to this notice are described below. A copy of the site plan and zoning map is attached. I am the staff person handling the case. Please call me if you have questions regarding this proposal. Please contact the applicant if you have questions regarding any future development on the site.

Because we must publish our decision within 28 days, **we need to receive your written comments by 5 p.m. on February 7, 2014.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 14-102065 AD, in your letter. It also is helpful to address your letter to me, Andrew Gulizia.

## **CASE FILE NUMBER: LU 14-102065 AD**

**Applicants/Owners:** Christian and Lisa Mckee  
3313 NE Fremont Dr.  
Portland, OR 97220-5275

**Site Address:** 3313 NE Fremont Drive

**Legal Description:** BLOCK 3 LOT 20, DOLORES HTS  
**Tax Account No.:** R212000650  
**State ID No.:** 1N2E28BB 12200  
**Quarter Section:** 2739

**Neighborhood:** Madison South, contact Frank Walsh at 503-261-8090.  
**Business District:** Parkrose Business Association, contact David Ableidinger at 503-258-2607.

**District Coalition:** Central Northeast Neighbors, contact Alison Stoll at 503-823-3156.  
**Plan District:** None  
**Zoning:** R5h – Single-Dwelling Residential 5,000 with Aircraft Landing Overlay Zone

**Case Type:** AD – Adjustment Review  
**Procedure:** Type II, an administrative decision with appeal to the Adjustment Committee.

**Proposal:**  
Zoning Code Section 33.266.120 requires at least one parking space to be located at least 10 feet from the street lot line. Since a parking space must be at least 18 feet long, this standard requires the driveway to be at least 28 feet long when a property lacks a garage. On this site, the former garage has been converted to living space and the driveway is only 24.75 feet long

between the street lot line and the house. Therefore, the applicants are requesting an Adjustment to reduce the distance from the street lot line to a parking space from 10 feet to 6.75 feet.

Attached to this Notice is a zoning map and a site plan depicting the proposal. No new construction is proposed as part of this proposal.

**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. The relevant criteria are:

- A.** Granting the adjustment will equally or better meet the **purpose** of the regulation to be modified;

**33.266.120.A Purpose:** The size and placement of vehicle parking areas are regulated in order to enhance the appearance of neighborhoods.

**33.110.220.A Purpose:** The setback regulations for buildings and garage entrances serve several purposes:

- They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;
- They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.

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 a C, E, or I zone, the proposal will be consistent with the desired character of the area; and

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

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. This application was submitted on January 7, 2014 and determined to be complete on January 14, 2014.

**DECISION MAKING PROCESS**

The Bureau of Development Services will make a decision on this proposal. We will consider your comments, and do one of the following:

- Approve the proposal.
- Approve the proposal with conditions.
- Deny the proposal.

The neighborhood association listed on the first page of this notice may take a position on this application. They may also schedule an open meeting prior to making their recommendation to the Bureau of Development Services. Please contact the person listed as the neighborhood contact to determine the time and date of this meeting.

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 extended at the request of the applicant.

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](http://www.portlandonline.com).

**APPEAL PROCESS**

If you disagree with the Bureau of Development Services administrative decision, you can appeal the decision to the Adjustment Committee. This review body will hold a public hearing for the appeal. When the decision is mailed, the criteria used to make the decision and information on how to file an appeal will be included. If you do not send any comments, you can still appeal the decision. There is a 14-day deadline to file an appeal beginning on the day the decision is mailed. The reason for the appeal must be specifically defined in order for the review body to respond to the appeal. If an appeal is filed, you will be notified of the time and location of the appeal hearing.

There is a fee charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver.

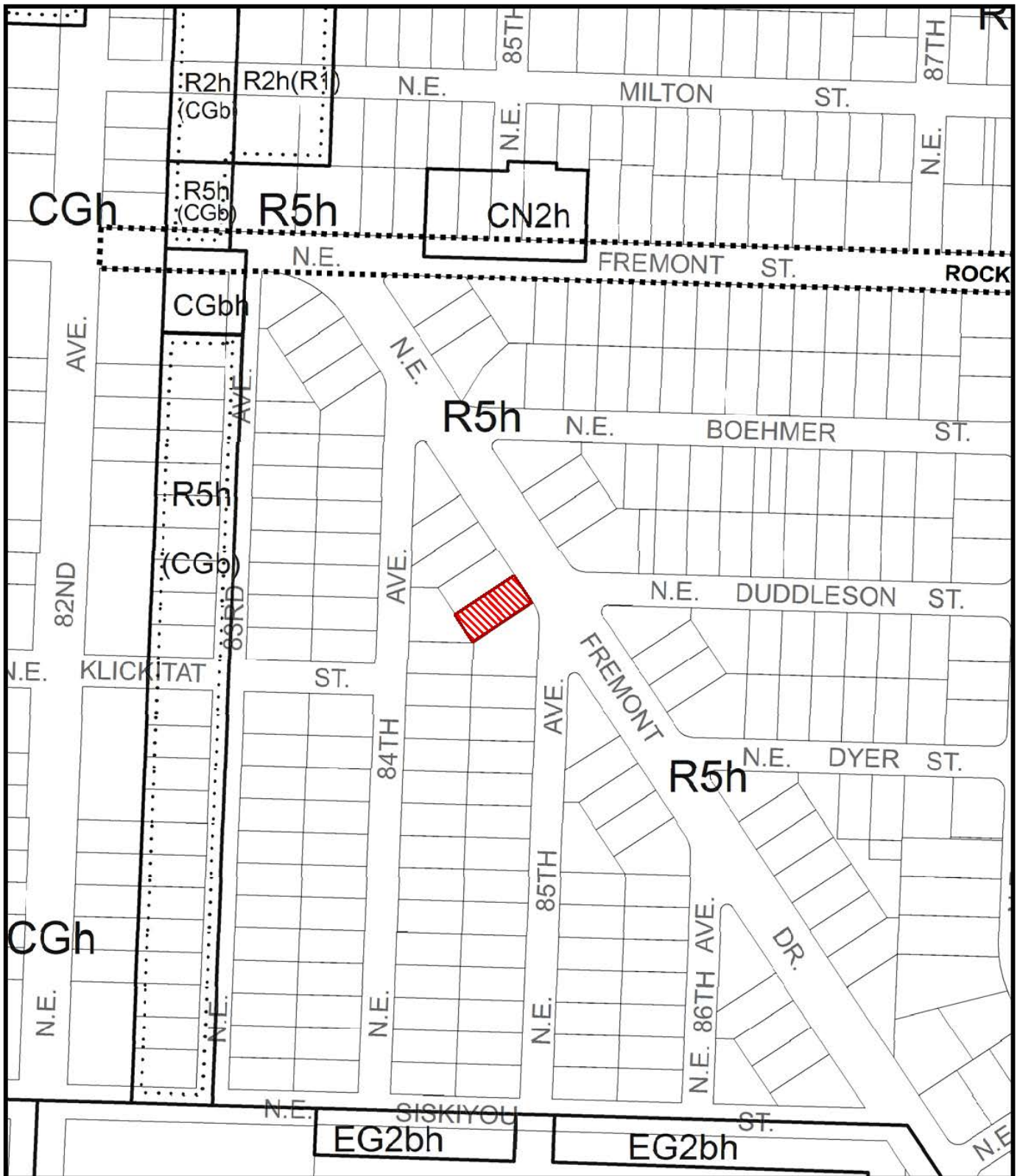
**APPEAL OF THE FINAL CITY DECISION**

After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283. The phone number for LUBA is 1-503-373-1265. Issues that may provide the basis for an appeal to LUBA must be raised prior to the comment deadline or prior to the conclusion of the hearing if a local appeal is requested. If you do not raise an issue with enough specificity to give the Bureau of Development Services an opportunity to respond to it, that may also preclude an appeal to LUBA on that issue.

**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).**

**Enclosures:**

Zoning Map  
Site Plan



# ZONING

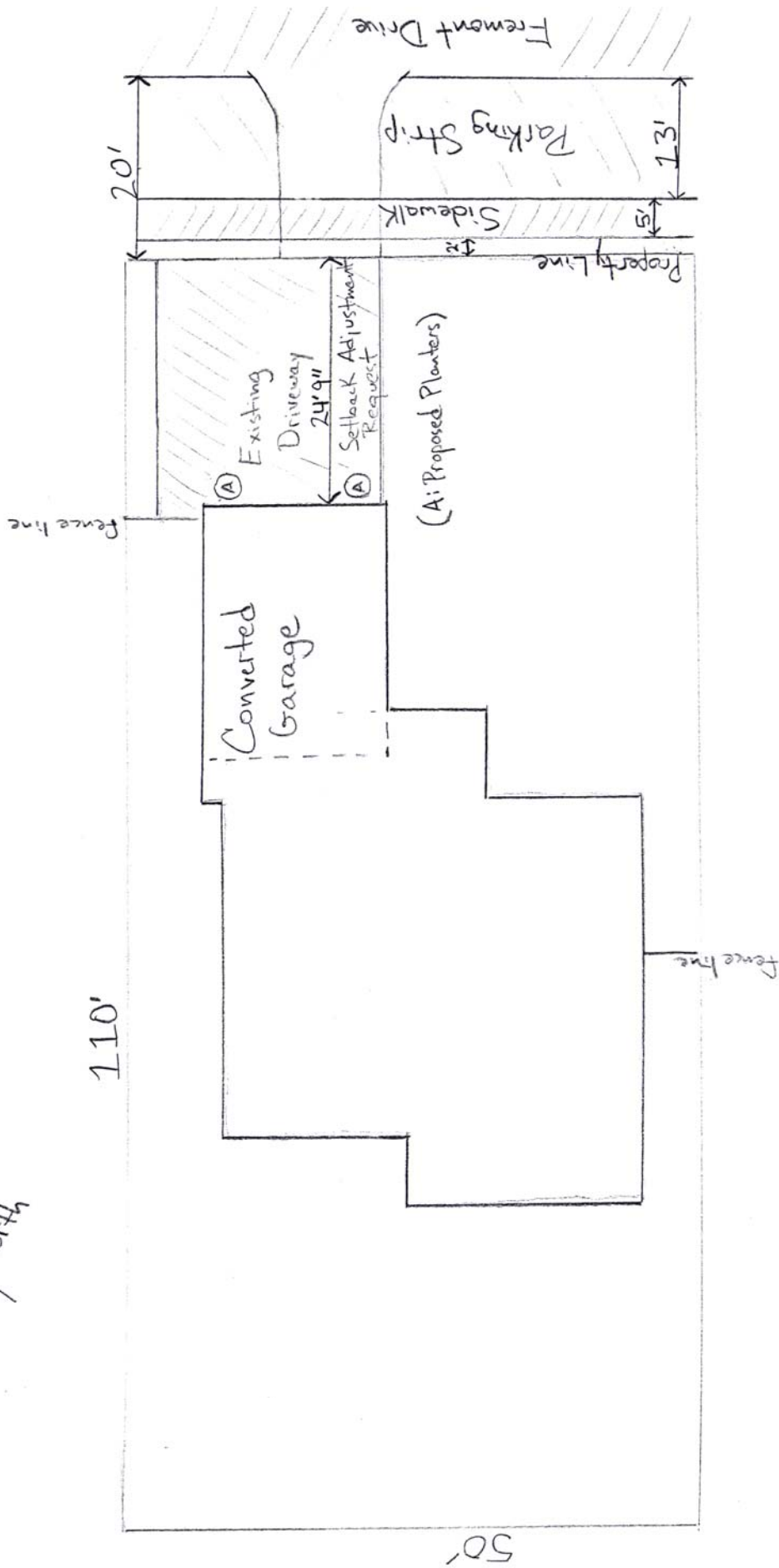


Site



File No. LU 14-102065 AD  
 1/4 Section 2739  
 Scale 1 inch = 200 feet  
 State\_Id 1N2E28BB 12200  
 Exhibit B (Jan 08,2014)

North



Site Plan, 3313 NE Fremont Drive

LU 14-102065AD